

(2) by inserting the following after paragraph 2:

“(2.1) uses fuels containing total halogens that do not meet the limit provided for in the fourth paragraph of section 75;”;

(3) by inserting the following after paragraph 4:

“(4.1) fails to comply with the rated heat capacity required for fuel burning equipment or an industrial furnace referred to in section 81, in the cases and on the conditions provided for therein;

(4.2) fails to comply with the standards for fuel burning equipment provided for in subparagraph 1 or 3 of the first paragraph of section 90;”.

**16.** Section 206.1 is amended by striking out paragraph 2.

**17.** Section 206.2 is amended by replacing “or 85” by “, subparagraph 3 or 4 of the first paragraph of section 12.1, section 85”.

**18.** Section 206.3 is amended

(1) in paragraph 1

(a) by replacing “70, the first, fourth” by “70, the first”;

(b) by striking out “or 77”;

(c) by replacing “81, any of sections 88 to 90” by “88 or 89”;

(d) by replacing “to 150” by “and 149”;

(2) by inserting “or fourth” after “second” in subparagraph 2;

(3) by inserting the following after paragraph 2:

“(2.1) fails to comply with the emission limit values prescribed by paragraph 1 or 2 of section 75;

(2.2) fails to use a unit having a destruction and removal efficiency compliant with section 81;

(2.3) fails to comply with the emission limit values or other standards prescribed by subparagraph 2, 4 or 5 of the first paragraph of section 90;”.

**19.** Section 209.1 is amended by inserting “in the territory of Municipalité de l’Île-d’Anticosti,” after “above-ground tanks”.

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

106324

Gouvernement du Québec

## O.C. 988-2023, 14 June 2023

Act respecting threatened or vulnerable species  
(chapter E-12.01)

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

### Threatened or vulnerable plant species and their habitats —Amendment

Regulation to amend the Regulation respecting  
threatened or vulnerable plant species and their habitats

WHEREAS, under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, and after consultation with the other ministers mentioned in the third paragraph of section 6 of the Act, the Government may, by regulation, determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15 of the Act;

WHEREAS, in accordance with the third paragraph of section 6 of the Act, the other ministers were consulted;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 16 of the Act, the prohibition to have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in one’s possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it, does not apply to an activity exempted by regulation or an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 17 of the Act, the prohibition to carry on, in the habitat of a threatened or vulnerable plant species, an activity that may alter the existing ecosystem, the present biological diversity or the physical or chemical components peculiar to that habitat does not apply to an activity exempted by regulation or to an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

WHEREAS, under subparagraph 1 of the first paragraph of section 39 of the Act, the Government may, by regulation, withdraw certain activities from the application of section 16 of the Act, in respect of a threatened or vulnerable plant species designated by virtue of the Act;

WHEREAS, under subparagraph 3 of the first paragraph of section 39 of the Act, the Government may, by regulation, prescribe management standards or conditions, as the case may be, applicable to activities contemplated in particular in subparagraph 1 of that paragraph;

WHEREAS, under subparagraph 7 of the first paragraph of section 39 of the Act, the Government may, by regulation, prescribe any provision of the regulations the violation of which is an offence;

WHEREAS, under the second paragraph of section 39 of the Act, the activities or the management standards or conditions prescribed in particular in subparagraphs 1 and 3 of the first paragraph of that section may vary according to the plant species, the kind of activity, the class of habitat of a plant species or its location, the time of year or environmental features;

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 Act respecting threatened or vulnerable species, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and it 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 Act respecting threatened or vulnerable species, 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 Regulation respecting threatened or vulnerable plant species and their habitats 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 Regulation respecting threatened or vulnerable plant species and their habitats, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats**

Act respecting threatened or vulnerable species (chapter E-12.01, s. 10, par. 2, s. 16, 2nd par., subpars. 1 and 2, s. 17, 2nd par., subpars. 1 and 2, and s. 39, 1st. par., subpars. 1, 3 and 7, and 2nd par.)

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 Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended in section 4 by adding the following paragraph at the end:

“A person may also transplant wild leek plants (*Allium tricoccum* var. *tricoccum* and *Allium tricoccum* var. *burdickii*) under the following conditions:

(1) the plants would otherwise be destroyed because of an activity that will be carried out on the harvest site, in accordance with the Environment Quality Act (chapter Q-2);

(2) the transplantation is carried out between 15 April and 15 June;

(3) the transplantation is carried out manually;

(4) the transplantation site has features and conditions that are favourable to the survival of the plants to be transplanted;

(5) where 500 or more plants are to be transplanted, the transplantation work is supervised by a person with qualifications in biology, ecology, forestry, horticulture or landscaping; and

(6) an activity report is sent electronically to the Minister, using the forms or templates available on the website of the Minister's department, in the 30 days following the transplantation.”

**2.** Section 6 is amended by replacing “the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35)” by “the first paragraph of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1)”.

**3.** Section 7 is amended

(1) by inserting the following habitats in alphabetical order:

—Alvar-de Quyon (Outaouais);

The habitat corresponds to lot 5 815 691, in the territory of Municipalité de Pontiac, Municipalité régionale de comté Les Collines-de-l'Outaouais. The habitat is demarcated on a chart prepared by the Minister;

—Battures-de-l'Île-aux-Oies (Chaudière-Appalaches);

The habitat corresponds to the marsh on the shores of the St. Lawrence River, in a place known and designated as “Battures de l'Îles aux Oies”, the western boundary of which is situated opposite lot 3 688 071 and the eastern boundary of which is situated opposite lot 3 474 982, in the territory of Municipalité de la paroisse de Saint-Antoine-de-l'Île-aux-Grues, Municipalité régionale de comté de Montmagny. The habitat is demarcated on a chart prepared by the Minister;

—Fief-de-Vitré (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, on the shores of the St. Lawrence River, from L'anse de Vincennes heading west up to lot 3 020 323, in the territories of Ville de Lévis and Municipalité de Beaumont, Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;

— Joannès (Abitibi-Témiscamingue);

The habitat corresponds to a group of springs situated approximately 2 kilometres to the north of Joannès lake, on the north side of Highway 117, in the territory of Ville de Rouyn-Noranda. The habitat is demarcated on a chart prepared by the Minister;

—Lac-Berry (Abitibi-Témiscamingue);

The habitat corresponds to the periphery of a spring and its effluents, including a part of lot 4 880 291, situated northwest of Berry lake, in the territory of Municipalité de Berry, Municipalité régionale de comté d'Abitibi. The habitat is demarcated on a chart prepared by the Minister;

—Marais-de-Saint-Jean-Port-Joli (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone on the shores of the St. Lawrence River, up to the boundary of the littoral zone, up to Municipalité de Saint-Jean-Port-Joli, Municipalité régionale de comté de L'Islet, the western boundary of which is situated opposite lot 3 873 822 and the eastern boundary of which is situated opposite lot 6 369 963. The habitat is demarcated on a chart prepared by the Minister;

—Marais-Léon-Provancher (Capitale-Nationale);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, bounded on the shoreline by the Marais-Léon-Provancher nature reserve and to the east by the Battures-de-Saint-Augustin-de-Desmaures nature reserve, on the St. Lawrence River, in the territories of Ville de Neuville, Municipalité régionale de comté de Portneuf and Ville de Saint-Augustin-de-Desmaures. The habitat is demarcated on a chart prepared by the Minister;

—Ruisseau-des-Pères (Mauricie);

The habitat corresponds to an intertidal zone, up to the boundary of the littoral zone, to the east of the mouth of the Batiscan river, in the territory of Municipalité de Batiscan, Municipalité régionale de comté Les Chenaux. The habitat is demarcated on a chart prepared by the Minister;”;

(2) by replacing the description of the habitat of Baie-des-Anglais (Montérégie) by the following:

“The habitat corresponds to a zone situated northwest of the Marcel-Raymond ecological reserve, on the shores of the Richelieu river, to the west of Rang Mélaven road, in the territory of Municipalité d'Henryville, Municipalité régionale de comté du Haut-Richelieu. The habitat is demarcated on a chart prepared by the Minister;”;

(3) by replacing the description of the Boisé-de-Marly (Capitale-Nationale) habitat by the following:

“The habitat corresponds to lots 1 406 540, 1 660 355 and 1 660 358 situated in the Marly wooded area, in the territory of Ville de Québec (Sainte-Foy). The habitat is demarcated on a chart prepared by the Minister;”;

(4) by replacing “49-P, 51-P and 52-P of the third range of the cadastre of the parish of Saint-Grégoire” in the description of the Grand-Bois-de-Saint-Grégoire habitat by “4 160 249, 4 160 250 and 6 269 778”;

(5) by striking out the Hêtraie-du-Calvaire-d’Oka (Laurentides) habitat and its description;

(6) by replacing the description of the Île-Beauregard (Montréal) habitat by the following:

“The habitat corresponds to the southern tier of lot 5 216 554 situated on Beauregard island, in the Beauregard island nature reserve, forming part of the îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d’Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(7) by adding “The habitat is demarcated on a chart prepared by the Minister;” at the end of the description of the Île-Brisseau (Abitibi-Témiscamingue) habitat;

(8) by replacing the description of the Île-Rock (Montréal) habitat by the following:

“The habitat corresponds to a rocky island, named “île Rock”, and its littoral, situated in the Lachine Rapids, between Des Soeurs and Aux Chèvres islands, in the territory of Ville de Montréal (LaSalle). The habitat is demarcated on a chart prepared by the Minister;”;

(9) by replacing the Marais-de-la-Pointe-de-La Durantaye (Chaudière-Appalaches) habitat and its description by the following:

“— Marais-de-Saint-Michel-de-Bellechasse (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, to the west of the pier of Municipalité de Saint-Michel-de-Bellechasse, on the shores of the St. Lawrence River, in the Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;”;

(10) by replacing the description of the Marécage-de-la-Grande-Île (Lanaudière) habitat by the following:

“The habitat corresponds to the south-west part of lot 4 506 263 in the Grande-Île wildlife sanctuary, in the Îles de Sorel archipelago, in the territory of Municipalité de Saint-Ignace-de-Loyola, Municipalité régionale de comté de D’Autray. The habitat is demarcated on a chart prepared by the Minister;”;

(11) by replacing the description of the Marécage-de-l’Île-Bouchard (Lanaudière) habitat by the following:

“The habitat corresponds to a wetland complex, including a part of lot 3 731 028 on Bouchard island, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de la paroisse de Saint-Sulpice, Municipalité régionale de comté de L’Assomption. The habitat is demarcated on a chart prepared by the Minister;”;

(12) by replacing the description of the Marécage-de-l’Île-Marie (Montréal) habitat by the following:

“The habitat corresponds to the channel between À Chalut and Marie islands, as well as to a strip of marshes and swamps situated on either side including a part of lots 5 216 557, 5 216 558 and 5 216 559, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d’Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(13) by replacing “194 of the 1st concession of the cadastre of the township of Chatham,” in the description of the Ormes-Lièges-du-Canton-de-Chatham (Laurentides) habitat by “4 422 524 at its southwestern extremity, a part of lot 4 423 878 at its western extremity and part of lot 4 424 034”;

(14) by replacing the description of the Parc-de-la-Plage-Jacques-Cartier (Capitale-Nationale) habitat by the following:

“The habitat corresponds to a section of the rocky cliffs of the promontory of Québec, in the territory of Ville de Québec (Sainte-Foy), bounded to the north by land owned by the Canadian National Railway Company and to the south by a drop-off. The habitat is demarcated on a chart prepared by the Minister;”;

(15) by replacing the description of the Parc-du-Mont-Royal (Montréal) habitat by the following:

“The habitat corresponds to a part of lot 1 354 904, situated in the north-east sector of Parc du Mont-Royal, in the territory of Ville de Montréal. The habitat is demarcated on a chart prepared by the Minister;”;

(16) by striking out the Vallée-du-Cor (Gaspésie-Îles-de-la-Madeleine) habitat and its description”.

**4.** Section 8 is replaced by the following:

“**8.** The prohibitions referred to in section 16 of the Act respecting threatened or vulnerable species (chapter E-12.01) do not apply to servicing activities of Hydro-Québec’s power line network or of road infrastructures by the Minister responsible for the administration of the Act respecting roads (chapter V-9).

In addition, the prohibitions referred to in section 17 of the Act respecting threatened or vulnerable species do not apply to servicing activities of Hydro-Québec’s power line network carried out in a plant habitat to the extent that they are carried on without jeopardizing the viability of the threatened or vulnerable species present therein and the components of the surroundings that ensure their survival.

For the purposes of this section, servicing activities include inspections, reconstruction, repairs and control of vegetation, and are carried out on the infrastructure concerned or in its right of way, as well as the cutting of trees or shrubs that could accidentally come in contact with electrical wires, without further impact on the natural environment.

Access to infrastructures concerned by servicing carried on in accordance with this section must be by existing roads, where they exist.”.

**5.** Section 9 is amended by striking out “overhead”.

**6.** The following is inserted after section 9:

**“DIVISION V.1  
MONETARY ADMINISTRATIVE PENALTIES**

**9.1.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who violates a condition provided for in any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 for the transplantation of wild leek plants.

**9.2.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on anyone who

(1) violates a condition provided for in any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 for the transplantation of wild leek plants;

(2) does not use an existing road, where one exists, to access infrastructures concerned by servicing carried on in accordance with the first or second paragraph of section 8, in contravention of the fourth paragraph of this section.

**DIVISION V.2  
PENAL SANCTIONS**

**9.3.** Anyone who contravenes any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person or \$7,500 to \$1,500,000 in any other case.

**9.4.** Anyone who contravenes any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 or the fourth paragraph of section 8 commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person or \$12,000 to \$1,500,000 in any other case.”.

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

106325

Gouvernement du Québec

**O.C. 989-2023, 14 June 2023**

Dam Safety Act  
(chapter S-3.1.01)

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

**Dam Safety  
— Amendment**

Regulation to amend the Dam Safety Regulation

WHEREAS, under the first paragraph of section 2.3 of the Dam Safety Act (chapter S-3.1.01), the classification of dams provided for in section 2.2 of the Act is effected and reviewed by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks in accordance with the conditions determined by government regulation;

WHEREAS, under the third paragraph of section 6 of the Act, the Government may, by regulation, determine the other information or documents to be submitted with an application for authorization;