

Gouvernement du Québec

O.C. 984-2023, 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)

Activities in wetlands, bodies of water and sensitive areas

Temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

— Amendment

Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas and Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

WHEREAS, under paragraph 10 of section 46.0.22 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, prohibit or limit the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water or on flood protection works;

WHEREAS, under paragraph 11 of section 46.0.22 of the Act, the Government may, by regulation, in the cases and under the conditions specified, make the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water subject to the issue of a permit by the municipality concerned;

WHEREAS, under paragraph 12 of section 46.0.22 of the Act, the Government may, by regulation, establish the standards applicable to the work, structures or other interventions carried out or erected in wetlands and bodies of water in order to ensure adequate protection of the safety, welfare or comfort of human beings or to prevent adverse effects on property;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 8 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish boundaries for territories and prescribe environmental protection and quality standards specific to each one, in particular to take into account its characteristics, the cumulative effects of its development, the support capacity of its ecosystems, and the human disturbances and pressures affecting its drainage basins;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt any person or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under section 118.3.5 of the Act, without restricting the powers of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks in this respect, it is the duty of the municipalities to carry out and have carried out any regulation of the Government made under the Act ordering that such regulation or certain sections of that regulation is to be applied by all the municipalities, by a certain category of municipalities or by one or several municipalities, unless a municipal by-law dealing with the matters contemplated in the regulations aforementioned has been approved in conformity with section 118.3.3 of the Act and no building, repair or enlargement permit may be issued by a municipality if the building, repair or enlargement project does not fully comply with such regulations;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas and a draft Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations 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 Regulation respecting activities in wetlands, bodies of water and sensitive areas and the Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act
(chapter Q-2, s. 46.0.22, pars. 10 to 12, s. 95.1, 1st par., subpars. 7 and 8, and s. 118.3.5)

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

1. Section 18.1 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), as replaced by section 7 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, enacted by Order in Council 1461-2022 dated 3 August 2022, is replaced by the following:

“**18.1.** Work requiring the removal and trimming of vegetation in the littoral zone or a lakeshore or riverbank must be carried out without stump removal, unless the nature of the work entails stump removal.”

2. Section 20, as replaced by section 8 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, enacted by Order in Council 1461-2022 dated 3 August 2022, is amended by replacing “Construction of a road in a lakeshore or riverbank” in the first paragraph by “Laying out of a road in a lakeshore or riverbank or extension of such a road causing additional encroachment into the lakeshore or riverbank”.

3. Section 35.1 is amended by replacing the first paragraph by the following:

“Construction work on a main residential building and its accessory buildings and works, including the necessary access, is prohibited on a lakeshore or riverbank if it is carried out in compliance with section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”

4. Section 38.9 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) the enlargement of a main residential building, including above or below ground, except work for relocating rooms used by one person for living or facilities essential for the building.”;

(2) by inserting “residential” after “main” in the third paragraph.

5. Section 38.11 is amended in subparagraph 2 of the first paragraph

(1) by striking out “except in the case of a main building related to power transmission and distribution infrastructures, a waterworks systems, a sewer system or a rainwater management system.”;

(2) by inserting “residential” after “main”.

6. Section 51, as amended by section 14 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, made by Order in Council 1461-2022 dated 3 August 2022, is amended by striking out “or impermeabilizes the ground” in paragraph 14.

7. Section 59.1 is replaced by the following:

“**59.1.** Municipalities are responsible for the application of sections 7 to 11, 15 to 17, 18.1, 20, 21, 33.3 to 33.7, 35.1, 35.2, 38 to 38.11 and 43.1 with regard to the following activities carried out in their territory:

(1) activities requiring municipal authorization under sections 6, 7 and 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2);

(2) activities pertaining to any of the matters listed in section 117 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks.

For the purposes of such responsibility, municipalities apply the penal sanctions provided for in Chapter IX but may not apply the monetary administrative penalties provided for in Chapter VIII.”

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

Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 11, and s. 95.1,
par. 1, subpar. 9)

1. The Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2) is amended in section 6 by adding “, if the same type of work is not already present on the lot concerned by the application” at the end of subparagraph 4 of the first paragraph;

2. Section 7 is amended by replacing paragraphs 7, 8 and 9 by the following:

“(7) the construction of a main residential building, as well as that of its buildings, accessory works and the necessary access, on the conditions set out in section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.”

3. Section 10 is amended by inserting “on a lot situated in an ice jam flood zone with or without ice movement listed in a metropolitan land use and development plan, a land use and development plan, any interim control measure or a by-law adopted by a regional county municipality pursuant to the Act respecting land use planning and development (chapter A-19.1)” after “building” in paragraph 1.

4. Section 11 is replaced by the following:

“**11.** A local municipality issues an authorisation pursuant to this Regulation

(1) where the activity meets the conditions applicable to it under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) and section 118 of this Regulation, where applicable;

(2) where the activity meets the conditions applicable to it under the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), except those set out in sections 7, 11, 30, 33, 33.6 and 33.7 of that Regulation which need not be verified prior to issuance;

Subparagraph 2 does not apply when the activity is the subject of an authorization issued under section 22 or 31.5 of the Environment Quality Act (chapter Q-2) by reason of the fact that such an activity does not meet the conditions set out in section 9 or 20 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.

After the issuance of the municipal authorization, the municipality must ensure compliance with the conditions set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas in accordance with section 59.1 of that Regulation except, in the case provided for in the second paragraph, the conditions set out in section 9 or 20 of that Regulation, as the case may be.”

5. Section 117 is amended by adding the following subparagraphs after subparagraph 4 of the first paragraph:

“(5) the management of quays, in particular the number permitted per lot, the accepted materials, as well as cases that are prohibited and those for which prior municipal authorization is required;

(6) the control measures to be implemented when work is carried out to limit erosion and sediments;

(7) the management of work to stabilize an embankment, in particular the techniques to be used and the conditions to be met.”.

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

106320

Gouvernement du Québec

O.C. 985-2023, 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)

Regulatory scheme applying to activities on the basis of their environmental impact

Snow, road salt and abrasives management

— Amendment

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and Regulation to amend the Snow, road salt and abrasives management Regulation

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), subject to subdivisions 2 and 3 of Division II of Chapter IV of Title I of the Act, no one may, without first obtaining an authorization from the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, carry out a project involving any other activity determined by government regulation;

WHEREAS, under the second paragraph of section 23 of the Act, a regulation made under subparagraph 3 of the first paragraph of section 23 may also determine which of the information and documents referred to in subparagraphs 1 and 2 of the first paragraph of section 23 are public;

WHEREAS, under subparagraph 5 of the first paragraph of section 24 of the Act, when assessing a project's impacts, the Minister is to take into consideration, in particular, in the cases provided for by government regulation, the greenhouse gas emissions attributable to the project and the reduction measures the project may entail;

WHEREAS, under section 28 of the Act, in addition to the cases provided for in the Act, the Government may, by regulation and for any activity or class of activities it determines, prescribe the valid term of an authorization and also determine by regulation the activities or classes of activities for which the authorization may be renewed, subject to the terms and conditions determined in the authorization, and such a regulation may also specify the provisions of the Act that apply to a renewal;

WHEREAS, under the first, second and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act, the person must file the declaration of compliance with the Minister at least 30 days before beginning the activity or, in the cases determined by government regulation, within any shorter time limit and attest that the activity will comply with the conditions, restrictions and prohibitions determined under the first paragraph of section 31.0.6 and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act, such a regulation may exempt any part of the territory of Québec and any class of persons or activities it specifies from that