

CHAPTER VI FINAL

47. This Regulation comes into force on 1 April 2024.

SCHEDULE I (ss. 4 and 46)

ANNUAL RENT OF A LEASE OF EXCLUSIVE FISHING RIGHTS IN A SALMON RIVER

The annual rent of the lease of exclusive fishing rights in a salmon river is calculated using the following formula:

$$\frac{Kt \times (L \times A) \times C + Ke \times (S \times P)}{1,6}$$

For the purposes of this formula,

“Kt” means the territorial constant, equivalent to \$61.93;

“L” means the length of the river under lease, in kilometres;

“A” means the accessibility of the river on a scale from 1 to 6, where 1 corresponds to rivers not accessible by road and 6 corresponds to rivers along asphalted roads;

“C” means the class of outfitter’s licence held by the lessee, which corresponds to one of the following factors:

- (1) for the holder of a resident outfitting licence: 1;
- (2) for the holder of a non-resident outfitting licence: 5;

“Ke” means the resource development constant, equivalent to \$16.51;

“S” means the annual average number of Atlantic salmon taken, calculated over a 10-year period ending at the end of the year preceding the billing of the annual rent and excluding years in which no Atlantic salmon were taken;

“P” means the value associated with the average annual weight of Atlantic salmon taken, calculated over a 10-year period ending at the end of the year preceding the billing of the annual rent and excluding years in which no Atlantic salmon were taken. The value is fixed as follows:

(1) in the case of an average annual weight of 2 kg or less, the value corresponds to 1;

(2) in the case of an average annual weight of more than 2 kg, the value is increased by 0.1 for each 0.5 kg exceeding 2 kg.

106590

Draft Regulation

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Outfitter’s licences

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting outfitter’s licences, appearing below, may be made by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks on the expiry of 45 days following this publication.

The draft Regulation provides a framework for the issue, renewal and transfer of outfitter’s licences. It prescribes the duration and content of such a licence and the obligations of licence holders.

The draft Regulation will replace the Regulation respecting outfitters (chapter C-61.1, r. 24) and the Regulation respecting the content of an outfitter’s licence (chapter C-61.1, r. 33) that are currently in force.

Study of the matter has shown that the new provisions concerning outfitter’s licences could have an impact on outfitting enterprises.

Further information on the draft Regulation may be obtained by contacting Lysanne Rivard, coordinator, regulation of structured wildlife habitats, Service des affaires législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère de l’Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 707378; email: lysanne.rivard@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jacob Martin-Malus, Assistant Deputy Minister for Biodiversity, Wildlife and Parks, Ministère de l’Environnement, de la Lutte contre les changements

climatiques, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4; email: melanie.fortin@environnement.gouv.qc.ca.

BENOIT CHARETTE

Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation respecting an outfitter's licence

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 78.6 and s. 163, 1st par., subpars. 1, 3, 4 and 12)

CHAPTER I OUTFITTER'S LICENCE

DIVISION I DEFINITIONS

1. For the purposes of this Regulation, a “lodging unit” is

(1) a rough shelter, that is, a building made of canvas or rigid material and installed temporarily, including a yurt, a walled tent or a wigwam;

(2) an inn, that is, a building including at least two rooms and in which food services are offered;

(3) a houseboat, that is, a camp or cabin designed to float on water;

(4) a camp, that is, an open area building including self-catering kitchen facilities or, in the absence of such facilities, situated near a building offering food services;

(5) a cabin, that is, a building including at least 1 room and self-catering kitchen facilities, or, in the absence of such facilities, situated near a building offering food services;

(6) a room, suite or furnished apartment in a hotel establishment that is equipped with self-catering kitchen facilities, including reception services and daily house-keeping services and any other hotel services;

(7) a pavilion, that is, a building including a number of rooms leased independently from one another and that may include a common area where common self catering kitchen facilities may be located, or that may be situated near a building that offers food services;

(8) a private residence, that is, a building where lodging is offered on the premises where the operator resides and in which food services are offered; or

(9) a camping site, that is, a site or contiguous sites laid out for the installation of mobile, temporary camping equipment not attached to the ground, and that may not be used by customers or guests for periods longer than 31 consecutive days.

DIVISION II GENERAL

§1. Classes

2. The outfitter's licence classes are

(1) hunting other than caribou;

(2) Arctic char fishing;

(3) Atlantic salmon fishing;

(4) fishing of species other than Atlantic salmon and Arctic char; and

(5) trapping, except in a territory covered by the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) or the Act approving the Northeastern Québec Agreement (chapter C-67.1).

§2. Term and content

3. The outfitter's licence is valid for a period of 12 months, from 1 April to 31 March.

4. An outfitter's licence contains in particular the following information:

(1) in respect of the licence:

(a) the identification number;

(b) the date of issue;

(2) in respect of the licence holder:

(a) in the case of a natural person: the person's name and address, and the name and address of the person's enterprise;

(b) in the other cases: the name of the enterprise, the address of its principal establishment in Québec and the name and position of the person authorized to represent the enterprise;

(c) if applicable, the Québec business number assigned to it under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) in respect of the outfitting operation:

(a) the name;

(b) the identification of the operating territory and the tenure of the lands in that territory;

(c) the identification of each lodging unit authorized under the licence and the nature of the right of occupation, the tenure of the lands on which each unit is situated, the type of lodging, the capacity and the geographic coordinates of the location of each unit;

(d) the outfitter's licence classes concerned;

(e) where the lodging units are located in a territory covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), the zones with an exclusive right of use and the zones with a common right of use for Cree, Inuit and Naskapi defined in sections 11 to 13.1 of that Act, where each lodging unit is situated.

§3. *Death of licence holder*

5. The heir, the liquidator of the succession or the legal representative of the deceased person, as the case may be, may, after having given a written notice of the death of the licence holder to the Minister, continue the outfitting operation for a period of 120 days as of the date of death of the licence holder, subject to the obtaining of a licence issued in accordance with this Regulation before the expiry of that period.

DIVISION III ISSUANCE

§1. *Application to obtain an outfitter's licence*

6. To obtain an outfitter's licence, a person must apply to the Minister using the form provided for that purpose.

The application must be accompanied, as the case may be, by the following documents:

(1) at least one map to a scale of 1: 20 000 or more accurate showing the location of the lodging units and the operating territory covered by the application;

(2) where the operating territory of the outfitting operation is situated on private land, a copy of the title of ownership, of the property assessment roll and, if available, an extract of the graphic matrix of the operating territory;

(3) a copy of the title of ownership, of the property assessment roll and, if available, an extract of the graphic matrix showing the territory in which the lodging units are situated, except the lodging units that are situated on lands in the domain of the State and belong to the applicant;

(4) if applicable, a document by the competent authority certifying that the outfitting operation and its activities comply with the applicable by-laws respecting urban planning and land use development;

(5) where the application concerns the establishment of an outfitting operation on Category I, I-N, II or II-N lands, a copy of the writing evidencing the explicit consent given by the competent authority pursuant to section 40 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

The application must also be accompanied by the fees payable for examination of an application for the issue of an outfitter's licence provided for in section 5.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

7. The Minister notifies the applicant in writing of the acceptance of the application for an outfitter's licence.

The applicant must, within 12 months after receiving the notice, pay the fees payable under section 6 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) and send to the Minister

(1) where applicable, a copy of the act establishing that the applicant has the right to occupy, during the licence's period of validity, the lodging units and the operating territory; and

(2) a copy of the civil liability insurance policy complying with section 36.

Once the applicant has fulfilled the conditions prescribed in the second paragraph, the Minister issues the licence.

§2. *Application to modify an outfitter's licence*

8. The holder of an outfitter's licence must apply to the Minister, using the form provided for that purpose, when the licence holder wishes to change the content of the licence, in particular, to

- (1) add or remove a lodging unit;
 - (2) modify the identification, capacity or location of a lodging unit;
 - (3) modify the identification of the operating territory;
- or
- (4) modify the classes of the licence.

9. An application to add a lodging unit must cover a lodging unit situated in the same administrative region where the lodging units on the licence in force at the time of the application are located.

An application to modify the location of a lodging unit must cover a location in the same administrative region.

The first and second paragraphs do not apply to a licence holder holding a lease of exclusive hunting or fishing rights for outfitting purposes in a territory covering more than one administrative region.

10. An application to enlarge the operating territory may be filed only in the following cases:

(1) the licence holder holds a lease of exclusive hunting or fishing rights for outfitting purposes in the operating territory and the enlargement covers one of the following territories:

(a) private lands situated outside the territory covered by the lease and in the same administrative region as that territory;

(b) lands in the domain of the State covered by the lease following the enlargement of the territory covered by the lease;

(c) lands in the domain of the State situated outside the territory covered by the lease where the enlargement is to solve a particular problem affecting wildlife conservation or management;

(2) the licence holder does not hold a lease of exclusive hunting or fishing rights for outfitting purposes in the operating territory or if the licence holder holds a lease of exclusive fishing rights in a body of water of less than 20 hectares, and the enlargement covers one of the following territories:

(a) lands situated in the same administrative region as the lodging units indicated on the licence;

(b) lands situated in an administrative region adjacent to that where the lodging units indicated on the licence are located, if no lodging unit is added in that region;

(c) a body of water covered by a lease of exclusive fishing rights in a body of water of less than 20 hectares.

11. The Minister notifies the licence holder in writing of the acceptance of the application.

The licence holder informs the Minister, using the form provided for that purpose, of the end of the construction work or the modifications made to a lodging unit in relation with the application.

The Minister issues a new licence, which replaces the existing licence, that takes into account the changes requested, after obtaining, where applicable, of a copy of the act establishing that the applicant has the right to occupy the lodging units and the operating territory during the licence's period of validity.

§3. *Application to obtain an outfitter's licence following the death of a licence holder*

12. Where a licence holder has died, the acquirer of the assets of the outfitting operation covered by the licence may apply to the Minister for a licence.

The licence must, with respect to the outfitting operation, have the same content as the licence issued to the licence holder who is deceased, except as regards the licence holder's name.

13. The application must be filed with the Minister using the form provided for that purpose and be accompanied by the following documents:

(1) a copy of the act evidencing the transfer of the outfitting operation's ownership;

(2) where the application concerns the establishment of an outfitting operation on Category I, I-N, II or II-N lands, a copy of the writing evidencing the explicit consent given by the competent authority pursuant to section 40 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

The application must also be accompanied by the fees payable for examination of an application for the transfer of an outfitter's licence provided for in section 6.0.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

14. Where the application is complete, the Minister notifies the applicant in writing and issues the licence when the applicant has paid the fees payable for the transfer of a licence provided for in section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) and has sent the following documents:

(1) a copy of the act establishing that the applicant has the right to occupy the lodging units and the operating territory during the licence's period of validity;

(2) a copy of the civil liability insurance policy complying with section 36.

DIVISION V RENEWAL

15. To obtain the renewal of a licence, an application must be sent to the Minister not later than 15 February of each year, using the form provided for that purpose, and be accompanied by a copy of the civil liability insurance policy complying with section 36.

The application must also be accompanied by the fees payable for the renewal of an outfitter's licence provided for in the first paragraph of section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

16. Where the application is filed or the fees payable are paid between 16 February and 31 March, the licence holder must pay, in addition to the fees payable provided for in the first paragraph of section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32), the fees payable provided for in the second paragraph of that section.

The term of the licence is extended by 30 days to allow the examination of the application.

17. Where the application is complete, the Minister renews the outfitter's licence if the licence holder

(1) has sent to the Minister the annual report of the activities of the outfitting operation in accordance with section 28; and

(2) has offered, during the licence's period of validity, lodging and services or equipment for the practice of hunting, fishing or trapping activities authorized under the licence, except if the licence holder shows, using supporting documents, that the licence holder could not offer them for the entire period of operation of the licence holder's outfitting operation due to

(a) a superior force;

(b) an illness or an accident involving the licence holder or a member of the licence holder's immediate family;

(c) an important problem affecting wildlife conservation or management that considerably limits the practice of hunting, fishing or trapping activities authorized under the licence; or

(d) construction, enlargement, alteration or repair work on all the lodging units authorized under the licence.

The reasons listed in subparagraph 2 of the first paragraph may be invoked for up to three consecutive renewals.

For the purposes of subparagraph *b* of subparagraph 2 of the first paragraph, the expression "immediate family members" means the grandparents, parents, brothers, sisters, spouse, children, grandchildren and the spouse's children and grandchildren.

18. Despite section 15, the first application for the renewal of a licence after 1 April 2024 must be filed by the licence holder not later than 1 December 2024 using the renewal form provided for that purpose by the Minister and be accompanied by the following documents:

(1) the documents required under sections 6 and 7, except the documents provided for in subparagraphs 4 and 5 of the first paragraph of section 6;

(2) the fees payable for the renewal of an outfitter's licence provided for in the first paragraph of section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

Where an application for the transfer of a licence is filed between 1 April 2024 and the first application of renewal, the renewal form must be accompanied by the documents provided for in section 7 and the fees payable under subparagraph 2 of the first paragraph.

The renewed licence takes into account the changes to the licence authorized by the Minister before 1 April 2024.

DIVISION VI TRANSFER

§1. General

19. The holder of an outfitter's licence may apply for the transfer of the licence, provided the licence holder has sent to the Minister all the annual reports of the activities of the outfitting operation in accordance with section 28.

20. An application for transfer must be filed with the Minister jointly by the current licence holder and the prospective licence holder using the form provided for that purpose, and be accompanied by the following documents:

(1) if applicable, a copy of the promise of sale for the outfitting operation concluded between the applicants;

(2) where the application concerns the establishment of an outfitting operation on Category I, I-N, II or II-N lands, a copy of the writing evidencing the explicit consent given by the competent authority pursuant to section 40 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

The application must also be accompanied by the fees payable for examination of an application to transfer an outfitter's licence provided for in section 6.0.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

21. The Minister notifies the applicants in writing of the acceptance of the application for transfer.

The Minister transfers the outfitter's licence when the fees payable for the transfer of an outfitter's licence provided for in the first paragraph of section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) have been paid and the following documents have been sent:

(1) a copy of the act evidencing the transfer of the outfitting operation's ownership;

(2) where applicable, a copy of the act establishing that the prospective licence holder has the right to occupy the lodging units and the operating territory during the licence's period of validity; and

(3) a copy of the civil liability insurance policy complying with section 36.

22. An application for the transfer of a licence that has not yet been the subject of a renewal application and that is filed after 1 April 2024 must be accompanied by the documents provided for in subparagraphs 1 to 3 of the second paragraph of section 6 and those provided for in section 15.

§2. Special provisions in the case of bankruptcy of a licence holder, or the sale or taking in payment of an outfitting operation

23. The acquirer of the assets of an outfitting operation following bankruptcy of the holder of an outfitter's licence may apply for the licence to be transferred to the acquirer.

The application for transfer must be filed with the Minister by the acquirer not later than 60 days following the date of the sale of the assets of the outfitting operation.

24. If the assets of an outfitting operation for which a holder has a licence is sold or taken in payment for the exercise of hypothecary rights, the acquirer or hypothecary creditor may apply for the licence to be transferred to the acquirer or hypothecary creditor.

The application for transfer must be filed with the Minister by the acquirer or hypothecary creditor not later than 60 days following the date of the sale or taking in payment of the assets of the outfitting operation.

25. Where the licence expires before the application for transfer, the term of the licence is then extended until the expiry of 90 days following the date of sale or taking in payment of the outfitting operation, as the case may be, so as to allow examination of the application.

26. An application for transfer must be filed with the Minister using the form provided for that purpose and be accompanied by the following documents:

(1) a copy of the act evidencing the transfer of the outfitting operation's ownership;

(2) where a hypothecary right has been exercised, proof of the exercise of the right;

(3) where the application concerns the establishment of an outfitting operation on Category I, I-N, II or II-N lands, a copy of the writing evidencing the explicit consent given by the competent authority pursuant to section 40 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

The application must also be accompanied by the fees payable for examination of an application to transfer an outfitter's licence provided for in section 6.0.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

27. The Minister notifies the applicants in writing of the acceptance of the application for transfer.

The Minister transfers the outfitter's licence when the fees payable for the transfer of an outfitter's licence provided for in the first paragraph of section 6.1 of the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) have been paid and the following documents have been sent:

(1) where applicable, a copy of the act establishing that the applicant has the right to occupy the lodging units and the operating territory during the licence's period of validity;

(2) a copy of the civil liability insurance policy complying with section 36.

CHAPTER II OBLIGATIONS OF THE HOLDER OF AN OUTFITTER'S LICENCE

28. On or before 15 February of each year, the holder of an outfitter's licence must send to the Minister an annual report of the activities of the outfitting operation using the form provided for that purpose.

The report contains

- (1) the name of the outfitting operation;
- (2) the operating periods;
- (3) the wildlife harvest apportioned according to the classes on the licence and, as the case may be, the number of hunting days in the operating territory and the number of fishing days on each body of water granted for each species;
- (4) a description of the developments or activities carried out with a view to maintaining or improving the wildlife potential, and the amounts of the investments associated with those developments or activities;
- (5) the number of customers, overnight stays and days of attendance, apportioned between residents and non residents and according to the activity carried on;
- (6) a statement of the income and expenses; and
- (7) the number of employees and the payroll.

In the case of the Atlantic salmon fishing licence class, the report must also specify, in respect of any capture of Atlantic salmon taking place outside a controlled zone or wildlife sanctuary, the weight, length, tag number and place of capture of each Atlantic salmon.

29. The licence holder must keep for five years as of the date the activity report referred to in section 28 was sent, all documents, registers and supporting documents that show that the licence holder offered outfitting services.

30. The licence holder must permanently display the licence in view of the public at the reception area of the outfitting operation or the location intended for the registration of customers.

31. The licence holder must keep a register to record the following information in respect of each customer or guest of the outfitting operation:

- (1) the name;
- (2) the address;
- (3) the dates of the stay;
- (4) if applicable, the identification of the lodging unit of the customer or guest;
- (5) if applicable, the identification number of the hunting, fishing or trapping licence of the customer or guest;
- (6) if applicable, the number of animals of each wild-life species captured by the customer or guest during the stay.

The information must be kept for at least five years after the stay of the customer or guest.

32. The licence holder must identify each lodging unit by a distinctive name, letter or number posted at the entrance.

33. The licence holder must, as soon as possible, send to the Minister a copy of any act modifying the licence holder's right to occupy the lodging units or the operating territory.

34. If the licence holder is a legal person and there has been a change in the control of the legal person, the licence holder must notify the Minister as soon as possible using the form provided for that purpose.

35. All the structures of the outfitting operation must be constantly and adequately monitored and maintained by the licence holder so as to protect the safety of the public. A licence holder who takes on a third person in the execution of that requirement remains responsible for its proper execution.

36. The licence holder must hold for the validity period of the licence a civil liability insurance of at least \$2,000,000 covering risks related to the outfitting operation.

37. The holder of an outfitter's licence may not

(1) offer lodging in a lodging unit that is not indicated on the holder's licence or whose identification, class, nature of the right of occupation, capacity or location is different from what is indicated on the licence; or

(2) offer hunting, fishing or trapping activities different from those authorized under the holder's licence.

CHAPTER III
FINAL**38.** The Regulation respecting outfitters (chapter C-61.1, r. 24) is revoked.**39.** The Regulation respecting the content of an outfitter's licence (chapter C-61.1, r. 33) is revoked.**40.** This Regulation comes into force on 1 April 2024.

106525

Draft Regulation

Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry**Occupational health and safety****Occupational health and safety in mines****— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation, which amends the Safety Code for the construction industry (chapter S-2.1, r. 4), updates the general provisions that apply to personnel hoisting apparatus and consolidates the general requirements for hoisting apparatus. Lastly, the rules for the use of personnel hoisting apparatus are updated and provisions relating to mandatory training for operators of mobile personnel

platform lifts are added. To ensure concordance with certain amendments entailing the renumbering of sections of the Safety Code for the construction industry, consequential amendments are made to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) and the Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14).

To date, study of the matter has shown an impact on enterprises to the order of \$7.05 million for the implementation of the regulatory measures and recurring costs of \$4.40 million for subsequent years.

Further information on the draft Regulation may be obtained by contacting Josée Ouellet, expert engineer in prevention-inspection, Commission des normes, de l'équité, de la santé et de la sécurité du travail; telephone: 514 906-3010, extension 2065; email: josee.ouellet@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mohamed Aiyar, Vice President, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue D'Estimauville, Québec (Québec) G1J 0H7.

ÉLISA PELLETIER
*Acting Secretary General,
Commission des normes, de l'équité, de la santé
et de la sécurité du travail*

Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19, 35 and 42, and 3rd par.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1

(1) by replacing paragraph 2 by the following:

“(2) “material hoisting apparatus” means an apparatus designed to hoist materials, such as a crane, an overhead travelling crane, a platform lift truck or a fork lift truck;”;

(2) by inserting the following definitions in numerical order: