

(f) the Bobolink (*Dolichonyx oryzivorus*);

(g) the Bicknell's Thrush (*Catharus bicknelli*); the habitat of the Bicknell's Thrush corresponds to a territory consisting of coniferous forests, in particular, those located in mountain and coastal zones, consisting of stands presenting a high density, or more open environments, and used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(h) the Olive-sided Flycatcher (*Contopus cooperi*);

(i) the Least Bittern (*Ixobrychus exilis*); the habitat of the Least Bittern corresponds to a territory consisting of permanent freshwater marshes and swamps characterized by a dense and emergent aquatic, herbaceous or woody vegetation, and areas of open water used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(j) the Bald Eagle (*Haliaeetus leucocephalus*);

(7) among mammals,

(a) the Woodland Caribou, Woodland ecotype (*Rangifer tarandus caribou*); the habitat of the Woodland Caribou, Woodland ecotype, corresponds to a forest territory frequented by caribou and used by caribou for calving, mating or winter feeding, as demarcated on a chart prepared by the Minister;

(b) the Eastern Red Bat (*Lasiurus borealis*); the summer habitat of the Eastern Red Bat corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day, as demarcated on a chart prepared by the Minister;

(c) the Polar Bear (*Ursus maritimus*);

(d) the Fin Whale (*Balaenoptera physalus*).”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106315

Gouvernement du Québec

O.C. 983-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

**Agricultural Operations
— Amendment**

Regulation to amend the Agricultural Operations
Regulation

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, require any municipality or any person to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials in accordance with the terms and conditions fixed by regulation;

WHEREAS, under subparagraph 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation

may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 2 and 3, s. 70, par. 2, and s. 95.1, 1st par., subpar. 3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by inserting the following after section 29.1:

“**29.2.** The spreading on any parcel of land of sludge from a municipal or industrial wastewater treatment plant or any other wastewater treatment or collection system, as well as de-inking sludge from pulp and paper mills, where the sludge originates from outside Canada, or any product containing such sludge, is prohibited.”

2. Section 43.1 is amended by replacing paragraph 14 by the following:

“(14) to send a notice or to provide information or a document required under this Regulation or to comply with the time limits and procedure for filing, if no other monetary administrative penalty is provided for such a case;”

3. Section 43.5 is amended by replacing paragraph 9 by the following:

“(9) to comply with the conditions set out in the third or fourth paragraph of section 50.3 for crop cultivation on a portion of land referred to in subparagraph 5 of the second paragraph of that section;

(9.1) to comply with the conditions set in section 50.3.2 for crop cultivation in the sites referred to in that section;

(9.2) to implement the mitigation measures referred to in section 50.3.3 where required under that section;”

4. Section 43.6 is amended

(1) by inserting the following after paragraph 4:

“(4.1) to comply with the prohibition of using spreading equipment designed to project livestock waste at a distance of more than 25 m, as provided for in the first paragraph of section 32;”

(2) by adding the following paragraph at the end:

“(6) to comply with the prohibition of cultivation provided for in the first paragraph of section 50.3.”

5. Section 43.7 is amended by inserting the following after paragraph 4:

“(4.1) to comply with the prohibition of spreading on any parcel of land sludge from a municipal or industrial wastewater treatment plant or any other wastewater treatment or collection system, as well as de-inking sludge from pulp and paper mills, where the sludge originates from outside Canada, or any product containing such sludge, in accordance with section 29.2;”

6. Section 44 is amended by adding the following sentence at the end: “Every person who refuses or neglects to send a notice or to provide information or a document required under this Regulation or to comply with the time limits and procedure for filing, if no other penalty is provided for such a case, also commits an offence and is liable to the same fine.”

7. Section 44.3 is amended by replacing “section 32” by “the second, third or fourth paragraph of section 32”.

8. Section 44.4 is replaced by the following:

“**44.4.** Every person who contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1, 9.3, 14 or 22, the third or fourth paragraph of section 50.3, section 50.3.2, 50.3.3 or 50.4 commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.”

9. Section 44.5 is amended by replacing “or section 50” by “, the first paragraph of section 32, section 50 or the first paragraph of section 50.3”.

10. Section 44.6 is amended by replacing “or 29.1” by “, 29.1 or 29.2”.

11. Section 50.3, as amended by section 9 of the Regulation to amend the Agricultural Operations Regulation, made by Order in Council 1460-2022 dated 3 August 2022, is amended

(1) by inserting the following after subparagraph 4 of the second paragraph:

“(5) on a portion of land situated within the right of way of a Hydro-Québec power transmission line.”;

(2) by adding the following paragraphs at the end:

“Where a portion of land referred to in subparagraph 5 of the second paragraph is added to the parcels cultivated by an operator, the operator must, at least 30 days before the beginning of the required work, send a notice to the Minister to inform the Minister that the portion of land will be cultivated. The requirement to notify the Minister also applies to a portion of land already used for crop cultivation authorized under the first paragraph of this section before 18 December 2023 if that crop is changed for one that was prohibited before that date.

The notice referred to in the third paragraph must include the type of crop grown and, where the operator is not the owner of the parcel, an attestation that a lease was granted by the owner. The notice is also accompanied by a location certificate identifying the right of way of the power transmission line and the portion of cultivated land within that right of way.”

12. The following is inserted after section 50.3.1:

“**50.3.2.** Despite the first paragraph of section 50.3, crop cultivation to which the prohibition applies is permitted on part of a lot situated in a watershed referred to in Schedule V.1 with regard to the territory of a municipality identified therein, regardless of whether that part of a lot has ever been cultivated or has been used to cultivate the crops referred to in the first paragraph of section 50.3, on the following conditions:

(1) the lot on which the part to be cultivated is situated must include a parcel that is used to cultivate the crops to which the prohibition applies or that has been used to cultivate such crops at least once since the 2013 growing season;

(2) the operator sends a notice to the Minister at least 30 days before the beginning of the required work to inform the Minister that the portion of land will be cultivated or that the crop grown on it will be changed if, in the latter case, the new crop was prohibited under section 50.3 before 18 December 2023;

(3) the operator certifies to the Minister that the mitigation measures provided for in section 50.3.3 will be implemented and complied with;

(4) a land surveyor certifies to the Minister that the parcel is situated in a watershed referred to in Schedule V.1 and specifies, in particular, the name of the watershed concerned and, where the parcel is situated in more than one watershed, the identification of the limits of the parcel on a location certificate;

(5) the parcel is identified on a georeferenced plan sent to the Minister, which includes the number of the lot on which the parcel is situated, the name of the cadastre in which the lot is situated and, where the parcel is situated in more than one watershed, the limits of the watersheds concerned.

Where a lot is situated partially in a watershed listed in Schedule V.1 and partially in a watershed that is not listed, crop cultivation is permitted only on the portion situated in the watershed listed in Schedule V.1.

50.3.3. Where a portion of land referred to in subparagraph 5 of the second paragraph of section 50.3 or section 50.3.2 is added to the parcels cultivated by an operator or there is a change in the crop grown on it, the operator of a raising site or spreading site must implement the following mitigation measures, in addition to any condition provided for in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1):

(1) with regard to all parcels cultivated by the operator:

(a) despite sections 22 and 35, all spreading must be carried out in compliance with an agroenvironmental fertilization plan and a phosphorous report, drawn up in accordance with this Regulation, which spreading must be supported in the data obtained from a characterization of livestock waste carried out by an agrologist in accordance with section 28.1, even in the case of a raising site with solid manure management whose annual phosphorus (P_2O_5) production is 1,600 kg or less;

(b) on 1 December of each year, the soil of at least 20% of the total areas cultivated by the operator must be entirely covered by rooted vegetation;

(c) where the operator stores solid manure piles, in addition to the conditions provided for in section 9.1, the operator must do so more than 30 m away from any watercourse, ditch, lake or wetland, and outside of flood zones;

(2) with regard to the new parcel under cultivation or the parcel undergoing a change of crop:

(a) a vegetation strip at least 5 m wide, measured from the boundary of the littoral zone or the top of the embankment, if such an embankment is present, must be preserved in a natural or restored state, on either side of a watercourse;

(b) a vegetation strip at least 3 m wide, measured from the boundary of the ditch or the top of the embankment, if such an embankment is present, must be preserved in a natural or restored state, on either side of a ditch;

(c) on 1 December of each year, the area of that parcel must be entirely covered by rooted vegetation.”.

13. Section 50.5 is amended

(1) by replacing “registered mail or by any other” by “any”;

(2) by adding the following paragraph at the end:

“Despite the first paragraph, the notices and documents referred to in sections 50.3 and 50.3.2 to be sent to the Minister must be sent electronically using the form available on the website of the Minister’s department.”.

14. The following is inserted after Schedule V:

“SCHEDULE V.1
(s. 50.3.2)

IDENTIFICATION OF WATERSHEDS EXCLUDED FROM THE PROHIBITION PROVIDED FOR IN SECTION 50.3 BY MUNICIPALITY

Municipality No.	Name of municipality	Type of municipality	Concerned Schedule to this Regulation	Excluded watershed
14005	Mont-Carmel	M	III	Rivière Saint-Jean – 01EX0000 – (level 1) Rivière Ouelle – 02270000 – (level 1)
14070	Saint-Pacôme	M	II	Rivière Ouelle – 02270000 – (level 1)
14075	Saint-Gabriel-Lalemant	M	III	Rivière Ouelle – 02270000 – (level 1)
19005	Saint-Philémon	P	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean – 01EX0000 – (level 1)
19010	Notre-Dame-Auxiliatrice-de-Buckland	P	III	Rivière du SUD – 02310000 – (level 1)
19030	Saint-Damien-de-Buckland	P	III	Rivière du SUD – 02310000 – (level 1)
19037	Armagh	M	II	Rivière du SUD – 02310000 – (level 1)
19045	Saint-Nérée-de-Bellechasse	M	II	Rivière du SUD – 02310000 – (level 1)
19050	Saint-Lazare-de-Bellechasse	M	II	Rivière du SUD – 02310000 – (level 1)
19082	Saint-Raphaël	M	II	Rivière du SUD – 02310000 – (level 1)
22020	Shannon	V	III	Rivière Jacques-Cartier – 05080000 – (level 1)
22025	Saint-Gabriel-de-Valcartier	M	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Sainte-Anne – 05040000 – (level 1)

22035	Stoneham-et-Tewkesbury	CU	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Sainte-Anne – 05040000 – (level 1) Rivière Montmorency – 05100000 – (level 1)
22040	Lac-Beauport	M	III	Rivière Montmorency – 05100000 – (level 1)
22045	Sainte-Brigitte-de-Laval	V	III	Rivière Montmorency – 05100000 – (level 1)
23027	Québec	V	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Montmorency – 05100000 – (level 1)
28005	Saint-Zacharie	M	II	Rivière Saint-Jean – 01EX0000 – (level 1)
28015	Sainte-Aurélie	M	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28035	Saint-Louis-de-Gonzague	M	V	Rivière Saint-Jean – 01EX0000 – (level 1)
28040	Saint-Cyprien	P	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28045	Sainte-Justine	M	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28053	Lac-Etchemin	M	II	Rivière Saint-Jean – 01EX0000 – (level 1)
28060	Saint-Luc-de-Bellechasse	M	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean – 01EX0000 – (level 1)

28065	Sainte-Sabine	P	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28075	Saint-Magloire	M	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean - 01EX0000 – (level 1)
51065	Saint-Alexis- des-Monts	P	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice)
51070	Saint-Mathieu- du-Parc	M	III	Rivière à la Pêche – 05010009 – (level 2 of rivière Saint- Maurice)
62060	Saint-Donat	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
62080	Saint-Zénon	M	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice)
62085	Saint-Michel- des-Saints	M	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice)
62902	Lac-Minaki	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice)
62906	Baie-de-la- Bouteille	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice)
62910	Lac-Legendre	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint- Maurice) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)

62912	Saint-Guillaume-Nord	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62914	Lac-des-Dix-Milles	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
76035	Wentworth	CT	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
76043	Brownsburg-Chatham	V	III	Rivière du Calumet – 04350000 – (level 2 of rivière des Outaouais)
76052	Grenville-sur-la-Rouge	M	III	Rivière du Calumet – 04350000 – (level 2 of rivière des Outaouais) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais) Rivière Saumon – 04030000 – (level 2 of rivière des Outaouais) Petite rivière Saumon – 04680000 – (level 2 of rivière des Outaouais) Crique de Pointe-au-Chêne – 04710000 – (level 2 of rivière des Outaouais)
77060	Wentworth-Nord	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
77065	Saint-Adolphe-d'Howard	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)

78047	Mont-Blanc	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78055	Montcalm	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78095	Lac-Supérieur	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78100	Val-des-Lacs	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
92045	Saint-Thomas- Didyme	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay) Rivière Ashuapmushuan – 06190000 – (level 2 of rivière Saguenay)
92050	Saint-Edmond- les-Plaines	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay)
92055	Girardville	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay)
93020	Hébertville	M	III	Rivière Chicoutimi – 06100000 – (level 2 of rivière Saguenay)
94265	Larouche	M	III	Rivière Chicoutimi – 06100000 – (level 2 of rivière Saguenay) Rivière Dorval – 06110000 – (level 2 of rivière Saguenay)

15. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 to 4, 6 to 9 and 11 to 14, which come into force on 18 December 2023.

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