

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2; 2021, chapter 7)

Natural Heritage Conservation Act
(chapter C-61.01)

Act to amend the Natural Heritage Conservation Act
and other provisions
(2021, chapter 1)

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

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)

Pesticides Act
(chapter P-9.3)

Sustainable Forest Development Act
(chapter A-18.1)

Food Products Act
(chapter P-29)

**Regulatory measures for activities under the
responsibility of municipalities carried out in bodies
of water and on flood protection works**

Flood protection works

**Transitional rules that apply to boundary changes
for flood zones and channel migration zones and to
the implementation of regulations establishing a new
development regime in flood zones and regulating
flood protection works**

**Activities in wetlands, bodies of water and sensitive
areas**

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

**Environmental impact assessment and review of
certain projects**

— Amendment

Various regulations — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulations appearing below may be made by the Government on the expiry of 90 days following this publication.

The draft Regulations modernize the regulatory regime that applies to activities carried out in littoral zones, on lakeshores and riverbanks or in the flood zone of a lake or watercourse, and to provide the regulatory measures applicable to flood protection works and channel migration zones of watercourses, in particular in order to take into account the impact of certain activities on human safety and property protection. In broad terms, the draft Regulations determine the responsibilities of municipalities in the implementation of the regulatory regime, set up new classes of flood zones established by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks under the Environment Quality Act (chapter Q-2), which reflect the impact of the presence of a flood protection works, provide the rules that apply to flood protection works and channel migration zones, and make changes to the terminology relating to wetlands and bodies of water.

The draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works is the centerpiece of the proposed new regulatory regime and its application is largely delegated to municipalities. It replaces the current 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). It defines the various environments covered and, as regards flood zones specifically, it refers to flood zones with boundaries established under the former methods in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) and to the new flood zones whose boundaries are determined by the classes established by the Minister. It lists certain activities that are prohibited depending on the type of environment in which they are carried out. It also lists the activities that require a municipal permit before they may be carried out, as well as the requirements that apply to the issue of such an authorization. In addition, it prescribes the conditions for carrying out the activities that require a municipal permit. The draft Regulation includes the criteria and procedures

applicable to a flood risk management plan prepared by a regional county municipality allowing the municipality, if certain requirements are met for the purpose, to authorize certain activities that would be otherwise prohibited or restricted by the draft Regulation, as well as the criteria a by-law adopted under section 79.1 of the Act respecting land use planning and development (chapter A-19.1) to implement such a management plan must meet in order to be approved by the Minister of Municipal Affairs, Regions and Land Occupancy under section 79.17 of the Act. Lastly, the draft Regulation provides requirements regarding the keeping of information and documents and reporting that apply to municipalities, as well as the sanctions applicable for non-compliance with the Regulation.

The draft Flood Protection Works Regulation provides regulatory measures for flood protection works to enhance the safety of communities, in particular those that are currently situated behind a flood protection works, but also of communities in which new flood protection works may be built. The draft Regulation makes it possible to obtain needed knowledge and information about flood protection works and regulates the authorization of activities that may impact the safety, monitoring and maintenance of those works.

The draft Flood Protection Works Regulation thus provides rules that apply to the studies that a municipality would have to conduct to have more information about the flood protection works in its territory. It also proposes design, performance, monitoring and maintenance standards for this type of works. It prohibits certain activities and prescribes the conditions for carrying out activities on flood protection works that are not referred to in the draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works. It prescribes the information to be kept in the public register of flood protection works created by the Environment Quality Act (chapter Q-2). In addition, for the municipalities subject to an order made under section 46.0.13 of the Act, the draft Regulation provides the content of the notice to be registered in the land register. Lastly, the Flood Protection Works Regulation provides the sanctions applicable for non-compliance with its provisions.

The draft Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works provides the rules that apply in a range of situations in which changes are made to the boundaries of flood zones and channel migration zones, as well as the rules that apply to situations in progress at the time of coming into force of certain regulations referred to in this Notice.

The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q 2, r. 0.1) is replaced by the draft Regulation bearing the same title. It applies to activities carried out in wetlands, bodies of water and sensitive areas not covered by the draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works and its application remains under the responsibility of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks. It prohibits certain activities depending on the type of environment in which they are carried out. It also prescribes the conditions for carrying out certain activities, as well as the sanctions that apply for non-compliance with its provisions.

The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended to review or provide requirements that apply to the activities requiring authorization under section 22 of the Environment Quality Act, the activities eligible for a declaration of compliance under section 31.0.6 of the Act and the activities that are exempted from authorization under section 31.0.11 of the Act when those activities are carried out in wetlands or bodies of water or on a flood protection works, or relate to such a works.

Some amendments are made to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q 2, r. 23.1) to subject certain projects relating to a flood protection works, such as construction, extension, raising, lowering and shortening of a flood protection works, the conversion of an existing infrastructure into a flood protection works, as well as the demolition or neutralization of such works, with some exceptions, to a process of environmental impact assessment and review.

Various consequential amendments are made to the following regulations in order to harmonize the terminology used to designate wetlands and bodies of water, in particular in regard to flood zones and channel migration zones:

— Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1);

— Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);

— Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01);

- Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1);
- Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14);
- Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16);
- Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);
- Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);
- Regulation respecting used tire storage (chapter Q-2, r. 20);
- Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);
- Agricultural Operations Regulation (chapter Q-2, r. 26);
- Regulation respecting pulp and paper mills (chapter Q-2, r. 27);
- Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2);
- Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);
- Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36);
- Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);
- Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);
- Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48);
- Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);
- Regulation respecting wildlife habitats (chapter C-61.1, r. 18);
- Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);
- Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1);
- Regulation respecting the Réserve de biodiversité Akumunan (chapter C-61.01, r. 71.1);
- Regulation respecting the Réserve de biodiversité Buttes-et-Buttons-du-Lac-Panache (chapter C-61.01, r. 71.2);
- Regulation respecting the Réserve de biodiversité Drumlins-du-Lac-Clérac (chapter C-61.01, r. 71.3);
- Regulation respecting the Réserve de biodiversité Kakinwawigak (chapter C-61.01, r. 72);
- Regulation respecting the Réserve de biodiversité Katnukamat (chapter C-61.01, r. 73);
- Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc (chapter C-61.01, r. 74);
- Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana (chapter C-61.01, r. 75);
- Regulation respecting the Réserve de biodiversité Opasatica (chapter C-61.01, r. 76);
- Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes (chapter C-61.01, r. 77);
- Pesticides Management Code (chapter P-9.3, r. 1);
- Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);
- Regulation respecting food (chapter P-29, r. 1).

Consequential amendments are also made to those regulations to prohibit certain activities in certain wetlands and bodies of water and to specify or add conditions for the carrying out of other activities in those environments. Specifically, the amendments made to the Agricultural Operations Regulation and the Pesticides Management Code suspend the application of certain agriculture practice standards, in particular in respect of a vegetation strip around a lake, watercourse or ditch to allow farmers to adapt to the new requirements.

The requirements and amendments proposed by those draft Regulations may impact businesses and the public. Improving risk management and the establishment of new land use development standards may reduce the vulnerability of persons and property to flood and channel migration hazards. Damage caused to buildings by floods and, as a result, future indemnity and emergency expenses in the event of a disaster will therefore be decreased. The draft Regulations tighten however the land use standards for the public and businesses whose property is situated in a flood zone. In addition, new individuals and businesses will be subject to the draft Regulations as a result of the new map and the addition of channel migration zones. The draft Regulations change the requirements relating to some of the existing administrative formalities. Eventually, the net cost of administrative requirements is expected to increase by \$1.7 million per year, approximately \$0.4 million of which would be assumed by businesses.

In sum, the draft Regulations are expected to generate \$48.4 million in one-time costs and \$7.6 million in annual costs for the impacted stakeholders as a whole.

Further information on the draft Regulations may be obtained by contacting Renée Plamondon, Director, Land use planning and bodies of water, Direction générale des politiques de l'eau, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 8^e étage, boîte 42, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4023; email: Consultation.Damh@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 90-day period to Renée Plamondon, using the contact information above.

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

MAÏTÉ BLANCHETTE VÉZINA
*Minister of Natural
Resources and Forests*

ANDRÉ LAMONTAGNE
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works

Environment Quality Act
(chapter Q-2, s. 46.0.2, 3rd par., subpars. 2 and 2.1, s. 46.0.22, pars. 8, 10, 11, 12, 13, 14, 17 and 18, s. 95.1, 1st par., subpars. 7 and 13 and 2nd par. and ss. 115.47, 118.3.5 and 124.1)

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

CHAPTER I GENERAL

DIVISION I SCOPE

1. This Regulation provides, primarily as a complement to the rules set out in other Acts and regulations and in municipal by-laws, rules that apply to various activities carried out in bodies of water described in section 46.0.2 of the Act and on flood protection works situated in the territory governed by the municipalities, including in reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The foremost purpose of the rules is to provide greater protection for those bodies of water and to reduce the vulnerability of persons and property exposed to flooding or watercourse channel migration.

2. The local municipalities are responsible for enforcement of this Regulation, except sections 131 to 152, which are under the Minister's responsibility.

3. This Regulation does not apply to

(1) activities carried out pursuant to an order made under the Act or a notice of execution issued under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6);

(2) construction and maintenance of a domestic waste water management and treatment facility to which the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) applies;

(3) activities regulated by the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), except

(a) construction, widening and straightening of a road under the management of the Minister responsible for the Act respecting roads (chapter V-9) and that is classified as an autoroute or a national, regional or collector route; and

(b) construction, improvement and repair of a road or a route that skirts a watercourse or lake, encroaching on its bed or riparian ecotone within the meaning of section 2 of that Regulation;

(4) activities carried out in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), if the activities require authorization under that Act;

(5) activities carried out in a wildlife preserve to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies;

(6) activities carried out in a habitat of a threatened or vulnerable plant species identified under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), if the activities require authorization under that Act or under the Act respecting the conservation and development of wildlife; or

(7) activities involving the use of pesticides regulated under the Pesticides Management Code (chapter P-9.3, r. 1) and under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2).

4. Section 118.3.3 of the Act does not apply to a municipality that regulates an activity regulated by this Regulation or that establishes boundaries for a lakeshore or riverbank that are wider than a width specified in the definition of “lakeshore” and “riverbank” in section 5.

DIVISION II DEFINITIONS

5. In this Regulation, unless the context indicates a different meaning,

“Act” means the Environment Quality Act (chapter Q-2); (*Loi*)

“body of water” means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by the permanent or temporary presence of water that may occupy a bed and may be stagnant or in

movement, such as a lake or watercourse, and including their littoral zones, shores and banks, channel migration zones and flood zones; (*milieu hydrique*)

“boundary of the littoral zone” means the boundary separating the littoral zone from the lakeshore or riverbank, determined using the methods set out in Schedule I; (*limite du littoral*)

“building” means a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing; (*bâtiment*)

“channel migration zone” means an area in which the bed of the watercourse may shift as a result of various physical processes including erosion and sedimentation, and whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act; (*zone de mobilité*)

“culvert” means a structure built under embankments that allows water to flow under a road, a railway or similar infrastructure, designed in a way that ensures that its length is based on the width of the infrastructure; (*ponceau*)

“ditch” means a ditch along a public or private road, a common ditch or a drainage ditch, as defined in subparagraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1); (*fossé*)

“flooded land” means the area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited pursuant to subparagraph 6 of the first paragraph of Schedule II and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means referred to in subparagraphs 1 to 3 of the first paragraph of Schedule II; (*territoire inondé*)

“flood protection works” means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; it is not considered to be a wetland or body of water within the meaning of section 46.0.2 of the Act despite the possible presence of water; (*ouvrage de protection contre les incendies*)

“flood zone” means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, if the boundaries have not been established, are established as provided in Schedule II; (*zone inondable*)

“fording site” means a site laid out in the bed of a watercourse enabling the watercourse to be crossed; (*passage à gué*)

“high-velocity flood zone” means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is considered to be a high-velocity flood zone; (*zone inondable de grand courant*)

“ice jam flood zone” means an area that, because of the accumulation of ice in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, if the boundaries have not been established, are established as provided in Schedule II; (*zone d’inondation par embâcle de glaces*)

“invasive exotic plant species” means a plant introduced outside its natural distribution area that may constitute a threat to the environment, biodiversity, human health, the economy or society; (*espèce floristique exotique envahissante*)

“lakeshore” and “riverbank” mean the strip of land bordering a lake or watercourse and having the following width, measured inland and horizontally from the boundary of the littoral zone:

(1) 10 m if the slope is less than 30% or, if the slope is 30% or greater, it has a bank that is not higher than 5 m;

(2) 15 m if the slope is 30% or greater and is continuous or it has a bank higher than 5 m; (*rive*)

“littoral zone” means the part of a lake or watercourse that extends from the boundary separating it from the lakeshore or riverbank towards the centre of the water body; (*littoral*)

“low-velocity flood zone” means the part of the flood zone, beyond the boundaries of the high-velocity zone, associated with a 100 year flood recurrence; flooded land is considered to be such a zone; (*zone inondable de faible courant*)

“Minister” means the Minister responsible for the administration of the Environment Quality Act (chapter Q-2); (*ministre*)

“professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any person authorized by a professional order to perform an activity reserved for members of the order is also considered to be a professional; (*professionnel*);

“public body” means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*);

“public road” means a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2); (*voie public*)

“rut” means a track on the surface of the ground measuring at least 4 m in length and created by the wheels or crawlers of a motorized or non-motorized machine; on organic soil, a rut is considered to be the torn plant cover and on mineral soil, a track having a depth of more than 200 mm measured from the litter surface is considered to be a rut; (*ornière*)

“sewer system” means any works used to collect, store, transport or treat wastewater, in whole or in part of domestic origin, before being discharged into the environment, with the exception of

(1) a sewer line serving a single building, connected to a sewer system, located within the property line for the building;

(2) a storm water management system to collect wastewater of domestic origin from an overflow, or treated wastewater; and

(3) equipment or a device to treat water, other than wastewater of domestic origin, that is not operated by a municipality; (*système d'égoût*)

“storm water management system” means any man-made works used to collect, store, transport or treat storm water, including a ditch, with the exception of

(1) a sewer system;

(2) a line serving a single building, connected to a storm water management system, located within the property line for the building;

(3) equipment or a device to treat water other than storm water; and

(4) a watercourse; (*système de gestion des eaux pluviales*)

“watercourse” means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, showing signs

or traces of waterflow, including the St. Lawrence River, the estuary and the Gulf of St. Lawrence and all the seas surrounding Québec, excluding a ditch; (*cours d'eau*)

“waterworks system” means a mains, a system of mains or a facility or equipment used to treat, store or supply water intended for human consumption, with the exception of,

(1) in the case of a building connected to a waterworks system, a mains or any other equipment serving the building and that is located within the property line for the building; and

(2) in the case where more than one building belonging to the same owner is served by a system also belonging to the owner, a mains or any other equipment located within the buildings; (*système d'aqueduc*)

“wetland” means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species, such as a pond, marsh, swamp or peatland. (*milieu humide*)

Despite the first paragraph, the following works are not considered to be a body of water, a lake or a watercourse:

(1) flood protection works;

(2) the following man-made works:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(c) a water retention body containing water pumped from a quarry or a sand pit, if the quarry or sand pit has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(f) a basin reserved for fire-fighting purposes;

(g) a basin the bottom of which was created using artificial materials and is used for recreational purposes such as bathing, games and sports.

For the purposes of subparagraph 2 of the second paragraph,

(1) the works must be situated on land, in a flood zone or a long-term channel migration zone, excluding the littoral zone, a lakeshore and riverbank, a short-term channel migration zone and a wetland;

(2) the works must still be in use or, if not in use, must have remained unused for less than 10 years;

(3) a water environment resulting from work under a program to restore and create wetlands and bodies of water developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or under the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be man-made works; and

(4) a wetland or body of water into which storm water is discharged cannot be considered to be a water management or treatment facility.

6. The flood zones, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, are grouped into the following 4 classes of flood hazard intensity that reflect in particular the likelihood of occurrence and the above-ground flood depth during flood periods:

(1) very high flood hazard zones;

(2) high flood hazard zones;

(3) moderate flood hazard zones;

(4) low flood hazard zones.

7. The channel migration zones, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, are grouped into the following 2 classes of channel migration hazard intensity that reflect in particular the erosion rate and meander cutoff:

(1) short-term channel migration zones;

(2) long-term channel migration zones.

8. Unless otherwise provided, for the purposes of this Regulation,

(1) a provision of this Regulation that applies to a body of water also applies to any wetland present in the body of water;

(2) a reference to a flood zone excludes the littoral zone, a lakeshore, a riverbank and a channel migration zone present in the flood zone;

(3) a reference to a channel migration zone excludes the littoral zone, a lakeshore, a riverbank and a flood zone present in the channel migration zone;

(4) an ice jam flood zone is considered to be a very high flood hazard zone;

(5) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, if applicable, the planned footing under a structure;

(6) for a watercourse or a lake, a distance is calculated horizontally from the boundary of the littoral zone;

(7) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(8) management of vegetation consists in cutting, pruning, removing, planting and seeding vegetation but excludes cultivation of non-aquatic plants and mushrooms, and forest development activities;

(9) construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(10) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(11) relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(12) maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment; work on less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(13) substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an enlargement, extension or prolongation;

(14) dismantling or demolition consists in work that involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(15) an adaptation measure taken with regard to an infrastructure, works, building or equipment consists in an intervention to improve flood resilience and to reduce its vulnerability and that of persons and other property; its primary purpose is to minimize or forestall submersion, prevent water from entering a building or allow water to enter in a controlled manner;

(16) a protection objective is the desired level of safety established in Schedule III for the crest of works or in the case of a building, for the ground-level floor;

(17) stabilization works are works to increase the mechanical resistance of the soil or an infrastructure so as protect against erosion and landslides;

(18) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, bridge, culvert or any other works enabling access to or the crossing of a lake or watercourse; subject to those exceptions, the following are considered to be a road:

(a) a trail that is not laid out as part of a forest development activity and any other works permitting travel, such as cycle paths;

(b) an infrastructure or works permitting travel to access a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway;

(19) an infrastructure, works, building or equipment is considered to be temporary if it is put in place for a maximum period of 3 years;

(20) every building other than a residential building or a building accessory to a residential building is considered to be a non-residential building;

(21) a building is considered to be a residential building if it includes at least one part used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists;

(22) works or buildings accessory to a residential building consist in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(23) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area;

(24) extension of a building consists in side extensions to the building and any extension above and below ground, with or without further encroachment on the ground;

(25) land described in a lease granted under the Act respecting the lands in the domain of the State (chapter T-8.1) is considered to be a lot; and

(26) a regional county municipality whose territory includes an unorganized territory is considered to be a local municipality with respect to that territory.

9. For the purposes of this Regulation, with the necessary modifications, every local municipality whose territory is not included in the territory of a regional county municipality is considered to be a regional county municipality.

Despite the foregoing, if the territory of a local municipality referred to in the first paragraph is included in the territory of an urban agglomeration within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the functions allocated by this Chapter to a regional county municipality are urban agglomeration powers.

DIVISION III MUNICIPAL PERMIT

10. This Regulation provides among other things that a permit must be obtained from a local municipality before certain activities may be carried out in a body of water or on flood protection works situated in the territory of the municipality.

A provision in this Regulation creating such a requirement does not apply to

(1) activities carried out by a municipality, a government department or a public body;

(2) activities eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); or

(3) activities that require authorization pursuant to section 22 or 31.5 of the Act or an amendment to the authorization pursuant to section 30 of the Act.

11. A local municipality may revoke a permit it has issued under this Regulation for the reason that its holder does not comply with a provision of the permit or this Regulation, provided the authorized activity has not been fully completed. The municipality nonetheless remains responsible for applying the penalties applicable under Division II of Chapter V for non-compliance with the provision.

12. The holder of a permit issued under this Regulation is required to ensure that the permit activity carried out complies with all other laws, regulations or by-laws, in particular by obtaining all required authorizations.

13. The holder of a permit issued under this Regulation must begin the permit activity within 2 years after the issue of the permit or, as applicable, within any other time set in the permit. That failing, the permit is automatically cancelled.

14. If construction of a residential building or its accessory works and buildings requiring a municipal permit under this Regulation also takes place in a wetland, the relevant local municipality may authorize the activity only if

(1) authorization from the Minister has been obtained for the construction pursuant to subparagraph 4 of the first paragraph of section 22 of the Act;

(2) the construction is covered by a declaration of compliance in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); or

(3) the construction is exempted from authorization under that Regulation.

15. In addition to any document required by the local municipality, a permit application made under this Regulation must contain the following information and documents:

(1) the name and contact information of the person wishing to carry out the activity and that of the person's representative, if any;

(2) the cadastral designation of the lot on which the activity will be carried out or, if there is no cadastral designation, the most precise identification of the place where the activity will be carried out;

(3) the location of the planned activity, including the boundaries of the bodies of water on the activity site, the areas of land affected by the activity as well as the precise location on the flood protection works and any related encroachments;

(4) identification of any flood protection works involved;

(5) a detailed description of the planned activity;

(6) if the activity consists in construction of a building, its type, whether residential or non-residential and, if the building is of both types, a description showing how each type is divided;

(7) a declaration by the person wishing to carry out the activity or the person's representative stating that the conditions applying to the activity under this Regulation will be complied with while the work is being carried out;

(8) an attestation by the person wishing to carry out the activity or the person's representative that all the information and documents provided are accurate and complete.

If the work consists in demolition or dismantling of an infrastructure, works, building or equipment, the boundaries of the bodies of water required under subparagraph 3 of the first paragraph are not necessary to support the application.

CHAPTER II BODY OF WATER

DIVISION I GENERAL

16. This Chapter applies to activities carried out in a body of water.

DIVISION II STANDARDS APPLICABLE TO ACTIVITIES CARRIED OUT IN A BODY OF WATER

§1. *General*

17. This Division applies to activities carried out in a body of water, irrespective of whether a municipal permit is required.

§2. *Management of vegetation*

18. Management of vegetation, other than planting vegetation, in a littoral zone or on a lakeshore or riverbank is possible only in the following cases:

(1) it is essential to site restoration required under this Regulation;

(2) it is essential for the carrying out of an activity requiring a permit under this Regulation;

(3) it is essential for the carrying out of an activity requiring authorization pursuant to section 22 of the Act;

(4) it is essential for the carrying out of an activity requiring a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or that is exempted from authorization under that Regulation.

For the purposes of subparagraph 2 of the first paragraph, management of vegetation required in a body of water for the carrying out of an activity requiring a permit under this Regulation cannot be undertaken before the permit is issued.

19. Landscaping work associated with a residential building and carried out in a body of water must comply with the following conditions:

(1) the work must be carried out outside a littoral zone;

(2) the work must be carried out outside a wetland, except if the work is associated with a building referred to in subparagraph 2 of the first paragraph of section 345 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) on a lakeshore or riverbank, the work must be carried out without tree clearing and over an area that does not exceed 20 m²;

(4) in a flood zone, the work must be carried out over an area that does not exceed 20 m² and any backfill does not exceed 15 cm in height.

For the purposes of subparagraph 4 of the first paragraph, the reference to a flood zone includes a lakeshore and a riverbank.

20. Seeding and planting of invasive exotic plant species is prohibited.

§3. *Motorized vehicle travel*

21. Races, rallies and other motorized vehicle competitions are prohibited in a littoral zone, on a lakeshore or riverbank and in a short-term channel migration zone.

22. The operation of motorized vehicles in a littoral zone, on a lakeshore or riverbank and in a short-term channel migration zone is permitted only in the following cases:

(1) off-road vehicles in winter where so permitted by the load-bearing capacity of the ground, in such manner as to not create ruts;

(2) on a road or crossing works;

(3) the operation is required for a lawful hunting, fishing or trapping activity;

(4) the operation is required to access a property;

(5) the operation is required to carry out work authorized by this Regulation that complies with the conditions in section 69;

(6) the operation is required to carry out work other than the work referred to in paragraph 5.

§4. Infrastructures, works and equipment

23. The siting in a body of water of an underground parking garage associated with a residential building is prohibited.

§5. Buildings and accessory works and buildings

24. The following is prohibited in a littoral zone:

(1) construction of a residential building and its accessory works and buildings;

(2) change of use of a non-residential building to a residential building.

25. The following is prohibited on a lakeshore and riverbank:

(1) the siting of a residential building and its accessory works and buildings;

(2) reconstruction of a residential building and its accessory works and buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building.

26. Construction in a flood zone of a residential building on backfilled land is prohibited without the necessary authorizations being obtained.

27. The following is prohibited in a very high flood hazard zone:

(1) the siting of a residential building and its accessory buildings;

(2) reconstruction of a residential building and its accessory buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

28. The following is prohibited in a high or moderate flood hazard zone:

(1) the siting of a residential building;

(2) reconstruction of a residential building not required because of damage sustained;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

29. The following is prohibited in a high-velocity flood zone:

(1) the siting of a residential building;

(2) reconstruction of a residential building, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

30. The following is prohibited in a short-term channel migration zone:

(1) the siting of a residential building and its accessory works and buildings;

(2) reconstruction of a residential building and its accessory works and buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

31. Maintenance of an infrastructure, works, building or equipment in a body of water when the work requires a municipal permit under Division II of this Chapter must comply with the following conditions:

(1) excavation and backfill work must be limited to what is necessary to maintain the building in its original state;

(2) the work must be carried out with no waterweed cutting;

(3) the work cannot involve construction of a temporary works requiring excavation or backfill work in the littoral zone or, if such work is involved, the construction is covered by a declaration of compliance in accordance with section 337 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) the management of vegetation required takes place only in the immediate periphery of the building.

32. The erection of a fence associated with a residential building is prohibited in an ice jam flood zone, including in any body of water present.

33. Despite any contrary provision in this Division, work to upgrade a residential building to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is not prohibited.

34. Despite any contrary provision, reconstruction of a residential building that has sustained damage caused by a flood, submersion or watercourse channel migration is prohibited if the value of the damage represents less than 50% of the new build cost, excluding costs relating to accessory works and buildings and siting improvements.

The first paragraph does not apply in a long-term channel migration zone, a low flood hazard zone and a low-velocity flood zone.

35. Despite section 8, if the value of the damage represents more than 50% of the new build cost, excluding costs relating to accessory works and buildings and siting improvements, the repair or refurbishing work is considered to be reconstruction work.

The first paragraph does not apply in a long-term channel migration zone, a low flood hazard zone and a low-velocity flood zone.

36. For the purposes of sections 34 and 35, the new build cost is established as provided in Part 3E of the Manuel d'évaluation foncière du Québec and is adjusted on 1 July of the year preceding the year in which the building was affected by flooding or watercourse channel migration.

DIVISION III MUNICIPAL PERMIT

§1. Permit requirement

37. No person may, in a body of water, carry out an activity to which this Division applies without first obtaining a permit from the relevant local municipality.

Such a permit is issued if the conditions specific to each activity and those applicable under Division IV of this Chapter are complied with.

No permit may be issued if the activity is prohibited under Division II of this Chapter.

38. Creation of visual openings in a littoral zone or on a lakeshore or riverbank requires a municipal permit.

39. Construction of a road in a body of water requires a municipal permit and must comply with the following conditions:

(1) the road surface must not be impervious;

(2) the total cumulative width of the roadway and shoulders cannot exceed 6.5 m;

(3) the width of the right of way for the road cannot exceed

(a) 20 m in the case of a temporary road; and

(b) 10 m in other cases;

(4) for the laying out or extension of a road in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,

(a) the road must have a water crossing works; and

(b) the sole purpose of the road must be to cross the body of water, except for a temporary road necessary for an activity that requires authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, is eligible for a declaration of compliance or is exempted under this Chapter.

If the construction of a road is incidental to a forest development activity,

(1) the condition in subparagraph 2 of the first paragraph does not apply to work carried out on a lakeshore or riverbank or in a flood zone; and

(2) the conditions in subparagraph 3 of the first paragraph do not apply, but if the right of way of the road is situated on a lakeshore or riverbank, it cannot exceed 15 m in width.

For a temporary road referred to in subparagraph 4 of the first paragraph, the work cannot begin before the Minister has issued authorization or the declaration of compliance has been filed, as applicable.

40. The dismantling of a road referred to in section 39 requires a municipal permit.

41. Construction and dismantling of a residential access requires a municipal permit.

42. Construction of a culvert in a littoral zone requires a municipal permit and must comply with the following conditions:

(1) the total opening of the culvert must be greater than 1.2 m but not exceed 4.5 m;

(2) the culvert must have only one pipe;

(3) the culvert must be covered by fill not more than 3 m thick;

(4) work involving a watercourse must not result in alteration of the natural watercourse alignment;

(5) the purpose of the culvert must not be to have water flow into a ditch.

43. The dismantling of a culvert referred to in section 42 requires a municipal permit.

44. Stabilization work carried out in a body of water other than a channel migration zone requires a municipal permit and must comply with the following conditions:

(1) for construction of stabilization works other than a retaining wall,

(a) if phytotechnology is used, the construction cannot extend over a distance of 100 m; and

(b) if inert materials are used,

i. in the case of work for a lake, the construction cannot extend over a distance exceeding 30 m; and

ii. in the case of work for a watercourse, the construction cannot exceed a length of 30 m or 5 times the width of the watercourse, whichever is more restrictive;

(2) if the work is for a culvert retaining wall, the wall cannot exceed a length of 9 m.

For the purposes of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the lengths determined in that paragraph. Stabilization works situated less than 2 m from each other are considered to be joined.

For the purposes of this section, a reference to a channel migration zone includes any body of water present.

45. The dismantling of stabilization works or a retaining wall referred to in section 44 requires a municipal permit.

46. Construction in a body of water of a waterworks system, sewer system or storm water management system requires a municipal permit and must comply with the following conditions:

(1) the work must be on the underground components of the systems or the following components:

(a) a ditch;

(b) a green water management infrastructure connected to one of the systems;

(c) a fire hydrant;

(d) an outflow;

(2) work carried out in the littoral zone must be for the sole purpose of discharging water into the area;

(3) work carried out on a lakeshore or riverbank or in a short-term channel migration zone must be for the sole purpose of crossing the area or discharging water into the area;

(4) if the system has a pipe, the invert of the outlet pipe must be at least 30 cm above the deepest part of the bed of the watercourse or lake.

Work referred to in the first paragraph carried out in connection with cultivating non-aquatic plants and mushrooms does not require a municipal permit.

For the purposes of this section, a reference to a system does not include the treatment facility.

47. The dismantling of a waterworks system, sewer system or storm water management system referred to in section 46 requires a municipal permit.

48. The laying out or dismantling of an access to the littoral zone in a body of water requires a municipal permit.

49. Construction of a structure, other than a building, that is anchored, on piles or wheels and floats on or extends into water, such as a quay or boat shelter, requires a municipal permit if the total encroachment area of the structures in a littoral zone or on a lakeshore or riverbank, including any structures already present on the lot, does not exceed 30 m², excluding the anchor points.

50. The laying out or dismantling of a fording site not exceeding a width of 10 m, if it is connected to a road, requires a municipal permit.

51. Construction of a structure enabling water to be crossed or access to an infrastructure, works, building or equipment in the littoral zone requires a municipal permit and must comply with the following conditions:

- (1) the construction must be carried out with no support in the littoral zone;
- (2) the structure cannot exceed 5 m in width.

52. The dismantling of a crossing structure referred to in section 51 requires a municipal permit.

53. Construction of a residential building and its accessory works and buildings on a lakeshore or riverbank or in a flood zone or a channel migration zone requires a municipal permit.

54. Construction of a non-residential building in a long-term channel migration zone or a flood zone requires a municipal permit and must comply with the following conditions:

- (1) the construction cannot involve excavation, including for foundations or to bury equipment, mains or wires;
- (2) the surface area of the building on the lot cannot exceed
 - (a) 40 m² if the work is carried out on a livestock-raising site, spreading site, commercial fishing pond or aquaculture site; or
 - (b) 30 m² in other cases.

For the purposes of subparagraph 2 of the first paragraph, the surface area of the building includes the surface area of existing buildings in the zone.

55. Demolition in a body of water of a non-residential building referred to in section 54 as well as of a residential building and its accessory works and buildings requires a municipal permit.

56. A change of use of a non-residential building to a residential building requires a municipal permit if the building is situated

- (1) on a lakeshore or riverbank;
- (2) in a long-term channel migration zone;
- (3) in a low flood hazard zone; or
- (4) in a low-velocity flood zone.

57. Construction in a body of water of mains or any other equipment serving a residential building and its accessory buildings, connected to a waterworks system, sewer system or storm water management system and situated within the property line of the building, requires a municipal permit.

58. Construction of a backfill embankment to flood-proof a residential building already present in the body of water requires a municipal permit.

59. Any activity that may be carried out in connection with a management plan implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act requires a municipal permit.

§2. *Content of an application*

60. In addition to the general content prescribed by section 15, a permit application under this Chapter must contain all information or documents required by the local municipality as well as the following information and documents:

- (1) if the application is for construction of a residential building or its accessory works and buildings in a body of water also situated in a flood zone or channel migration zone and the work requires authorization from the Minister pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, or is eligible for a declaration of conformity under the Regulation respecting the regulatory scheme applying to activities on the basis

of their environmental impact (chapter Q-2, r. 17.1), the authorization issued by the Minister pursuant to the Act or the declaration of compliance filed in accordance with that Regulation, as applicable.

(2) if the application is for construction in a flood zone of a residential building whose structure or any part of the structure is situated below the protection objective applicable under Schedule III, a notice signed by a professional showing that the building will be able to resist a 350 year flood once the work has been completed;

(3) if the construction is for an existing residential building for which the adaptation measures set out in sections 101 and 102 cannot be complied with, a notice signed by a professional attesting that a backfill embankment to flood proof the building is an appropriate adaptation measure to replace the measures that cannot be applied and that the following conditions will be complied with:

(a) the presence of backfill will not increase the exposure to flooding for the buildings, works or infrastructures likely to be affected by the presence of the backfill embankment;

(b) the backfill embankment ensures only the immediate protection of the building and does not extend to the entire lot on which the building is situated;

(c) the height of the backfill embankment does not exceed the applicable protection objective;

(4) if the application is for substantial modification or relocation of a building present in a flood zone on (*insert the date of coming into force of this Regulation*), an assessment of the vulnerability of persons and property exposed to floods, which must consider

(a) the exposure of the lot and building to the flood hazard;

(b) the interior layout of the building and the location of rooms used as living spaces by the owner, as applicable;

(c) the location of equipment, structure, foundations and openings;

(d) the materials likely to be affected by flooding;

(e) the infrastructures, works, buildings and equipment present on the lot likely to be vulnerable to flooding or to render exposed persons and property more vulnerable to flooding; and

(f) the means put in place to prevent and prepare for flood risks;

(5) if the application is for relocation of a residential building in an ice jam flood zone, a notice signed by a person qualified in the field attesting that the relocation does not increase exposure to ice;

(6) if the application is for reconstruction because of flood damage sustained, or for relocation or substantial modification of a building referred to in the first paragraph of section 100, in a flood zone or a channel migration zone,

(a) a notice signed by a professional showing that the work ensures the safety of persons and property, in particular by the implementation of adaptation measures; and

(b) if the adaptation measures set out in sections 101 and 102 affect the heritage interest of the immovable, a notice signed by a professional showing that the measures affect that interest and that the measures proposed by the applicant offer equivalent protection for persons and property;

(7) if the application is for a building that has sustained damage caused by a flood, submersion or watercourse channel migration, a notice indicating the value of the damage;

(8) if the application is for underground siting, construction, reconstruction or extension of a residential building in a channel migration zone, a notice signed by a person qualified in the field,

(a) describing the hydrogeomorphologic characteristics of the sector; and

(b) characterizing the vulnerability of persons and property to the migration;

(9) if the application is for construction of embankment stabilization works, including rockfill with inert materials, a notice signed by a person qualified in the field showing that the proposed stabilization method is the technique most likely to reflect the natural character of the site, while ensuring the safety of persons and property;

(10) if the application is for the laying out or extension of a temporary road necessary to an activity requiring authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act or that is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, a copy of the authorization issued under the Act or the declaration of compliance filed under that Regulation, as applicable.

DIVISION IV
CONDITIONS APPLICABLE TO THE CARRYING
OUT OF ACTIVITIES REQUIRING A MUNICIPAL
PERMIT

§1. General

61. This Division applies only to activities requiring a municipal permit under Division II of this Chapter.

62. Work carried out in a body of water must comply with the following conditions:

- (1) materials appropriate to the site must be used;
- (2) measures to control erosion, sediments and suspended matter must be put in place.

§2. Site restoration and management of vegetation

63. On completion of an activity requiring a municipal permit carried out in a body of water, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site;

(2) embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the site;

(3) the site must be restored within the year following completion of the activity, including, as applicable,

- (a) soil restoration; and
- (b) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except
 - i. during sample taking, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements, as regards the tree stratum; and
 - ii. if the revegetation jeopardizes the stability or safety of works, as regards the tree and shrub stratum;

(4) all stabilization works must be vegetated, except in areas where it is impossible for vegetation to grow or vegetation jeopardizes the stability or safety of works.

For the purposes of subparagraphs 1 and 3 of the first paragraph, works and materials in the ground such as pilings or anchors may be left in place, except the foundations of a building situated on a lakeshore or riverbank or in a short-term channel migration zone.

64. If soil restoration is required under section 63, it must comply with the following conditions:

(1) it must be carried out with the excavated materials or, if that is not possible, with substitute materials of the same nature as the original substrate;

(2) the organic part of the soil must be returned to the surface of the soil profile;

(3) all debris and other residual materials must be removed, unless consisting of wood waste present outside the littoral zone;

(4) the original drainage conditions must be restored or equivalent drainage conditions put in place;

(5) the restoration must be carried out as far as possible with the original topography of the site being preserved.

65. If revegetation is required under section 63, it must comply with the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected, adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

66. Management of vegetation in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone must be undertaken without stump removal, unless the nature of the work entails such removal.

67. A visual opening may be created only by the pruning of vegetation and may not exceed a width greater than 10% of the total length of the lakeshore or riverbank situated on the lot concerned, including existing visual openings on the lot.

§3. Excavation and backfilling

68. No excavation or backfilling may be carried out in a body of water.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from activities described in the second paragraph may create temporary encroachments in bodies of water if carried out in the footing of the works or in the immediate work zone.

At the end of all activity, spoil and excess materials must be disposed of outside the bodies of water and managed so as to forestall sediment movement towards the bodies of water, except for any other spoil and materials covered by a contrary provision of this Regulation.

§4. Operation and use of vehicles and machinery

69. The operation of vehicles and machinery in a body of water is permitted on the following conditions:

(1) in the littoral zone, the vehicles or machinery operate only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operation is necessary for

- (1) construction of temporary works;
- (2) making preliminary technical surveys;
- (3) taking samples; or
- (4) taking measurements.

70. Refuelling and maintenance of vehicles or machinery in a body of water must comply with the following conditions:

(1) in a littoral zone, the work must be carried out only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage, or with a spillage prevention device.

71. In the absence of a fording site or works enabling a watercourse to be crossed, a vehicle or machinery may be operated in the littoral zone of a watercourse for only one back-and-forth crossing, provided the crossing point chosen minimizes the impacts on the watercourse.

§5. Dewatering and narrowing of a watercourse

72. The dewatering or temporary narrowing of the littoral zone of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

Dewatering or narrowing work may in no case last for more than 30 consecutive days and, in addition to the condition in the first paragraph, must comply with the following conditions:

(1) in the case of work lasting for not more than 10 days, the dewatering or narrowing may be total if the watercourse is less than 5 m in width and the water is redirected in its entirety to the watercourse downstream of the work;

(2) in other cases, the dewatering or narrowing cannot exceed one-third of the width of the watercourse.

73. Dewatering or narrowing work in the littoral zone of a watercourse must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the littoral zone;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

74. All works used for dewatering or narrowing the littoral zone of a watercourse must be dismantled first by removing the materials situated inside the dewatered area and then advancing from the area downstream of the works towards the upstream area.

§6. Infrastructures, works and equipment

75. The laying out in a body of water of an access to the littoral zone must comply with the following conditions:

(1) the work must be carried out using one or more of the following means:

- (a) management of vegetation;
- (b) construction of stairs or a walkway on piles;
- (c) construction of a slab or stone pathway;

(2) the access to the littoral zone cannot be wider than 5 m;

(3) if an access to the littoral zone already exists on the lot, the work cannot result in the addition of another access to the littoral zone on the same lot;

(4) the work must be carried out in such a manner as to forestall sediment movement into the lake or watercourse.

76. Installation of a culvert in a body of water must not result in the water level of a watercourse or lake being raised or lowered compared to its initial state.

77. Construction of permanent works or installation of permanent equipment in the littoral zone of a watercourse must not cause the watercourse to be widened beyond the boundary of the littoral zone, unless the purpose of the construction or installation is to restore the natural width of the watercourse or to reduce the embankment slope.

The littoral zone of a watercourse may not be permanently narrowed by more than 20% of its width or, as applicable, by a width greater than the narrowing resulting from works or equipment present in the watercourse at that location, if the narrowing is already greater than 20% of the watercourse width.

The littoral zone of a watercourse may not be permanently narrowed to less than the level of the bankfull discharge.

This section does not apply to culvert lining and sleeving.

78. A waterworks system or sewer system may be sited or extended in a flood zone only in the following cases:

(1) the system is intended to serve an infrastructure or a building that

(a) was constructed in the flood zone before 23 June 2021; or

(b) is not prohibited in a flood zone where the construction work is to take place;

(2) the system is intended to serve an infrastructure, a building or a sector outside a flood zone and it is not possible to avoid crossing a flood zone to connect it;

(3) the work relates to a public road.

The first paragraph also applies in a short-term channel migration zone, with the necessary modifications.

For the purposes of this section, a reference to a flood zone or channel migration zone includes any body of water present.

79. Construction in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone of mains or any other equipment serving a residential

building and its accessory buildings, connected to a waterworks system, sewer system or storm water management system and situated within the property line of the building may take place only if either of the following conditions is met:

(1) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on one of those areas; or

(2) the sole purpose of the work is to cross the area or to discharge water into the area.

80. Storage, including temporary storage, of a structure or equipment in a body of water must take place without tree clearing.

81. Stabilization works in a flood zone must not result in an increase in the ground level.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

82. Work to flood-proof a residential building, its accessory works and buildings or a non-residential building by erecting a low wall or backfill embankment is prohibited.

The prohibition under the first paragraph regarding the erection of a backfill embankment does not apply if the work is carried out in a flood zone to flood-proof a residential building already present in the body of water, the adaptation measures set out in sections 101 and 102 cannot be complied with and the erection of a backfill embankment is a measure considered to be appropriate by a professional qualified in the field. In that case, the backfill embankment must comply with the protection objective applicable.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

83. The laying out of a road in a flood zone must comply with the following conditions:

(1) it must meet the protection objective applicable;

(2) if the road does not respect the original topography of the site, culverts must be installed to allow water to flow freely.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

84. Construction of a residential access in a body of water must comply with the following conditions:

- (1) the access must not have an impervious surface;
- (2) the access cannot be wider than 6.5 m;
- (3) if the access is situated in a flood zone and is used to evacuate the occupants of a building, it must meet the protection objective applicable;
- (4) if the access is not used to evacuate the occupants of a building, the work must respect the original topography of the site to the extent possible;
- (5) for siting or extension in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,
 - (a) the access must include a crossing works; and
 - (b) the sole purpose of the access is to cross the area;
- (6) for siting in a low flood hazard zone of a residential access in connection with construction of a building in such a zone, the access must not be a reverse slope access.

For the purposes of this section, a reference to a flood zone includes any body of water present.

85. The laying out of a parking area must comply with the following conditions:

- (1) the parking area must not have an impervious surface;
- (2) the parking area cannot be underground;
- (3) if laid out in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,
 - (a) it is necessary for the carrying out of another activity; or
 - (b) it is temporary.

For the purposes of subparagraph *a* of subparagraph 3 of the first paragraph, if the other activity for which the parking area is necessary requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the parking area cannot be laid out before that authorization from the Minister has been obtained or the declaration of compliance has been filed, as applicable.

§7. Non-residential buildings and residential buildings and their accessory works and buildings

86. On a lakeshore or riverbank, relocation, reconstruction and substantial modification of a residential building and its accessory works and buildings must comply with the following conditions:

- (1) the work must not move the residential building and its accessory works and buildings closer to the littoral zone;
- (2) except if the initial encroachment does not allow for it, a vegetation strip at least 5 m in width, measured from the boundary of the littoral zone, must be preserved in a natural or restored state so as to re-establish at least 2 strata of herbaceous, arbustive or arborescent vegetation;
- (3) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a lakeshore or riverbank;
- (4) for work involving reconstruction of a residential building and its accessory works and buildings, it is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;
- (5) for work involving substantial modification of a residential building,

(a) it does not create further encroachment on the lakeshore or riverbank; and

(b) it does not involve extension below ground or the addition of a structure attached to the building such as a deck or balcony;

(6) for work involving a residential building's accessory works or buildings, the following conditions must be complied with:

(a) for a reconstruction, the total encroachment area on the lakeshore or riverbank of the accessory works or buildings, including existing works and buildings, cannot exceed 30 m², or is of an area equal to that of the initial encroachment area of the accessory works or building if that area was 30 m² or less; and

(b) the work does not require backfilling or excavation, other than minor ground leveling.

For the purposes of subparagraph 5 of the first paragraph, if the work is to replace the foundation, the building must be relocated off the lakeshore or riverbank if the space on the lot permits doing so.

The conditions in subparagraph *a* of subparagraph 5 and in subparagraph *a* of subparagraph 6 of the first paragraph do not apply to work to upgrade a residential building, works or buildings accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2), on the following conditions:

(1) the work creates further encroachment in a lakeshore or riverbank that does not exceed 5 m²; and

(2) the work is carried out avoiding to the extent possible any encroachment into a lakeshore or riverbank.

87. When carried out in a very high flood hazard zone, construction of a residential building must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction,

(a) it is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration; and

(b) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a very high hazard flood zone;

(3) for an extension,

(a) it involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(b) it does not entail further encroachment in the zone; and

(c) it does not involve adding a basement or a structure attached to the building such as a deck or balcony;

(4) for a relocation,

(a) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(b) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of this section, a reference to a flood zone includes any body of water present.

88. Work involving works or buildings accessory to a residential building in a very high flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) for relocation, substantial modification or reconstruction because of damage sustained that was not caused by a flood, submersion or watercourse channel migration, the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The condition in subparagraph 1 of the first paragraph does not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

89. Work involving a residential building in a high flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction,

(a) it is carried out because of damage sustained; and

(b) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a high hazard flood zone;

(3) for an extension,

(a) it involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(b) it does not entail further encroachment in the zone; and

(c) it does not involve adding a basement or a structure attached to the building such as a deck or balcony;

(4) for a relocation,

(a) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(b) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

90. Work involving works or buildings accessory to a residential building in a high flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

91. Work involving a residential building in a moderate flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction, the work is carried out because of damage sustained;

(3) for an extension, the work creates an encroachment in the area that cannot exceed 15 m²;

(4) for a relocation,

(a) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(b) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

92. Work involving works or buildings accessory to a residential building in a moderate flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

93. Work involving a residential building in a low flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for siting,

(a) the lot on which the work is to be carried out must

i. be served by a municipal waterworks or sewer system;

ii. if the lot is situated within an urbanization perimeter contained in a land use and development plan, be contiguous to an existing built lot or, in other cases, be situated between 2 existing built lots;

iii. not result from a lot subdivision after 23 June 2021; and

iv. be adjacent to a road existing on 23 June 2021;

(b) green storm water management and runoff infrastructures must be installed on the lot on which the work is to be carried out; and

(c) at least 30% of the area of the lot on which the work is to be carried out must be pervious;

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

94. Work involving works or buildings accessory to a residential building in a low flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

95. Work involving a residential building in a high-velocity flood zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction, the work is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) for an extension,

(a) the work involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(b) the work does not entail further encroachment on the zone; and

(c) the work does not involve adding a basement or a structure attached to the building such as a deck or balcony.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

96. Work involving works or buildings accessory to a residential building in a high-velocity flood zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) if the work involves an accessory building, it is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions set out in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

97. Work involving a residential building in a low-velocity flood zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for the siting of the residential building, the lot on which the work is to be carried out must

(a) be situated within an urbanization perimeter contained in a land use and development plan;

(b) be served by a municipal waterworks and sewer system;

(c) be situated between 2 lots on which a building is already present on 23 June 2021; and

(d) not result from a lot subdivision after 23 June 2021;

(3) for a relocation,

(a) the work must not result in moving the building closer to the littoral zone or channel migration zone, as applicable; and

(b) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

98. Work involving works or buildings accessory to a residential building in a low-velocity flood zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m² in any flood zone, including the encroachment area of existing works and buildings;

(2) if the work involves an accessory building, it is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

99. If carried out in a short-term channel migration zone, relocation, reconstruction and substantial modification of a residential building and its accessory works and buildings must comply with the following conditions:

(1) the work must not move the residential building and its accessory works and buildings closer to the littoral zone;

(2) the work must be carried out only if doing so is not possible elsewhere on the lot without encroaching on a short-term channel migration zone;

(3) for a reconstruction, the work is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(4) work involving substantial modification of a residual building

(a) must not create further encroachment in a short-term channel migration zone; and

(b) does not involve extension below ground or the addition of a structure attached to the building such as a deck or balcony;

(5) if the work involves a residential building's accessory works or buildings, the following conditions must be complied with:

(a) for a reconstruction, the total encroachment area in the short-term channel migration zone of the accessory works or buildings cannot exceed 30 m², or an area equal to that of the initial encroachment area of the accessory works or building if that area was 30 m² or less; and

(b) the work does not require backfilling or excavation, other than minor ground leveling.

For the purposes of subparagraph 5 of the first paragraph, if the work is to replace the foundation, the building must be relocated outside the channel migration zone if the space on the lot permits doing so.

The conditions in subparagraph *a* of subparagraph 4 and in subparagraph *a* of subparagraph 5 of the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2), on the following conditions:

(1) the work creates further encroachment that does not exceed 5 m²; and

(2) the work is carried out avoiding to the extent possible any encroachment in that zone.

100. Despite any contrary provision, reconstruction of a building in a flood zone or channel migration zone required because of flood damage sustained may take place on the following conditions:

(1) the reconstruction involves any of the following immovables:

(a) a recognized or classified heritage immovable, as applicable;

(b) an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002); or

(c) an immovable in an inventory made pursuant to section 120 of the Cultural Heritage Act and that was in the inventory before the date of the flood;

(2) the work has been authorized by the Minister of Culture and Communications or by the competent municipality, as applicable;

(3) a notice signed by a professional shows that the work ensures the safety of persons and property, in particular by adaptation measures being put in place.

Relocation and substantial modification of a building referred to in the first paragraph may take place on the following conditions:

(1) the work does not create further encroachment in a flood zone of an area that exceeds 30 m²;

(2) the work has been authorized by the Minister of Culture and Communications or by the competent municipality, as applicable.

The adaptation measures set out in sections 101 and 102 do not apply to work referred to in the first and second paragraphs if a notice, signed by a professional, shows that the measures affect the heritage interest of the immovable and that the measures proposed offer equivalent protection for persons and property.

For the purposes of the first paragraph, a reference to a flood zone includes any channel migration zone present.

101. The siting, relocation, reconstruction or extension of a residential building in a flood zone must comply with the following adaptation measures, as applicable:

(1) only storage and parking areas may be laid out below the protection objective applicable;

(2) openings such as windows, basement well windows and access doors, located in living quarters and areas that are not resistant or resilient to contact with water, must be situated above the protection objective applicable;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the protection objective applicable, unless the nature of the system makes location below that protection objective mandatory, in which case protection measures must be put in place.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

102. Substantial modification, other than an extension, of a residential building in a flood zone must comply with the following adaptation measures, as applicable:

(1) the ground-level floors must be situated above the protection objective applicable, except if that is impossible, in which case the following conditions must be complied with:

(a) adaptation measures must be put in place;

(b) an emergency exit and a refuge area must be provided for and located above the determined protection objective;

(2) only storage and parking areas may be laid out below the protection objective applicable;

(3) the basement, if finished, must be finished using materials having a good overall resilience performance;

(4) openings such as windows and basement well windows, other than doors, must be situated above the protection objective applicable;

(5) drains and vent ducts must be equipped with check valves;

(6) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the protection objective applicable or protection measures must be put in place.

Good overall resilience performance of materials refers to

(1) the capacity of materials to resist penetration by water;

(2) the capacity of materials to dry and be cleaned; and

(3) the capacity of materials to retain their original size and structural integrity after a flood.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

CHAPTER III FLOOD PROTECTION WORKS

DIVISION I GENERAL

103. This Chapter applies to activities carried out on flood protection works.

DIVISION II STANDARDS APPLICABLE TO ACTIVITIES CARRIED OUT ON FLOOD PROTECTION WORKS

104. This Division applies to activities carried out on flood protection works, irrespective of whether the activities require a municipal permit.

105. The siting and reconstruction on flood protection works of the following works and buildings is prohibited:

(1) a non-residential building referred to in paragraph 2 of section 110, other than an ancillary building necessary for the proper operation of the works;

(2) a residential building and its accessory works and buildings.

106. The following is prohibited on flood protection works:

(1) the addition of a dwelling in a building;

(2) a change of use of a non-residential building to a residential building.

107. Races, rallies and other motorized vehicle competitions are prohibited on flood protection works.

108. The operation of motorized vehicles on flood protection works is permitted only in the following cases:

(1) the vehicle is operated on trails or roads laid out for that purpose;

(2) the vehicle is operated in connection with work being carried out, if the conditions set out in section 123 are complied with.

DIVISION III MUNICIPAL PERMIT

§1. Permit requirement

109. No person may, on flood protection works, carry out an activity to which this Division applies without first obtaining a permit from the relevant local municipality.

Such a permit is issued if the conditions specific to each activity and those applicable under Division IV of this Chapter are complied with.

No permit may be issued if the proposed activity is prohibited under Division II of this Chapter.

110. Substantial modification and relocation of the following works, infrastructures and buildings on flood protection works requires a municipal permit:

(1) a residential building and its accessory works and buildings;

(2) a non-residential building, provided

(a) there is no excavation, including for foundations or to bury equipment, mains or wires; and

(b) the area of the building on the same lot does not exceed 30 m².

111. Construction on flood protection works of the following infrastructures and works requires a municipal permit:

(1) a residential access;

(2) an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway, provided

(a) the infrastructure or works is not impervious;

(b) the infrastructure or works does not exceed 6.5 m in width; and

(c) there is no other means of accessing the building or site.

112. The dismantling and demolition of the following buildings, infrastructures and works when situated on flood protection works requires a municipal permit:

(1) a residential building, its accessory works and buildings and residential accesses;

(2) a non-residential building referred to in paragraph 2 of section 110;

(3) an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway referred to in paragraph 2 of section 111.

113. Maintenance of buildings, infrastructures and works referred to in section 112 requires a municipal permit if the work requires backfill of 30 cm or more.

§2. Content of an application

114. In addition to the general content prescribed by section 15, a permit application under this Chapter must contain, in addition to any information or document required by the local municipality, a technical report signed by an engineer

(1) specifying the measures to put in place so that the work does not jeopardize the safety of the works at the time and after the work is carried out;

(2) if the activity involves construction of works, buildings, infrastructures or equipment, attesting that the construction does not restrict access to the flood protection works nor impedes travel on the works or the carrying out of maintenance and monitoring activities; and

(3) if backfilling and excavating is required, indicating that such work has no impact on the stability and integrity of the works.

DIVISION IV CONDITIONS APPLICABLES WHEN CERTAIN ACTIVITIES ARE CARRIED OUT

§1. General

115. This Division applies to any activity requiring a municipal permit under Division II of this Chapter.

116. No person may carry out work, construction or any other intervention on flood protection works if doing so is likely to compromise the safety of the works.

117. A person carrying out work on flood protection works

(1) must not prevent or impede access to the works;

(2) must not prevent or impede maintenance, inspection and monitoring activities related to the works; and

(3) must, in the event of breakdown or faulty operation affecting the flood protection works, return the works to its original state according to an engineer's specifications to ensure the safety of the works.

118. No excavating or backfilling is permitted on flood protection works.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as construction of an infrastructure, works, a building or equipment. In such a case, the activities must not alter the topography or elevation of the works.

§2. Site restoration and management of vegetation

119. On completion of an activity carried out on flood protection works, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site;

(2) the embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the original conditions of the site;

(3) the site must be restored within the year following completion of the activity, including, as applicable,

(a) soil restoration; and

(b) in the dewatered zone, revegetation of any area that has been stripped of vegetation or soil, except in the following cases:

i. during sample taking, conducting surveys, making technical surveys and taking measurements;

ii. if the revegetation jeopardizes the stability or safety of the works.

120. Soil restoration required pursuant to section 119 must comply with the following conditions:

(1) if water is present, the restoration must make use of the stabilized original substrate;

(2) debris and other residual materials must be removed;

(3) the restoration must respect the original topography of the flood protection works.

121. Revegetation required under this Chapter must comply with the following conditions:

(1) it must use species adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or plant cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

122. Management of vegetation on flood protection works, including revegetation required under this Chapter, cannot involve seeding or planting trees and shrubs.

§3. Operation and use of vehicles and machinery

123. Motorized vehicles required for work on flood protection works may be operated on the following conditions:

(1) the vehicles or machinery operate only in a dewatered or drained area of the works or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operation is necessary for

- (1) construction of temporary works;
- (2) making preliminary technical surveys;
- (3) taking samples; or
- (4) taking measurements.

124. Refuelling and maintenance of vehicles or machinery must comply with the following conditions:

(1) the work must be carried out only in a dewatered or drained area of the works or in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage, or with a spillage prevention device.

§4. Dewatering on flood protection works

125. Temporary dewatering on flood protection works cannot take place more than twice in a 12-month period.

Dewatering works may in no case exceed a period of 30 consecutive days.

126. Dewatering work on flood protection works must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the lake or watercourse;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone and elsewhere than on the flood protection works, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

127. Works used for dewatering on flood protection works must be dismantled by first removing the materials situated inside the dewatered area and then moving from the area downstream of the works towards the area upstream.

§5. Infrastructures, buildings, accessory works and buildings and residential access

128. Substantial modification and relocation, on flood protection works, of a non-residential building referred to in paragraph 2 of section 110 and of a residential building and its accessory works and buildings must comply with the following conditions:

(1) the purpose of the relocation must be to relocate the building or works off the flood protection works or, if that is not possible, to reduce encroachment on the flood protection works as far as it is feasible to do so;

(2) any substantial modification does not create further encroachment on and into the flood protection works;

(3) work involving an extension consists only in relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(4) the work on a residential building and a non-residential building referred to in paragraph 2 of section 110 must comply with the adaptation measures set out in sections 101 and 102 and with the protection objectives applicable under Schedule III.

The conditions in the first paragraph also apply to substantial modification and relocation on flood protection works of a residential access or an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway, with the necessary modifications.

129. The siting and reconstruction on flood protection works of an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or

a site, such as a vehicular entrance or pedestrian walkway, may be carried out only when doing so is not possible elsewhere on the lot without encroaching on the flood protection works.

130. Construction of a residential access must comply with the following conditions:

- (1) the access must not be impervious;
- (2) the access must be no wider than 6.5 m;
- (3) it is not possible for the construction to take place elsewhere on the lot without encroaching on the flood protection works.

CHAPTER IV FLOOD RISK MANAGEMENT PLAN

DIVISION I OBJECTIVES AND CRITERIA

131. A regional county municipality may prepare a flood risk management plan, which is implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affairs, Regions and Land Occupancy pursuant to section 79.17 of that Act, so as to establish a development strategy for all or part of its territory regarding existing flood zones that takes into consideration the territorial particularities and the various activities carried out in the territory, seeks to better manage development of the territory and long-term public safety, and enhances environmental benefits.

132. A flood risk management plan may, to the extent provided in section 137, allow a regional county municipality to authorize the activities referred to in that section in the flood zones whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, despite the activities being prohibited or regulated by conditions or restrictions, including by permitting work to be carried out in certain sectors for the purpose of, as applicable,

(1) their consolidation, namely completing and structuring the existing built framework, such as a residential sector, through coherent interventions compatible with the built framework, with a view to enhancing its physical qualities; and

(2) their reclassification, namely modifying the physical qualities of the existing built framework in a sector in the territory through interventions giving it new uses as a means of reducing the vulnerability of persons and

property to flooding and thereby enabling the sector to be minimally functional in terms of services and infrastructures.

The provisions of this Regulation other than those of section 137, to the extent referred to in that section, continue to apply despite the implementation of a flood risk management plan.

A regional county municipality may also include various activities or measures in its flood risk management plan that form part of its development strategy but are not exclusively regulated by laws, regulations and by-laws under its responsibility. Their implementation remains, however, subject to the applicable Acts and regulations, in particular as regards the prior environmental authorizations required.

133. The flood risk management plan may apply to any flood zone in the territory, with the exception of

- (1) a very high flood hazard zone; and
- (2) any flood zone downstream of flood protection works, a dam or a set of dams influencing the water flow regime in the sector.

If the boundaries of a flood zone in a territory for which a flood risk management plan is applicable are modified and the intensity class of a flood zone in the territory is raised to very high, the activities covered by the plan may no longer be carried out in that zone as of the date of publication of the notice referred to in the fourth paragraph of section 46.0.2.1 of the Act specifying the establishment of the new boundaries. The same applies to a flood zone upstream of a built flood protection works or dam.

134. The measures in a flood risk management plan prepared by a regional county municipality must meet the following criteria:

(1) the activities in the development strategy cannot be sited or carried out totally outside a flood zone;

(2) the choices of measures in the strategic development are justified by benefits for the community that are greater than their impacts on flood-related risks and on the environment;

(3) within an urbanization perimeter, the buildings in the territory covered by the flood risk management plan are served by waterworks and sewer services before the work proposed in the plan may be carried out;

(4) outside an urbanization perimeter, the buildings in the territory covered by the plan have compliant septic and water supply facilities and the facilities are to the greatest extent possible located outside a flood zone;

(5) the measures proposed are consistent with the regional wetlands and bodies of water plan developed pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

(6) the hydraulic implications generated by the activities covered by the flood risk management plan are taken into account and measures are devised so as the flow of water is not affected, taking into particular consideration the topography of the land and its hydrographic characteristics;

(7) access to the sectors in the territory covered by the flood risk management plan in the flood period is assessed and contingency measures are set in place for any inaccessible portions of the territory;

(8) flood prevention and public awareness measures are put in place, such as

(a) establishment of a flood monitoring and forecasting system, including visual flood level markers;

(b) installation of an early warning alert system and efficient communication strategies; and

(c) preparation of an evacuation plan, including designation of a refuge area;

(9) consolidation and reclassification comply with the conditions set out respectively in sections 135 and 136 and are planned on the basis of the following parameters:

(a) in a high flood hazard zone, existing urban sectors may be reclassified;

(b) in a moderate flood hazard zone, existing urban sectors may be reclassified and consolidated;

(c) in a low flood hazard zone, existing urban sectors and campgrounds with services may be reclassified;

(10) if the flood risk management plan provides for consolidating or reclassifying a sector, the regional county municipality must show a reduced vulnerability of persons and property when compared with the prevailing situation;

(11) compliance with the standards established under this Regulation that apply to lakeshores, riverbanks and the littoral sector;

(12) the measures proposed will result in permanent environmental benefits, obtained in particular by

(a) improving water management, for example through the creation of water retention basins, blue or green corridors and green ditches;

(b) reducing soil imperviousness, for example by reducing the width of streets and sidewalks, parking areas and vehicular entrances to a minimum, using pervious materials and creating green ditches;

(c) focusing on the restoration of natural ecosystems and enhancing biodiversity, for example by creating a dedicated biodiversity sector, restoring or creating wetlands and bodies of water and reconstituting the forest cover;

(d) allowing floods to expand so as to reduce the flood hazard intensity, for example by reconnecting bodies of water and creating green buffer zones integrating a variety of plant strata; and

(e) restoring or protecting the natural state of at least 30% of the territory covered.

135. To be included in a flood risk management plan, consolidation must comply with the following conditions:

(1) be implemented in sectors in the territory

(a) where the proportion of built-up lots is equal to or greater than 85%;

(b) that are not exposed to natural constraints other than flood zones;

(c) that do not contain

i. a landfill site;

ii. a site where industrial activities likely to contaminate storm water are carried on;

iii. an outdoor bulk storage site likely to contaminate storm water;

iv. a site where hazardous materials, chemical products or salts are loaded or unloaded;

v. a site where activities to repair or clean heavy vehicles or railway vehicles likely to contaminate storm water are carried on; or

vi. a site where vehicle recycling, long-term storage, crushing and shredding activities are carried on; and

(d) be situated as a priority in an urban perimeter;

(2) it must provide for subdivision of the territory covered by the consolidation if the subdividing has not already occurred;

(3) the projected density of the part of the sector covered by the consolidation must be consistent with or increase the prevailing density and harmonize with the rest of the sector;

(4) reverse slope residential accesses are prohibited;

(5) the siting of a main residential building and transformation of a non-residential building into a main residential building to permanently house vulnerable persons, mobility impaired persons or persons with special needs is prohibited, as is adaptation of a main residential building to permanently house such persons;

(6) if mature trees are present on land covered by the consolidation, they must be preserved, subject to those occupying the area of the building to be built, or if there are no mature trees on the land, at least 2 trees for the first area equal to or less than 250 m² of area must be planted as well as at least 2 trees per 250 m² of additional area;

(7) for non-built-up land,

(a) a minimum 30% pervious surface area must be maintained for an area of land 500 m² to 749 m², and a 50% pervious surface maintained for an area of land greater than 749 m²; and

(b) the siting and reconstruction of buildings on a slope of 30% or greater is prohibited;

(8) the consolidation promotes improved land water management by integrating at least one green management infrastructure for storm water and runoff, such as a green roof, a living wall, a rain garden or a filter strip;

(9) the extension of an existing road is possible in the following cases:

(a) its purpose is to connect 2 existing roads over a maximum distance of 300 m between each;

(b) it involves construction of a turning radius or a manoeuvring area not exceeding 120 m in length.

136. To be included in a flood risk management plan, reclassification must comply with the following conditions:

(1) it must be intended for anthropized sectors, namely sectors for which at least one activity or use has altered the natural functions of the territory or the ground occupancy, particularly through land being cleared or made impervious;

(2) it renders the highest risk infrastructures more resilient, for example by establishing sustainable water management infrastructures or creating spatial freedom for watercourses or wetlands;

(3) it favours land planning that does not obstruct the flow of water, although without creating other issues in neighbouring sectors, for example by constructing buildings parallel to the watercourse or factoring in watercourse freedom;

(4) new or extended public roads must neither hinder the free flow of water nor alter the natural watercourse alignment;

(5) it must provide for subdivision of the territory covered by the reclassification if the subdivision has not already occurred;

(6) the projected density of the part of the sector covered by the reclassification must respect the prevailing density and harmonize with the rest of the sector.

137. A flood risk management plan may permit the following activities:

(1) despite section 28,

(a) the siting or construction of a residential building, in a moderate flood hazard zone;

(b) a change of use of a non-residential building to a residential building, in a high or moderate flood hazard zone; and

(c) addition of a dwelling, in a high or moderate flood hazard zone;

(2) despite the restrictions set out in section 89, extension of a residential building on reclassification of a sector, in a high flood hazard zone.

DIVISION II **EXPERT EVALUATION**

138. With a view to preparation of a flood risk management plan, a regional county municipality must first obtain an expert evaluation from a professional determining the flood risks. The evaluation must contain a characterization of the flood hazard and a vulnerability assessment conducted pursuant to this Division.

The professional must provide the regional county municipality with a copy of all information and documents used in the expert evaluation.

The regional county municipality must send the expert evaluation conducted under this Division to the Minister as soon as it has been completed.

139. For characterization of the flood hazard, the expert evaluation must use the boundaries of the flood zones and channel migration zones established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act for existing watercourses or segments of watercourses in the territory that are covered by the flood risk management plan.

140. To assess the level of human, territorial and environmental vulnerability and the vulnerability related to accessibility to persons and property, the expert evaluation must among other things factor in the following elements and determine their degree of sensitivity and exposure to floods:

(1) the human implications, in particular based on the demographic portrait, for example, according to the number of persons exposed to flooding;

(2) the territorial implications, in particular based on

(a) the number of residential buildings;

(b) the number of each type of public institution, establishment or facility, including health and social service institutions, educational institutions, correctional facilities and tourist establishments, as defined in section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(c) the number of public security establishments, including fire stations and police stations; and

(d) the proportion of each type of building and works providing public services, such as a city hall, municipal garage, grocery store, pharmacy, service station, hardware store, wastewater treatment works and drinking water treatment plant;

(3) the environmental implications, in particular based on

(a) the number of contaminated sites or sites described in subparagraph *c* of paragraph 1 of section 135;

(b) the percentage of anthropogenic areas having generally impervious surfaces such as parking areas and non-vegetated public areas;

(c) the percentage and types of wetlands;

(d) the percentage of protected areas, wildlife and plant habitats and other similar areas under protection; and

(e) the percentage of forest environments;

(4) the implications associated with accessibility, based in particular on

(a) the number of kilometres in the overall road network in the territory likely to be flooded by more than 30 cm of water;

(b) the number and types of buildings, for example residential and non-residential, likely to be isolated because of a flooded portion of the road network;

(c) the number of isolated kilometres in the overall road network in the territory, namely the portions not connected to at least 2 other portions; and

(d) the maximum height of flood water likely to cover the road network.

141. The expert evaluation must determine the level of flood risks, weighing the flood hazard characterization against the assessment of the 4 types of vulnerability referred to in section 140, and must provide the flood-risk evidence for each of those vulnerabilities.

DIVISION III CONTENT OF THE FLOOD RISK MANAGEMENT PLAN

142. A flood risk management plan must contain the following elements:

(1) the territorial boundary, the local municipalities covered by the plan and the classes of flood zones present;

(2) a description of the development strategy specifying, in particular,

(a) the objectives, such as sector consolidation or reclassification, setting out the type of construction or activity that could be authorized according to class of flood zone, and the conditions to apply that will be implemented in the by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1);

(b) a description of the activities included in the development strategy, stating, as applicable, whether they must be authorized by the Minister or by another government authority; and

(c) the flood-risk mitigation measures that will be implemented, such as building adaptation or raising or developing the road network;

(3) the implementation timetable for the development strategy;

(4) a description of the public awareness measures the regional county municipality intends to implement regarding flood risks.

143. The regional county municipality must send the flood risk management plan to the Minister as soon as it has been completed.

DIVISION IV RETENTION OF INFORMATION AND DOCUMENTS

144. The regional county municipality must retain all information and documents serving to prepare the flood risk management plan and used for the expert evaluation, along with the expert evaluation and flood risk management plan, for the entire time the plan is being implemented and thereafter for a minimum period of 10 years following completion of the last activities under the plan.

The information and documents must be provided on request to the Minister within the time the Minister specifies.

DIVISION V REVIEW OF A FLOOD RISK MANAGEMENT PLAN

145. A regional county municipality must review its flood risk management plan at the earliest of

(1) each 10-year period;

(2) the time at which the boundaries of the flood zones in its territory are modified; and

(3) after any flooding, unless the plan was reviewed less than 5 years earlier.

The review must

(1) be based on the boundaries of the flood zones in effect at the time of the review;

(2) be based on an expert evaluation current at the time of the review, including the flood hazard characterization, assessment of the 4 types of vulnerability and the resulting flood-risk evidence;

(3) validate the congruence between the current evidence and the development strategies in the flood risk management plan; and

(4) should there be incongruence or, with a view to improving it, review the development strategy in the flood risk management plan and the measures described in paragraph 12 of section 134.

146. Implementation of every review of a flood risk management plan takes place by the adoption of a by-law pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1), in accordance with section 79.17 of that Act.

DIVISION VI CRITERIA FOR APPROVAL OF A REGIONAL BY-LAW IMPLEMENTING A FLOOD RISK MANAGEMENT PLAN

147. To be approved by the Minister of Municipal Affairs, Regions and Land Occupancy pursuant to section 79.17 of the Act respecting land use planning and development (chapter A-19.1), a by-law adopted pursuant to section 79.1 of that Act to implement a flood risk management plan must meet the following criteria:

(1) it must provide the precise boundaries and a detailed description of the sectors in the regional county municipality's territory that will be covered in the flood risk management plan;

(2) it must meet the criteria set out in section 134 for the flood risk management plan;

(3) it must contain the elements required by section 142 for the flood risk management plan;

(4) it must determine the residential and non-residential uses, constructions and work that may be authorized under the regional by-law and the conditions that are to apply for all the sectors of the territory covered by the flood risk management plan, according to class of flood zone;

(5) it must establish that the necessity of authorizations other than those issued by the municipality for activities to be carried out, if applicable, was taken into consideration for the implementation of the regional by-law;

(6) it must determine the control measures the regional county municipality may use to verify compliance of the activities authorized under the regional by-law;

(7) it must determine the penalties applicable for breach of the regional by-law;

(8) it must determine the situations entailing a review of the regional by-law set out in the first paragraph of section 145.

CHAPTER V REPORTING

148. Every local municipality and every regional county municipality must keep a register of municipal permits issued for activities in bodies of water, specifying for each permit

- (1) the activity authorized;
- (2) the type of body of water where the authorized activity is to take place, including the intensity class, if applicable;
- (3) the surface area, in square metres, of each type of body of water where the authorized activity is to take place;
- (4) the lot number where the activity is carried out;
- (5) the type of building associated with the activity, if applicable;
- (6) what is covered by the work under the development strategy, whether consolidation or reclassification of the sectors in its territory; and
- (7) the flood adaptation measures put in place for the built framework.

If the municipalities are covered by a flood risk management plan implemented by a regional by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act, and permits are issued under that regional by-law, the municipalities must also distinguish the information specified under the first paragraph according to whether the permits were issued under the management plan or not.

The information in the register is public information and must be sent to the Minister on request, within the time and on the terms the Minister specifies. The information must be retained for a period of at least 5 years.

149. Every local municipality required to keep a register under section 148 must, not later than 31 January each year, provide the regional county municipality of which it is a part with the information in its register of authorizations for the preceding year.

150. Based on the information received pursuant to section 149 and the information concerning the permits it has issued, each regional county municipality must, not later than 31 March of each year, post on its website a summary for the preceding year comprising, for each local municipality in its territory and by type of body of water, including the flood zone intensity class, if applicable, the following information:

- (1) the number of permits issued under this Chapter in the territory of each local municipality;
- (2) a list of the various activities authorized;
- (3) the proportion of each type of building associated with the activities;
- (4) the total area in square metres covered by the total of all permits issued, for each type of body of water.

If the regional county municipality is covered by a flood risk management plan implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act, and permits are issued under the regional by-law, the municipality must also distinguish the information specified under the first paragraph according to whether the permits were issued under the management plan or not.

The summary must be posted on the regional county municipality's website for a period of at least 5 years.

CHAPTER VI PENALTIES

DIVISION I MONETARY ADMINISTRATIVE PENALTIES

151. A monetary administrative penalty of \$1,000 may be imposed on a municipality that fails to

- (1) provide information or a document required under this Regulation or comply with the times and terms for providing it;
- (2) retain, for the required time period, the information and documents it is required to prepare or obtain;
- (3) keep the register as provided by section 148; or
- (4) post the summary of authorizations as provided by section 150.

DIVISION II PENAL PROVISIONS

152. A municipality is guilty of an offence and is liable to a fine of \$3,000 to \$600,000 if the municipality

(1) refuses or omits to provide information or a document required under this Regulation or to comply with the times and terms for providing it;

(2) fails to retain, for the required time period, the information and documents it is required to prepare or obtain;

(3) fails to keep the register as provided by section 148; or

(4) fails to post, as provided by section 150, the summary of authorizations referred to in that section.

153. Every person who

(1) contravenes any of sections 12, 19, 31, 62 to 67, 69 to 71, 75, 76, 80, 110, 117 or 119 to 124;

(2) otherwise fails to comply with any standard or condition, restriction, prohibition or requirement relating to a permit issued by a municipality under this Regulation,

is guilty of an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

154. Every person who

(1) makes a false or misleading declaration or provides false or misleading information or documents;

(2) carries out an activity to which sections 36 to 59 apply without first obtaining a permit issued by a municipality under the first paragraph of section 37;

(3) carries out an activity to which sections 110 to 112 apply without first obtaining a permit issued by a municipality under the first paragraph of section 109; or

(4) carries out an activity covered by the flood risk management plan prepared under section 131 without first obtaining a permit issued by a municipality as required by the plan,

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 and, in other cases, to a fine of \$15,000 to \$3,000,000.

155. Every person who contravenes any of sections 18, 21 to 30, 34, 72 to 74, 77 to 102, 105 to 108 or 125 to 129 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 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 and, in other cases, to a fine of \$24,000 to \$3,000,000.

156. Every person who contravenes section 68, 116 or 118 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of three years, or to both the fine and imprisonment and, in other cases, to a fine of \$30,000 to \$6,000,000.

CHAPTER VII TRANSITIONAL AND FINAL

157. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities to which this Regulation applies.

158. A municipal permit issued under 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 deemed to be a permit issued under this Regulation.

159. This Regulation replaces 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).

160. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

SCHEDULE I (Section 5)

BOUNDARY OF THE LITTORAL ZONE

The boundary of the littoral zone is determined based on various factors such as the presence of works or special ecological conditions.

The following methods must be used in the order determined below, according to the cases described:

(1) the eco-geomorphological method must be used for coasts and islands in the following places:

(a) the Gulf of St. Lawrence;

(b) the baie des Chaleurs;

(c) the rivière Saguenay within the boundaries of the Saguenay–St. Lawrence Marine Park;

(d) the portion of the St. Lawrence River downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans;

(2) in the presence of a water retaining structure greater than 1 m in height, the boundary of the littoral zone is situated at the operating level of the hydraulic structure for the part of the body of water upstream from the structure, within its zone of influence;

(3) if the 2 year flood recurrence level has been established under subdivision 2 of Division V.1 of Chapter IV of Title 1 of the Act, the boundary of the littoral zone is determined using that recurrence level;

(4) if plant species are present, the botanical method must be used;

(5) in other cases, the boundary of the littoral zone must be determined by hydraulic modelling of the 2 year flood recurrence level.

The first paragraph does not operate to modify the boundary of the littoral zone of the St. Lawrence River situated in the territory of Municipalité régionale de comté de La Côte-de-Beaupré applicable under the Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré (S.Q. 1999, c. 84).

SCHEDULE II

(Section 5)

FLOOD ZONE WHOSE BOUNDARIES ARE DETERMINED ON ANOTHER BASIS

In the absence of a flood zone established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, the flood zones are those whose boundaries on 25 March 2021 have been established using one of the following means:

(1) a map approved under an agreement on mapping and flood zone protection between the Gouvernement du Québec and the Government of Canada;

(2) a map published by the Gouvernement du Québec;

(3) a map integrated into a land use and development plan or an interim control by-law;

(4) the 20 year or 100 year, or both, flood recurrence levels established by the Gouvernement du Québec;

(5) the 20 year or 100 year, or both, flood recurrence levels referenced in a land use and development plan or an interim control by-law;

(6) any perimeter indicated on a map referred to in Schedule 2 to Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, excluding the territories listed in Schedule 4 to Order in Council 817-2019 dated 12 July 2019.

In the event of a conflict in the application of the various means referred to in subparagraphs 1 to 5 of the first paragraph, the boundaries of a flood zone are established according to the most recent of those means and, secondarily, according to the most recent flood recurrence level.

Despite the first paragraph, the boundaries of flood zones established on a map integrated into a land use and development plan or an interim control by-law between 25 March 2021 and 23 June 2021 are recognized.

SCHEDULE III

(Sections 69, 77, 78)

PROTECTION OBJECTIVES

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SUBDIVISION 2 OF DIVISION VI OF CHAPTER IV OF TITLE 1 OF THE ACT

1. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. It is determined on the basis of the 350 year flood recurrence level established by the Gouvernement du Québec. There are 3 protection levels, shown in the following table.

Protection objectives		
Maximum	Moderate	Minimum
45 cm above the 350 year flood recurrence level	15 cm above the 350 year flood recurrence level	the 350 year flood recurrence level

2. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Residential access	Minimum
Residential building	Maximum
Road	Minimum
Protective backfill embankment	Minimum

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SCHEDULE II

3. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. The objectives are determined on the basis of the 100 year flood recurrence level established using one of the means referred to in subparagraphs 3 and 4 of Schedule II or, if that recurrence level has not been established, it is replaced by the highest level of flood water attained that was used as a reference to establish the flood zone boundary pursuant to Schedule II. There are 2 protection levels, shown in the following table.

Protection objectives		
Maximum	Moderate	Minimum
60 cm above the 100 year flood recurrence level	30 cm above the 100 year flood recurrence level	the 100 year flood recurrence level

4. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Residential access	Minimum
Residential building	Maximum
Road	Minimum
Protective backfill embankment	Minimum

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact

Environment Quality Act (chapter Q-2, s. 22, 1st par., subpar. 10, s. 23, s. 31.0.6, s. 46.0.22, pars. 6 and 12, and s. 95.1, 1st par., subpars. 7, 9, 10, 13 and 21, and 2nd par.)

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

1. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in section 1

(1) by replacing “environmental impact” in the first paragraph by “impact on environment quality, on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species or property”;

(2) by striking out “on the environment” in the third paragraph.

2. Section 2 is revoked.

3. Section 2.1 is amended by striking out “, except the provisions that apply to an activity subject to a municipal authorization under section 6, 7 or 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)”.

4. Section 3 is amended

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

““culvert” means a structure built under embankments that allows water to flow under a road, a railway or similar infrastructure, designed in a way that ensures that its length is based on the width of the infrastructure; (*ponceau*)”;

““flood protection works” means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; it is not considered to be a wetland or body of water within the meaning of section 46.0.2 of the Act, despite the possible presence of water; (*ouvrage de protection contre les inondations*)”;

(2) by adding the following at the end of the definition of “storm water management system”:

“(4) a watercourse;”.

5. Section 4 is amended by replacing paragraph 4 by the following:

“(4) the terms defined by sections 4, 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), which take into account the exclusions in the second paragraph of section 4, must be used;”.

6. The following is inserted after section 15:

“**15.1.** No application for the issue or amendment of an authorization under section 22 or 30 of the Act or under this Regulation for a project involving an activity prohibited by a regulation made under the Act is to be considered for analysis by the Minister.”.

7. Section 24 is amended by replacing “the littoral zone, on a riverbank or lakeshore or in a flood zone” in subparagraph *c* of subparagraph 1 of the first paragraph by “a body of water”.

8. Section 25 is amended by replacing “331” in the second paragraph by “330”.

9. Section 26 is amended

(1) in the first paragraph,

(a) by replacing “qualified in the fields of hydrogeomorphology, hydrology or hydraulics” in subparagraph 5 by “qualified in the fields of hydrogeomorphology”;

(b) by adding the following at the end of the first paragraph:

“(8) in the cases described for in the fourth paragraph, an opinion, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the work site, in particular on flooding and erosion risks.”;

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

“The opinion referred to in subparagraph 8 of the first paragraph is also required in the following cases:

(1) the construction of weirs;

(2) the construction, in a watercourse, of slope stabilization works more than 30 m long using inert materials;

(3) the development of a watercourse that changes the geometry of the watercourse bed over at least 500 m.”.

10. Section 46 is amended in the second paragraph

(1) by inserting “, rail or shared transportation” after “linear” in subparagraph 3;

(2) by striking out “energy-dissipating” in subparagraph 5.

11. Section 51 is amended in the first paragraph

(1) by inserting “or a notice of execution issued pursuant to the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6)” at the end of subparagraph 1;

(2) by inserting the following after subparagraph 2:

“(3) activities carried on in accordance with a statement of offence issued by a municipality pursuant to the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

12. Section 52 is amended by inserting “or on flood protection works” after “body of water” in the portion before paragraph 1.

13. Section 75 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) the burial occurs 10 m or more from a wetland;”.

14. The following Chapter is inserted after section 165:

“CHAPTER XV FLOOD PROTECTION WORKS

DIVISION I GENERAL

165.1. Unless otherwise provided, for the purposes of this Chapter,

(1) a works or a building accessory to a residential building consists in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or a watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(2) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area;

(3) the construction of an infrastructure, works, building or equipment consists in its siting, which includes its conversion, as well as its replacement, reconstruction, substantial modification, relocation and dismantling;

(4) the reconstruction of an infrastructure, works other than flood protection works, building or equipment consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(5) the relocation of a works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(6) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment;

(7) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment, as well as an enlargement, extension or prolongation of the infrastructure, works, building or equipment; in the case of flood protection works, it includes the raising, lowering or shortening of the works;

(8) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition; the demolition of flood protection works is not considered to be dismantling or demolition;

(9) the management of vegetation consists in cutting, pruning, removing, planting and seeding vegetation;

(10) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 30 cm;

(11) the terms defined in section 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*) must be used.

DIVISION II ACTIVITIES REQUIRING AUTHORIZATION

165.2. The construction of flood protection works requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain the following information and documents:

(1) a demonstration that there is no other means of ensuring adequate protection of persons and property;

(2) a demonstration that the work to be carried out is in the public interest, in particular because of the number of persons, infrastructures, buildings or works to be protected;

(3) in the case of the siting of a works, a demonstration that the purpose of the works is to protect a territory in which at least 75% of the lots are occupied by a residential building or a non-residential building at the time of the application;

(4) the plans and specifications of the works;

(5) a technical report signed by the engineer who prepared the plans and specifications, dealing with the following elements:

(a) whether or not the performance standards set out in the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*) have been met;

(b) in the case of a reconstruction, the reasons justifying, if applicable, why the works does not meet the performance standards set out in the Flood Protection Works Regulation, in particular the special site topography and the substitute performance standards proposed with regard to those reasons;

(c) the projected level of protection of the works, actual and apparent;

(d) as regards removable works, their stability, reliability and the possibility of timely use in any season;

(6) a hydraulic and hydrological study, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works, in particular flooding and obstruction risks;

(7) a hydrogeomorphic study, signed by a person with qualifications in the field of hydrogeomorphology, assessing the works' upstream and downstream geomorphological impact, in particular erosion risks;

(8) the maximum boundaries of the exposed zone in the event of failure, overflow or bypass, established using the method described in section 9 of the Flood Protection Works Regulation, and identification of the vulnerable elements in that zone;

(9) if the engineer's report referred to in subparagraph 5 shows the performance standards have been met,

(a) a supplemental hydraulic and hydrologic study, signed by an engineer, demonstrating the project's compliance with the applicable design hazard reference and showing the method used to calculate freeboard;

(b) a stability study of the works and the underlying ground, signed by an engineer, for each segment of the works and each place considered critical, as well as the related calculations; the study and calculations must rely on best practices and the applicable performance standards and be based on the modes of failures liable to occur;

(c) a topographical survey of the site identifying potential bypass points; and

(d) an engineer's opinion concerning the measures to put in place to prevent flooding at the bypass points identified;

(10) if the engineer's report referred to in subparagraph 5 establishes that the performance standards will not be met, a statement by the engineer attesting that the work does not destabilize the works and describing the gain for the safety of persons and property;

(11) if the engineer's report referred to in subparagraph 5 establishes that the performance standards will be met, a statement by the engineer attesting that the plans and specifications meet the standards; and

(12) an attestation from the municipality concerned confirming it agrees to the work being carried out, if the municipality is not the applicant for the authorization.

For the purposes of this section, "construction" does not include dismantling.

165.3. The dismantling and neutralization of flood protection works, as well as the dismantling of an ancillary works, building or equipment necessary for the operation of flood protection works, require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain,

(1) for the dismantling or neutralization of flood protection works, a technical report signed by an engineer establishing that the works will not pose a risk of greater flooding or a residual risk of rupture after the work has been completed; and

(2) for the dismantling of an ancillary works, building or equipment necessary for the operation of flood protection works, a technical report signed by an engineer establishing that the ancillary works, building or equipment is no longer necessary for the operation of the flood protection works and that its dismantling does not pose a risk to the safety of persons and property.

165.4. The construction and maintenance of an ancillary works, building or equipment necessary for the operation of flood protection works require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization for the construction of an ancillary works, building or equipment necessary for the operation of flood protection works referred to in this section must contain the following information and documents:

(1) the plans and specifications of the works or equipment; and

(2) a technical report signed by an engineer attesting that the works or equipment is of sufficient capacity and is adequate to ensure the proper operation of the flood protection works.

For the purposes of this section, "construction" does not include dismantling.

165.5. Any activity carried out on flood protection works, other than an activity referred to in sections 165.3 and 165.4, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain the following information and documents:

(1) the reasons for which the activity must necessarily be carried out on the works, based in particular on

(a) a description of the constraints attendant to the carrying out of the activity;

(b) a description of the alternative scenarios examined to carry out the activity elsewhere or in a different manner;

(c) if applicable, a description of the zoning and land-use constraints associated with potential alternative sites within the municipality; and

(d) a description of the nature of the activity and needs to be met, with a demonstration that it is not possible carry out the activity elsewhere;

(2) a technical report signed by an engineer

(a) specifying the measures to be put in place so that the work does not impair the safety of the works, in particular as regards its stability, integrity and impermeability, during and after completion of the work; and

(b) if the activity is the construction of a works, infrastructure, building or equipment, an assessment of its impact on access to the flood protection works, vehicle movement on the works and the performance of maintenance and monitoring activities;

(3) an attestation from the municipality concerned confirming it agrees to the work being carried out, if the municipality is not the applicant for the authorization.

DIVISION III

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

165.6. The replacement of an ancillary works, building or equipment necessary for the operation of flood protection works is eligible for a declaration of compliance on the following conditions:

(1) the works, building or equipment is replaced by another of an equal or greater capacity; and

(2) the depth of the excavation or insertion of material or equipment into the soil does not exceed 30 cm.

165.7. The development of land for recreational purposes on flood protection works is eligible for a declaration of compliance if the depth of the excavation or insertion of material or equipment into the soil, if applicable, does not exceed 30 cm.

165.8. The construction on flood protection works of structures other than those referred to in this Division, such as interpretation panels, benches or picnic tables, is eligible for a declaration of compliance on the following conditions:

(1) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm; and

(2) each structure has a surface area not greater than 5 m².

165.9. Taking samples, conducting surveys or technical surveys or taking measurements is eligible for a declaration of compliance on the following conditions:

(1) the work is solely for the purpose of investigating the works itself;

(2) the work requires excavation or the insertion of material or equipment into the soil at a depth exceeding 30 cm.

165.10. Work required for a surface water withdrawal facility on flood protection works is eligible for a declaration of compliance on the condition that the required excavation depth does not exceed 30 cm.

165.11. Stump removal work on flood protection works is eligible for a declaration of compliance.

165.12. In addition to what is required by section 41, a declaration of compliance for an activity to which this Division applies must contain the following information and documents:

(1) a declaration, signed by an engineer,

(a) specifying the measures to be put in place so that the work does not impair the safety of the works, during and after completion of the work; and

(b) if the activity is the construction of a works, infrastructure or equipment, attesting that the construction does not restrict access to the flood protection works and does not impede vehicle movement on the works or the performance of maintenance and monitoring activities;

(2) an attestation from the municipality concerned confirming it agrees to the work being carried out.

165.13. Within 60 days after the work, a declarant must send the Minister an attestation from a professional indicating that the work was performed in accordance with the information and documents submitted with the declaration of compliance or, if changes have occurred, an attestation from a professional indicating that the changes comply with the conditions of this Chapter.

DIVISION IV

EXEMPTED ACTIVITIES

165.14. The maintenance of flood protection works and of any ancillary works, building or equipment is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out with no waterweed cutting;

(2) if the work requires excavation or insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm;

(3) if the work requires the use of explosives, it is carried out in a dewatered area.

165.15. The construction of the following works, infrastructures and buildings on flood protection works is exempted from authorization pursuant to this Division:

(1) a residential building, its accessory works and buildings and residential accesses;

(2) a non-residential building, other than a non-residential building necessary for the operation of flood protection works, on the following conditions:

(a) its construction does not involve excavation work, including for foundations or to bury equipment, mains or wires;

(b) the area of the building on the same lot does not exceed 30 m²;

(3) an infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway, on the following conditions:

(a) the infrastructure or works is not impervious;

(b) the infrastructure or works does not exceed 6.5 m in width;

(c) there is no other means of accessing the works, infrastructure, building or site.

165.16. The following activities on flood protection works are exempted from authorization pursuant to this Division:

(1) the maintenance of a residential building, its accessory works and buildings and residential accesses;

(2) the maintenance of any infrastructure, works, equipment or non-residential building present, other than those referred to in section 165.14, on the following conditions:

(a) the work is carried out without drilling;

(b) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm.

165.17. The management of vegetation on flood protection works, including such management required for the carrying out of an activity eligible for a declaration of compliance or exempted pursuant to this Chapter, is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out with no waterweed cutting;

(2) if the work involves the management of harmful plant species and invasive exotic plant species, it is carried out manually and by tarping;

(3) if the work requires stump removal, it is covered by a declaration of compliance in accordance with section 165.11.

165.18. Minor soil grading on flood protection works is exempted from authorization pursuant to this Division.

165.19. The removal of debris or accumulations of ice on flood protection works is exempted from authorization pursuant to this Division.

165.20. Taking samples, conducting surveys or technical surveys or taking measurements is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out without drilling;

(2) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm.”.

15. Section 312 is amended by adding the following paragraph at the end:

“Despite the fact that interventions carried out in the environments or on the works referred to in the second paragraph of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) do not require an authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, the neutralization and dismantling of flood protection works require such authorization.”.

16. Section 313 is replaced by the following:

“**313.** Unless otherwise provided, for the purposes of this Chapter,

(1) a reference to a littoral zone, riverbank or lakeshore includes any wetland present;

(2) a reference to a body of water includes any wetland present in the littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone, excluding any wetland present in a flood zone or in a long-term channel migration zone;

(3) a reference to a flood zone excludes the littoral zone, a riverbank or lakeshore, a channel migration zone and any wetland present;

(4) a reference to a channel migration zone excludes the littoral zone, a riverbank or lakeshore, a flood zone and any wetland present in a long-term channel migration zone, but includes a wetland present in a short-term channel migration zone;

(5) a reference to a short-term channel migration zone excludes the littoral zone, a riverbank or lakeshore and a flood zone, but includes any wetland present;

(6) a reference to a long-term channel migration zone excludes the littoral zone, a riverbank or lakeshore, a flood zone and any wetland present;

(7) a reference to a pond, marsh, swamp, peatland or peat bog or wetland in general is a reference to the environment concerned that is not situated in the littoral zone, on a riverbank or lakeshore, or in a short-term channel migration zone;

(8) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, if applicable, the planned footing under a structure;

(9) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(10) the management of vegetation and minor soil grading required for the carrying out of another activity referred to in subparagraph 4 of the first paragraph of section 22 of the Act are included in that activity for the purposes of this Chapter;

(11) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(12) the management of vegetation includes cutting, pruning, removing, planting and seeding vegetation, but excludes cultivation of non-aquatic plants and mushrooms and forest development activities;

(13) a forest development activity refers to an activity carried out elsewhere than on land in the domain of the State and specifically intended to develop and conserve forest land;

(14) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(15) the construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(16) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(17) the relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(18) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment; work that involves less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(19) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment, as well as its enlargement, extension or prolongation;

(20) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(21) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure so as to protect against erosion and landslides;

(22) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, a bridge, a culvert or any other works enabling access to or the crossing of a lake or a watercourse; subject to those exceptions, the following are considered to be a road:

(a) a road laid out by the Minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity or any works permitting travel, such as cycle paths;

(c) an infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway;

(23) a fording site is a crossing laid out in the bed of a watercourse enabling the watercourse to be crossed;

(24) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered to be part of the building;

(25) the expression “underground linear public utility infrastructure” means, when they are underground, the following infrastructures:

(a) a natural gas supply or distribution pipeline;

(b) a power or telecommunications transmission and distribution line;

(26) an infrastructure, works, building or equipment is considered to be temporary if it is put in place for a maximum period of 3 years;

(27) a building is a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs, or any other thing;

(28) every building other than a residential building or a building accessory to a residential building is considered to be a non-residential building;

(29) a building is considered to be a residential building if it includes at least one part that is used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists;

(30) works or a building accessory to a residential building consists in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or a watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(31) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area; and

(32) land described in a lease granted under the Act respecting the lands in the domain of the State (chapter T-8.1) is considered to be a lot.”

17. Divisions II and III of Chapter I of Title IV of Part II are replaced by the following:

“DIVISION II WETLANDS AND BODIES OF WATER

§1. *General*

314. This Division applies to activities carried out in wetlands and bodies of water.

§2. *Activities requiring authorization*

315. In addition to what is required by section 46.0.3 of the Act, the characterization study required by that section must contain

(1) a georeferenced map showing the environments involved and the site where the projected activity is to take place, containing a scale drawing showing the location of the hydrographic network of the watershed concerned;

(2) the surface area of the environments involved;

(3) the relevant elements in a water master plan, integrated management plan for the St. Lawrence, regional wetlands and bodies of water plan, metropolitan development plan, land use and development plan, interim control by-law or municipal by-law, if any;

(4) the direction of water flow;

(5) the land inventory sheets and the location, on a map, of the places where inventories have been conducted;

(6) for a peat extraction project,

(a) a characterization of water quality in the peatland or peat bog for the year preceding the application and in the planned discharge points;

(b) a program to sample the water discharged at the outlet of the sedimentation ponds and in the receiving watercourses during the extraction period; and

(c) a monitoring program for particle emissions.

An application for authorization must contain, in addition to the general content prescribed by section 16, a description of the disturbances or human pressures on the environments impacted by the project and of the ability of those environments to recover, or of the possibility of fully or partly restoring them once the project is completed.

§3. *Activities eligible for a declaration of compliance*

316. Work to manage an invasive exotic plant species by tarping, over an area equal to or greater than 75 m² but less than 2,000 m², is eligible for a declaration of compliance on the following conditions:

- (1) the work is not carried out in a littoral zone;
- (2) the work is intended to maintain the ecological functions of wetlands and bodies of water, to control the risks for human health, or to maintain an existing use;
- (3) the vegetation in the tarped sector is dominated by invasive exotic plant species.

317. The construction of a surface water withdrawal facility is eligible for a declaration of compliance on the following conditions:

- (1) if the work involves the siting of a water withdrawal facility, the facility is not situated in a channel migration zone or a zone subject to erosion or the accumulation of sediments and alluvial deposits;
- (2) any work required to stabilize a littoral zone or a riverbank or lakeshore, as applicable, does not exceed an area of 16 m² for a dry hydrant, or 4 m² in other cases.

For the purposes of subparagraph 1 of the first paragraph, a reference to a channel migration zone includes a riverbank or lakeshore if it overlaps a short-term channel migration zone.

318. Drilling work, except work carried out for a natural gas storage project, is eligible for a declaration of compliance.

319. The replacement, reconstruction and refurbishment of a culvert, other than a culvert referred to in sections 322 and 326, are eligible for a declaration of compliance, provided the work does not result in alteration of the watercourse alignment, if applicable.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain an opinion signed by an engineer attesting that the work will have no hydraulic impact on the flow regime upstream and downstream of the culvert, in particular on flooding and erosion risks.

§4. *Exempted activities*

320. The following vegetation management work is exempted from authorization pursuant to this Division:

(1) the management of harmful plant species and invasive exotic plant species with a view to maintaining the ecological functions of wetlands and bodies of water, controlling risks for human health or maintaining an existing use, if

- (a) it is carried out manually; or
- (b) it is carried out by tarping, over an area of less than 75 m²;

(2) work carried out for civil security purposes or to target plants that are dead or affected by a pest or disease;

(3) the seeding and planting of vegetation for purposes other than landscaping;

(4) the seeding and planting of vegetation for landscaping purposes, other than for a residential building, on the following conditions:

- (a) the work is not carried out in a littoral zone;
- (b) the work is not carried out in a wetland, unless it is associated with a building referred to in subparagraph 3 of the first paragraph of section 345;
- (c) if the work is carried out on a riverbank or lakeshore, it does not require tree clearing and is carried out over an area not exceeding 20 m²;
- (d) if the work is carried out in a flood zone, it is carried out over an area not exceeding 20 m² and the embankments do not exceed 15 cm in height.

For the purposes of subparagraph 4 of the first paragraph, a reference to a flood zone includes a riverbank or lakeshore.

321. The following activities are exempted from authorization pursuant to this Division:

- (1) if they do not require drilling,
 - (a) taking samples;
 - (b) conducting surveys, technical surveys or archaeological excavations; and
 - (c) taking measurements;

(2) surveys and technical surveys conducted by drilling, if they are conducted on an infrastructure or works present in the environment.

For the purposes of the first paragraph, if the work is carried out in a littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone or a wetland, the required management of vegetation is carried out over an area not exceeding 30 m².

322. The maintenance of any infrastructure, works, non-residential building or equipment is exempted from authorization pursuant to this Division on the following conditions:

(1) excavation and fill work is limited to what is necessary to maintain the infrastructure, works, building, or equipment in its original state;

(2) the work is carried out with no waterweed cutting;

(3) the work does not involve the construction of a temporary works requiring fill or excavation work in a littoral zone or, if such work is involved, the construction is covered by a declaration of compliance in accordance with section 337;

(4) in the case of a culvert, the work is carried out according to the least restrictive of the following:

(a) over a distance of not more than 9 m, upstream and downstream of the culvert;

(b) over a distance equal to twice the length of the culvert, upstream and downstream of the culvert;

(5) in the case of a channel for a ditch in a littoral zone, the cleaning work is carried out over a distance of not more than 30 m and not exceeding an area of 4 m² at the discharge point;

(6) the required management of vegetation is carried out in the immediate vicinity of the infrastructure, works, building or equipment.

The condition in subparagraph 5 of the first paragraph does not apply to ditches situated in an area cultivated in accordance with a declaration of compliance under section 339. In such a case, the sediment removed may be deposited and graded on that cultivated area.

323. The construction of a structure that is not already covered by this Chapter, such as urban furniture and signs anchored to the ground, is exempted from authorization pursuant to this Division if the total permanent encroachment area of the structures, including already existing structures, does not exceed, as applicable,

(1) 5 m² in a littoral zone or an open wetland;

(2) 10% of the area of the riverbank or lakeshore situated on the lot concerned; or

(3) 30 m² in other environments.

The first paragraph does not apply to underground infrastructures or to boat ramps.

For the purposes of the first paragraph, the area of a structure on a riverbank or lakeshore does not exceed 5 m².

324. The construction of an aerial linear infrastructure used for the transportation or distribution of electric power or telecommunications is exempted from authorization pursuant to this Division, on the following conditions:

(1) the total encroachment area on the ground of the structures, including any anchor or base, does not exceed

(a) 5 m² in a littoral zone or an open wetland; or

(b) 30 m² on a riverbank or lakeshore, or in a short-term channel migration zone or forested wetland;

(2) no tree clearing is carried out in the littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone, except if

(a) it is required to cross a lake or watercourse;

(b) it makes it possible to connect the infrastructure to an existing infrastructure in the littoral zone or on a riverbank or lakeshore or less than 5 m from a riverbank or lakeshore if the infrastructure skirts a lake or watercourse; or

(c) it is carried out in the right of way of an existing road in a littoral zone, on a riverbank or lakeshore, or less than 5 m from a riverbank or lakeshore if the road skirts a lake or watercourse;

(3) any management of vegetation required by the work is carried out over a distance of not more than 250 m in wetlands and bodies of water.

325. The construction of a temporary works, other than a temporary road, that is not already covered by this Chapter is exempted from authorization pursuant to this Division, on the following conditions:

(1) it involves no excavation or fill work;

(2) it is carried out without tree clearing.

326. The construction of a culvert with a total opening not exceeding 4.5 m is exempted from authorization pursuant to this Division on the following conditions:

(1) if the work is carried out elsewhere than in a wetland, the culvert has a single pipe;

(2) the culvert is covered by fill not more than 3 m thick;

(3) if the work involves a watercourse, the work does not result in alteration of the watercourse alignment.

327. Work on a non-residential building to upgrade the building to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is exempted from authorization pursuant to this Division.

328. The construction of any non-residential building is exempted from authorization pursuant to this Division on the following conditions:

(1) it does not take place in a littoral zone, on a riverbank or lakeshore, in a short-term channel migration zone, in a pond or in open peatland;

(2) it does not involve excavation work, including for foundations or to bury equipment, mains or wires;

(3) the area of the building on the same lot does not exceed,

(a) in a flood zone or a long-term channel migration zone

i. 40 m² if the work is carried out on a raising site, spreading site, fishing pond site or aquaculture site; or

ii. 30 m² in other cases;

(b) 30 m² in a forested wetland; or

(c) 5 m² in an open wetland other than a pond or a peatland or peat bog.

For the purposes of the first paragraph, the area specified in subparagraph 3 includes the area of the buildings already present in the environment.

For the construction of a building used for maple syrup production as part of a forest development activity in a forested wetland situated elsewhere than in a flood zone or a short-term channel migration zone, the conditions in subparagraphs 2 and 3 of the first paragraph do not apply, but the area of the building does not exceed 100 m².

329. The following activities are exempted from authorization pursuant to this Division:

(1) the removal of debris or accumulations of ice;

(2) work performed for wildlife development and management purposes, except work on fish migration barriers, immovable fish-passes, baffles and weirs;

(3) the dismantling or demolition of any infrastructure, works, building or equipment, except if the work involves

(a) retaining works 1 m or more in height;

(b) retaining works less than 1 m in height situated in a watercourse exceeding 5 m in width;

(c) a dike; or

(d) flood protection works;

(4) the substantial modification of a non-residential building, if the work does not result in further encroachment on the environment.

DIVISION III BODIES OF WATER

§1. *General*

330. This Division applies to activities carried out in bodies of water.

§2. *Activities requiring authorization*

331. In addition to the general content prescribed by section 16 and the additional content for the characterization study prescribed by section 315, an application for authorization for an activity to which this Division applies must contain the following supplemental information and documents:

(1) if the project involves the dredging of sediments, an assessment of the potential for contamination and a sediment management plan;

(2) if the assessment referred to in subparagraph 1 concludes that the potential for contamination is present, a physiochemical characterization of the sediments and their toxicity;

(3) except for an activity carried out in a channel migration zone, an opinion on possible movement of the watercourse, signed by a person with qualifications in the field, in the following cases:

(a) the development of a watercourse in a way that changes its geometry, including beach nourishment and the construction of a jetty or breakwater, except if the work is to reduce the slope of the embankment over a distance of not more than 30 m;

(b) the construction of stabilization works using inert materials;

(c) the construction of retaining works or a weir;

(d) the construction of a bridge;

(e) dredging work;

(4) an opinion, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works or work site, in particular on flooding and erosion risks, and specifying, if applicable, that the study referred to in subparagraph 5 is required in the circumstances, in the following cases:

(a) the construction of a quay that is not a floating quay, open pile quay or wheeled quay;

(b) the construction of stabilization works using inert materials or of a retaining wall;

(c) beach nourishment work over an area of 1,000 m² or more;

(d) the development of a watercourse in a way that changes its geometry, except when the development is to reduce the slope of the embankment over a distance of not more than 30 m;

(e) dredging work over an area of 1,000 m² or more;

(5) a hydraulic study, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works or work site, in particular on flooding and erosion risks, in the following cases:

(a) the construction of a bridge or culvert;

(b) the construction of a port infrastructure in a littoral zone;

(c) the construction and dismantling of retaining works;

(d) the siting of a weir;

(e) the construction of jetties, breakwaters and piers;

(f) an activity mentioned in subparagraph 4 for which the engineer who signed the opinion referred to in that subparagraph recommends a hydraulic study;

(6) for the construction, in a flood zone, of a cribwork or rock ballast wharf, a road, a bridge, a port infrastructure, a weir or retaining works, an opinion, signed by an engineer, assessing the impact on ice flows;

(7) for the siting of retaining works in the littoral zone of a watercourse, an opinion, signed by a person with qualifications in the field, showing that the proposed mitigation measures make it possible to maintain ecological continuity;

(8) for any activity carried out in a flood zone,

(a) a hydraulic study, signed by an engineer, assessing the hydraulic impact of the activity on the flood zones upstream and downstream of the activity, in particular on flooding and erosion risks;

(b) recommendations on the measures to put in place to ensure the protection of persons and property;

(9) for any activity carried out in a channel migration zone, a hydrogeomorphic study, signed by a person qualified in the field, assessing the geomorphological impact on the environment in which the activity is carried out, as well as upstream and downstream of the activity;

(10) for any activity carried out in a flood zone or a channel migration zone,

(a) a characterization of the vulnerability of persons and property exposed to hazard, including in particular a description of the infrastructures, works, buildings or equipment likely to be affected by the hazard;

(b) the impact of the hazard on the infrastructures, works, buildings or equipment;

(c) recommendations on the measures to put in place to ensure the protection of persons and property;

(11) for the relocation of a building listed in the first paragraph of section 60 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) in a flood zone or a channel migration zone,

(a) an opinion, signed by a professional, showing that the work ensures the safety of persons and property, in particular by the taking of adaptation measures; and

(b) if the adaptation measures set out in sections 58 and 59 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas affect the heritage interest of the immovable, an opinion signed by a professional showing that the measures affect that interest and that the measures proposed by the applicant offer equivalent protection for persons and property;

(12) for work that involves the erection of a low wall to protect works or a building already present in the environment against flooding, an opinion signed by a qualified person in the field showing that the adaptation measures set out in sections 58 and 59 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas cannot be complied with and that the erection of a low wall is considered to be an appropriate measure in the circumstances;

For the purposes of the first paragraph, a reference to a flood zone or a channel migration zone includes any wetland or body of water present.

§3. *Activities eligible for a declaration of compliance*

332. The following work, when carried out by the Minister responsible for the Act respecting roads (chapter V-9), is eligible for a declaration of compliance:

(1) the substantial modification and the reconstruction of a single-span bridge in a littoral zone that does not overlap a flood zone or a channel migration zone;

(2) the construction of a culvert other than the culvert referred to in section 326, except if the construction results in alteration of the watercourse alignment;

(3) the construction of a temporary supporting bank.

For the purposes of the first paragraph, up to 2 weirs to allow the free circulation of fish are considered to form an integral part of a culvert if they are located downstream from the culvert within a distance corresponding to 4 times the culvert opening.

333. The construction of stabilization works associated with a road, other than a retaining wall, carried out in a littoral zone or on a riverbank or lakeshore, is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in the St. Lawrence river, estuary or gulf or in the baie des Chaleurs, except if it involves a reconstruction that does not further encroach on the littoral zone or a riverbank or lakeshore;

(2) the required stabilization works are not longer than

(a) 150 m if constructed using phytotechnology; or

(b) 50 m if constructed using inert materials.

For the purposes of subparagraph 2 of the first paragraph, if the work is intended to extend or join stabilization works or to join new stabilization works to a retaining wall, the extension or junction does not result in an extension of the total length of the works, including the length of the retaining wall, if applicable, beyond the maximum length determined in that subparagraph. Stabilization works situated less than 2 m from each other are considered to be joined.

334. The reconstruction of any stabilization works, except a retaining wall made of materials other than inert woody materials, and the replacement of a retaining wall by another type of stabilization works, are eligible for a declaration of compliance on the following conditions:

(1) the works are situated in recreational canals that are still used for that purpose;

(2) the work is carried out over a distance of not more than 100 m per lot or lease of occupation;

(3) if the work is to replace a retaining wall by another type of stabilization works, it does not further encroach on the littoral zone;

(4) in other cases, the work does not further encroach on a body of water.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain, if the work involves the reconstruction of a retaining wall, an attestation signed by an engineer showing that the space stabilized by the retaining wall is not sufficient to allow replacement of the retaining wall by another type of stabilization works.

For the purposes of this section, recreational canals are man-made recreational waterways with a series of flumes in which the presence of water is maintained, situated in a sector where buildings have been constructed. The waterways of the St. Lawrence River are not considered to be recreational canals.

335. The following maintenance work on a watercourse is eligible for a declaration of compliance:

(1) work carried out by a municipality to clean a watercourse over a total linear distance of 500 m or less on the same watercourse, on the following conditions:

(a) the section of the watercourse has been drained, or its bed has an initial width of 1.5 m or less, and it has already been developed in a way that changes its geometry pursuant to an agreement, municipal by-law or authorization;

(b) the last cleaning work, if any, on the section of the watercourse was completed more than 5 years previously;

(c) the work is not carried out in the inner protection zone of a category 1 surface water withdrawal site;

(d) cleaning work has not been performed on the watercourse under a declaration of compliance within the last 12 months;

(2) work carried out by a municipality or the Minister responsible for the Act respecting roads (chapter V-9) to clean a watercourse that has already been developed in a way that changes its geometry and that skirts a road;

(3) cleaning work carried out by a municipality or the Minister responsible for the Act respecting roads in a ditch in a littoral zone, if no wetland is present, beyond the conditions in subparagraph 5 of the first paragraph of section 322, on the following conditions:

(a) the work is carried out over a distance of not more than 100 m if carried out in the ditch channel;

(b) the work on the point of discharge is carried out over an area not exceeding 30 m².

When the declaration of compliance is sent to the Minister, a copy must also be sent to the regional county municipalities whose territory lies within the watershed of the watercourse.

336. The construction of weirs and baffles is eligible for a declaration of compliance on the following conditions:

(1) it is carried out using materials other than concrete;

(2) it is carried out at a place where the width of the littoral zone of the watercourse does not exceed 5 m.

The conditions in the first paragraph do not apply to the construction by the Minister responsible for the Act respecting roads (chapter V-9) of weirs and baffles associated with a culvert. The work, however, allows the free circulation of fish and includes the installation of up to 2 weirs within a distance corresponding to 4 times the culvert opening.

337. The construction of temporary works requiring fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity that does not require authorization from the Minister pursuant to section 22 of the Act, or an amendment or renewal of such an authorization, is eligible for a declaration of compliance.

For the purposes of the first paragraph, if the temporary works is a sedimentation pond, the work must, to be eligible for a declaration of compliance, comply with the following conditions:

(1) the pond must not be situated in a littoral zone;

(2) the pond must not be situated on a riverbank or lakeshore or in a short-term channel migration zone, unless no other location is available, in which case it cannot be situated in a wetland present.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain a demonstration that no other location is available on the work site.

338. Seismic surveys requiring explosives conducted in the dewatered portion of a riverbank, lakeshore or flood zone are eligible for a declaration of compliance in the following cases:

(1) the work is carried out by the Minister responsible for the Act respecting roads (chapter V-9);

(2) the surveys are seismic refraction surveys.

339. The cultivation of non-aquatic plants and mushrooms in the littoral zone of a lake or watercourse over an area that has been cultivated at least once in the 6 growing seasons preceding 1 January 2022 is eligible for a declaration of compliance, provided that it takes place without tree clearing.

The first paragraph does not refer to drainage work.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain a statement by an agronomist attesting that the planned cultivation complies with this Regulation and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

§4. Exempted activities

340. Stabilization work carried out in a body of water other than a channel migration zone is exempted from authorization pursuant to this Division on the following conditions:

(1) for the construction of stabilization works other than a retaining wall,

(a) if phytotechnology is used, the construction cannot exceed a length of 100 m; and

(b) if inert materials are used,

i. in the case of work for a lake, the construction cannot exceed a length of 30 m; and

ii. in the case of work for a watercourse, the construction cannot exceed a length of 30 m or 5 times the width of the watercourse, whichever is more restrictive;

(2) if the work is for a culvert retaining wall, the wall cannot exceed a length of 9 m.

For the purposes of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction does not result in an extension of the total length of the works beyond the lengths determined in that paragraph. Stabilization works situated less than 2 m from each other are considered to be joined.

For the purposes of this section, a reference to a channel migration zone includes any wetland or body of water present.

341. The construction of a road is exempted from authorization pursuant to this Division on the following conditions:

(1) the road surface is not impervious;

(2) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;

(3) the width of the right of way for the road does not exceed

(a) 20 m in the case of a temporary road; or

(b) 10 m in other cases;

(4) for the siting or extension of a road into a littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone,

(a) the road includes a water crossing works; and

(b) the sole purpose of the road is to enable the crossing of the body of water, except for a temporary road necessary for an activity that requires authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, is eligible for a declaration of compliance or is exempted under this Chapter;

The conditions in subparagraphs 1 and 2 of the first paragraph do not apply to the construction of a temporary road by the Minister responsible for the Act respecting roads (chapter V-9).

If the construction of a road is carried out as part of a forest development activity,

(1) the condition in subparagraph 2 of the first paragraph does not apply to work carried out on a riverbank or lakeshore or in a flood zone; and

(2) the conditions in subparagraph 3 of the first paragraph do not apply, but if the right of way of the road is situated on a riverbank or lakeshore, it cannot exceed 15 m in width.

For a temporary road exempted pursuant to subparagraph 4 of the first paragraph, the work cannot begin before the Minister has issued authorization or the declaration of compliance has been filed, as applicable.

341.1. The construction of a ditch, drainage system, waterworks system, sewer system or storm water management system is exempted from authorization pursuant to this Division on the following conditions:

(1) the work involves the underground components of the systems or the following components:

(a) a ditch;

(b) a green water management infrastructure connected to one of the systems;

(c) a fire hydrant;

(d) an outflow;

(2) work carried out in a littoral zone is for the sole purpose of discharging water into the area;

(3) work carried out on a riverbank or lakeshore or in a short-term channel migration zone is for the sole purpose of crossing the area or discharging water into the area;

(4) if the system has a pipe, the invert of the outlet pipe is at least 30 cm above the deepest part of the bed of the watercourse or lake;

(5) if the work is carried out as part of the cultivation of non-aquatic plants and mushrooms,

(a) drainage effluent is not discharged directly into the littoral zone of a watercourse; and

(b) the outflow is designed so that water is discharged into a vegetated ditch or a green water management infrastructure.

For the purposes of subparagraph 6 of the first paragraph, a green water management infrastructure is an infrastructure consisting in whole or in part of vegetation and intended to reduce the flow of water running off into a drainage network or the receiving environment, and to improve water quality by means of interception, capture, storage, treatment, infiltration or evapotranspiration.

For the purposes of this section, a reference to a system does not include the treatment facility.

341.2. The following activities are exempted from authorization pursuant to this Division:

- (1) the laying out of an access to the littoral zone;
- (2) the pruning of vegetation.

341.3. The construction of a structure, other than a building, that is anchored, on piles or wheels and floats on or extends into water, such as a quay or a boat shelter, is exempted from authorization pursuant to this Division if the total encroachment area of the structures in a littoral zone or on a riverbank or lakeshore, including any structures already present in those areas on the lot, does not exceed 30 m², excluding the anchor points.

341.4. The construction of a structure enabling water to be crossed or access to an infrastructure, works, building or equipment in a littoral zone is exempted from authorization pursuant to this Division on the following conditions:

- (1) the construction is carried out with no support in the littoral zone;
- (2) the structure does not exceed 5 m in width.

341.5. The following activities are exempted from authorization pursuant to this Division:

(1) the construction and maintenance of a residential building and its accessory works and buildings;

(2) work to change the use of a building from non-residential to residential;

(3) the management of vegetation for landscaping purposes associated with a residential building;

(4) the construction and maintenance of a residential access.

341.6. The following burial work is exempted from authorization pursuant to this Division:

(1) the burial of plants in a flood zone or a long-term channel migration zone;

(2) the burial of a wire and its protective sheath on a riverbank or lakeshore or in a channel migration zone or a flood zone, if any machinery is used, is carried out only in the flood zone and the long-term channel migration zone.

For the purposes of subparagraph 2 of the first paragraph, for work carried out in the right of way of a public road, the burial of wires may, in all cases, be performed using machinery.

341.7. The following activities are exempted from authorization pursuant to this Division:

(1) the laying out of a fording site not exceeding a width of 10 m;

(2) the construction of a temporary bridge having a right of way not exceeding 10 m on a riverbank or lakeshore;

(3) the installation or removal of fishing gear such as fish corrals and hoop nets;

(4) the replacement, reconstruction, substantial modification and relocation of an existing pipe in a watercourse, if the inflow and outflow of the pipe remain at the same place.

341.8. The following forest development activities are exempted from authorization pursuant to this Division when carried out on a riverbank or lakeshore without soil amendment:

(1) the harvesting of more than 40% of trees of a diameter of 10 cm or more if it is carried out following a windthrow, epidemic, fire or ice storm;

(2) the harvesting of not more than 40% of trees of a diameter of 10 cm or more;

(3) the spreading of wood waste generated on the site during the harvesting referred to in paragraphs 1 and 2.

341.9. The cultivation of non-aquatic plants and mushrooms on a riverbank or lakeshore, except drainage work, is exempted from authorization pursuant to this Division on the following conditions:

- (1) it is carried out without tree clearing;
- (2) it takes place more than 3 m from the littoral zone;
- (3) if the earth is banked, it takes place more than 1 m from the top of the bank.

The conditions in subparagraphs 2 and 3 of the first paragraph do not apply if the cultivation is also eligible for a declaration of compliance under section 337 and declared in compliance with this Regulation.

341.10. Forest development activities carried out in a flood zone are exempted from authorization pursuant to this Division, except

- (1) silvicultural drainage;
- (2) road work;
- (3) amendments other than the spreading of wood waste generated on the site during silvicultural treatments.

341.11. The cultivation of non-aquatic plants and mushrooms in a flood zone or a channel migration zone, except drainage work and tree-clearing work to prepare the land for cultivation, is exempted from authorization pursuant to this Division.

341.12. The development of land for recreational purposes in a flood zone is exempted from authorization pursuant to this Division on the following conditions:

- (1) the works, infrastructures or equipment involved have no impact on flood routing;
- (2) the ground surface is not impervious.

341.13. The following activities are exempted from authorization pursuant to this Division when carried out in a flood zone:

- (1) the laying out of a heritage site declared in accordance with the Cultural Heritage Act (chapter P-9.002) if it has no impact on flood routing;
- (2) the construction of an irrigation pond or artificial pond or lake of not more than 300 m² in area, if the irrigation pond is laid out more than 30 m from a watercourse, lake or wetland;

(3) the construction of an underground linear public utility infrastructure.”.

18. Section 342 is amended by replacing “only to” by “to activities carried out in”.

19. Section 343 is amended by replacing “325” in the portion before subparagraph 1 of the first paragraph by “345”.

20. Section 343.1 is amended by replacing “in a wooded wetland with an area of no more than 10 ha” in the portion before subparagraph 1 of the first paragraph by “on an area of not more than 10 ha in a forested wetland” and by replacing “wooded” in the second paragraph by “forested”.

21. Section 343.2 is amended by inserting “or a channel migration zone” after “flood zone” in the second paragraph.

22. The following is inserted after section 343.2:

“**343.3.** The construction by the Minister responsible for the Act respecting roads (chapter V-9) of a temporary road in a wetland, other than a pond or open peatland, is eligible for a declaration of compliance on the following conditions:

- (1) the road does not exceed 20 m in width;
- (2) the ditches, if applicable, are not more than 50 cm deep.”.

23. Section 344 is amended by inserting “or a channel migration zone” after “flood zone” in the second paragraph.

24. Section 345 is replaced by the following:

“**345.** The following activities are exempted from authorization pursuant to this Division:

(1) the following silvicultural treatments, except silvicultural drainage and amendments other than the spreading of wood waste generated on the site during silvicultural treatments:

(a) silvicultural treatments carried out in a forested wetland;

(b) silvicultural treatments to reforest and maintain a parcel of abandoned agricultural land, including any initial tree clearing required;

(2) in the case of a residential building not connected to a waterworks system or a sewer system authorized under the Act and situated in a forested wetland situated in the balsam fir-paper birch and black spruce-moss bioclimatic domains, the construction of such a building, its accessory works and buildings and residential accesses, over an area of not more than 3,000 m², including the area of any landscaping;

(3) as part of a forest development activity carried out in a forested wetland, the burying of pipes to carry sap and the associated wires.

For the purposes of subparagraphs 2 and 3 of the first paragraph, activities carried out in a wetland situated in a flood zone or a channel migration zone are not exempted if the activities are not eligible for a declaration of compliance or are not exempted from authorization by the Minister pursuant to Division III of Chapter I of Title IV of Part II.”

25. The following is inserted after section 345.1:

“**345.2.** The construction of a road, other than a temporary road, is exempted from authorization pursuant to this Division on the following conditions:

(1) work carried out in a pond or open peatland does not create further encroachment on the environment;

(2) the road surface is not impervious;

(3) the cumulative width of the roadway and shoulders does not exceed 6.5 m;

(4) the road does not exceed 35 m in length;

(5) the right of way of the road does not exceed 10 m in width;

(6) the ditches in wetlands are not more than 75 cm deep calculated from the surface of the litter layer.

If the construction of a road is carried out as part of a forest development activity, the conditions in subparagraphs 4 to 6 of the first paragraph do not apply.

345.3. The construction of a temporary road, other than a temporary road referred to in section 343.3, is exempted from authorization pursuant to this Division on the following conditions:

(1) the road surface is not impervious;

(2) no ditch is laid out;

(3) the right of way of the road does not exceed 20 m in width;

(4) if the work is carried out in a pond or open peatland,

(a) the natural soil drainage is not disturbed;

(b) the work is carried out in a manner that does not create ruts when the load-bearing capacity of the soil so permits; and

(c) no roadway is laid out.”

26. Section 346 is replaced by the following:

“**346.** For the purposes of this Chapter, a road is an infrastructure the right of way of which may include a roadway, shoulders, ditches and turning circles, but excludes a temporary road as well as stabilization works, a railway, a bridge, a culvert or any other works to cross a lake or a watercourse.

Subject to the exceptions mentioned in the first paragraph, a route laid out by the Minister responsible for the Act respecting roads (chapter V-9) is considered to be a road.”

27. The following paragraph is added at the end of section 348:

“For the purposes of the first paragraph, a length is a reference to the cumulative length for the type of environment in which the activity takes place.”

28. Section 353 is amended by inserting “section 165.13,” after “section 151,” in paragraph 4.

29. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections introduced or amended by this Regulation.

30. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*), except section 17 as it regards subparagraph 6 of the first paragraph and the second paragraph of section 341.1 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 17.1), which comes into force on 1 March 2027.

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

Environment Quality Act
(chapter Q-2, s. 46.0.22, pars. 6, 8, 10 and 12, s. 95.1, 1st par., subpars. 7, 8, 9 and 21, and 2nd par., and s. 124.1)

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.)

CHAPTER I OBJECT, SCOPE AND INTERPRETATION

1. This Regulation provides, primarily as a complement to the rules set out in other Acts and regulations, various general standards that apply to the carrying out of activities in wetlands and bodies of waters described in section 46.0.2 of the Environment Quality Act (chapter Q-2), hereafter “the Act”, and in other sensitive areas to ensure greater protection for those environments and to reduce the vulnerability of persons and property exposed to flooding and to the channel migration of watercourses.

Sections 20, 23, 26, 30, 31, 32, 33, 37, 39, 40, 41, 42, 43, 44, 49, 61, 67 and 68 apply only to activities eligible for a declaration of compliance or exempt from authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

2. This Regulation does not apply to

(1) activities requiring a municipal permit under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) and activities regulated under Division II of Chapter II and under Division II of Chapter III of that Regulation;

(2) activities regulated by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(3) activities regulated by the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), except the activities referred to in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) activities carried out in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), where the activities require authorization under that Act;

(5) activities carried out in a wildlife preserve referred to in the Act respecting the conservation and development of wildlife (chapter C-61.1), where the activities require authorization under that Act;

(6) activities carried out pursuant to an order made under the Act or a notice of execution issued under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6); or

(7) the cultivation of non-aquatic plants and mushrooms, except for Chapter I, Division IX of Chapter III and sections 75 and 83.

This Regulation applies in reserved areas and in agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

3. Section 118.3.3 of the Act does not apply to a municipality that regulates an activity governed by this Regulation or that delimits a lakeshore or riverbank with a width exceeding the widths set out in the definition of “lakeshore” and “riverbank” in section 4.

4. In this Regulation, unless the context indicates a different meaning,

“alvar” means an open natural environment, either flat or slightly inclined, sometimes covered by a thin layer of soil, characterized by limestone or dolomite outcrops, as well as sparse vegetation composed mainly of shrubs, herbaceous plants and moss capable of withstanding extreme humidity and drought;

“body of water” means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by the permanent or temporary presence of water that may occupy a bed and may be stagnant or in movement, such as a lake or watercourse, and including their littoral zone, lakeshores and riverbanks, channel migration zones and flood zones; (*milieu hydrique*)

“boundary” means a line marking the limit of a wetland and corresponding to the point at which the soil ceases to be hydromorphic and the vegetation ceases to be dominated by hygrophilous species, in relation to the area where at least one of those conditions does apply; (*bordure*)

“boundary of the littoral zone” means the boundary separating the littoral zone from the lakeshore or riverbank, determined using the methods set out in Schedule I; (*limite du littoral*)

“channel migration zone” means an area in which the bed of the watercourse may shift because of various physical processes including erosion and sedimentation, and whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act; (*zone de mobilité*)

“culvert” means a structure built under embankments that allows water to flow under a road, a railway or other similar infrastructure, and the length of which corresponds to the width of the overlying infrastructure; (*ponceau*)

“flooded land” means an area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited pursuant to subparagraph 6 of Schedule II and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means referred to in subparagraphs 1 to 3 of Schedule II; (*territoire inondé*)

“flood protection works” means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; a flood protection works is not considered to be a wetland or a body of water within the meaning of section 46.0.2 of the Act despite the possible presence of water; (*ouvrage de protection contre les inondations*)

“flood zone” means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, where the boundaries have not been established, are established as provided in Schedule II; (*zone inondable*)

“fording site” means a site laid out in the bed of a watercourse enabling the watercourse to be crossed; (*passage à gué*)

“forest cover” means the aggregate of the crowns of trees in a forest stand forming a more or less continuous canopy; (*couvert forestier*)

“forest development activity” means an activity referred to in paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out elsewhere than on lands in the domain of the State and aimed specifically at the development and conservation of forest lands; (*activité d'aménagement forestier*)

“forested peatland” means a peatland comprising trees more than 4 m tall covering at least 25% of its surface area; (*tourbière boisée*)

“forested swamp” means a swamp comprising trees more than 4 m tall covering at least 25% of its surface area; (*marécage arborescent*)

“forested wetland” means a forested peatland or a forested swamp; (*milieu humide boisé*)

“high-velocity flood zone” means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is considered to be a high-velocity flood zone; (*zone inondable de grand courant*)

“ice jam flood zone” means an area that, because of the accumulation of ice in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, where the boundaries have not been established, are established as provided in Schedule II; (*zone d'inondation par embâcle de glaces*)

“lakeshore” and “riverbank” mean the strip of land bordering a lake or watercourse and having the following width, measured inland and horizontally from the boundary of the littoral zone:

(1) 10 m where the slope is less than 30% or, where the slope is 30% or greater, it has a bank that is not higher than 5 m;

(2) 15 m where the slope is 30% or greater and is continuous or it has a bank higher than 5 m; (*rive*)

“littoral zone” means the part of a lake or watercourse that extends from the boundary separating it from the lakeshore or riverbank towards the centre of the water body; (*littoral*)

“low-velocity flood zone” means the part of the flood zone, beyond the boundaries of the high-velocity zone, associated with a 100 year flood recurrence; flooded land is considered to be such a zone; (*zone inondable de faible courant*)

“marsh” means an area of land that is permanently or temporarily flooded and dominated by herbaceous vegetation growing on a mineral or organic soil; where shrubs and trees are present, they cover less than 25% of its surface area; (*marais*)

“open peatland” means a peatland comprising trees more than 4 m tall covering less than 25% of its surface area; (*tourbière ouverte*)

“open wetland” means any wetland that is not forested; (*milieu humide ouvert*)

“peatland” means an area of land covered with peat, resulting from the accumulation of partially decomposed organic matter in a layer at least 30 cm thick, in which the water table is usually at the same level as the soil or close to its surface; (*tourbière*)

“pond” means an area of land covered by water whose depth at low water is less than 2 m; if vegetation is present, it comprises floating or submerged plants and emergent plants covering less than 25% of its surface area; (*étang*)

“public body” means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*)

“public institution” means any of the following facilities or institutions:

(1) “educational institution”: any institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly. For the purposes of this Regulation, childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1) are considered to be educational institutions; (*établissement d'enseignement*)

(2) “correctional facility”: any facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1); (*établissement de détention*)

(3) “health and social services institution”: any health and social services institution governed by the Act respecting health services and social services (chapter

S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts; (*établissement de santé et de services sociaux*)

“public security establishment” means an ambulance garage, a 9-1-1 emergency centre, a secondary emergency call centre governed by the Civil Protection Act (chapter S-2.3) or any other establishment whose purpose, in whole or in part, is to provide a public security service, in particular a police service or fire safety service; (*établissement de sécurité publique*)

“rut” means a track on the surface of the ground measuring at least 4 m in length and created by the wheels or crawlers of a motorized or non-motorized machine; on organic soil, a rut is considered to be the torn plant cover and on mineral soil, a track having a depth of more than 200 mm measured from the litter surface is considered to be a rut; (*ornière*)

“shrubby swamp” means any swamp that is not a forested swamp; (*marécage arbustif*)

“St. Lawrence lowlands” means the municipalities a part of whose territory is included in that natural province; (*basses-terres du Saint-Laurent*)

“swamp” means an area of land subject to seasonal flooding or characterized by a soil permanently or temporarily saturated with water and containing ligneous, shrubby or arborescent vegetation growing on a mineral soil covering more than 25% of its surface area; (*marécage*)

“silvicultural prescription” means a document prepared and signed by a forest engineer; (*prescription sylvicole*)

“tourist accommodation establishment” means any establishment required to be registered under the Tourist Accommodation Act (chapter H-1.01) and that is not a residential building within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); (*établissement d'hébergement touristique*)

“watercourse” means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, showing signs or traces of waterflow, including the St. Lawrence River, the estuary and the Gulf of St. Lawrence, and all the seas surrounding Québec, excluding a ditch; (*cours d'eau*)

“wetland” means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species, such as a pond, marsh, swamp or peatland. (*milieu humide*)

Despite the first paragraph, the following are not considered to be a wetland, a body of water, a pond, a marsh, a swamp, a peatland, a lake or a watercourse:

- (1) flood protection works;
- (2) the following man-made works:
 - (a) an irrigation pond;
 - (b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;
 - (c) a water retention body containing water pumped from a quarry or a sand pit, if the quarry or sand pit has not been restored;
 - (d) a commercial fishing pond;
 - (e) a pond for the production of aquatic organisms;
 - (f) a basin reserved for fire-fighting purposes; and
 - (g) a basin the bottom of which was created using artificial materials and is used for recreational purposes such as bathing, games and sports;
- (3) a wetland in which the vegetation is dominated by reed canary grass (*Phalaris arundinacea L.*) or the introduced sub-species of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*), and the soil of which is not hydromorphic.

For the purposes of subparagraph 2 of the second paragraph,

- (1) the works must be situated on land, in a flood zone or a long-term channel migration zone, excluding the littoral zone, a lakeshore and riverbank, a short-term channel migration zone and a wetland;
- (2) the works must still be in use or, if not in use, must have remained unused for less than 10 years;
- (3) a water environment resulting from work under a program to restore and create wetlands and bodies of water developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or under the

Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be a man-made works; and

(4) a wetland or body of water into which storm water is discharged cannot be considered to be a water management or treatment facility.

5. The flood zones whose boundaries have been established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act are grouped into 4 classes of flood hazard intensity that reflect in particular the probability of occurrence and above-ground flood depth:

- (1) very high flood hazard zones;
- (2) high flood hazard zones;
- (3) moderate flood hazard zones;
- (4) low flood hazard zones.

6. The channel migration zones whose boundaries have been established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act are grouped into 2 classes of channel migration intensity that reflect in particular the erosion rate and meander cutoff:

- (1) short-term channel migration zones;
- (2) long-term channel migration zones.

7. Unless otherwise provided, for the purposes of this Regulation,

(1) a reference to a littoral zone or a lakeshore or riverbank includes any wetland present;

(2) a reference to a body of water includes any wetland present in the littoral zone, a lakeshore or riverbank, or a short-term channel migration zone, excluding any wetland present in a flood zone or a long-term channel migration zone;

(3) a reference to a flood zone excludes the littoral zone, a lakeshore or riverbank, a channel migration zone and any wetland present;

(4) a reference to a channel migration zone excludes the littoral zone, a lakeshore or riverbank, a flood zone and any wetland present, with the exception of a wetland present in a short-term channel migration zone;

(5) a reference to a pond, marsh, swamp, peatland or wetland in general is a reference to the environment concerned situated outside a littoral zone, a lakeshore or riverbank, or a short-term channel migration zone;

(6) an ice jam flood zone is considered to be a very high flood hazard zone;

(7) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, where applicable, the planned footing under a structure;

(8) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or a lake;

(b) from the boundary, for a wetland; and

(c) from the top of the bank, for a ditch;

(9) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(10) minor soil grading involves levelling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(11) the management of vegetation includes cutting, pruning, removing, planting and seeding vegetation, but excludes cultivation of non-aquatic plants and mushrooms, and forest development activities;

(12) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(13) the construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(14) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment concerned, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(15) the relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(16) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it, and is carried out in the immediate vicinity of the infrastructure, works,

building or equipment concerned; work that involves less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(17) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an extension, extension or prolongation;

(18) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(19) an adaptation measure taken with regard to an infrastructure, works, building or equipment consists in an intervention to improve flood resilience and to reduce its vulnerability and that of persons and other property; its primary purpose is to minimize or forestall submersion, prevent water from entering a building or allow water to enter in a controlled manner;

(20) a protection objective is the desired level of safety established in accordance with Schedule III for the crest of a works or in the case of a building, for the ground-level floor;

(21) stabilization works are works to increase the mechanical resistance of the soil or an infrastructure so as to protect against erosion and landslides;

(22) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, bridge, culvert or any other works enabling access to or the crossing of a lake or watercourse; subject to those exceptions, the following are considered to be a road:

(a) a road laid out by the Minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity and any other works permitting travel, such as cycle paths;

(c) an infrastructure or works permitting travel to access a non-residential building, a works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway;

(23) an infrastructure, works or building is considered to be temporary if it is put in place for a maximum period of 3 years;

(24) a building is a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing;

(25) every building other than a residential building within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or a building accessory to a residential building is considered to be a non-residential building;

(26) the extension of a building consists in side extensions to the building and any extension above and below ground, with or without further encroachment on the ground;

(27) the terms “ditch”, “invasive exotic plant species”, “public road”, “sewer system”, “storm water management system” and “waterworks system” have the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

CHAPTER II GENERAL STANDARDS APPLICABLE TO ALL WETLANDS AND BODIES OF WATER

DIVISION I MISCELLANEOUS

8. This Chapter applies to wetlands and bodies of water.

9. Work carried out in wetlands and bodies of water must comply with the following conditions:

(1) materials appropriate to the site must be used;

(2) measures to control erosion, sediments and suspended matter must be put in place.

10. Activities consisting in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited in a wetland or body of water.

11. Work to construct a basin, pond or artificial lake must not include an intake channel or discharge point in another wetland or body of water. Work to backfill such an area may not be carried out until it has been dewatered.

12. The depositing, in a littoral zone, on a lakeshore or riverbank or in a wetland, of an accumulation of snow from snow removal operations on roads and parking lots is prohibited, except in the case of snow removed from bridges.

13. Unless otherwise provided, interventions carried out in wetlands and bodies of water must not interfere with the free flow of water.

Despite the foregoing, such interventions may cause certain permanent restrictions to the free flow of water where they involve a bridge, culvert, weir, baffle, stabilization works or flood protection works.

DIVISION II SITE RESTORATION AND MANAGEMENT OF VEGETATION

14. On completion of an activity carried out in wetlands and bodies of water, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site, subject to any contrary provision;

(2) embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the site;

(3) except for silvicultural treatments, the site must be restored within one year following the completion of the activity including, as applicable,

(a) soil restoration; and

(b) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except

i. during drilling work;

ii. during sample taking, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements, as regards the tree stratum; and

iii. where the revegetation jeopardizes the stability or safety of a works, as regards the tree and shrub stratum;

(4) all stabilization works must be vegetated, except in areas where it is impossible for vegetation to grow or vegetation jeopardizes the stability or safety of a works.

For the purposes of subparagraphs 1 and 3 of the first paragraph, works and materials in the ground such as pilings or anchors may be left in place, except the foundations of a building situated on a lakeshore or riverbank, or in a short-term channel migration zone.

15. Where soil restoration is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out with the excavated materials or, where that is not possible, with substitute materials of the same nature as the original substrate;

(2) the organic part of the soil must be returned to the surface of the soil profile;

(3) all debris and other residual materials must be removed, unless consisting of wood waste present outside the littoral zone and produced by any activity other than the activity referred to in section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) the original drainage conditions must be restored or equivalent drainage conditions put in place;

(5) the restoration must be carried out as far as possible with the original topography of the site being preserved.

16. Where revegetation is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected and are adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, the dead vegetation must be replaced.

17. Seeding and planting of invasive exotic plant species is prohibited.

18. Management of vegetation in a littoral zone, on a lakeshore or riverbank, in a short-term channel migration zone or a wetland must be undertaken without stump removal, unless the nature of the work entails such removal.

DIVISION III EXCAVATION AND BACKFILLING

19. No excavation or backfilling may be carried out in wetlands and bodies of water.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from activities described in the second paragraph may create temporary encroachments in wetlands and bodies of water if carried out in the footing of the works or in the immediate work zone.

At the end of all activity, spoil and excess materials must be disposed of outside the wetlands and bodies of water, and managed so as to forestall sediment movement towards those areas, except for drilling mud, which may be left in a dewatered wetland, and any other spoil and materials covered by a contrary provision of this Regulation.

DIVISION IV OPERATION AND USE OF MACHINERY

20. The operation of vehicles and machinery in wetlands and bodies of water is permitted on the following conditions:

(1) in the littoral zone, the vehicles or machinery operate only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply where the operation is necessary for

- (1) drilling work;
- (2) the construction of a temporary works;
- (3) making preliminary technical surveys;
- (4) taking samples; or
- (5) taking measurements.

The condition in subparagraph 2 of the first paragraph does not apply to ruts created in trails laid out in a forested wetland, a channel migration zone or a flood zone as part of a forest development activity if the ruts appear over no more than 25% of the total length of the trails in each harvest area.

21. The refuelling and maintenance of vehicles or machinery in wetlands and bodies of water must comply with the following conditions:

(1) in a littoral zone, the work must be carried out only in a dewatered or drained area of the zone in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage or with a spillage prevention device.

DIVISION V FOREST DEVELOPMENT ACTIVITIES

22. Sylvicultural treatments applied in wetlands and bodies of water must be carried out with a view to encouraging natural regeneration of the vegetation.

If natural regeneration of the vegetation is inadequate to restore the forest cover, the site must be reforested within 4 years after the end of the treatments, except where the treatments are carried out in a forested wetland, a channel migration zone or a flood zone following the occurrence of a natural disturbance such as a windthrow, epidemic, fire or ice storm.

23. Despite the fourth paragraph of section 19, the spreading of wood waste in a littoral zone or an open wetland is prohibited.

CHAPTER III SPECIAL STANDARDS APPLICABLE TO BODIES OF WATER

DIVISION I GENERAL

24. This Chapter applies to bodies of water.

DIVISION II MANAGEMENT OF VEGETATION

25. The management of vegetation required in bodies of water to carry out another activity that requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) cannot be carried out before that authorization from the Minister has been obtained or before the expiry of 30 days after the declaration of compliance has been filed, as applicable.

26. The cutting of vegetation required in bodies of water to carry out maintenance work on a watercourse must comply with the following conditions:

- (1) it must be carried out on only one bank of the watercourse;
- (2) it is limited to the space necessary for carrying out the work;
- (3) it does not result in the complete removal of the riparian arborescent vegetation;
- (4) all plant debris must be removed from the littoral zone.

27. The burial of invasive exotic plant species must comply with the following conditions:

- (1) a layer of soil at least 2 m thick exempt of invasive exotic plant species must fully cover the buried plants;
- (2) the original topography of the site must not be modified by the work.

DIVISION III WATERCOURSE MAINTENANCE

28. The maintenance work on a watercourse described in section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must comply with the following conditions:

- (1) it must be carried out in the lower one-third of the height of the bank;
- (2) it must not be carried out during a flood period;
- (3) it must be carried out only for the purpose of removing accumulated sediment or, where the original plans of the watercourse are available, the work must not involve evacuation deeper than beyond the depth indicated in the original plans.

In addition, work referred to in the first paragraph involving sediment removal must comply with the following conditions:

- (1) the sediment must be deposited and graded outside the littoral zone or a wetland;
- (2) for the cleaning work referred to in subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the sediment must be deposited more than 3 m from the littoral zone for work carried out on a cultivated parcel and off the lakeshore or riverbank in other cases;
- (3) for the cleaning work referred to in subparagraphs 2 and 3 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the sediment must be deposited more than 3 m from the top of the bank;
- (4) the sediment must not modify the topography of the site if the sediment is deposited and graded in a flood zone, including on a lakeshore or riverbank, if applicable.

The condition in subparagraph 1 of the second paragraph does not apply to an area in a littoral zone that is cultivated pursuant to a declaration of compliance referred to in section 339 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

For the purposes of subparagraph 4 of the second paragraph, the reference to a flood zone includes a lakeshore or riverbank, or any channel migration zone present.

29. A municipality carrying out maintenance work on a watercourse referred to in subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is required to provide to the Minister, at the Minister's request and within the time and in the manner and form the Minister determines, the longitudinal and projected profiles as well as the original plans of the watercourse.

DIVISION IV **DEWATERING AND NARROWING OF A** **WATERCOURSE**

30. The dewatering or temporary narrowing of the littoral zone of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

Where dewatering or narrowing work is carried out by the Minister responsible for the Act respecting roads (chapter V-9) or by a municipality, it must comply with the following conditions:

(1) in the case of work lasting for not more than 20 days, the dewatering or narrowing may be total if the water is redirected in its entirety downstream of the work;

(2) in the case of work lasting for more than 20 days, the dewatering or narrowing,

(a) if there is a permanent infrastructure present for which dewatering or narrowing is required,

i. may not exceed one-half of the infrastructure's opening if the dewatering or narrowing is carried out between 15 June and 30 September; and

ii. may not exceed one-third of the infrastructure's opening if the dewatering or narrowing is carried out between 1 October and 14 June; and

(b) if there is no permanent infrastructure present for which dewatering or narrowing is required, may not exceed two-thirds of the width of the watercourse.

Where dewatering or narrowing work is carried out by any other person not referred to in the second paragraph, in no case may it last for more than 30 consecutive days and, in addition to the conditions in the first paragraph, it must comply with the following conditions:

(1) in the case of work lasting for no more than 10 days, the dewatering or narrowing may be total if the width of the watercourse is less than 5 m and the water is redirected in its entirety downstream of the work;

(2) in other cases, the dewatering or narrowing may not exceed one-third of the width of the watercourse.

This section does not apply where dewatering or narrowing work is carried out for the purpose of managing a dam.

31. Dewatering or narrowing work in the littoral zone of a watercourse must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the littoral zone;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged

(a) into a sedimentation basin located within the right-of-way of a road, where the work is carried out by a government department, public body or municipality, on the following conditions:

i. the basin is not located in the littoral zone;

ii. the basin is not located on the bank of the watercourse or in a short-term channel migration zone, except where it is impossible to find another location, in which case it cannot be located in any wetland present; or

(b) into an area of vegetation located more than 30 m from the littoral zone, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

32. All works used for dewatering or narrowing the littoral zone of a watercourse must be dismantled first by removing the materials situated inside the dewatered area and then advancing from the area downstream of the work towards the upstream area.

DIVISION V OPERATION AND USE OF VEHICLES AND MACHINERY

33. In the absence of a fording site or works enabling a watercourse to be crossed, a vehicle or machinery may be operated in the littoral zone of a watercourse, if permitted under section 20, on the following conditions:

(1) the operation is limited to only one back-and-forth crossing;

(2) the crossing point minimizes the impacts on the watercourse.

34. Hydraulic fluids and drilling greases used for a drill in the littoral zone or on a lakeshore or riverbank must be degradable to more than 60% in 28 days.

On completion of the work,

(1) all drill holes must be sealed so as to prevent contaminants from migrating from the surface toward an aquifer; and

(2) all tubing located in the littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone must be removed or severed at ground level.

DIVISION VI INFRASTRUCTURES, WORKS AND FACILITIES

35. Where carried out by a municipality, a government department or a public body, an access to a littoral zone installed in a body of water must comply with the following conditions:

(1) it must be carried out using one or more of the following means:

(a) the management of vegetation;

(b) the construction of a stairway or a walkway on pilings;

(c) the construction of a slab or stone pathway;

(2) the access must not be more than 5 m wide;

(3) if there is already an access on the lot, the work must not add another one on the same lot; and

(4) the work is carried out so as to forestall sediment movement towards the lake or watercourse.

36. Installation of a culvert must not result in the water level of a watercourse or lake being raised or lowered compared to its initial state, except where required by wildlife development.

37. Construction of permanent works or installation of permanent equipment in the littoral zone of a watercourse must not cause it to be widened beyond the boundary of the littoral zone, unless the purpose of the construction or installation is to restore the natural width of the watercourse or to reduce the embankment slope.

The littoral zone of a watercourse may not be permanently narrowed by more than 20% of its width or, as applicable, by a width greater than the narrowing resulting from works or equipment present in the watercourse at that location, if the narrowing is already greater than 20% of the watercourse width.

Where the work involves the siting of a permanent works or the installation of permanent equipment, the littoral zone of a watercourse may not be permanently narrowed to less than the level of the bankfull discharge.

This section does not apply to culvert lining and sleeving.

38. A waterworks system or sewer system may be sited or extended in a flood zone only in the following cases:

(1) the system is intended to serve an infrastructure or a building that

(a) was constructed in the flood zone in which the work is to take place before 23 June 2021; or

(b) construction is not prohibited in the flood zone where the work is to take place;

(2) the system is intended to serve an infrastructure, a building or a sector outside a flood zone and it is not possible to avoid crossing a flood zone to connect it;

(3) the work relates to a public road.

The first paragraph also applies in a short-term channel migration zone, with the necessary modifications.

For the purposes of this section,

(1) a reference to a flood zone or a channel migration zone includes any wetland or body of water present; and

(2) a reference to a system does not include the treatment facility.

39. The construction, in a littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone, of a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building, must comply with one of the following conditions:

(1) the work is carried out only where it cannot be done elsewhere on the lot without encroaching on one of those areas;

(2) the sole purpose of the work is to cross the area or discharge water into that area.

40. The construction of a surface water withdrawal facility in a flood zone must be carried out in such a way that the components of the facility are located underground, for the portion located outside the littoral zone, or placed on the surface temporarily.

For the purposes of this section, the reference to a flood zone includes any wetland or body of water present.

41. The construction of a surface water withdrawal facility intended to supply a temporary industrial camp must comply with the following conditions:

(1) no impounding structure may be installed in a watercourse or lake;

(2) the width of the vegetation management work carried out in a littoral zone or on a lakeshore or riverbank cannot be greater than 5 m;

(3) the pumping equipment must be installed elsewhere than on a lakeshore or riverbank or in the littoral zone, except in the case of a submersible pump.

The quantity of water withdrawn by the water withdrawal facility may not, at any time, exceed 15% of the instantaneous flow of the watercourse or lower the level of a lake by more than 15 cm.

42. A weir must be equipped with a notch and, once installed, must not cause the water level between the areas upstream and downstream of the works to vary by more than 20 cm from the water line.

43. Work on a structure must allow flood water to dissipate.

The erection of a fence in an ice jam flood zone, including any wetland or body of water present, is prohibited.

44. Stabilization works in a flood zone must not result in an increase in the ground level.

For the purposes of the first paragraph, a reference to a flood zone includes any other wetland or body of water present.

45. The construction of a low wall or backfill embankment to flood-proof works or a non-residential building is prohibited.

The prohibition under the first paragraph regarding the construction of a low wall does not apply if the work is carried out in a flood zone to flood-proof works or a non-residential building already present in the flood zone, the adaptation measures set out in sections 55 and 56 cannot be complied with and the construction of a low wall is a measure considered to be appropriate by a professional qualified in the field. In that case, the low wall must comply with the applicable protection objective.

For the purposes of the first paragraph, a reference to a flood zone includes any other wetland or body of water present.

46. The siting of a works, other than works referred to in section 45, intended to protect persons or property against flooding is prohibited, except if the work complies with the following conditions:

(1) it is carried out by a municipality, a government department or a public body;

(2) there is no other way to provide adequate protection for persons and property;

(3) the work is warranted in the public interest, in particular because of the number of persons, infrastructures, buildings or works to be protected;

(4) in the case of the siting of flood protection works, the purpose of the works is to protect a territory in which at least 75% of the lots are occupied by a residential building or a non-residential building.

47. The construction of a parking area must comply with the following conditions:

(1) the parking area must not have an impervious surface

(2) the parking area cannot be underground;

(3) where the construction is carried out in a littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone,

(a) the parking area is necessary for the carrying out of another activity; or

(b) it is temporary.

For the purposes of the first paragraph, where the other activity for which the parking area is necessary requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the parking area cannot be constructed before that authorization from the Minister has been obtained or before the expiry of 30 days after the declaration of compliance has been filed, as applicable.

48. The laying out or extension of a public road is prohibited in a littoral zone, on a lakeshore or riverbank, in a short-term channel migration zone, a high-velocity flood zone, a very high flood hazard zone or a high flood hazard zone, except if used to cross a lake or watercourse.

49. Where not prohibited under section 48, the laying out or substantial modification of a road in a very high, high, moderate or low flood hazard zone must respect the original topography of the site.

For the purposes of this section, a reference to a flood zone includes any wetland or body of water present.

DIVISION VII NON-RESIDENTIAL BUILDINGS

50. This section does not apply to residential buildings.

51. The installation or storage of a seasonal mobile building is prohibited between 1 November and 15 May of each year on a camping ground situated in a littoral zone, a short-term channel migration zone or a flood zone other than a low flood hazard zone or a low-velocity flood zone.

For the purposes of this section, the reference to a flood zone or a channel migration zone includes any wetland or body of water present.

52. The following work is prohibited in a littoral zone or on a lakeshore or riverbank:

(1) the siting of a public institution, a public security establishment or a tourist accommodation establishment;

(2) work to change the use of a building to a public institution, a public security establishment or a tourist accommodation establishment.

53. The following is prohibited in a flood zone:

(1) the siting of a public institution and a public security establishment;

(2) work to change the use of a building to a public institution or a public security establishment.

This section does not apply where the urbanization perimeter of a municipality lies entirely within a flood zone or a channel migration zone and it is shown that the siting or the change of use is necessary.

For the purposes of this section, a reference to a flood zone or a channel migration zone includes any wetland or body of water present.

54. The following work is prohibited in a channel migration zone:

(1) the construction of a public security establishment and a public institution in a short-term channel migration zone;

(2) the siting of a public security establishment and a public institution in a long-term channel migration zone;

(3) work to change the use of a building situated in a channel migration zone to a public institution or a public security establishment.

This section does not apply where the urbanization perimeter of a municipality lies entirely within a flood zone or a channel migration zone and it is shown that the siting or the change of use is necessary.

For the purposes of this section, a reference to a channel migration zone includes any wetland or body of water present.

55. The relocation of a building in a body of water must comply with the following conditions:

(1) where carried out on a lakeshore or riverbank, or in a short-term channel migration zone, it moves the building further from the littoral zone;

(2) where carried out in a flood zone,

(a) it moves the building further from the littoral zone; and

(b) the relocation is to a new site at an elevation higher than the original site;

(3) where carried out in an ice jam flood zone, the relocation does not increase exposure to ice.

The first paragraph does not apply to the buildings referred to in the first paragraph of section 59 where the work has been authorized, as the case may be, by the Minister of Culture and Communications or by the competent municipality, and a notice signed by a professional shows that the work ensures the safety of persons and property, in particular by the implementation of adaptation measures.

56. The construction of a building in a flood zone must comply with the applicable protection objective.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

57. The siting, reconstruction, extension or relocation of a building in a flood zone and the substantial modification of its foundation must comply with the following adaptation measures, as applicable:

(1) only storage and parking areas are laid out under the applicable protection objective;

(2) openings, such as windows, basement well windows and access doors located in living quarters and areas that are not resistant or resilient to contact with water, must be situated above the applicable protection objective;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed under the protection objective unless the nature of the system makes location below that protection objective mandatory, in which case protection measures must be put in place.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

58. The substantial modification of a building in a flood zone, other than a modification of the foundations, must comply with the following adaptation measures, as applicable:

(1) the ground-level floor must be above the applicable protection objective, except where that is impossible, in which case the following conditions must be complied with:

(a) adaptation measures must be put in place;

(b) an emergency exit and a refuge area must be provided for and located above the determined protection objective;

(2) the basement, if finished, must be finished using materials having a good overall resilience performance;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the applicable protection objective or the protection measures put in place must be adopted.

For the purposes of subparagraph 2 of the first paragraph, good overall resilience performance of materials refers to

(1) the capacity of materials to resist water ingress;

(2) the capacity of materials and assemblies to dry and be cleaned; and

(3) the capacity of materials to retain their original size and structural integrity after a flood.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

59. The adaptation measures set out in sections 57 and 58 do not apply to the following buildings where a notice, signed by a professional, shows that the measures affect the heritage interest of the immovable and that the other proposed measures offer equivalent protection for persons and property:

(1) a recognized or classified heritage immovable;

(2) an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002); or

(3) an immovable in the inventory made pursuant to section 120 of the Cultural Heritage Act and that was in the inventory before the date of the flood.

For the purposes of the first paragraph, the work must have been authorized, as the case may be, by the Minister of Culture and Communications or by the competent municipality.

60. Despite any contrary provision, work to upgrade to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is not prohibited.

DIVISION VIII FOREST DEVELOPMENT ACTIVITIES

61. Harvesting of trees carried out as part of a forest development activity in a littoral zone, on a lakeshore or riverbank, or in short-term channel migration zone must comply with the following conditions:

- (1) in a littoral zone, harvesting must be done so as to maintain at least 50% of the forest cover;
- (2) on a lakeshore or riverbank and in a short-term channel migration zone, harvesting must be done so as to maintain at least 40% of the forest cover;
- (3) harvesting must be carried out with the trees left standing being uniformly spaced.

Subparagraph 3 of the first paragraph does not apply where the harvest results from the occurrence of a natural disturbance and involves more than 60% of trees measuring more than 10 cm in diameter. In such a case, if the surface area to be harvested is greater than 1,000 m², the harvest must be recommended in a silvicultural prescription.

The silvicultural prescription referred to in the second paragraph must be kept by the person that carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with any other terms the Minister determines.

DIVISION IX CULTIVATION OF NON-AQUATIC PLANTS AND MUSHROOMS

62. The cultivation of non-aquatic plants and mushrooms is prohibited in a littoral zone and in a 3-metre wide strip alongside the littoral zone, except if, for the portion in the littoral zone, cultivation is eligible for a declaration of compliance under section 339 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), in which case the cultivation in the littoral zone and in the 3-metre wide strip alongside the littoral zone must comply with the following conditions:

- (1) a vegetation strip comprising perennial plants is present over a distance of at least 5 m on each side of the watercourses and at least 3 m on each side of the

ditches, including a width of at least 1 m on the top of the bank, where applicable, inside which only the following activities are permitted:

- (a) seeding and planting of plants to ensure the presence of the vegetation strip;
 - (b) picking and maintenance pruning;
 - (c) mowing, which may be performed only after 15 August each year and on condition that, by 1 November each year, the plants are at least 30 cm tall;
- (2) on 1 December each year, the soil of the areas cultivated in the littoral zone by an operator must be entirely covered by rooted vegetation;
 - (3) at least 10% of the area cultivated in the littoral zone by an operator must be planted with perennial plants.

For the purposes of subparagraph 2 of the first paragraph, wide-row crops such as corn and soy are not considered to be a form of vegetation that covers the soil entirely unless they are combined with intercropping.

As of 1 January 2025, subparagraph 2 of the first paragraph must be applied to 40% of the areas cultivated by an operator. The percentage must increase by 10% each year until all cultivated areas are covered.

For the purposes of subparagraph 3 of the first paragraph, the vegetation strip referred to in subparagraph 1 of the first paragraph may be considered to be a cultivated area in calculating the area cultivated with perennial plants.

63. The cultivation of non-aquatic plants and mushrooms in the portion of a lakeshore or riverbank not covered by the first paragraph of section 62 is prohibited, except where it is carried out in accordance with section 341.9 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

CHAPTER IV SPECIAL STANDARDS APPLICABLE TO WETLANDS

DIVISION I GENERAL

64. This Chapter applies to wetlands.

65. Races, rallies and other motorized vehicle competitions are prohibited in wetlands.

DIVISION II INFRASTRUCTURES, WORKS AND BUILDINGS

66. Before construction is undertaken on a temporary road in an open peatland not covered by section 68, a plan for its construction must be prepared and signed by an engineer.

The plan must be kept by the person that carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with the terms the Minister determines.

DIVISION III FOREST DEVELOPMENT ACTIVITIES

67. Tree harvesting in a forested wetland as part of a forest development activity must be carried out in such a way as to maintain a forest cover composed of trees with an average height of at least 4 m over at least 30% of the total surface area of all the forested wetlands in a private forest constituting a unit of assessment within the meaning of the Act respecting municipal taxation (chapter F-2.1).

For tree harvesting targeting more than 50% of the trees measuring at least 10 cm in diameter in a forested wetland, the person who carries out the harvest must maintain a forested strip at least 60 m wide between the different harvest areas. In the strip, no work may be carried out until such time as the trees have reached an average height of 4 m in the adjacent harvest areas, except where the work is undertaken solely for the purpose of providing a crossing between harvest areas. Unless it is recommended in a silvicultural prescription, such a harvest is limited to

- (1) 4 ha per harvest area in the St. Lawrence lowlands; and
- (2) 25 ha per harvest area in any other territory.

This section does not apply to tree harvesting carried out for the purpose of recovering timber following a natural disturbance.

68. The following forest development activities must be recommended in a silvicultural prescription:

- (1) tree harvesting in forested wetlands over a surface area exceeding the surface areas referred to in subparagraphs 1 and 2 of the second paragraph of section 67;
- (2) site preparation by mechanized scarification in forested wetlands over a surface area of more than 4 ha per intervention area;

- (3) construction of a temporary road in an open peatland;

- (4) roadside construction of a ditch to a depth greater than 1 m below the surface of the litter layer;

- (5) construction of a road longer than 120 m in a forested wetland and longer than 35 m in any other wetland.

The silvicultural prescription must be kept by the person who carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with the terms the Minister determines.

CHAPTER V SPECIAL STANDARDS APPLICABLE TO CERTAIN SENSITIVE AREAS

DIVISION I DUNES AND BEACHES

69. For the purposes of this section, a reference to a beach excludes a littoral zone or a lakeshore or riverbank.

70. Races, rallies and other motorized vehicle competitions are prohibited on dunes and beaches.

71. The operation of motorized vehicles on dunes and beaches is permitted only in the following cases:

- (1) on trails lawfully developed and identified for that purpose situated in the territory of the Îles-de-la-Madeleine;

- (2) the operation is required to carry out work.

DIVISION II ALVARS

72. Races, rallies and other motorized vehicle competitions are prohibited on alvars.

73. The operation of motorized vehicles on alvars is permitted only in the following cases:

- (1) off-road vehicles in winter with snow or ice cover, so as not to create ruts;

- (2) the operation is required to access a property;

- (3) the operation is required to carry out work.

DIVISION III ENVIRONNEMENTS NEAR A WETLAND OR BODY OF WATER

74. Activities consisting in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited within 60 m of a watercourse or lake and within 30 m of a wetland.

75. Where work is carried out near a wetland or a body of water, measures to control erosion and the emission of sediments and suspended matter must be put in place to prevent sediments and suspended matter from reaching surface water and wetlands.

CHAPTER VI MONETARY ADMINISTRATIVE PENALTIES

76. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in other cases may be imposed on every person who

(1) fails to keep information or a document or to keep it for the period prescribed under this Regulation;

(2) fails to provide information or a document to the Minister or to provide it within the time and in the manner and form determined by the Minister under this Regulation; or

(3) fails to comply with a provision of this Regulation, for which no other monetary administrative penalty is otherwise provided for such a failure.

77. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in other cases may be imposed on every person who

(1) fails to carry out work in wetlands and bodies of water in compliance with section 9;

(2) constructs a basin, pond or artificial lake, or back-fills it before it has been dewatered, in contravention of section 11;

(3) in carrying out an intervention in wetlands and bodies of water, interferes with the free flow of water, in contravention of the first paragraph of section 13;

(4) on completion of an activity in wetlands and bodies of water, fails to apply the measures required by section 14;

(5) fails to revegetate the area in compliance with section 16;

(6) seeds or plants invasive exotic plant species, in contravention of section 17;

(7) removes stumps in a littoral zone, on a lakeshore or riverbank, or in short-term channel migration zone or wetland, in contravention of section 18;

(8) fails to comply with the conditions in section 20 for the operation of vehicles or machinery in wetlands and bodies of water;

(9) fails to comply with the conditions in section 21 for the refuelling and maintenance of vehicles or machinery in wetlands and bodies of water;

(10) carries out silvicultural treatments while failing to encourage the natural regeneration of the vegetation or fails to reforest the area within 4 years after the end of the treatments, in contravention of section 22;

(11) buries invasive exotic plant species, in contravention of section 27;

(12) fails to comply with the conditions in section 33 for machinery or vehicle operation in the littoral zone of a watercourse;

(13) fails to comply with the conditions in section 34;

(14) fails to comply with the conditions in section 35 for the installation of an access to the littoral zone in a body of water;

(15) fails to comply with the conditions in section 36 for the installation of a culvert;

(16) fails to comply with the conditions in section 39 for the construction of a mains or any other equipment concerned;

(17) fails to comply with the conditions in section 40 for the construction of a surface water withdrawal facility;

(18) fails to comply with the conditions in section 41 for the construction of a surface water withdrawal facility intended to supply a temporary industrial camp;

(19) fails to comply with the conditions in section 42 in respect of the equipping and installation of a weir;

(20) harvests trees in contravention of the first paragraph of section 61 and section 67;

(21) fails to obtain a silvicultural prescription, in contravention of the second paragraph of section 61 and the first paragraph of section 68;

(22) fails to comply with the conditions in the first paragraph of section 66 for the construction of a temporary road; or

(23) fails to put in place the control measures set out in section 75 when work is carried out near a wetland or a body of water.

78. A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed on every person who

(1) carries out an activity that is prohibited, in contravention of section 10, 12, 23 or 38, the second paragraph of section 43, the first paragraph of section 45, section 46, 48, sections 51 to 54, section 63, 65 or sections 70 to 74;

(2) fails to carry out soil restoration in compliance with section 15;

(3) carries out vegetation management work, in contravention of section 25;

(4) fails to comply with the conditions in section 26 concerning the cutting of vegetation required in bodies of water to carry out maintenance work on a watercourse;

(5) fails to comply with the conditions in section 28 for maintenance work on a watercourse;

(6) dewateres or narrows a watercourse contrary to sections 30,31 and 32;

(7) carries out work that widens or narrows the littoral zone of a watercourse, in contravention of section 37;

(8) carries out work on a structure, in contravention of the first paragraph of section 43;

(9) carries out work on works or a building contrary to the conditions in section 44 or sections 55 to 58;

(10) fails to comply with the conditions in the second paragraph of section 45 for the construction of a wall;

(11) fails to comply with the conditions in section 47 for the construction of a parking area;

(12) lays out or substantially modifies a road, in contravention of section 49; or

(13) cultivates non-aquatic plants and mushrooms in a littoral zone or in a 3-metre wide strip alongside the littoral zone, in contravention of section 62.

79. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in other cases may be imposed on every person who

(1) carries out excavation or backfilling work in wetlands and bodies of water, in contravention of the first paragraph of section 19; or

(2) fails to comply with the conditions in the third and fourth paragraphs of section 19 concerning excavation and backfilling work resulting from the activities concerned.

CHAPTER VII PENAL PROVISIONS

80. Every person who

(1) refuses or neglects to keep information or a document or to keep it for the prescribed period;

(2) refuses or neglects to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines; or

(3) contravenes this Regulation in cases where no other offence is prescribed,

commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

81. Every person who contravenes section 9 or 11, the first paragraph of section 13, section 14, sections 16 to 18, 20 to 22, section 27, sections 33 to 36, 40 to 42, the first or second paragraph of section 61, the first paragraph of section 66, section 67, the first paragraph of section 68 or section 75 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

82. Every person who

(1) makes a false or misleading declaration or provides false or misleading information or documents for the purpose of making the person's activity eligible for a declaration of compliance; or

(2) signs a false or misleading document,

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 and, in other cases, to a fine of \$15,000 to \$3,000,000.

83. Every person who contravenes section 10, 12, 15, 23, 26, 28, sections 30 to 32, section 37, 38, sections 43 to 49, 51 to 58, section 62, 63, 65, or sections 70 to 74 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 and, in other cases, to a fine of \$24,000 to \$3,000,000.

84. Every person who contravenes the first, third or fourth paragraph of section 19 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 and, in other cases, to a fine of \$30,000 to \$6,000,000.

CHAPTER VIII FINAL PROVISIONS

85. This Regulation replaces the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1).

86. This Regulation comes into force on (*insert the date that occurs 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*), except subparagraphs 1 and 3 of the first paragraph of section 62 and the fourth paragraph, which come into force on 1 March 2027.

SCHEDULE I (Section 4)

BOUNDARY OF THE LITTORAL ZONE

The boundary of the littoral zone is determined based on various factors such as the presence of a works or special ecological conditions.

The following methods must be used in the order determined below, according to the cases described:

(1) the eco-geomorphological method must be used for coasts and islands in the following places:

(a) the Gulf of St. Lawrence;

(b) the baie des Chaleurs;

(c) the rivière Saguenay within the boundaries of the Saguenay–St. Lawrence Marine Park;

(d) the portion of the St. Lawrence River downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans;

(2) in the presence of a water retaining structure greater than 1 m in height, the boundary of the littoral zone is situated at the operating level of the hydraulic structure for the part of the body of water upstream from the structure, within its zone of influence;

(3) where the 2 year flood recurrence level has been established under subdivision 2 of Division V.1 of Chapter IV of Title 1 of the Act, the boundary of the littoral zone is determined using that recurrence level;

(4) where plant species are present, the botanical method must be used;

(5) in other cases, the boundary of the littoral zone must be determined by hydraulic modelling of the 2 year flood recurrence level.

The first paragraph does not operate to modify the boundary of the littoral zone of the St. Lawrence River situated in the territory of Municipalité régionale de comté de La Côte-de-Beaupré applicable under the Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré (S.Q. 1999, c. 84).

SCHEDULE II (Section 4)

FLOOD ZONE WHOSE BOUNDARIES ARE DETERMINED ON ANOTHER BASIS

In the absence of a flood zone established pursuant to sections 46.0.2.1 to 46.0.2.3 of the Act, the flood zones are those whose boundaries on 25 March 2021 have been established using one of the following means:

(1) a map approved under an agreement on mapping and flood zone protection between the Gouvernement du Québec and the Government of Canada;

(2) a map published by the Gouvernement du Québec;

(3) a map integrated into a land use and development plan or an interim control by-law;

(4) the 20 year or 100 year, or both, flood recurrence levels established by the Gouvernement du Québec;

(5) the 20 year or 100 year, or both, flood recurrence levels referred to in a land use and development plan or an interim control by-law;

(6) any perimeter indicated on a map referred to in Schedule 2 to Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, excluding the territories listed in Schedule 4 to Order in Council 817-2019 dated 12 July 2019.

In the event of a conflict in the application of the various means referred to in subparagraphs 1 to 5 of the first paragraph, the boundaries of a flood zone are established according to the most recent of those means and, secondarily, according to the most recent flood elevation.

Despite the first paragraph, the boundaries of the flood zones established on a map integrated into a land use and development plan or an interim control by-law between 25 March 2021 and 23 June 2021 are recognized.

SCHEDULE III

(Sections 45, 57 and 58)

PROTECTION OBJECTIVES

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SUBDIVISION 2 OF DIVISION V.1 OF CHAPTER IV OF TITLE I OF THE ACT

1. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. It is determined on the basis of the 350 year flood recurrence level established by the Gouvernement du Québec. There are 3 protection levels, shown in the following table.

Protection objectives		
Maximum	Moderate	Minimum
45 cm above the 350 year flood recurrence level	15 cm above the 350 year flood recurrence level	the 350 year flood recurrence level

2. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Building other than a public institution or a public security establishment	Moderate
Correctional facility	Maximum
Educational institution	Moderate
Health and social services institution	Maximum
Public security establishment	Maximum
Tourist establishment	Maximum
Protective bankfill embankment	Minimum

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SCHEDULE II

3. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. The objectives are determined on the basis of the 100 year flood recurrence level established using one of the means referred to in subparagraphs 3 and 4 of Schedule II or, if that recurrence level has not been established, it is replaced by the highest level of flood water attained that was used as a reference to establish the flood zone boundary pursuant to Schedule II. There are two protection levels, shown in the following table.

Protection objectives		
Maximum	Moderate	Minimum
60 cm above the 100 year flood recurrence level	30 cm above the 100 year flood recurrence level	the 100 year flood recurrence level

4. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Building other than a public institution or a public security establishment	Moderate
Correctional facility	Maximum
Educational institution	Moderate
Health and social services institution	Maximum
Public security establishment	Maximum
Tourist establishment	Maximum
Protective bankfill embankment	Minimum

Regulation to amend the Regulation respecting compensation for adverse effects on wetlands and bodies of water

Environment Quality Act
(chapter Q-2, s. 46.0.5, 1st par., subpar 4, 2nd par., and s. 46.0.22, pars. 1, 5, 6 and 7)

1. The Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is amended in the second paragraph of section 4

(1) by replacing subparagraph 1 by the following:

“(1) the terms “body of water”, “channel migration zone”, “forested wetland”, “flood zone”, “high-velocity flood zone”, “lakeshore” and “riverbank”, “littoral zone”, “low-velocity flood zone”, “open peatland”, “open wetland”, “watercourse” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) the “long-term channel migration zone”, “low flood hazard zone”, “moderate flood hazard zone” and “short-term channel migration zone” are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;”;

(2) by replacing “paragraphs 1 to 4” in subparagraph 2 by “paragraphs 1 to 7”.

2. Section 5 is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) work carried out in

(a) a low-velocity flood zone;

(b) a moderate flood hazard zone;

(c) a low flood hazard zone;

(d) a long-term channel migration zone;”.

3. Section 9 is amended

(1) by inserting “or the long-term channel migration zone” after “zone” in paragraph 3;

(2) by adding the following at the end:

“(4) in the short-term channel migration zone of a lake or a watercourse, in accordance with the parameters provided for in Schedule III applicable to the short-term channel migration zone and at the value of factor “R” determined in Schedule IV applicable to a body of water.”.

4. Section 10 is amended in the first paragraph

(1) by inserting “, in a channel migration zone” after “wetland” in subparagraph *a* of subparagraph 6;

(2) by inserting “, in a channel migration zone” after “wetland” in subparagraph *b* of paragraph 6;

(3) by inserting “in a channel migration zone or” after “work” in paragraph 7.

5. Schedule III to the Regulation is replaced by the following:

“SCHEDULE III

(Sections 6 and 9)

ADVERSE EFFECTS ON BODIES OF WATER – DETERMINATION OF THE VALUE OF FACTORS “ I_{FINI} ” AND “NI”**DIVISION I****INITIAL STATE OF THE BODY OF WATER****§ 1 — The littoral zone**

1. The factor representing the initial state of the portion of the littoral zone affected by the activity “ I_{FINI} ” is

(1) in the part of a watercourse following the bed of a ditch, set at 1;

(2) in the part of a watercourse whose geometry has already been modified in accordance with an agreement, municipal by-law or authorization, set at 1.2;

(3) in all other cases, set at 1.5.

§ 2 — The lakeshore or riverbank

2. The factor representing the initial state of the portion of the lakeshore or riverbank affected by the activity “ I_{FINI} ” is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor “ I_{FINI} ” is set at 1.2. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the lakeshore or riverbank affected by the activity		
Undegraded $I_{FINI} = 1.2$	Degraded $I_{FINI} = 1$	Very degraded $I_{FINI} = 0.8$
Soil or vegetation in its natural state over more than 66% of the affected portion of the lakeshore or riverbank OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the lakeshore or riverbank	Herbaceous vegetation cut over more than 33% of the affected portion of the lakeshore or riverbank	Disturbed soil or vegetation absent over more than 66% of the affected portion of the lakeshore or riverbank

§ 3 — The flood zone

3. The factor representing the initial state of the portion of the flood zone affected by the activity “ I_{FINI} ” is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor “ $I_{f INI}$ ” is set at 1. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the flood zone affected by the activity		
Undegraded $I_{f INI} = 1$	Degraded $I_{f INI} = 0.6$	Very degraded $I_{f INI} = 0.3$
Soil or vegetation in its natural state over more than 66% of the affected portion of the flood zone OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the flood zone	Soil that is disturbed, but not backfilled, over more than 33% of the affected portion of the flood zone OR Herbaceous vegetation cut over more than 33% of the affected portion of the flood zone	Vegetation absent over more than 66% of the affected portion of the flood zone OR Filling over more than 33% of the affected portion of the flood zone

§ 4 — *The short-term channel migration zone*

3.1 The factor representing the initial state of the portion of the short-term channel migration zone affected by the activity “ $I_{f INI}$ ” is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor “ $I_{f INI}$ ” is set at 1.2. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the short-term channel migration zone affected by the activity		
Undegraded $I_{f INI} = 1.2$	Degraded $I_{f INI} = 1$	Very degraded $I_{f INI} = 0.8$
Soil or vegetation in its natural state over more than 66% of the affected portion of the short-term channel migration zone OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the short-term channel migration zone	Herbaceous vegetation cut over more than 33% of the affected portion of the short-term channel migration zone	Disturbed soil or vegetation absent over more than 66% of the affected portion of the short-term channel migration zone

DIVISION II

IMPACT OF THE ACTIVITY ON THE BODY OF WATER

§ 1 — *The littoral zone*

4. The factor representing the impact of the activity on the portion of the littoral zone affected by the activity “NI” is determined according to the table below. The factor is the factor that corresponds to the component of the littoral zone for which the impact is the most significant.

Impact of the activity on the portion of the littoral zone affected by the activity			
Components	Low NI = 0.7	High NI = 0.3	Very high NI = 0
Biological	Plant associations or aquatic macrophyte stands destroyed over less than 20% of its total area	Plant associations or aquatic macrophyte stands destroyed over 20% to 75% of its total area	Plant associations or aquatic macrophyte stands destroyed over more than 75% of its total area OR Destruction, even partial, of spawning areas
Soil	Digging or dredging over a distance of less than 5 times the width of the watercourse and not more than 30 m OR Presence of a stabilization work for the catchment of sediments in the affected portion of the littoral zone of the lake or watercourse OR Presence of a stabilization work in a gentle slope for the dissipation of the energy of the waves from the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec OR Presence of a mechanical stabilization work using inert woody materials	Digging or dredging over a distance of 5 to 10 times the width of the watercourse and not more than 60 m OR Digging or dredging in the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec OR Discharge in open water of dredged sediments	Digging or dredging over a distance of more than 10 times the width of the watercourse or more than 60 m OR Digging or dredging in the littoral zone of the lake OR Natural substratum removed over more than 20% of the affected portion of the littoral zone of the lake or watercourse OR Modification of the longitudinal slope or fluvial style of the affected portion of the littoral zone of the watercourse OR Presence of any stabilization work not described in this table OR Channelling, even partial, of the affected portion of the littoral zone of the lake or watercourse
Water	Filling carried out over a distance of not more than 5 times the width of the watercourse and not more than 30 m	Filling over a distance of more than 5 times the width of the watercourse or more than 30 m OR Filling carried out in the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec	Filling reducing by more than 20% the width of the watercourse OR Presence of an infrastructure, work or building, other than a stabilization work, in the littoral zone of the lake or watercourse OR Filling carried out in the littoral zone of the lake

5. Any filling carried out over the entire width of the littoral zone of a watercourse that operates to eliminate the flow of water, increases the value of the factor ΔI_f by 1.

6. Any transversal infrastructure, work or building that prevents the free movement of fish or bottom sediments in the littoral zone of a lake or watercourse, increases the value of the factor ΔI_r by 0.5.

§ 2 — *The lakeshore or riverbank*

7. The factor representing the impact of the activity of the portion of the lakeshore or riverbank affected by the activity “NI” is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Where none of the situations described in the table applies, the impact used to determine factor “NI” is “Low”.

Impact of the activity on the portion of the lakeshore or riverbank affected by the activity		
Low NI = 0.7	High NI = 0.3	Very high NI = 0
Vegetation destroyed over less than 20% of the affected portion of the lakeshore or riverbank	Vegetation destroyed over 20% to 75% of the affected portion of the lakeshore or riverbank OR Filling carried out over 20% or more of the affected portion of the lakeshore or riverbank OR Presence of an infrastructure, work or building over less than 20% of the affected portion of the lakeshore or riverbank	Vegetation destroyed over more than 75% of the affected portion of the lakeshore or riverbank OR Presence of a structure or work over 20% or more of the affected portion of the lakeshore or riverbank

§ 3 — *The flood zone*

8. The factor representing the impact of the activity over the portion of the flood zone affected by the activity “NI” is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Impact of the activity on the portion of the flood zone affected by the activity		
Low NI = 0.7	High NI = 0.3	Very high NI = 0
Vegetation destroyed over less than 20% of the affected portion of the flood zone	Vegetation destroyed over 20% to 75% of the affected portion of the flood zone	Vegetation destroyed over more than 75% of the affected portion of the flood zone OR Presence of an infrastructure, work, building or filling in the affected portion of the flood zone

§ 4 — *The short-term channel migration zone*

9. The factor representing the impact of the activity over the portion of the short-term channel migration zone affected by the activity “NI” is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Where none of the situations described in the table applies, the impact used to determine factor “NI” is “Low”.

Impact of the activity on the portion of the short-term channel migration zone affected by the activity		
Low NI = 0.7	High NI = 0.3	Very high NI = 0
Vegetation destroyed over less than 20% of the affected portion of the short-term channel migration zone	Vegetation destroyed over 20% to 75% of the affected portion of the short-term channel migration zone OR Filling carried out over 20% or more of the affected portion of the short-term channel migration zone OR Presence of an infrastructure, work or building over less than 20% of the affected portion of the short-term channel migration zone	Vegetation destroyed over more than 75% of the affected portion of the short-term channel migration zone OR Presence of a structure or work over 20% or more of the affected portion of the short-term channel migration zone

”.

6. Every application for the issuance, amendment or renewal of an authorization filed with the Minister under the Environment Quality Act (chapter Q-2) that is pending on (*insert the date of coming into force of the Regulation*) is continued and decided in accordance with the Regulation as amended by this Regulation.

7. This Regulation comes into force on (*insert the date occurring 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*).

Flood Protection Works Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.21, 2nd par., s. 46.0.22, 1st par., subpars. 6, 8, 9, 10, 12, 15 and 16, s. 95.1, 1st par., subpars. 7, 13, 16, 20, 21, 25.1 and 2nd par., s. 124.1; 2021, chapter 7, s. 91)

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

CHAPTER I GENERAL

1. This Regulation applies to all works satisfying the following conditions:

(1) the works was built or modified to limit the natural expansion of lake or watercourse waters and to prevent flooding;

(2) the works was built to be permanent;

(3) the works is designed to protect persons and property;

(4) the works is intended to serve the public interest;

(5) the works does not create a permanent reservoir.

The following are not flood protection works to which this Regulation applies:

(1) dams subject to the Dam Safety Act (chapter S-3.1.01);

(2) ice control works that help to minimize flooding;

(3) storm water management works;

(4) agricultural dikes, including a sluice, that protect against flooding only of land subject to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

(5) stabilization works within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(6) retaining walls;

(7) works built for purposes other than to prevent flooding and not converted with a view to flood protection.

This Regulation applies in reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

2. For the purposes of this Regulation,

(1) the flood protection works extend over a distance of 3 m from the downstream toe and upstream toe, calculated from the works;

(2) all ancillary works, buildings and equipment necessary for the proper operation of flood protection works, including those described in paragraph 3, form part of the works;

(3) the presence of removable elements does not alter the permanent character of the flood protection works;

(4) every composite of works, infrastructures and elements of the environment, continuous or discontinuous, forming consistent protection of a territory and at least one part of which meets the conditions in the first paragraph of section 1 is considered to be flood protection works;

(5) the construction of an infrastructure, works, building or equipment consists in its siting, which includes conversion, as well as its replacement, reconstruction, substantial modification, relocation and any activity preliminary to management of vegetation, and minor soil grading; it also includes dismantling;

(6) the maintenance of an infrastructure, works, building or equipment consists in inspecting, restoring and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment;

(7) substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an enlargement, extension or prolongation; in the case of flood protection works, it also includes the raising, lowering or shortening of the works;

(8) unless otherwise provided, siting includes the conversion of any structure into flood protection works;

(9) management of vegetation includes cutting, pruning, removing, planting and seeding vegetation; and

(10) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 30 cm;

3. For the purposes of this Regulation, unless the context indicates otherwise,

“actual protection level” means, if the flood protection works borders a lake, the water level, expressed in metres, at which an overflow or bypass cannot occur, and a rupture

of the works is unlikely; if known, a recurrence interval level may be associated. For flood protection works bordering a watercourse, the actual protection level is expressed as a flow rate in cubic metres per second and is represented by a longitudinal profile of the water levels associated with the protection level; (*niveau de protection réel*)

“apparent protection level” means, if the flood protection works borders a lake, the water level, expressed in metres, at which an overflow or bypass occurs, and the associated recurrence interval. For flood protection works bordering a watercourse, the apparent protection level is expressed as a flow rate in cubic metres per second and is represented by a longitudinal profile of the water levels associated with the protection level; (*niveau de protection apparent*);

“building” means a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing; (*bâtiment*)

“downstream” means the side of flood protection works facing persons or property the works is intended to protect from flooding; (*aval*)

“exposed zone” means the area downstream of flood protection works that is likely to be flooded if a failure, overflow or bypass of the works occurs during a flood period; (*zone exposée*)

“freeboard” means the vertical distance between the design flood level elevation and the crest elevation of the flood protection works; (*revanche hydraulique*)

“neutralization” means an action consisting in re-establishing a permanent hydraulic link between the lake or the watercourse and the wetland or body of water downstream of the works to allow for flood expansion behind the works, without dismantling the works; (*neutralisation*)

“non-residential building” means any building other than a residential building or a building accessory to a residential building; (*bâtiment non résidentiel*)

“public body” means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*)

“residential building” means a building at least one part of which is used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists; (*bâtiment résidentiel*)

“segment” means a part of the flood protection works whose physical and structural characteristics or the characteristics of the environment where it is situated differ from those of the adjacent part or parts; (*tronçon*)

“toe of flood protection works” means the point of intersection of the flood protection works with the natural terrain surface; (*piéd d’un ouvrage de protection contre les inondations*)

“upstream” means the side of flood protection works facing a lake or watercourse whose natural expansion the works is designed to limit. (*amont*)

CHAPTER II STUDIES AND SPECIFIC FLOOD PROTECTION WORKS PLAN

4. For the purposes of this Chapter, a local municipality may enter into an agreement with any municipality within the meaning of the Environment Quality Act (chapter Q-2), hereafter “the Act”, to have that municipality conduct the required study, in keeping with applicable law. If such an agreement is entered into, a notice to that effect must be sent to the Minister.

DIVISION I CHARACTERIZATION STUDY OF FLOOD PROTECTION WORKS

5. Every local municipality that has flood protection works situated entirely or partly in its territory must conduct a characterization study in accordance with this Division for each such works. The main purpose of the study is to compile information regarding the flood protection works and to determine the exposed zone of the works.

If the works consists of a composite of works, infrastructures and elements of the environment, the study must cover that composite.

The local municipality must conduct a characterization study at least once every 10 years and send a copy to the Minister before the end of the calendar year in which the study is conducted.

For flood protection works situated in the territory of more than one local municipality, only one study need be conducted.

6. The characterization study of the flood protection works must contain the following information and documents:

- (1) a general description of the flood protection works;
- (2) the location of the flood protection works and its boundaries;
- (3) a history of actions carried out on the flood protection works;
- (4) a review of the information available concerning the flood protection works, in particular design and refurbishing studies and documents;
- (5) the results of the visual inspection;
- (6) the apparent protection level of the flood protection works and a recommendation by the authorities for the mobilization thresholds, and the warning thresholds for the specific flood protection works plan;
- (7) identification of hazards other than high water that may create risks for the safety of the flood protection works;
- (8) a description of the entry access and roadways allowing the flood protection works to be monitored and maintained and enabling timely response to an emergency;
- (9) determination of the maximum boundaries of the exposed zone of the works;
- (10) identification and characteristics of the vulnerable elements in the exposed zone of the works;
- (11) a non-technical summary;
- (12) the elements enabling the local municipality to prepare the specific flood protection works plan;
- (13) any other recommendation considered relevant.

The characterization study must be signed by an engineer and be accompanied by a technical description drawn up by a land surveyor. The technical description must include a plan showing

- (1) the site of the works;
- (2) the presence of any element encroaching on the flood protection works, including infrastructures, works and buildings;
- (3) the site of existing servitudes; and

(4) the elevation of the works, the location of its crest and its upstream and downstream toes.

The characterization study must be accompanied by the digital files of the technical description.

7. The boundaries of the flood protection works must be established on the basis of the following elements:

(1) a topographical survey carried out using the NAD83 geodetic reference system, the data including the works' toes and crest;

(2) the elevation profiles of the crest and of the upstream and downstream toes of each segment;

(3) the maximum and average height of each segment on the downstream side, expressed in metres;

(4) the location of any ancillary works, buildings and equipment in the form of a dot;

(5) the geometry and location of the segments of the works in a polygon representation;

(6) the layout of the segments of the works.

The elements in subparagraphs 1, 4 and 5 of the first paragraph must be available as digital files.

In the absence of documentation showing the location of the toes of the flood protection works, their location must be determined by an engineer.

8. The purpose of the visual inspection undertaken for the characterization study of the flood protection works is to detect any irregularities; it must be performed by an engineer. The results of the visual inspection of the flood protection works consist of the following elements in particular:

(1) a brief appraisal of the physical and structural condition of the flood protection works and of each segment, ancillary works, buildings and equipment, as well as the relevant rating as determined in Schedule I;

(2) a description of existing vegetation and, if applicable, any risks associated with it, and advice on the maintenance required to minimize risks;

(3) a description of any encroachments that could create a risk for the works or restrict monitoring or maintenance of the works or the carrying out of work;

(4) any other irregularity noted;

(5) any relevant recommendation.

9. The maximum boundaries of the exposed zone of the flood protection works are established by horizontal projection, from the downstream side, of the crest elevation of the flood protection works. It must include areas characterized by greater depths.

The horizontal projection is a method that projects the maximum crest elevation of the works onto the downstream topography of the works so as to form a polygon that establishes the exposed zone. A different elevation may be used if a technical opinion so warrants, in which case the opinion must form part of the characterization study.

The characterization study must include the digital files establishing the exposed zone in a polygon representation.

10. The identification and main characteristics of the vulnerable elements in the exposed zone of the flood protection works must include the number of persons residing in the zone, the number of buildings and their use, their property value and access points, and the infrastructures, works, facilities and the public institutions and public security establishments within the meaning of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

11. The non-technical summary of the characteristics of the flood protection works consists of

(1) a description of the flood protection works and its ancillary works, buildings and equipment, including, for each segment, its method and year of construction, if known, the materials used and any other relevant information;

(2) a brief appraisal of the flood protection works and the condition of each of its segments, using the rating criteria in Schedule I;

(3) the maximum and average height of the crest of each segment of the works;

(4) the apparent protection level of the works;

(5) the actual protection level of the works, if known;

(6) the boundaries of the exposed zone of the works, established as provided in section 9;

(7) a description of the elements referred to in section 10;

(8) photos of the works; and

(9) a summary of any recommendations in the characterization study.

The non-technical summary of the characteristics of the flood protection works is to be inserted at the end of the body of the characterization study, before any appendices. It must be reviewed after any substantial modification to the works.

DIVISION II SPECIFIC FLOOD PROTECTION WORKS PLAN

12. Every local municipality that has flood protection works situated entirely or partly in its territory must prepare a specific flood protection works plan. The plan must consider all the flood protection works situated entirely or partly in the municipality's territory.

The local municipality must integrate the plan into its emergency preparedness plan or append the plan to it.

If the exposed zone of flood protection works extends into the territory of a local municipality in which the works is not situated, the local municipality in whose territory the works is situated must send the results of the characterization study to that other municipality to enable it to develop a specific plan of its own.

13. A local municipality that has flood protection works situated entirely or partly in its territory must review its specific flood protection works plan in the following situations:

(1) following a characterization or performance study conducted pursuant to this Regulation;

(2) after work on the flood protection works that may have an impact on the exposed zone of the works or on the mobilization thresholds of the authorities and the warning thresholds;

(3) if an inspection reveals an element affecting the safety of the works;

(4) when implementation exercises for the plan reveal deficiencies in the implementation.

The local municipality must complete the review of its specific plan within six months after the occurrence of any of the elements referred to in the first paragraph.

14. The specific flood protection works plan must contain the following elements:

(1) a description of possible failures of the flood protection works, including failures of ancillary works, buildings and equipment;

(2) the boundaries of the extent of the exposed zone of the works established as provided in section 9;

(3) identification of the most vulnerable sectors, in particular because of water depth, should there be a failure, overflow or bypass of the flood protection works;

(4) identification and main characteristics of the vulnerable elements in the exposed zone of the works, determined as provided in section 10;

(5) determination of the mobilization thresholds of the authorities and the thresholds for alerting the population and any other local municipality into whose territory the works' exposed zone extends;

(6) the procedure for warning the population;

(7) the evacuation procedures in the event of a failure, overflow or bypass of the flood protection works and the resources to be deployed;

(8) the method that will be used as a preventive measure to explain the risk to the citizens concerned and the instructions to be followed in the event of failure, as well as the frequency of communication;

(9) a timetable of implementation exercises for the plan.

15. The local municipality must inform the Minister in writing of the completion or review of its specific flood protection works plan within 30 days after the completion or review, and make its plan available to the Minister.

16. Every local municipality that has flood protection works situated entirely or partly in its territory must take the necessary measures to ensure its personnel is trained in the measures contained in the specific flood protection works plan.

17. Every local municipality that has flood protection works situated entirely or partly in its territory must set up a timetable for the holding of exercises to implement the specific flood protection works plan, and make the timetable available to the Minister.

DIVISION III PERFORMANCE STUDY

18. A municipality wishing to have an order made by the Government under section 46.0.13 of the Act for one or more flood protection works situated entirely or partly in its territory must conduct a performance study, in addition to the characterization study required under Division I. The studies may be conducted concurrently.

19. The performance study must be signed by an engineer and contain, in addition to the elements required under Division I of this Chapter, the following information and documents:

- (1) a functional analysis of the components of the flood protection works;
- (2) an analysis of encroachments;
- (3) an operation and maintenance manual.

20. The functional analysis of the components of flood protection works must contain the following elements:

- (1) stability studies of the works and underlying ground at the places where each type of component segment in the works is considered critical, including the calculations performed using best practices and the applicable performance standards, for potential failure modes;
- (2) a notice establishing the actual protection level of the works based on the studies conducted pursuant to paragraph 1 and the apparent protection level of the works, as well as the associated recurrence intervals, determined under section 25;
- (3) an assessment of the works' resistance in a 1:1000 year flood event;
- (4) an assessment of the capacity, reliability and operational condition of the ancillary works, buildings and equipment;
- (5) an assessment of hazards other than high water that may create risks for the flood protection works, if the engineer in charge considers such an assessment appropriate.

21. The analysis of encroachments on the flood protection works must identify all the buildings, infrastructures and works that encroach on or in the works, and include an assessment of their impact on the works.

For the purposes of this section, every building, infrastructure or works that, in the opinion of the engineer performing the encroachment analysis, is likely to affect the safety of the flood protection works is considered to be an encroachment.

22. An operation and maintenance manual must cover, for each flood protection works,

- (1) maintenance of vegetation on the works;

- (2) maintenance and operation of removable works and of ancillary works, buildings and equipment; and

- (3) monitoring and maintenance of the works.

23. A municipality for which an order under section 46.0.13 of the Act has been made must review the performance study of the flood protection works at least every 10 years.

On review, the work's actual protection level must be reassessed based on the data referred to in paragraph 1 of section 26.

24. A municipality for which an order under section 46.0.13 of the Act has been made must send the review of the performance study to the Minister not later than 60 days after receiving it.

CHAPTER III DESIGN AND PERFORMANCE STANDARDS

25. Sited or reconstructed flood protection works, as well as flood protection works identified in an order made under section 46.0.13 of the Act, must have a future climate design and performance hazard reference that is at least a 1:100 year event.

A design hazard reference corresponds to a flood recurrence for which the flood protection works is able to prevent inundation of the upstream area and has a low probability of failure likely to compromise its stability.

26. Assessment of the flood protection works' design hazard reference must contain the following elements:

- (1) the recurrence interval used must be the same as the interval used to produce the flood zone maps approved by the Minister pursuant to subdivision 2 of Division V.1 of Chapter IV of Title I of the Act. If that data is not available, the rules prepared and disseminated pursuant to the second paragraph of section 46.0.2.1 of the Act must be used;

- (2) assessment of future climate must be made using the most critical period between the time the study is conducted and the year 2100 or the sea-level rise at 2100, as applicable, and using the rules prepared and disseminated pursuant to the second paragraph of section 46.0.2.1 of the Act;

- (3) minimum freeboard in the design flood, as determined by an engineer, taking into account in particular

(a) the uncertainties relating to sample size, methods and models used, precision of the calculations, elements affecting flood routing in the watershed, and reliability of the removable systems, and the ancillary works, buildings and equipment of the flood protection works studied; and

(b) other hazards that may impact the operation of the flood protection works, including risks of watercourse obstruction, tides, storm surges and wave overwash.

27. Assessment of the design hazard reference may be made considering a removable system if an engineer attests that the removable system satisfies the following conditions:

(1) it is a structural component of the flood protection works;

(2) it has the necessary stability and reliability and is able to be deployed in a timely manner in any season;

(3) it allows a short length of space to be filled where the crest is at a level lower than its average height, or the necessary freeboard height to be achieved.

Despite the first paragraph, a removable system used to raise the crest of the flood protection works may not be considered in the assessment of the design hazard reference.

28. Sited or reconstructed flood protection works, as well as flood protection works identified in an order made under section 46.0.13 of the Act, must at all times have a rupture hazard resistance for at least a 1:1000 year flood event. The rupture hazard resistance is established by assessing how the works would behave during a 1:1000 year flood event. The works must demonstrate resistance to rupture even in the event of overflow or bypass.

A rupture hazard resistance corresponds to the flood event interval for which it is shown that, even during overflow or bypass, there is no rupture of the flood protection works.

Despite the first paragraph, if the exposed zone of the works may be totally inundated during an event less than a 1:1000 year flood event, the flood protection works must, at the minimum, have a rupture hazard resistance equal to the recurrence interval corresponding to total inundation of the exposed zone. In no case may that hazard be lesser than the design hazard reference referred to in section 25.

CHAPTER IV ACTIVITIES

DIVISION I GENERAL STANDARDS

29. No person may carry out work, constructions or other activities on flood protection works that are likely to compromise the safety of the works.

30. The siting or reconstruction of flood protection works not meeting the performance standards set out in sections 25 to 28 is prohibited, except if, for reconstruction of works that cannot meet the performance standards, the reconstruction is authorized pursuant to section 165.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

For the purposes of this section, siting excludes conversion of part of a composite of works, infrastructures and elements of the environment, continuous or discontinuous, forming consistent protection of a territory and at least one part of which meets the criteria in section 1.

31. Construction of flood protection works is prohibited, unless

(1) the work is carried out by a municipality, a government department or a public body;

(2) there is no other way to provide adequate protection for persons and property;

(3) it is in the public interest, in particular due to the number of persons, infrastructures, buildings or works protected; and

(4) in the case of the siting of flood protection works, the works must protect a territory in which at least 75% of the lots are already occupied by a residential or non-residential building.

32. The siting and reconstruction on flood protection works of a non-residential building other than an ancillary building necessary for the proper operation of the works is prohibited.

33. An infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway, may be sited or reconstructed on flood protection works only if the siting or reconstruction cannot take place elsewhere on the lot without encroaching on the flood protection works.

34. The following are prohibited on flood protection works:

- (1) forest development activities;
- (2) laying out a golf course or campground;
- (3) composting farm animals that die on a farm and storage of compost.

35. Drilling work is prohibited on flood protection works, except in the following cases:

- (1) the work is required for an activity authorized under sections 165.2 to 165.5 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);
- (2) the work is required for an activity eligible for a declaration of compliance under section 165.9 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

DIVISION II CONDITIONS THAT APPLY TO THE CARRYING OUT OF CERTAIN ACTIVITIES

§1. *General*

36. This Division does not apply to activities that require a municipal permit under Division III of Chapter III of the Regulation respecting activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*).

37. The following activities may be carried out only by a municipality, a government department or a public body:

- (1) the construction of ancillary works, buildings or equipment necessary for the operation of flood protection works;
- (2) the development of land for recreational purposes on flood protection works;
- (3) the construction of structures other than a building, such as a sign or a fence.

38. No person carrying out work on flood protection works

- (1) may prevent or impede access to the works; or

(2) may prevent maintenance, inspection and monitoring of the works or impede the carrying out of those activities.

Similarly, every person carrying out work on flood protection works must, in the event of damage or faulty operation affecting the flood protection works, restore the works to its former condition in compliance with the instructions of an engineer to ensure the safety of the works.

39. No fill or excavation work may be carried out on flood protection works.

The first paragraph does not apply to activities whose nature necessarily requires fill or excavation work, such as the construction of an infrastructure, works, building or equipment. In such a case, the activities must not alter the topography or elevation of the works.

§2. *Restoration and management of vegetation*

40. On completion of an activity carried out on flood protection works,

(1) all temporary works must be dismantled and removed from the site;

(2) embankments must be stable and protected against erosion, using the technique most conducive to maintaining the initial conditions of the site; and

(3) the site must be restored within one year following completion of the activity, including, where applicable,

(a) soil restoration; and

(b) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except

i. during drilling work;

ii. during sample taking, conducting surveys or technical surveys and taking measurements; or

iii. if the revegetation jeopardizes the stability or safety of the works.

41. If soil restoration is required under section 40, it must comply with the following conditions:

(1) if water is present, the restoration must be carried out with the stabilized original substrate;

(2) all debris and other residual materials must be removed;

(3) the restoration must be carried out with the topography of the flood protection works being preserved.

42. If revegetation is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out using species that are adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

43. Management of vegetation, including revegetation required under this Regulation, cannot involve seeding or planting trees and shrubs.

44. If stump removal is carried out on flood protection works, the root system must be replaced using materials similar to those in place on the flood protection works and fill and excavation work must be limited to what is necessary.

§3. Operation and use of vehicles and machinery

45. The operation of motorized vehicles required to carry out work on flood protection works must comply with the following conditions:

(1) the operation must take place only in dewatered parts of the flood protection works or in winter with snow or ice cover;

(2) if ruts are created, the area must be restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operating is required for

(1) drilling work;

(2) construction of temporary works;

(3) conducting surveys and preliminary technical surveys;

(4) taking samples; or

(5) taking measurements.

46. The refuelling and maintenance of vehicles or machinery must be carried out on the following conditions:

(1) the work is carried out only in dewatered or drained parts of the works or in winter with snow or ice cover;

(2) the vehicle or machinery is equipped with a system for collecting fluid leakage and spillage or with a spillage prevention device.

47. Hydraulic fluids and drilling greases used for a drill on flood protection works must be degradable to more than 60% in 28 days.

On completion of the work,

(1) all drill holes must be sealed so as to prevent contaminants from migrating from the surface towards an aquifer; and

(2) the tubing must be severed at ground level.

§4. Dewatering on flood protection works

48. Temporary dewatering on flood protection works cannot take place more than twice in a 12-month period.

Dewatering work may in no case exceed a period of 30 consecutive days.

49. Dewatering work on flood protection works must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the lake or watercourse;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone and elsewhere than on the flood protection works, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

50. Works used for dewatering on flood protection works must be dismantled by first removing the materials situated inside the dewatered area and then advancing from the area downstream of the works towards the upstream area.

§5. Sending of information and documents

51. A person carrying out work, constructions or activities on flood protection works not requiring a municipal permit under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of*

Québec Laws and Regulations) or who has not obtained an attestation from the relevant municipality under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) confirming its agreement to have the works carried out must, at least 15 days before the start of the work, inform the municipality of the planned work.

52. Not later than 90 days after completion of construction of flood protection works, the municipality must send to the Minister

(1) an attestation from an engineer stating that the project was completed in compliance with the applicable terms and conditions;

(2) the technical description of the works referred to in section 6 or a revised version of the description, as applicable;

(3) the boundaries of the works established as provided in section 7 or a revised version of the boundaries, as applicable;

(4) the non-technical summary of the characteristics of the works referred to in section 11, or a revised version of the summary, as applicable;

(5) the information required under subparagraphs 1 to 7 of the first paragraph of section 66; and

(6) in the case of a siting, a notice indicating that the specific flood protection works plan has been produced.

If the purpose of the work is to have the performance standards set out in sections 25 to 28 met by a municipality for which an order has been made under section 46.0.13 or that wishes to be covered by such an order, the operation and maintenance manual or a revised version of it must also be sent to the Minister within the same time period.

For dismantling and neutralization of works, the municipality must send the attestation referred to in subparagraph 1 of the first paragraph to the Minister within the same time period.

For construction of ancillary works, buildings or equipment necessary for the operation of flood protection works or for an activity carried out on flood protection works authorized pursuant to section 165.5 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the municipality must send the attestation referred to in subparagraph 1 of the first paragraph to the Minister within the same time period.

CHAPTER V MONITORING AND MAINTENANCE

DIVISION I PROVISIONS APPLICABLE TO ALL FLOOD PROTECTION WORKS

53. Every local municipality that has flood protection works situated entirely or partly in its territory must maintain the herbaceous and shrub vegetation on the works in a manner that allows access to the works, detection of irregularities and prevention of premature deterioration of the works.

54. Unless a situation may compromise safety, work on flood protection works may not be carried out when the mobilization thresholds of the authorities and the warning thresholds identified in the specific flood protection works plan have been reached.

55. Every local municipality that has flood protection works situated entirely or partly in its territory must maintain access at all times to the works, enabling the municipality to intervene in urgent circumstances or to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property.

56. Every local municipality that has flood protection works situated entirely or partly in its territory must, in any situation likely to compromise the safety of the works, take the necessary measures to remedy the situation without delay.

57. Every municipality that has flood protection works situated entirely or partly in its territory must install visual markers indicating the mobilization thresholds of the authorities and the warning thresholds identified in the specific flood protection works plan.

58. Every municipality that has flood protection works situated entirely or partly in its territory must monitor the works during flood periods. The monitoring must, at a minimum,

(1) be consistent with the mobilization thresholds of the authorities and the warning thresholds identified in the municipality's specific flood protection works plan;

(2) include a log of water level measurements stating the date and time at which the measurements were taken; and

(3) be continuous if the actual protection level of the works has been reached.

DIVISION II

PROVISIONS APPLICABLE TO WORKS IDENTIFIED IN AN ORDER

59. A municipality for which an order under section 46.0.13 of the Act has been made must maintain the flood protection works in good condition as well as any ancillary works, buildings or equipment identified in the order.

60. A municipality for which an order under section 46.0.13 of the Act has been made must, as regards flood protection works identified in the order, maintain in force and apply the operation and maintenance manual prepared pursuant to section 22 of this Regulation and make it available to the Minister within the time the Minister specifies.

61. Every municipality for which an order under section 46.0.13 of the Act has been made must, each year, conduct at least one visit of the works identified in the order so as to obtain an overview of the condition of the works and a follow-up of any irregularities identified in previous years.

The visit must be conducted by an engineer or a person employed by the municipality. The person responsible for the visit must produce a written report containing, in particular,

- (1) the name and contact information of the person responsible for the visit;
- (2) the date of the visit;
- (3) the person's observations, in particular regarding the elements identified by the engineer during the inspection under section 8 or section 62;
- (4) the photos taken during the visit;
- (5) any irregularities observed; and
- (6) the follow-up on any irregularities observed during previous inspection visits.

The report must be made available to the Minister within the time the Minister specifies.

62. A municipality for which an order under section 46.0.13 of the Act has been made must have a visual inspection performed at least once every five years by an engineer who must produce a written report containing, in particular,

- (1) the engineer's name and contact information;
- (2) the date of the inspection;
- (3) a description of the observations made during the inspection;
- (4) the photos taken during the inspection;
- (5) any irregularities observed; and
- (6) the measures to be taken to correct the irregularities or to ensure follow-up.

The report must be made available to the Minister within the time the Minister specifies.

During a calendar year in which a performance study is conducted by the municipality referred to in the first paragraph, the inspection referred to in the first paragraph need not be conducted.

63. A municipality for which an order under section 46.0.13 of the Act has been made must keep a maintenance and monitoring log containing at least the following information:

- (1) the date and a description of each maintenance and monitoring activity carried out, and any comment relevant to the activity;
- (2) a description of each removable system deployment exercise, the problems observed, a course of action to remedy the situation and the corrective measures taken;
- (3) if the water level reaches the first mobilization and warning threshold, the water levels and the date and time at which the measurements were taken.

The maintenance and monitoring log must be made available to the Minister within the time the Minister specifies.

64. A municipality for which an order under section 46.0.13 of the Act has been made must increase monitoring after a flood, earthquake, storm or ice jam, and during construction on flood protection works.

The municipality must document each of the situations referred to in the first paragraph in the maintenance and monitoring log.

65. A municipality for which an order under section 46.0.13 of the Act has been made must maintain compliance of the works with the design and performance standards set out in Chapter III.

CHAPTER VI REGISTERS

DIVISION I REGISTER OF FLOOD PROTECTION WORKS

66. The register of flood protection works established pursuant to section 46.0.21 of the Act must contain the following information and documents for each works:

- (1) the names of the local and regional municipalities and the administrative region in whose territory the works is situated;
- (2) the location of the works;
- (3) the type of the works;
- (4) the lakes and watercourses whose natural extension the works is designed to limit;
- (5) the length of the works;
- (6) the year of the works' construction, if known;
- (7) the non-technical summary referred to in section 11;
- (8) the year in which the last characterization or performance study was conducted;
- (9) if applicable, the number of the order made under section 46.0.13 of the Act and the date on which it was made.

The Minister may enter in the register any other relevant information the Minister holds concerning flood protection works.

67. A local municipality that has flood protection works situated entirely or partly in its territory must send the information required under subparagraphs 1 to 7 of the first paragraph of section 66 to the Minister.

68. A municipality that has flood protection works situated entirely or partly in its territory must promptly inform the Minister of any change affecting information entered in the register.

69. Every municipality that has flood protection works situated entirely or partly in its territory must, at the Minister's request and within three months after the request, send any information or document necessary to update the register to the Minister.

DIVISION II LAND REGISTER

70. The notice of application for registration under section 46.0.18 of the Act must be accompanied by a technical description of the flood protection works prepared by a land surveyor. The technical description must include the plan referred to in section 6.

For the purposes of registration in the land register, the technical description is not required for any part of the works situated in the waters of the State. If the works is situated entirely in the waters of the State, that fact must be stated in the notice of application.

71. The relevant municipality must send a copy of the notice, certified by the Land Registrar, to the Minister within 60 days after publication of the order made under section 46.0.13 of the Act in the *Gazette officielle du Québec*.

72. A municipality referred to in section 71 must send a copy of the notice, certified by the Land Registrar, to the Minister within 60 days after an amendment to the notice under section 46.0.18 of the Act.

CHAPTER VII MONETARY ADMINISTRATIVE PENALTIES

73. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in other cases may be imposed on any person that

(1) fails to send, at the Minister's request, any information or document within the time or in the manner the Minister prescribes; or

(2) fails to comply with a provision of this Regulation for which no other monetary administrative penalty is otherwise provided for such a failure.

A monetary administrative penalty of \$1,000 may be imposed

(1) on any local municipality that has flood protection works situated entirely or partly in its territory and fails to send the notice required under section 4 to the Minister;

(2) on any municipality that has flood protection works situated entirely or partly in its territory and fails

(a) to send the characterization study or its update;

(b) to send, within the required time period, the notice to the Minister stating that its specific flood protection works plan has been completed or reviewed, or to make the plan available to the Minister; or

(c) to send the information referred to in section 67 to the Minister; and

(3) on any municipality for which an order under section 46.0.13 of the Act has been made that fails

(a) to prepare, keep up to date or make available to the Minister the operation and maintenance manual referred to in section 22;

(b) to send the performance study review to the Minister within 60 days after receiving it;

(c) to prepare, keep up to date or make available to the Minister the maintenance and monitoring log referred to in section 63; or

(d) to send the copy of the notice, certified by the Land Registrar, within the time period required by sections 71 and 72.

74. A monetary administrative penalty of \$1,500 may be imposed on any municipality that fails to send the documents listed in section 52.

75. A monetary administrative penalty of \$2,500 may be imposed on any municipality that fails

(1) to prepare or review the characterization study of flood protection works situated entirely or partly in its territory;

(2) to prepare or review its specific flood protection works plan or to ensure that its personnel is trained in the measures contained in the specific plan; or

(3) to set up a timetable for exercises to implement the specific flood protection works plan.

76. A monetary administrative penalty of \$3,500 may be imposed on any municipality that fails to install the visual mobilization and warning threshold markers.

77. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in other cases may be imposed on any person that carries out work without complying with the conditions in sections 37 to 51 and 54.

A monetary administrative penalty of \$5,000 may be imposed

(1) on any municipality that has flood protection works situated entirely or partly in its territory and fails

(a) to maintain the vegetation as provided in section 53 of this Regulation;

(b) to maintain access to the works at all times as required under section 55 of this Regulation; or

(c) to perform the monitoring in compliance with section 58 of this Regulation; and

(2) on any municipality for which an order section 46.0.13 of the Act has been made that fails

(a) to review the performance study within the time period required by section 23;

(b) to maintain the flood protection works as well as any ancillary works, buildings or equipment in good condition, in contravention of section 59; or

(c) to conduct the visit of the works as required under section 61 or perform the visual inspection required under section 62 or the monitoring required under section 64.

78. A monetary administrative penalty of \$7,500 may be imposed

(1) on any municipality that sites or reconstructs flood protection works using performance standards lower than those set out in sections 25 and 28; and

(2) on any municipality for which an order under section 46.0.13 of the Act has been made that does not maintain, with regard to the flood protection works identified in the order, the performance standards set out in sections 25 and 28.

A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed on any person that carries out an activity prohibited under sections 29 to 43.

A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed on any person other than a government department, a public body or a municipality that sites or reconstructs flood protection works or constructs ancillary works, buildings or equipment necessary for the operation of flood protection works, develops land for recreational purposes or builds a structure other than a building, such as a sign or a fence, on flood protection works.

79. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in other cases may be imposed on any person that compromises the safety of flood protection works.

80. A monetary administrative penalty of \$10,000 may be imposed on any municipality that has flood protection works situated entirely or partly in its territory

that, in any situation that may compromise the safety of the works, fails to take the necessary measures to remedy the situation without delay.

CHAPTER VIII PENAL PROVISIONS

81. Every person who

(1) refuses or neglects to send to the Minister, at the Minister's request, any information or document within the time or in the manner the Minister prescribes, or

(2) contravenes this Regulation in cases where no other offence is provided,

is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

The following are liable to a fine of \$3,000 to \$600,000:

(1) any local municipality that has flood protection works situated entirely or partly in its territory and fails to send the notice required under section 4 to the Minister;

(2) any municipality that has flood protection works situated entirely or partly in its territory and fails

(a) to send the characterization study or its update;

(b) to send the notice to the Minister stating that its specific flood protection works plan has been completed or reviewed or to make the plan available to the Minister; or

(c) to send the information required under section 67 to the Minister;

(3) any municipality for which an order under section 46.0.13 of the Act has been made that fails

(a) to send the performance study review to the Minister within 60 days after receiving it, in contravention of section 24;

(b) to prepare, keep up to date or make available to the Minister the operation and maintenance manual referred to in section 60;

(c) to prepare, keep up to date or make available to the Minister the maintenance and monitoring log referred to in section 64; or

(d) to send a copy of the notice, certified by the Land Registrar, in the manner and within the time required by sections 71 and 72.

82. Any municipality that fails to send the documents listed in section 52 is liable to a fine of not less than \$6,000.

83. Any municipality that fails

(1) to conduct or review the characterization study of flood protection works situated in entirely or partly in its territory, as required by section 5;

(2) to prepare or review its specific flood protection works plan in compliance with sections 12 and 13 or to ensure that its personnel is trained in the measures contained in the specific plan in compliance with section 16; or

(3) to set up a timetable for exercises to implement the specific plan in compliance with section 17,

is liable to a fine of \$7,500 to \$1,500,000.

84. Any municipality that fails to install the visual mobilization threshold markers of the authorities and the warning threshold markers required under section 57 is liable to a fine of \$12,000 to \$1,500,000.

85. Whoever carries out work without complying with the conditions in sections 37 to 51 and 54 is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 and, in other cases, to a fine of \$15,000 to \$3,000,000.

The following are liable to a fine of \$15,000 to \$3,000,000:

(1) any local municipality in whose territory flood protection works is situated that fails

(a) to maintain the vegetation as provided in section 53 of this Regulation;

(b) to maintain access to the works at all times as required under section 55 of this Regulation; or

(c) to perform the monitoring in compliance with section 58 of this Regulation;

(2) any municipality for which an order under section 46.0.13 of the Act has been made that fails

(a) to review the performance study within the time required by section 23;

(b) to maintain in proper operating order any ancillary works, buildings or equipment of flood protection works identified in the order declaring the municipality responsible, in contravention of section 59; or

(c) to conduct the visit of the works as required under section 61 or perform the visual inspection required under section 62 or the monitoring required under section 64 of this Regulation.

86. The following are liable to a fine of \$24,000 to \$3,000,000

(1) any municipality that sites or reconstructs flood protection works using performance standards lower than those set out in sections 25 and 28;

(2) any municipality for which an order under section 46.0.13 of the Act has been made that does not maintain, with regard to the flood protection works identified in the order, the performance standards set out in sections 25 and 28.

Whoever carries out an activity prohibited under sections 29 to 43 is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 and, in other cases, to a fine of \$24,000 to \$3,000,000.

Whoever, other than a government department, public body or municipality, that sites or reconstructs flood protection works or constructs ancillary works, buildings or equipment necessary for the operation of flood protection works, develops land for recreational purposes or builds a structure other than a building, such as a sign or a fence, on flood protection works is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 and, in other cases, to a fine of \$24,000 to \$3,000,000.

87. Whoever, by any action, compromises or impairs the safety of flood protection works is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 and, in other cases, to a fine of \$30,000 to \$6,000,000

88. Any municipality that, in any situation that may compromise the safety of flood protection works, fails to take the necessary measures to remedy the situation without delay is liable to a fine of \$37,500 to \$6,000,000.

CHAPTER IX TRANSITIONAL AND FINAL

89. Section 118.3.3 of the Act does not apply to a municipal by-law relating to a matter dealing with

(1) withdrawal of an encroachment in flood protection works; or

(2) the width of flood protection works, to the extent that the consequence of flooding is to widen the works, provided there is no further encroachment on the littoral zone, a lakeshore or riverbank, a short-term mobility zone or a wetland.

A municipality that adopts a by-law pertaining to subparagraph 2 of the first paragraph must keep up to date the documents referred to in sections 6 and 7 of this Regulation. The municipality must send a copy of the by-law to the Minister within 90 days after its adoption.

90. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 36 months after the date of coming into force of this Regulation*), conduct a characterization study in compliance with Division I of Chapter II of this Regulation and send a copy of the study to the Minister.

91. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 12 months after the date of coming into force of this Regulation*), prepare its specific flood protection works plan and so inform the Minister in writing.

The specific plan must meet the requirements of section 14, to the extent that the information is available.

92. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*), send the description required by section 6, the boundaries as established pursuant to section 7 and the information required under subparagraphs 1 to 6 of the first paragraph of section 66 to the Minister.

93. A monetary administrative penalty of \$1,000 may be imposed on any municipality that has flood protection works situated entirely or partly in its territory and fails to send the information required under section 92 to the Minister.

94. Any municipality that has flood protection works situated entirely or partly in its territory that fails to send the description required by section 6, the boundaries as established pursuant to section 7 or the information required under subparagraphs 1 to 6 of the first paragraph of section 66 is liable to a fine of \$3,000 to \$600,000.

95. Until the date on which the Minister publishes the rules applicable to the establishment of the boundaries of the flood zones of lakes or watercourses and those for mobility zones of watercourses referred to in section 46.0.2.1 of the Act, a municipality wishing to have an order made under section 46.0.13 of the Act for one or more flood protection works situated entirely or partly in its territory may not conduct the performance study under Division III of Chapter II.

96. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

SCHEDULE I

(Section 8)

RATINGS

“Very good”: The segment of the works is considered to be “very good” if there are no irregularities or it shows only minor local deterioration considered to be normal or without consequence. The ancillary works, buildings and equipment are fully operational.

“Good”: The segment of the works is considered to be “good” if it shows only minor deterioration or irregularities that do not compromise the proper operation of its components. The ancillary works, buildings and equipment show no risk of major malfunctioning and are able to operate as intended.

“Acceptable”: The segment of the works is considered to be “acceptable” if it shows deterioration requiring repair, without in the short term constituting a danger to the structure’s safety, but needs maintenance and restoration work in the short or medium term. It may also show irregularities that do not affect its short-term safety but require special monitoring and follow-up. The ancillary works, buildings and equipment show risks of malfunctioning and require repairs to ensure proper operation.

“Poor”: The segment of the works or the ancillary works, buildings and equipment are considered to be “poor” if they show one or more instances of serious deterioration that may compromise stability or render any of their components inoperative, or show serious irregularities likely to compromise the safety of the works.

“Undetermined”: It is impossible to form an opinion on the condition of the works and the ancillary works, buildings and equipment.

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, ss. 31.1, 31.9, 1st par., subpar. a,
and s. 46.0.22, par. 6)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in section 1 by adding the following paragraph at the end:

“In addition, the terms “watercourse”, “wetland”, “body of water”, “riverbank or lakeshore” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

2. Section 5 is amended by striking out “within the meaning of section 46.0.2 of the Act” in subparagraph 4 of the first paragraph.

3. Schedule 1 is amended

(1) in Part I, GENERAL,

(a) by inserting the following after paragraph 1 of section 1:

“(1.1) “dam” means any works constructed across a watercourse or at the outlet of a lake and resulting in the creation of a reservoir, including any works intended to impound all or part of the water stored in such a reservoir;

(1.2) “dike” means any works intended to impound water that is not part of a dam or a flood protection works;

(1.3) “flood protection works” means a flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*);”;

(b) by striking out paragraph 5 of section 1;

(2) in Part II, SUBJECT PROJECTS,

(a) by replacing “a high-velocity flood zone, within the meaning of the Policy,” in subparagraph 1 of the third paragraph of section 1 by “a body of water”;

(b) by inserting the following after section 1:

“(1.1) FLOOD PROTECTION WORKS

The following projects are subject to the procedure:

(1) the construction of a flood protection works;

(2) the extension, raising, lowering or shortening of such work;

(3) the conversion of an existing infrastructure into a flood protection works if the work involves raising, extending, lowering or shortening the infrastructure;

(4) the demolition or the neutralization of a flood protection works, except in the case of a demolition to give again free space to the bodies of water concerned if such a demolition does not have consequences for the safety of persons and property.

For the purposes of the first paragraph, the term “neutralization” has the meaning provided for in section 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*).”;

(c) by replacing “flood line” in subparagraph 1 of the first paragraph of section 2, by “flood limit”;

(d) by striking out “within the meaning of section 46.0.2 of the Act” in subparagraph 2 of the first paragraph of section 2;

(e) by replacing “, a stream or a river” in subparagraph 7 of the second paragraph of section 2 by “or a watercourse”;

(f) by replacing “flood line” in the fourth paragraph of section 2, by “flood limit”;

(g) by replacing the words “the body of water” wherever they appear in the fourth paragraph of section 2 by “river or lake”;

4. An activity concerning a flood protection works referred to in section 1.1 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), made by section 3 of this Regulation, for which a ministerial authorization application under section 22 of the Environment Quality Act (chapter Q-2) has been submitted before (*insert the date of publication of this Regulation*) and that is still pending on (*insert the date of coming into force of this Regulation*) is not subject to the environmental impact assessment and review procedure.

5. An activity concerning a flood protection works referred to in section 1.1 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), made by section 3 of this Regulation, for which a ministerial authorization application under section 22 of the Environment Quality Act (chapter Q-2) has been submitted between (*insert the date of publication of this Regulation*) and (*insert the date that is before the date of coming into force of this Regulation*) and that is still pending on that last date is subject to the environmental impact assessment and review procedure.

The applicant must then file a written notice with the Minister, in accordance with section 31.2 of the Environment Quality Act and section 3 of the Regulation respecting the environmental impact assessment and review of certain projects.

6. This Regulation comes into force (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works

Environment Quality Act
(chapter Q-2, s. 46.0.22, pars. 10, 11 and 17, and s. 95.1, 1st par., subpars. 13 and 21)

DIVISION I GENERAL

1. In this Regulation, unless the context indicates otherwise,

“Act” means the Environment Quality Act; (*Loi*)

“change to boundaries” means a change to the boundaries of flood zones or channel migration zones within the meaning of the first paragraph of section 2 of this Regulation; (*changement à la délimitation*)

“declaration of compliance” means a declaration referred to in section 31.0.6 of the Environment Quality Act; (*déclaration de conformité*)

“exempted activity” means an activity exempted from the ministerial authorization pursuant to section 31.0.11 of the Environment Quality Act (chapter Q-2); (*activité exemptée*)

“Minister” means the Minister responsible for the administration of the Act; (*ministre*)

“ministerial authorization” means an authorization referred to in section 22 of the Environment Quality Act; (*autorisation ministérielle*)

“municipal permit” means a permit issued by a municipality under 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) or under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*); (*permis municipal*)

“regulations establishing the new regime” means the regulations establishing the new development regime in flood zones and regulating flood protection works, listed in the second paragraph of section 2 of this Regulation; (*règlements établissant le nouveau regime*)

“regulatory class” means the regulatory class of certain activities referred to in the third paragraph of section 4 of this Regulation; (*classement de l’encadrement*)

“requirements” means the conditions, restrictions and prohibitions prescribed by the Environment Quality Act or its regulations. (*exigences*)

Also for the purposes of this Regulation,

(1) the expressions relating to wetlands and bodies of water have the meaning assigned to them by sections 4 to 7 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*); and

(2) the expressions relating to flood protection works have the meaning assigned to them by sections 1 to 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*).

2. This Regulation provides the transitional rules that apply to the carrying out of certain activities when a notice referred to in the fourth paragraph of section 46.0.2.1 of the Act, relating to the boundaries of flood zones of lakes or watercourses and the boundaries of channel migration zones of watercourses, is published to designate new flood zones or channel migration zones or to modify the classes of zones.

It also provides the transitional rules that apply to the carrying out of certain activities as of the coming into force of the following regulations establishing a new development regime in flood zones and regulating flood protection works:

(1) Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(3) Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*);

(4) Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the number and date of the Order in Council making the Regulation*);

(5) Regulation to amend the Regulation respecting the burial of contaminated soils (*insert the number and date of the Order in Council making the Regulation*);

(6) Regulation to amend the Regulation respecting the landfilling and incineration of residual materials (*insert the number and date of the Order in Council making the Regulation*);

(7) Regulation to amend the Agricultural Operations Regulation (*insert the number and date of the Order in Council making the Regulation*);

(8) Regulation to amend the Regulation respecting pulp and paper mills (*insert the number and date of the Order in Council making the Regulation*);

(9) Regulation to amend the Snow, Road Salt and Abrasives Management Regulation (*insert the number and date of the Order in Council making the Regulation*);

(10) Regulation to amend the Water Withdrawal and Protection Regulation (*insert the number and date of the Order in Council making the Regulation*);

(11) Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations (*insert the number and date of the Order in Council making the Regulation*);

(12) Regulation to amend the Regulation respecting the reclamation of residual materials (*insert the number and date of the Order in Council making the Regulation*).

3. The transitional rules provided in this Regulation pertain to the application of requirements to an activity on the basis of the environment in which the activity is carried out, as a consequence of the taking effect of a change to boundaries of flood zones or channel migration zones or the coming into force of the regulations establishing the new regime.

The transitional rules apply to activities that, on that effective date or coming into force date, are in progress or for which

- (1) ministerial authorization has been issued;
- (2) a declaration of compliance has been filed;
- (3) a municipal permit has been issued;
- (4) an application for ministerial authorization or a municipal permit has been made; or
- (5) a declaration of compliance has been sent.

In addition, if before that effective date or coming into force date, an authorization was issued by the Government under section 31.5 of the Act for a project including an activity that, on that date, is in one of the situations referred to in the second paragraph, the transitional rules provided by this Regulation apply to all activities that as part of the project are carried out subsequently to that activity, according to their regulatory class, unless the rules applying to those activities were provided by the authorization.

4. For the purposes of this Regulation, flood zones are grouped into the following classes, from the most restrictive to the least restrictive zone:

- (1) very high flood hazard zone;
- (2) high-velocity flood zone;
- (3) high flood hazard zone;
- (4) moderate flood hazard zone;
- (5) low flood hazard zone; and
- (6) low-velocity flood zone.

Channel migration zones are grouped into the following classes, from the more restrictive to the lesser restrictive zone:

- (1) short-term channel migration zone; and
- (2) long-term channel migration zone.

Activities are classed according to the regulatory scheme under the Act and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), on the basis of their environmental impact, in the following order from the highest to the lowest impact:

- (1) activity requiring ministerial authorization;
- (2) activity eligible for a declaration of compliance;
- (3) exempted activity requiring a municipal permit;
- (4) exempted activity not requiring a municipal permit; and
- (5) activity not requiring ministerial authorization.

DIVISION II

CHANGE TO BOUNDARIES OF FLOOD ZONES AND CHANNEL MIGRATION ZONES

5. If an activity is in progress on land in a flood zone or a channel migration zone for which a change to boundaries has been made and, on the effective date of that change, the land is subsequently situated in a flood zone or a channel migration zone whose class under the first or second paragraph of section 4 is less restrictive than before that date, or is subsequently situated outside such a zone, the activity may be continued without further formality.

6. If an activity is in progress on land for which a change to boundaries has been made and, on the effective date of that change, the land is subsequently situated in a flood zone or a channel migration zone, remains in the same zone, or is situated in a zone whose class is more restrictive than before that date, the activity may be continued despite the change resulting in new requirements that apply to the activity, subject to the following conditions:

(1) not later than 60 days following the effective date of the change, the person carrying out the activity must send a notice to that effect along with a detailed description of the work and the surface area of the land on which the work is taking place

(a) to the relevant municipality if, as a result of the change, the activity subsequently requires a municipal permit; or

(b) to the Minister if, as a result of the change, the activity is subsequently eligible for a declaration of compliance or requires ministerial authorization;

(2) in all cases, the activity is to be carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with either of the conditions in subparagraphs 1 and 2 of the first paragraph is required to carry out the activity in compliance with the requirements that apply since the change.

7. If, on the effective date of a change to boundaries, an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the activity is to be carried out on land that is subsequently situated in a flood zone or a channel migration zone, remains in the same zone or is situated in a zone whose class is more restrictive than before that date, but the change results in new requirements that apply to the activity, the holder or the declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply since the change.

8. If, on the effective date of a change to boundaries, an activity for which an application for ministerial authorization or a municipal permit has been made is to be carried out on land that is subsequently situated in a flood zone or a channel migration zone, remains in the same zone or is situated in a zone whose class is more restrictive than before that date, but the change results in new requirements that apply to the activity, the applicant for the authorization or permit must,

(1) for the application to be admissible, complete the application by sending any additional information or document required as a result of the change to the Minister or the relevant municipality, as applicable; and

(2) carry out the activity in compliance with the new requirements once the authorization or permit has been issued.

A declarant having sent a declaration of compliance less than 30 days before the effective date of the change must complete the declaration in the same manner, as applicable, and carry out the activity in compliance with the requirements that apply since the change.

In the event where the change results in the activity being prohibited, the activity may no longer be carried out and, as regards an application for authorization or a permit, consideration of the application is interrupted.

DIVISION III

REGULATION OF ACTIVITIES TO WHICH THE REGULATORY AMENDMENTS ESTABLISHING THE NEW REGIME APPLY

9. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, may be continued without further formality.

10. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date remains the same, but to which new requirements apply as a result of the coming into force of the regulations establishing the new regime, may be continued in compliance with the requirements that applied before that date, without further formality.

11. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, may be continued in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

12. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, without further formality.

13. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity remains the same, but new requirements apply to the activity as of that date as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

14. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

15. If, on (*insert the date of coming into force of this Regulation*), an application for ministerial authorization is still pending for an activity whose regulatory class as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, the applicant may,

(1) if the activity is subsequently eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q 2, r. 17.1), send such a declaration of compliance for the activity to the Minister in compliance with that Regulation. The following measures apply to the declaration:

(a) the information and documents required for the declaration of compliance that have already been sent for the purposes of the application for ministerial authorization need not be sent again;

(b) the fees that apply to the declaration of compliance are not payable if the fees for the application for ministerial authorization have been paid;

(2) if the activity is subsequently exempted from ministerial authorization, the applicant may rely on the exemption if

(a) the applicant informs the Minister that the application for ministerial authorization will be withdrawn; and

(b) for an activity requiring a municipal permit, the applicant makes a permit application to the relevant municipality in accordance with the Regulation respecting

regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*).

16. If, on (*insert the date of coming into force of this Regulation*), a municipal permit application is still pending for an activity whose regulatory class as of that date no longer requires a permit as a result of the coming into force of the regulations establishing the new regime, the municipality must inform the applicant that consideration of the permit application is interrupted for that reason.

17. If, on (*insert the date of coming into force of this Regulation*), an application for ministerial authorization or a municipal permit is still pending for an activity whose regulatory class remains the same despite the coming into force of the regulations establishing a new regime,

(1) if additional information and documents are required for an application for ministerial authorization or a municipal permit as a consequence of the coming into force of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) or the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*), the applicant must complete the application by sending any additional information or documents required under those regulations to the Minister or the relevant municipality for the application to be admissible; and

(2) the applicant must carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime once the ministerial authorization or municipal permit has been issued.

A declarant having sent a declaration of compliance less than 30 days before the date of coming into force of those regulations must complete the declaration in the same manner, as applicable, and carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

18. If, on (*insert the date of coming into force of this Regulation*), a municipal permit application is still pending for an activity whose regulatory class as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, the applicant must withdraw the permit application made to the municipality and,

(1) if the activity subsequently requires ministerial authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q 2, r. 17.1), send an application for authorization for the activity to the Minister, in compliance with that Regulation; or

(2) if the activity is subsequently eligible for a declaration of compliance, send such a declaration for the activity to the Minister, in compliance with that Regulation.

In the event where the coming into force of the regulations establishing the new regime results in the activity being prohibited, the activity may no longer be carried out.

DIVISION IV FINAL

19. This Regulation comes into force (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the sustainable development of forests in the domain of the State

Sustainable Forest Development Act
(chapter A-18.1, s. 38, 1st and 2nd pars.)

1. The Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended in section 48 by replacing “a floodplain” wherever it appears by “the littoral zone”.

2. This Regulation comes into force on (*insert the date occurring 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “riverbank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Akumunan

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Akumunan (chapter C-61.01, r. 71.1) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “riverbank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache

Natural Heritage Conservation Act
(chapitre C-61.01, a. 46, par. 1, sous-par. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache (chapter C-61.01, r. 71.2) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac (chapter C-61.01, r. 71.3) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Kakinwawigak

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Kakinwawigak (chapter C-61.01, r. 72) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, including a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Katnukamat

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Katnukamat (chapter C-61.01, r. 73) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, including a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc (chapter C-61.01, r. 74) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, including a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana (chapter C-61.01, r. 75) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Opasatica

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Opasatica (chapter C-61.01, r. 76) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, including a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. f)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes (chapter C-61.01, r. 77) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “river-bank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting wildlife habitats

Act respecting the conservation and development of wildlife

(chapter C-61.1, s. 128.1, s. 128.6, 2nd par., subpar. 2, and s. 128.18, pars. 1 and 2)

1. The Regulation respecting wildlife habitats (chapter C-61.1, r. 18) is amended in section 1,

(1) in the first paragraph,

(a) by replacing “a flood zone delimited by the mean boundary of the littoral zone for a 2-year period” in paragraph 1 by “a littoral zone”;

(b) by striking out “where the limits of a flood zone cannot be established as indicated, they shall correspond to the boundary of the littoral zone;” in subparagraph 1;

(c) by replacing subparagraph 7 by the following:

“(7) a “fish habitat” means a wetland frequented by fish or the littoral zone of any lake or watercourse, including the portion of the St. Lawrence River situated west of the meridian of longitude 64°31’27”. Any other marine territory located east of that meridian or in the Baie des Chaleurs is a fish habitat if it has been demarcated as such on a chart prepared by the Minister. Where within those habitats there is a flood protection work within the meaning of sections 1 and 2 of the Regulation respecting flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*), the boundary of the fish habitat will be situated at the two-year flood limit;” and”;

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

“In addition, unless otherwise provided, the terms “watercourse”, “pond”, “littoral zone”, “marsh”, “swamp” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*). The term “ditch” has the meaning assigned by section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”.

2. Section 17 is amended by striking out “where the fish habitat is a flood zone,” in paragraph 2.

3. Section 42 is amended by replacing “bed and the banks” by “littoral zone”.

4. Section 44 is amended by replacing “the flood zone” by “the littoral zone”.

5. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

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)

1. The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended by replacing section 6 by the following:

“**6.** For the purposes of this Division, the terms “watercourse”, “boundary of the littoral zone”, “littoral zone”, “lakeshore” and “riverbank”, and “peatland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

2. Section 7 is amended

(1) by replacing “Rivière” in the description of the Baie-des-Anglais (Montérégie) habitat in the French text by “rivière”;

(2) by replacing “the bed and littoral, up to the boundary of the littoral zone,” in the description of the Chenal-Proulx (Montérégie) habitat by “the littoral”;

(3) by replacing “springs situated” in the description of the Joannès (Abitibi-Témiscamingue) habitat by “watercourses and their periphery situated”;

(4) by replacing “the periphery of a spring and its effluents” in the description of the Lac-Berry (Abitibi-Témiscamingue) habitat by “a group of watercourses and their periphery”;

(5) by replacing “the bed and littoral of the Montmorency river, up to the boundary of the littoral zone,” in the description of the Marches-Naturelles (Capitale-Nationale) habitat by “the littoral of the Montmorency river.”;

(6) by replacing “stream” in the description of the Mont-Logan (Bas-Saint-Laurent) habitat by “watercourse”;

(7) by replacing “the banks of the Grande-Rivière river in Gaspésie, up to the boundary of the littoral zone,” in the description of the Platières-de-la-Grande-Rivière (Gaspésie–Îles-de-la-Madeleine) habitat by “the littoral of the Grande-Rivière river from its mouth in the Baie des Chaleurs downstream to its confluence with the Grande Rivière Est”;

(8) by replacing “the bed and littoral of the Jacques-Cartier river, up to the boundary of the littoral zone” in the description of the Rives-Calcaires-du-Pont-Déry (Capitale-Nationale) habitat by “the littoral of the Jacques-Cartier river”;

(9) in the description of the Rivière-des-Mille-Îles (Laval et Lanaudière) habitat,

(a) by replacing “the bed and littoral of the Des Mille-Îles river, up to the boundary of the littoral zone” by “the littoral of the Des Mille-Îles river”; and

(b) by striking out “of the banks”;

(10) by striking out “up to the boundary of the littoral zone,” in the description of the Rivière-Godefroy (Centre-du-Québec) habitat; and

(11) by replacing “Tourbière-du-Lac-Maucôque” in the name of the Tourbière-du-Lac-Maucôque (Gaspésie–Îles-de-la-Madeleine) habitat by “Tourbière-du-Lac-du-Maucôque”.

3. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101 and 105, and s. 109, 1st par., subparagraph 2)

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in the first paragraph of section 1.1

(1) by replacing subparagraph 1 by the following:

“(1) the terms “body of water”, “boundary”, “boundary of the littoral zone”, “channel migration zone”, “flood zone”, “high-velocity flood zone”, “lakeshore” and “riverbank”, “littoral zone”, “low-velocity flood zone”, “peat

bog”, “swamp”, “watercourse”, “wetland” and “wooded peat bog” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) the “high flood hazard zone”, “moderate flood hazard zone”, “short-term channel migration zone” and “very high flood hazard zone” are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;”;

(2) by replacing subparagraph 3 by the following:

“(3) despite subparagraph 1, a reference to a “wetland” or a “body of water” excludes a peat bog being harvested and a basin with no outlet;”;

(3) by replacing “calculated” in the portion before subparagraph *a* of subparagraph 5 by “measured”.

2. Section 4, as amended by the Regulation to amend the Pesticides Management Code, made by Order in Council 990-2023 dated 21 June 2023, is amended by striking out the second and third paragraphs.

3. Section 16 is amended

(1) in the first paragraph,

(a) by replacing “un pesticide” in the French text by “des pesticides”;

(b) by inserting “, a very high flood hazard zone, a high flood hazard zone or a short-term channel migration zone” at the end;

(2) by adding the following at the end:

“Nor does the prohibition apply to the storage of Class 1, Class 2 or Class 3 pesticides in a very high flood hazard zone, a high flood hazard zone or a short-term channel migration zone if one of those classes of pesticides was already being stored in such an area on (*insert the date of coming into force of this Regulation*). As of that date, however, the storage capacity of an existing storage premises may not be increased.”.

4. Section 17 is amended

(1) by inserting “or a moderate flood hazard zone” at the end of the first paragraph;

(2) by replacing subparagraph 3 of the second paragraph by the following:

“(3) the pesticides are stored above the moderate protection objective provided for in Schedule 3 to the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”;

(3) by adding the following at the end:

“Nor does the prohibition apply to the storage of Class 1, Class 2 or Class 3 pesticides in a moderate flood hazard zone if one of those classes of pesticides was already being stored in such an area on (*insert the date of coming into force of this Regulation*). As of that date, however, the storage capacity of an existing storage premises may not be increased.”.

5. Section 30 is amended by replacing “340.1” in the second paragraph by “341.9”.

6. Section 88.1, as amended by the Regulation to amend the Pesticides Management Code, made by Order in Council 990-2023 dated 21 June 2023, is amended in the first paragraph

(1) by replacing “of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)” in the portion preceding subparagraph 1 by “of a 3 m strip around a lake or along a watercourse and a 1 m strip along a ditch”;

(2) by replacing “335.1” in the portion preceding subparagraph 1 by “339”.

7. This Regulation comes into force on (*insert the date occurring 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40, par. c)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 7.3.1

(1) in the first paragraph,

(a) by replacing subparagraph *a* of subparagraph 5 by the following:

“(a) the burial site is not in the high-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse;”;

(b) by replacing “watercourse or body of water” in subparagraph *b* of subparagraph 5 by “lake, watercourse or wetland”;

(2) by replacing the third paragraph by the following:

“For the purposes of this section,

(1) the terms “channel migration zone”, “flood zone”, “high-velocity flood zone”, “peatland”, “watercourse” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) “high flood hazard zone”, “short-term channel migration zone” and “very high flood hazard zone” are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a “watercourse” excludes an intermittent watercourse;

(4) a reference to a “wetland” excludes a peatland.”.

2. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1) is amended in section 1 by adding “within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*)” after “watercourse flow” in the definition of “transfer”.

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting sand pits and quarries

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1) is amended in section 2 by adding the following at the end:

“In addition, for the purposes of this Regulation,

(1) the terms “watercourse”, “marsh”, “shrub swamp”, “open peatland”, “wetland” and “body of water” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) the term “riparian shrub swamp” means a shrub swamp located in a lakeshore or riverbank within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.”

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Design code of a storm water management system eligible for a declaration of compliance

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01) is amended by inserting the following after section 1:

“**1.1.** For the purposes of this Regulation, the terms “watercourse”, “wetland” and “body of water” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).”

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the declaration of water withdrawals

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 2 by inserting the following definition in alphabetical order:

““watercourse” means a watercourse within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended

(1) by striking out the paragraph lettering system and placing the definitions in alphabetical order;

(2) by inserting the following definition in alphabetical order:

““watercourse” means a watercourse within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the burial of contaminated soils

Environment Quality Act
(chapter Q-2, s. 31.69, par. 5, s. 46.0.22, par. 6, and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18) is amended in section 1 by replacing the third paragraph by the following:

“Unless otherwise provided, for the purposes of this Regulation,

(1) the terms “watercourse”, “wetland”, “peatland”, “flood zone”, “low-velocity flood zone”, “high-velocity flood zone” and “channel migration zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) “high flood hazard zone”, “very high flood hazard zone” and “short-term channel migration zone” are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a “watercourse” excludes an intermittent watercourse;

(4) a reference to a “wetland” excludes a peatland;

(5) soil includes sediments extracted from a lake, a watercourse or a wetland;

(6) an increase in capacity is included in the enlargement of a contaminated soil burial site.”

2. Section 6 is replaced by the following:

“6. The laying out of a contaminated soil burial site in the high-velocity or low-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse is prohibited.”

3. Section 10 is amended by replacing “watercourse or body of water” by “lake, watercourse or wetland”.

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 70, pars. 4 and 5 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 1

(1) by striking out subparagraph 4 of the first paragraph;

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

“In addition, unless otherwise provided,

(1) the terms “boundary”, “boundary of the littoral zone”, “channel migration zone”, “flood zone”, “high-velocity flood zone”, “low-velocity flood zone”, “peatland”, “watercourse” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) “high flood hazard zone”, “short-term channel migration zone” and “very high flood hazard zone” are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a “watercourse” excludes an intermittent watercourse;

(4) a reference to a “wetland” excludes a peatland;

(5) the relative distance to a lake or watercourse is measured horizontally from the boundary of the littoral zone and the relative distance to a wetland is measured horizontally from its boundary.”

2. Section 14 is replaced by the following:

“14. The siting of an engineered landfill in the high-velocity or low-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse is prohibited.”

3. Section 18 is amended by replacing “watercourse or body of water” in the second paragraph by “lake, watercourse or wetland”.

4. Section 28 is amended by striking out “pond or” in the second paragraph.

5. Section 31 is amended by striking out “ponds or” in the fourth paragraph.

6. Section 65 is amended by striking out “pond,” in the fourth paragraph.

7. Sections 88, 95, 104 and 114 are amended by replacing “watercourse or body of water”, wherever appearing, by “lake, watercourse or wetland”.

8. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

9. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting used tire storage

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 20 and 21)

1. The Regulation respecting used tire storage (chapter Q-2, r. 20) is amended in section 2 by replacing subparagraph *c* of paragraph 8 by the following:

“(c) the location of public roads, access roads and lakes, as well as watercourses, ponds, swamps and high-velocity flood zones within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) located in that territory;

(c.1) the location of flood zones classed very high or high and of short-term channel migration zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas located in that territory;”.

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

Environment Quality Act
(chapter Q-2, s. 46, par. 9, s. 46.0.22, par. 6, s. 87, par. *c* and s. 95.1, 1st par, subpars. 5 and 7)

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

1. The Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) is amended in section 1

(1) by striking out the ordering letters and inserting the definitions in alphabetical order;

(2) by inserting the following definition in alphabetical order:

““groundwater level” means the seasonally high water table level established through a characterization study of the site and natural land using recognized soil and site assessment methods such as observation and interpretation of the redoximorphic features in the soil profile;”;

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

“In addition, unless otherwise provided,

(1) the terms “boundary”, “boundary of the littoral zone”, “flood zone”, “lakeshore” and “riverbank”, “littoral zone”, “marsh”, “pond” and “watercourse” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) a reference to a pond includes a commercial fishing pond and a pond for the production of aquatic organisms;

(3) a reference to a flood zone excludes the littoral zone, a lakeshore, riverbank, pond, marsh and a zone where there is a risk of erosion or landslide, present in the flood zone;

(4) the relative distance to a lake or watercourse is measured horizontally from the boundary of the littoral zone and the relative distance to a marsh or pond is measured horizontally from its boundary.”.

2. The heading of Division III.1 is amended by striking out “FOR DISPOSAL SYSTEMS”.

3. Section 7.1 is amended

(1) by inserting “, measured horizontally” at the end of paragraph *d*;

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

“For the purposes of subparagraph *b* of the first paragraph, the disposal system or part of such system that is watertight must be installed in a manner such that every construction joint, connection port and service window in the system is situated above the groundwater level.”

4. Section 7.1.1 is amended

(1) by replacing the heading by “**Watertight systems on lakeshores and riverbanks**”;

(2) by striking out “or landslide” in the second paragraph.

5. Section 7.2 is amended

(1) by inserting “measured horizontally from the end of the disposal system” at the end of subparagraph *d* of the first paragraph;

(2) by replacing the second paragraph by the following:

“For the purposes of subparagraph *b* of the first paragraph, the disposal system or part of such system that is not watertight must be installed in a manner such that the soil of the disposal site where the system is to be installed is situated in its entirety above the groundwater level.”

6. The following is inserted after section 7.2:

“**7.3. Watertight system, soil absorption field and facility in a flood zone:** A disposal system, a soil absorption field to which Divisions VI to IX apply, a facility to which Division X to XIV, XV.4 and XV.4.1 apply or part of such system, absorption field or facility may be installed in a flood zone only in the following cases:

(1) when the system, soil absorption field or facility is to serve a building referred to in section 2 that

(a) was built before 23 June 2021 in the flood zone in which the work is to take place;

(b) was built between 23 June 2021 and (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) in a flood zone and therefore was

not subject to a prohibition on construction in that zone under 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); or

(c) was built after (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) in a flood zone and is not subject to a prohibition on construction in that zone under the Regulation respecting regulatory measures for activities under the responsibility of municipalities that are carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) when the system, soil absorption field or facility is to serve a site referred to in section 2 situated in a flood zone, and

(a) the site was developed before 23 June 2121;

(b) the site was developed between 23 June 2021 and (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) and no fixed building subject to a prohibition on construction in that zone under 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 (*insert the reference to the Compilation of Québec Laws and Regulations*) is served by the system, soil absorption field or facility; or

(c) the site is developed after (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting activities in wetlands, bodies of water and sensitive areas*) and no fixed building subject to a prohibition on construction in that zone under the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) is served by the system, soil absorption field or facility;

(3) when the system, soil absorption field or facility is to serve a building or a site referred to in section 2 situated outside a flood zone.”

7. Section 52.1 is amended by replacing “watercourse or body of water” in the first paragraph by “lake, watercourse, marsh or pond”.

8. Section 89 is amended by inserting “7.1.1,” in the first paragraph after “7.3.”

9. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, ss. 31.0.6, 46.0.22, par. 6, s. 53.30, 1st par., subpars. 4 and 5, s. 70, pars. 4 and 5, and s. 95.1, 1st par., subpars. 3, 5 and 8)

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

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing section 2.1 by the following:

“**2.1.** This Regulation does not apply to canid and felid raising facilities, fish farms, zoos, and zoological parks and gardens.”

2. Section 3 is amended in the second paragraph

(1) by replacing subparagraph 1 by the following:

“(1) the terms “boundary”, “watercourse”, “pond”, “boundary of the littoral zone”, “littoral zone”, “wetland”, “open wetland”, “body of water”, “flood zone”, “high-velocity flood zone” and “channel migration zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) “very high flood hazard zone” and “short-term channel migration zone” are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;”;

(2) by replacing “calculated” in the portion before subparagraph *a* of subparagraph 3 by “measured”.

3. Section 6 is amended by adding “, a very high flood hazard zone or a short-term channel migration zone” at the end of the second paragraph.

4. Section 30 is amended by replacing “340.1” in subparagraph 1 of the third paragraph by “341.9”.

5. Section 43.6 is amended by inserting “, a very high flood hazard zone or a short-term channel migration zone” after “zone” in paragraph 1.1.

6. Section 56.1 is amended in the first paragraph by replacing

(1) “the vegetation strip referred to in the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), subparagraph 1 of the” and “335.1” in the portion before subparagraph 1 by “a 3-m wide strip alongside a lake or a watercourse and a 1-m wide strip alongside a ditch, calculated from the top of the embankment, the” and “339”, respectively;

(2) by replacing “33.1” in subparagraph 3 by “60”.

7. Section 56.2 is amended

(1) by striking out “and except in the case of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”;

(2) by replacing “335.1” by “339”.

8. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

9. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting pulp and paper mills

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 70, par. 4 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended in section 1

(1) by striking out the definition of “low-velocity flood zone” in the first paragraph;

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

“As well, the terms “boundary of the littoral zone”, “channel migration zone”, “flood zone”, “high-velocity flood zone”, “low-velocity flood zone”, “marsh”, “pond”, “watercourse” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

In addition, “high flood hazard zones”, “short-term channel migration zones” and “very high flood hazard zones” are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.”.

2. Section 51 is amended

(1) by replacing “the sea, a watercourse or a lake within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35)” in paragraph 1 by “a lake or a watercourse”;

(2) by replacing “pond, marsh, swamp or bog” in paragraph 3 by “wetland”.

3. Section 99 is amended

(1) by replacing paragraph 1 by the following:

“(1) in a high-velocity or low-velocity flood zone, a very high or high hazard flood zone or a short-term channel migration zone;”;

(2) by replacing “sea, watercourse, pond, swamp or tidal flat” in paragraph 7 by “watercourse, pond or swamp”.

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Snow, Road Salt and Abrasives Management Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Snow, Road Salt and Abrasives Management Regulation (chapter Q-2, r. 28.2) is amended in section 3 by replacing paragraph 3 by the following:

“(3) the terms “boundary”, “boundary of the littoral zone”, “channel migration zone”, “flood zone”, “high-velocity flood zone”, “watercourse” and “wetland” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

“(4) “short-term channel migration zones” and “very high flood hazard zones” are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.”.

2. Section 6 is amended by replacing paragraph 2 by the following:

“(2) outside a high-velocity flood zone, a short-term channel migration zone or a very high flood hazard zone;”.

3. Section 8 is amended by replacing paragraph 2 by the following:

“(2) outside a flood zone or a channel migration zone;”.

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Water Withdrawal and Protection Regulation

Environment Quality Act
(chapter Q-2, s. 46, pars. 15 and 16, s. 46.0.22, par. 6,
and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended in section 2

(1) by striking out the definition of “watercourse” in the first paragraph;

(2) by replacing the second paragraph by the following:

“The terms “watercourse”, “boundary of the littoral zone”, “littoral zone”, “riverbank or lakeshore”, “flood zone”, “low-velocity flood zone”, “high-velocity flood zone” and “channel migration zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

In addition, “high flood hazard zone”, “low flood hazard zone”, “medium flood hazard zone”, “very high flood hazard zone” and “short-term channel migration zone” are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.”

2. Section 15 is amended by adding “, a very high or high flood hazard zone or a short-term channel migration zone” at the end of the first paragraph.

3. Section 29 is amended by replacing

(1) “or in a high-velocity flood zone” in paragraph 1 by “, a high-velocity flood zone, a very high or high flood hazard zone or a short-term channel migration zone”;

(2) paragraph 6 by the following:

“(6) if the system is installed in a low-velocity flood zone or a medium or low flood hazard zone, it must be designed to prevent water infiltration during a flood and the work must be carried out below the soil’s surface;”

4. Section 32 is amended by inserting “, a very high or high flood hazard zone or a short-term channel migration zone” after “zone” in the first paragraph.

5. Schedule IV is amended by replacing “body of water” in paragraph 2 of section 1 by “lake or watercourse”.

6. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

7. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36) is amended in section 1 by adding the following at the end:

“In addition, the terms “watercourse”, “marsh” and “swamp” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).”

2. Schedule IV is amended by replacing “streams” in the description of the waters of the tributaries of Grand lac Saint-François in the section “Designated waters” by “watercourses”.

3. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Land Protection and Rehabilitation Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended in section 13.0.3 by inserting “within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*)” at the end.

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations

Environment Quality Act
(chapter Q-2, s. 31.69, par. 5, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 3, 5 and 8)

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

1. The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended by replacing section 2 by the following:

“**2.** Unless otherwise provided, for the purposes of this Regulation,

(1) the term “contaminated soil transfer station” means any facility that receives contaminated soils to be stored temporarily before being transferred to a treatment site authorized under the Environment Quality Act (chapter Q-2) where they are to be totally or partially decontaminated;

(2) the terms, “channel migration zone”, “flood zone”, “high flood hazard zone” and “very high flood hazard zone”, “low-velocity flood zone” and “high-velocity flood zone”, “peatland”, “short-term channel migration zone”, “watercourse” and “wetland” have the meaning assigned by sections 4, 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(3) the terms “high flood hazard zone”, “short-term channel migration zone” and “very high flood hazard zone” are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.”

(4) a reference to a “watercourse” excludes an intermittent watercourse;

(5) a reference to a “wetland” excludes a peatland;

(6) soil includes sediments extracted from a lake, a watercourse or a wetland; and

(7) an increase in storage capacity is included in the enlargement of a storage site or a transfer station.”

2. Section 13 is replaced by the following:

“**13.** A contaminated soil storage site may not be established in a high-velocity or low-velocity flood zone, a high or very high hazard flood zone or a short-term channel migration zone of a lake or watercourse.”

3. Section 38 is replaced by the following:

“**38.** A contaminated soil transfer station may not be established in a high-velocity or low-velocity flood zone, a high or very high hazard flood zone or a short-term channel migration zone of a lake or watercourse.”

4. Section 41 is amended by replacing “watercourse or body of water” by “lake, watercourse or wetland”.

5. Section 68.6 is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) establishes a contaminated soil storage site in a flood zone or channel migration zone referred to in section 13 or a contaminated soil transfer station in a flood zone or channel migration zone referred to in section 38;”

6. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

7. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, and s. 95.1, 1st par., subpars. 3, 5 and 7)

1. The Regulation respecting hot mix asphalt plants (chapitre Q-2, r. 48) is amended in section 1

(1) by striking out paragraph *o*; and

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

“In addition, the terms “watercourse” and “swamp” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and

sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*). “Watercourse” excludes however intermittent watercourses.”.

2. Section 13 is amended in the first paragraph by replacing

(1) “**Hydrous environment**” by “**Siting standard**”; and

(2) “stream, river, sea, swamp or sandbank” by “watercourse or swamp”.

3. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

106893

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 53.30, 1st par., subpars. 4 and 5, and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in section 3 by replacing paragraph 3 by the following:

“(3) the terms “boundary”, “watercourse”, “boundary of the littoral zone”, “wetland”, “flood zone” and “channel migration zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

2. Section 5 is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) outside a flood zone or a channel migration zone.”.

3. Section 6 is amended by replacing subparagraph 3 of the first paragraph by the following:

“(3) outside a flood zone or a channel migration zone.”.

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.