

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 1.1

AMENDMENT:

Insert after section 1:

1.1. Section 1 of the Act is replaced by the following section:

“1. The purpose of this Act is to ensure the conservation of Québec’s natural heritage and of the associated values.

More specifically, the Act is intended

(1) to facilitate the expansion of the network of areas covered by conservation measures in Québec and the efficient management of protected areas;

(2) to allow citizens as well as local and Aboriginal communities to become more involved in the conservation of biodiversity, in particular in the creation and management of protected areas;

(3) to ensure that the various government departments and bodies that assume biodiversity conservation-related responsibilities collaborate in the selection, designation and management of protected areas.

The conservation measures provided for by this Act, including protected areas, constitute a set of measures intended to ensure the maintenance of Québec’s natural heritage and of the ecosystems it comprises, in particular their protection, ecological restoration and sustainable use.”



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 4

AMENDMENT:

Insert “in Québec” at the end of the first paragraph of proposed section 6.1.

par
le

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 5

AMENDMENT:

Replace by:

5. Section 7 of the Act is amended by replacing “matters involving biodiversity protection” and “protection measures” by “matters involving biodiversity conservation” and “conservation measures”, respectively.

page 10
22

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 6

AMENDMENT:

1. Replace “to foster natural heritage conservation” in paragraph 2 by “to foster biodiversity conservation”.
2. Add the following paragraph at the end:
 - (3) by inserting “or Aboriginal community” after “person” in paragraph
- 3.

page 10
AW

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 7

AMENDMENT:

Replace by:

7. Section 9 of the Act is amended

(1) by replacing “and land that has been set aside for that purpose” in the first paragraph by “established under section 27”;

(2) by replacing “another protected area under the Minister’s administration or that are the subject of” in the second paragraph by “an area covered by”.

A handwritten signature in blue ink, appearing to be 'M. J. [unclear]', is located below the text of the amendment.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 12

AMENDMENT:

Replace “22” in the second paragraph of proposed section 13.1 by “21”.



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 12

AMENDMENT:

Replace proposed section 13.2 by:

“**13.2** Section 13.1 does not apply to activities that are carried on under an agreement entered into under a program referred to in section 15.8 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

The Minister may, on conditions the Minister determines, exempt an activity from section 13.1 if the public interest justifies it.”

A handwritten signature in blue ink, appearing to be "Adgite" followed by a stylized flourish.

AM 8
s. 12 (13.3)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 12

AMENDMENT:

Withdraw proposed section 13.3.

positive
Ra

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 13

AMENDMENT:

Replace by:

13. Section 14 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the Aboriginal communities concerned;”.

adapté
Ho

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

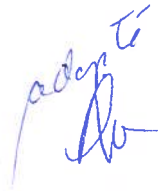
Section 15.1

AMENDMENT:

Insert after section 15:

15.1. The Act is amended by inserting the following section after section 15:

“**15.1.** Sections 14 and 15 do not apply to the designation of wetlands and bodies of water whose restoration or creation replaces, in accordance with the second paragraph of section 46.0.5 of the Environment Quality Act (chapter Q-2), the payment of the financial contribution provided for by that section.”



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 11

AMENDMENT:

Insert “in particular to take into account climate change issues,” after “functions,”
in paragraph 1.

A handwritten signature in blue ink, appearing to be "M. G. L.", with a long horizontal stroke extending to the right.

AM 12
s. 20 (18.1)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 20

AMENDMENT:

Replace "14 to" in proposed section 18.1 by "15, 16 and".



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Section 21 of the Act is replaced by the following section:

“**21.** The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or to make an authorization subject to appropriate conditions, in particular the obligation to provide a financial guarantee.

The Minister may, by regulation, determine the form and content of the applications for authorization that must be made to the Minister.

The Minister may, by regulation, determine the fees payable for an application for authorization or an application to amend, renew or terminate an existing authorization.”



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 25

AMENDMENT:

Replace paragraph 1 by:

- (1) in the first paragraph:
 - (a) by replacing the introductory clause of the first paragraph by the following:

“When analyzing an application for authorization, the Minister shall take into consideration the following elements, without however being limited to them, and shall grant each element the importance the Minister considers appropriate.”;
 - (b) by replacing all occurrences of “intervention” by “activity”.

page 14

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 31

AMENDMENT:

Replace proposed sections 26 to 26.2 by:

“26. The Minister shall, in cooperation with the minister responsible for the administration of the Act respecting the Société du Plan Nord (chapter S-16.011), propose mechanisms to the Government for achieving, in relation to the area referred to in section 25, the objectives set out in paragraph 5 of section 5 of that Act.

“26.1. The proposed mechanism must be approved by the Government following a public consultation.”

A handwritten signature in blue ink, appearing to be "M. G. G." or similar, with a stylized flourish.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 27 by:

“27. The Government may designate any land in the domain of the State as a protected area with sustainable use, a biodiversity reserve, an ecological reserve or a marine reserve.

adapte
AB

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Withdraw proposed section 28.

Adge te
AO

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Insert after proposed section 29:

“**29.1.** The conservation plan prepared for a protected area with sustainable use, biodiversity reserve, ecological reserve or marine reserve must include at least the following elements:

- (1) an ecological overview of the area concerned as well as a description of its occupation and uses;
- (2) conservation and development objectives for the area concerned;
and
- (3) a map of the protected area.

“**29.2.** The Minister sees to the implementation and updating of the conservation plan.

*plante
AW*

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Strike out the following sentence in the third paragraph of proposed section 30:
“The conservation plan must contain, in particular, the conservation objectives
applicable to the protected area.”.

A handwritten signature in blue ink, appearing to be 'Adopté' written vertically, with a stylized signature below it.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace the first paragraph of proposed section 32 by:

The Minister is not required to grant an application for a public consultation
the Minister considers frivolous.

A handwritten signature in blue ink, appearing to be "p. d. g. t. e." followed by a stylized flourish.

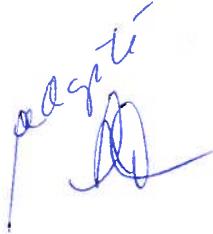
Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace “The rules of procedure for the conduct of public hearings and targeted consultations referred to in section 6.6” in proposed section 36 by “Sections 6.3 to 6.6”.

A handwritten signature in blue ink, appearing to be 'M. G. G.', is written over the text of the amendment.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

In proposed section 37:

1. Strike out “pas” in the second paragraph in the French text.
2. Add the following paragraph at the end:

The reports are made public by the Minister within 30 days after they are received.



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Insert after proposed section 37:

“37.1. Sections 30 to 37 do not apply in the case where other means may be used to clarify the various issues raised by the proposed protected area, such as the environmental and social impact assessment and review procedure provided for in Title II of the Environment Quality Act (chapter Q-2).

adopté
As

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

In proposed section 38:

1. Strike out subparagraph 4 of the third paragraph.
2. Strike out the fourth paragraph.

adgste
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

In proposed section 39:

1. Add “on the department’s website and” after “protected area”.
2. Add “other” after “by any”.

page 25
DO

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace “other” and “measures” in the second paragraph of proposed section 41 by
“any” and “measure”, respectively.

accepté
AM

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 45 by:

“45. The Minister may, on conditions the Minister determines, exempt an activity from a regulation made under subparagraph 2 or 3 of the first paragraph of section 43 if the public interest justifies it.

Adopted
AD

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**


Section 32

AMENDMENT:

Replace proposed section 46 by:

“46. The purpose of the “protected area with sustainable use” status is to protect ecosystems and habitats, and to protect the associated cultural values.

A protected area with sustainable use is characterized by the presence of natural conditions on the greater part of the land and by sustainable use of its natural resources. The land must be developed for the benefit of the local and Aboriginal communities concerned. Its management must be exemplary, and the communities’ participation must be encouraged.

page 1


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Insert the following section after proposed section 51:

“**51.1.** Despite section 50, a person may be in an ecological reserve to recover the edible flesh of a big game animal wounded outside the reserve, when it is necessary in order to comply with a law or regulation.

page 12
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace “and, if applicable, with the person who will act as the reserve manager”
in the first paragraph of proposed section 56 by “of the reserve”.

adopté
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 62 by:

“**62.** Sections 57 and 58 apply, with the necessary modifications, to amendments to a recognition agreement.

page 31
[Signature]

Bill 46

An Act to amend the Natural Heritage Conservation Act and other provisions

Section 32

AMENDMENT:

In proposed section 63:

1. Insert “all or part of” after “terminate” in the second paragraph.
2. Add the following paragraph at the end:

If the Minister's decision to terminate the recognition of a property as a nature reserve pertains solely to a portion of the property, the decision is equivalent to an amendment to the agreement.

aditi

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 65.6 by:

“**65.6.** Sections 65.3 and 65.4 apply, with the necessary modifications, to amendments to the conservation plan.

adopté
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 35

AMENDMENT:

In proposed section 66.2:

1. Replace “for the protection of the public in respect of any matter governed by this Act or the regulations” in the first paragraph by “to ensure the carrying out of this Act”.
2. Replace “a reasonable” in the second paragraph by “the”.

Adopté


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 39

AMENDMENT:

In proposed section 69.15:

1. Strike out “fails” in the introductory clause.
2. Insert “fails” at the beginning of paragraph 1.
3. Insert “fails” at the beginning of paragraph 2.
4. Add at the end:

(3) in the case of a natural person, is in an ecological reserve without
being authorized to be there.



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 39

AMENDMENT:

In proposed section 69.18:

1. Strike out “or carries on an activity without the required authorization” in paragraph 1.
2. Strike out paragraph 3.

proposed


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 39

AMENDMENT:

Replace “the degree to which the standards have been infringed” in proposed section 69.19 by “the seriousness of the failure to comply”.

adopted
De

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 39

AMENDMENT:

Insert after proposed section 69.20:

“69.21. The Minister shall keep a register relating to the monetary administrative penalties imposed by the persons the Minister designates for that purpose under this Act or the regulations.

The register must contain at least the following information:

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure for which, and the legislative and regulatory provisions under which, the penalty was imposed;
- (3) the name of the municipality in whose territory the failure occurred, if applicable;
- (4) if the penalty was imposed on a legal person, the name of the legal person and the address of its head office or of one of its establishments or of the business establishment of one of its agents;
- (5) if the penalty was imposed on a partnership or association without legal personality, the name and address of the partnership or association;
- (6) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the ordinary course of business of the person's enterprise, the name and address of the enterprise;
- (7) the amount of the penalty imposed;
- (8) the date of receipt of an application for review and the date and conclusions of the decision;

(9) the date a proceeding is brought before the Administrative Tribunal of Québec and the date and conclusions of the decision rendered by the Tribunal, as soon as the Minister is made aware of the information;

(10) the date a proceeding is brought against the decision rendered by the Administrative Tribunal of Québec, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(11) any other information the Ministers considers of public interest.”



Bill 46

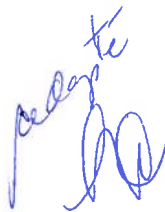
**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 40

AMENDMENT:

Insert after paragraph 2 of proposed section 70:

(3) in the case of a natural person, is in an ecological reserve in
contravention of a provision of this Act,

A handwritten signature in blue ink, appearing to be 'M. J. [unclear]', is written over the text of the amendment.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 40

AMENDMENT:

In proposed section 73:

1. Strike out “or carries on an activity without the required authorization” in paragraph 1.
2. Strike out paragraph 3.

page 40
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 40

AMENDMENT:

Insert after proposed section 77.9:

“77.9.1. The Minister shall keep a register of the following information relating to findings of guilt for offences under this Act or the regulations:

- (1) the date of the finding of guilt;
- (2) the nature of the offence and the legislative or regulatory provisions under which the offender was found guilty;
- (3) the date of the offence and the name of the municipality in whose territory it was committed, if applicable;
- (4) if the offender is a legal person, the name of the legal person and the address of its head office or of one of its establishments or of the business establishment of one of its agents;
- (5) if the offender is a partnership or association without legal personality, the name and address of the partnership or association;
- (6) if the offender is a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the offence was committed during the ordinary course of business of the person's enterprise, the name and address of the enterprise;
- (7) if the offender is an officer or director of a legal person, of a partnership or of an association without legal personality, the officer's or director's name, the name of the municipality in whose territory the officer or director resides and, as applicable, the name of the legal person and the address of its head office or of one of its establishments or of the business establishment of one of its agents, or the name and address of the partnership or association;

- (8) the penalty imposed by the judge;
- (9) the date a proceeding is brought against the decision rendered, the nature of the proceeding and the date and conclusions of the decision rendered by the competent court, as soon as the Minister is made aware of the information; and
- (10) any other information the Minister considers of public interest.

revisé
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 40

AMENDMENT:

Replace “of the amount owing” in the third paragraph of proposed section 77.10
by “of the amount claimed”.

advised
PC

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 42.1

AMENDMENT:

Insert after section 42:

42.1. Section 14 of the Sustainable Forest Development Act (chapter A-18.1) is amended by replacing “or exceptional forest ecosystems” by “, exceptional forest ecosystems or wetlands of interest”.

*Adopted
Ro*

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 42.2

AMENDMENT:

Insert after section 42.1:

42.2. The Act is amended by inserting the following division after section 35:

“DIVISION VII

“WETLANDS OF INTEREST

“35.1. The Minister may, to protect wet forests of high ecological value or of great importance for the maintenance of biological diversity, designate them as wetlands of interest.

The boundaries of such wetlands are established by the Minister with the approval of the minister responsible for keeping the register of protected areas established in accordance with the Natural Heritage Conservation Act (chapter C-61.01).

“35.2. The Minister has the notice of designation of a wetland of interest published in the *Gazette officielle du Québec* and on the department’s website.

Wetlands of interest must be defined and shown on the land use plan provided for in the Act respecting the lands in the domain of the State (chapter T-8.1).

“35.3. The Minister may make any change the Minister considers necessary in order to correct an error, inaccuracy or other incongruity that occurred in establishing the boundaries of a wetland of interest.

The Minister may also change the boundaries of a wetland of interest or revoke its status if the wetland is no longer characterized by the ecological features or biological diversity that initially warranted its protection. However, if a wetland of interest is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act (chapter C-61.01), the Minister must first obtain the approval of the minister responsible for keeping that register.

“35.4. The Minister keeps the list of designated wetlands of interest up to date.

The list is published on the department’s website and contains at least the following information:

- (1) the number assigned to the wetland of interest;
- (2) the number of the development unit in which the wetland of interest is located; and
- (3) the geographical coordinates and the area of the wetland of interest.

The geographical boundaries of a wetland of interest must also be shown on maps posted on the department’s website.

“35.5. Forest development activities are prohibited in a wetland of interest.

The Minister may nevertheless authorize a forest development activity, on the conditions the Minister determines, if the Minister considers it expedient and if the activity is not likely to have an adverse effect on the maintenance of the ecological value or biological diversity of the wetland of interest. If the wetland of interest is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act (chapter C-61.01), however, the Minister must first consult the minister responsible for keeping that register to obtain an opinion on the impact of the proposed activity.”

adopté
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 42.3

AMENDMENT:

Insert after section 42.2:

42.3. Section 226 of the Act is amended by replacing “or an exceptional forest ecosystem” by “, an exceptional forest ecosystem or a wetland of interest”.



Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 42.4

AMENDMENT:

Insert after section 42.3:

42.4. Section 247 of the Act is amended by inserting “, in a wetland of interest” after “ecosystem” in the first paragraph.

adon te
W


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 43

AMENDMENT:

Add “, a wildlife preserve, a wildlife sanctuary, a wildlife management area or a park” at the end of proposed subparagraph 4.

adopté


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 44

AMENDMENT:

Strike out "69.3,".

revised
He

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 45.1

AMENDMENT:

Insert after section 45:

45.1. Section 4 of the Parks Act (chapter P-9) is amended

(1) by replacing “designated by the Minister” in the second paragraph by “or body designated by the Minister, such as the Bureau d’audiences publiques sur l’environnement, with the authorization of the minister responsible for the administration of the Environment Quality Act (chapter Q-2)”;

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

“The person or body designated to hold the public hearing shall, within the time prescribed in the mandate, report his or its findings and analysis to the Minister.

The time limit for holding the public hearing and reporting to the Minister may not exceed 12 months.

The reports are made public by the Minister within 30 days after they are received.

If the Bureau d’audiences publiques sur l’environnement is designated, sections 6.3 to 6.6 of the Environment Quality Act apply, with the necessary modifications.”

adopté


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 45.2

AMENDMENT:

Insert after section 45.1:

45.2. Section 9 of the Act is amended by adding “, except if the Bureau d’audiences publiques sur l’environnement is designated to hold such a hearing” at the end of paragraph o.

proposé
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 46

AMENDMENT:

Withdraw.

readopté
AO

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 47

AMENDMENT:

Replace “, 24.1 and 26.2” by “and 24.1”.

Adopté
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 54

AMENDMENT:

Replace the first paragraph by:

54. Sections 46, 48 and 49 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on (*insert the date preceding the date of coming into force of this Act*), continue to apply to biodiversity reserves and ecological reserves established as at that date under that Act until the coming into force of the first regulation, made under section 43 of the Natural Heritage Conservation Act, as enacted by section 32, that applies to those reserves.

adopté
DD

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 55

AMENDMENT:

Replace the first paragraph by:

55. Sections 46, 47 and 49 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on (*insert the date preceding the date of coming into force of this Act*), continue to apply to the Estuaire-de-la-Rivière-Bonaventure aquatic reserve established as at that date under that Act until the coming into force of the first regulation, made under section 43 of the Natural Heritage Conservation Act, as enacted by section 32, that applies to that reserve. The same applies to its conservation plan, as it read on (*insert the date preceding the date of coming into force of this Act*).

Adopté
AA

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 56.1

AMENDMENT:

Insert after section 56:

56.1. Sections 27, 29 to 31 and 33 of the Natural Heritage Conservation Act, as they read on (*insert the date preceding the date of coming into force of this Act*), continue to apply to the following:

- (1) the proposed Banc-des-Américains aquatic reserve;
- (2) the proposed Anticosti biodiversity reserve;
- (3) the proposed Caribous-Forestiers-de-Manouane-Manicouagan biodiversity reserve; and
- (4) the proposed Île-Bizard man-made landscape.

Section 56 applies to the projects mentioned in the first paragraph as of the setting aside of the concerned lands in the domain of the State.

Section 35 of the Natural Heritage Conservation Act, as it read on (*insert the date preceding the date of coming into force of this Act*), continues to apply to the proposed Île-Bizard man-made landscape.

people
De

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 2

AMENDMENT:

Replace proposed section 2 by the following:

“2. For the purposes of this Act,

“brine” means “brine” within the meaning of section 6 of the Petroleum Resources Act (chapter H-4.2);

“forest development activity” means a “forest development activity” within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1);

“mineral substances” means “mineral substances” within the meaning of section 1 of the Mining Act (chapter M-13.1);

“other effective conservation measure” means “other effective area-based conservation measure” as defined by the Conference of the Parties to the Convention on Biological Diversity in Decision 14/8 dated 30 November 2018 and as interpreted by the International Union for Conservation of Nature (IUCN);

“petroleum” means “petroleum” within the meaning of section 6 of the Petroleum Resources Act;

“protected area” means a “protected area” within the meaning of the United Nations Convention on Biological Diversity and as interpreted by the IUCN in the Guidelines for Applying Protected Area Management Categories (2008);

“underground reservoir” means an “underground reservoir” within the meaning of section 6 of the Petroleum Resources Act;

“wetlands and bodies of water” means the settings described in section 46.0.2 of the Environment Quality Act (chapter Q-2).

Partnerships and associations without legal personality are considered to be legal persons.

partie
Re

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 2

AMENDMENT:

Strike out the third paragraph of proposed section 2.1.

*admitted
He*

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 2

AMENDMENT:

Add after proposed section 2.2:

**“DIVISION 1.1
“PROVISIONS SPECIFIC TO ABORIGINAL COMMUNITIES**

“§1. — *General provisions*

“2.3. This Act must be construed in a manner consistent with the obligation to consult Aboriginal communities. The Government shall consult Aboriginal communities separately if the circumstances so warrant.

“§2. — *Aboriginal-led protected areas*

“2.4. To allow for the conservation of elements of biodiversity that are of interest to an Aboriginal community or nation on lands in the domain of the State, the community or nation may propose areas to the Minister to be designated as Aboriginal-led protected areas.

“2.5. Protected area proposals must be sent in writing to the Minister and must, in particular, include a map of the area concerned as well as the conservation and development objectives suggested for the area.

“2.6. When analyzing proposals, the Minister shall consult the ministers and the government bodies concerned, including the ministers responsible for municipal affairs, agriculture, culture, economic development, wildlife, forests and natural resources.

If applicable, the other Aboriginal communities and municipalities concerned must also be consulted.

Sam 1
Sam 2

“2.7. The Government may designate all or part of a proposed area as an Aboriginal-led protected area in accordance with the process established in subdivision 2 of Division III of Chapter II.

Sections 43 to 45 apply to such protected areas.

“2.8. The Minister shall encourage the participation of the Aboriginal communities and nations concerned in the management and biodiversity conservation of Aboriginal-led protected areas. The Minister may enter into an agreement with such communities or nations to that end in accordance with section 12.

“2.9. The Minister shall prepare and make public a guide regarding the creation, management and development of Aboriginal-led protected areas.

The guide must be prepared and updated in a spirit of collaboration with the Aboriginal communities and nations.”

page 63

SAM 1
AM 58
s. 2 (2.4)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 2

AMENDMENT:

Insert “and associated cultural values” in proposed section 2.4 after “elements of biodiversity”.

pelagie
AS

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 2

AMENDMENT:

Replace “and natural resources” in the first paragraph of proposed section 2.6 by “,
natural resources and Indigenous affairs”.

*Adopté
par le
R*

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 9

AMENDMENT:

In proposed section 12:

1. In the first paragraph:
 - (a) Replace “The” by “Subject to section 77.19, the”.
 - (b) Insert “nation or” after “Aboriginal”.
2. Add the following paragraph at the end:

For the purposes of this section, the Aboriginal nations are represented by the Makivik Corporation, the Cree Nation Government or a group of all the band councils or northern village councils. The Aboriginal communities, for their part, are represented by their band council, by their northern village council, by a group of communities so represented or, in the absence of such councils, by any other Aboriginal group.

accepted
AS

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 9

AMENDMENT:

Insert after proposed section 12.2:

**“DIVISION III
“LAND SET ASIDE**

“12.3. The Government may, by order, set aside any land that is part of the domain of the State in order to establish a new protected area.

While the land is set aside, no new right, lease, permit, licence or authorization may be granted or issued for the carrying on of any of the following activities:

s

- (1) commercial forest development activities;
- (2) exploration for and the mining and transportation of mineral substances;
- (3) petroleum, brine or underground reservoir exploration, production and storage;
- (4) oil or gas pipeline construction;
- (5) the commercial production, processing, distribution or transmission of electricity;
- (6) wildlife harvesting activities or agricultural activities; or
- (7) the construction of any infrastructure subject to an authorization of the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1).

“12.4. The Government’s decision must specify the reasons that justify setting aside the land concerned as well as the activities listed in the second paragraph of section 12.3 that are covered by the decision.

It must be accompanied by a map of the land that has been set aside.

“12.5. The Government’s decision comes into force on the date of its publication in the *Gazette officielle du Québec*.

“12.6. Land ceases to be set aside when

(1) the area concerned is designated as a protected area under this Act or any other Act; or

(2) the order setting the land aside is repealed by order of the Government.”

adopté


AM 61
s. 18 (17.1)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 18

AMENDMENT:

Withdraw.

adopted


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Withdraw proposed section 40.

people
ha

SAM 1
AM 63
s. 32 (48)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Add “, subject to compatibility with the biodiversity reserve’s objectives,” at the end of the introductory clause of subparagraph 1 of the first paragraph of proposed section 48.

A handwritten signature in blue ink, appearing to be "Adapté" followed by a stylized monogram.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 48 by:

“48. The following activities are prohibited in a biodiversity reserve:

Sam 1

(1) commercial forest development activities, except

(a) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(b) the construction, improvement, repair, maintenance and decommissioning of multi-purpose roads within the meaning of the Sustainable Forest Development Act (chapter A-18.1); and

(c) the removal of non-timber forest products, except activities related to the operation of a sugar bush;

(2) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances;

(3) activities carried on for the purposes of petroleum or underground reservoir exploration, petroleum production or storage, or brine production;

(4) oil and gas pipeline construction; and

(5) activities carried on for the purposes of the commercial production, processing, distribution and transmission of electricity.

Subparagraph 5 of the first paragraph does not apply to electric power transmission lines at voltages below 44 kV.

*adoption
paragraphe
10*

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace proposed section 53 by:

“53. The following activities are prohibited in a marine reserve:

(1) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances;

(2) activities carried on for the purposes of petroleum or underground reservoir exploration, petroleum production or storage, or brine production;

(3) oil and gas pipeline construction; and

(4) activities carried on for the purposes of the commercial production, processing, distribution and transmission of electricity.

Subparagraph 5 of the first paragraph does not apply to electric power transmission lines at voltages below 44 kV.

Accepted
[Signature]

Bill 46


**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace subparagraph 4 of the first paragraph of proposed section 63, as amended,
by:

- (4) the public interest justifies it.

accepted


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

In proposed section 65.7:

1. In the first paragraph:
 - (a) Insert “, following a public consultation,” after “man-made landscape” in the introductory clause of the first paragraph.
 - (b) Replace subparagraph 4 by:
 - (4) the public interest justifies it; or
2. Strike out the second paragraph.

adapté


Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Add the following sentence at the end of the first paragraph of proposed section 41, as amended: "In all cases, in selecting that area, the Government shall take into account the interests of the local and Aboriginal communities concerned in order to foster their support."

Accepted
[Signature]

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 32

AMENDMENT:

Replace the heading of proposed Division III by:

**“PROTECTED AREAS WITH SUSTAINABLE USE, BIODIVERSITY
RESERVES, ECOLOGICAL RESERVES AND MARINE RESERVES**

A handwritten signature in blue ink, appearing to be 'M. D. D.' or similar, with a stylized flourish.

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 39

AMENDMENT:

In proposed section 69.3:

1. Strike out the second paragraph.
2. Replace the third paragraph by:

If the order is contested before the Superior Court, the claim is suspended until the Court confirms all or part of the order.

paste
AP

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 0.1

AMENDMENT:

Insert the following recital after the second recital:

AS the Aboriginal communities and nations in Québec have a close connection with that heritage, which is important to their culture;

*ad gte
RA*

SAM 2
AM 70
s. 0.1 (preamble)

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 0.1

AMENDMENT:

Replace “AS it” in the seventh recital by “AS, given the loss of biodiversity, it”.

adopté
MM

Bill 46

**An Act to amend the Natural Heritage
Conservation Act and other provisions**

Section 0.1

AMENDMENT:

Insert before section 1:

0.1. The Natural Heritage Conservation Act (chapter C-61.01) is amended by inserting the following after the title of the Act:

“AS the natural settings, landscapes, biodiversity and other elements of Québec’s natural heritage have intrinsic value and a unique character;

AS that heritage reflects values that have helped forge the identity of the Québec nation over time;

AS the contribution of that heritage, in particular to the health, security and economy of the Québec nation, is invaluable;

AS the Gouvernement du Québec has embraced the principles and objectives of the United Nations Convention on Biological Diversity and has declared itself bound to the Convention;

AS Québec has responsibilities as regards implementing the Convention in its territory;

AS it is important to ensure the conservation of Québec’s natural heritage for the benefit of present and future generations and to help them adapt to climate change;”.

*adapté
pour
DO*