

Bill 132

**An Act respecting the conservation of
wetlands and bodies of water**

Section 2

AMENDMENT:

Add at the end:

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

“AS it is important to promote integrated management of water resources and the environments associated with them in keeping with the principle of sustainable development and considering the support capacity of the wetlands and bodies of water concerned and their watersheds;

AS the role played by regional county municipalities in land use and in identifying the environments associated with water resources in their territories is fundamental;”.

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Section 6

AMENDMENT:

In proposed section 13.5:

1. Replace paragraphs 2, 3 and 4 by:
 - (2) the diagnosis of problems affecting the state and uses of waters and associated environments;
 - (3) objectives for the conservation of water resources and the environments associated with them, taking into account the needs of the regional county municipalities concerned and the objectives they may set for themselves in implementing their regional wetlands and bodies of water plan;
 - (4) measures to be implemented to meet the objectives;
2. Replace “the plan” in paragraph 5 by “the measures”.

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Section 8

AMENDMENT:

In proposed section 15:

1. Replace "metropolitan community" in the first paragraph by "regional county municipality".
2. Insert ", including the waters in the domain of the State, with a view to integrated water management for all watersheds concerned. However, such a plan must not cover other lands in the domain of the State." after "territory," in the first paragraph.
3. Strike out the second and third paragraphs.
4. Replace "Two or more municipalities" in the fourth paragraph by "Two or more regional county municipalities".
5. Strike out the fifth paragraph.

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Section 8

AMENDMENT:

Replace paragraph 2 of amendment 3 by:

2. Replace “except land in the domain of the State” in the first paragraph by “including the waters in the domain of the State, with a view to integrated water management for all watersheds concerned. However, such a plan must not cover other lands in the domain of the State.”

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Bill 132

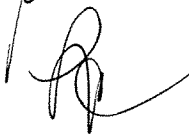
**An Act respecting the conservation of
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Section 8

AMENDMENT:

In the first paragraph of proposed section 15.2:

1. Strike out “a metropolitan community or”.
2. Replace “a municipality to facilitate better planning of the community’s or municipality’s” by “a regional county municipality to facilitate better planning of the municipality’s”.
3. Add “due to, in particular, the functions performed by the wetlands and bodies of water in any watershed concerned” at the end.

adopted


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Section 8

AMENDMENT:

Replace the first paragraph of proposed section 15.3 by:

To ensure integrated management for each watershed, the regional county municipality must, when developing a regional wetlands and bodies of water plan and as a minimum, consult the watershed bodies and regional advisory panels concerned to take into account their concerns and the elements contained in a water master plan or integrated management plan for the St. Lawrence. The municipality must also consult the regional environmental councils concerned as well as any other regional county municipality that is responsible for establishing a regional plan applicable to the same watershed.

adopted
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Section 8

AMENDMENT:

In proposed section 15.4:

1. Insert “municipal affairs,” after “responsible for” in the first paragraph.

2. Insert after the first paragraph:

“Before approving a draft regional plan, the Minister must make sure that

(1) the plan ensures consistent management of any watershed concerned, in particular by being complementary to any other regional plan concerning the watershed;

(2) the plan’s measures encourage achievement of no net loss of wetlands and bodies of water; and

(3) the plan’s measures take into account the issues related to climate change and, if applicable, are adapted accordingly.

The Minister may, before approving a draft plan, require the regional county municipality concerned to make any amendment to the plan that the Minister specifies in connection with the principles referred to in the second paragraph.”

3. Replace “by the metropolitan community or municipality” in the second paragraph by “by the regional county municipality”.

4. Replace “The metropolitan communities and municipalities” in the third paragraph by “The regional county municipalities”.

5. Insert “local” after “must in turn notify the” in the third paragraph.

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Section 8

AMENDMENT:

Replace proposed section 15.5 by:

“**15.5.** A regional county municipality must make sure that its land use planning and development plan is consistent with the regional plan. It must propose any amendment to the land use planning and development plan that is conducive to ensuring such consistency, in accordance with the rules prescribed for that purpose in the Act respecting land use planning and development (chapter A-19.1). The municipality must, in particular, adopt an interim control by-law according to the rules prescribed by that Act for the period preceding the coming into force of its amended land use planning and development plan.

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Section 8

AMENDMENT:

Replace “by the metropolitan community or municipality” in proposed section 15.6 by “by the regional county municipality”.

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Section 8

AMENDMENT:

Replace “the metropolitan communities and municipalities” in the first paragraph of proposed section 15.7 by “the regional county municipalities”.

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Section 8

AMENDMENT:

Replace the second paragraph of proposed section 15.8 by:

Such a program must take into consideration climate change issues and the relevant elements identified in a water master plan, integrated management plan for the St. Lawrence or regional wetlands and bodies of water plan developed in accordance with this Act.

Such a program must provide for a resource envelope for eligible projects, which is to be established on the basis of the watersheds concerned by the sums received as compensation under the Environment Quality Act (chapter Q-2) that are credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State.

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Section 8

AMENDMENT:

Amendment 11 has been withdrawn and renamed "s".

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Section 8

AMENDMENT:

Replace proposed section 15.11 by:

“**15.11.** The Minister may, by agreement, delegate management of all or part of a program developed under section 15.8 to a regional county municipality, a Native community represented by its band council, the Kativik Regional Government or the Eeyou Istchee James Bay Regional Government.

In the case of a regional county municipality, the delegation includes the possibility for the municipality to subdelegate to a local municipality whose territory is included in that of the regional county municipality.

The exercise of powers by a delegatee or subdelegatee within the scope of such an agreement is not binding on the State.

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Section 8

AMENDMENT:

In the first paragraph of proposed section 15.12:

1. Insert “to have work carried out” at the end of subparagraph 3.
2. Strike out subparagraphs 8 and 9.

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Section 8

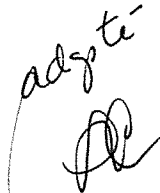
AMENDMENT:

Insert after proposed section 15.12:

“**15.13.** Any local municipality required to maintain a land use planning and development plan under the Act respecting land use planning and development (chapter A-19.1) on (*insert the date of assent to this Act*) must also develop the plan referred to in section 15.

The rules prescribed by this subdivision then apply to the local municipality referred to in the first paragraph, with the necessary modifications.

The possibility of delegating management of a program to a regional county municipality under section 15.11 also applies to the local municipality referred to in the first paragraph.”

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Section 8.1

AMENDMENT:

Insert after section 8:

8.1. Section 16 of the Act is amended by replacing “in subparagraph 2 of the first paragraph of section 14” in the second paragraph by “in section 13.2”.

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Section 9

AMENDMENT:

In proposed section 17.1:

1. Strike out “metropolitan communities and” in paragraph 1;
2. Insert “watersheds, sub-watersheds or any other” after “according to the” in paragraph 2.

adopted
PC

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Section 9

AMENDMENT:

Replace subparagraph *d* of subparagraph 3 of the first paragraph of proposed section 17.2 by:

(*d*) provide the results obtained in relation to climate change issues and the objective of no net loss of wetlands and bodies of water, with a view to assessing equivalency between the wetlands and bodies of water affected and those restored or created, as well as any gains made in degraded watersheds; and

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Section 10

AMENDMENT:

1. Insert after paragraph 1:

(1.1) by inserting “, in particular to meet the needs of present and future generations” at the end of the first paragraph;

2. Insert after paragraph 2:

“(2.1) by replacing “or bodies” in the second paragraph by “, government bodies or regional authorities”;

3. Replace paragraph 3 by:

“(3) by adding the following paragraphs at the end:

“In addition, the Act promotes conservation of wetlands and bodies of water and achievement of no net loss of such settings. They constitute very important ecosystems due to their fundamental ecological functions, in particular to regulate water flow during flooding or drought and to fight climate change.

The conservation measures provided for by this Act, including protected areas, constitute a set of measures designed to maintain the natural heritage and the ecosystems it comprises, in particular through their preservation, protection, restoration and sustainable use.”

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Section 15

AMENDMENT:

Replace by:

15. Section 13 of the Act is amended by replacing the first paragraph by the following paragraphs:

“The Minister may designate certain settings that are remarkable because of the rarity or exceptional interest of one of their biophysical features by establishing their boundaries on a plan.

In the case of wetlands and bodies of water, settings whose qualities correspond to one of the following criteria may also be designated:

(1) the biological diversity and the functions associated with the settings bestow on them significant ecological value that it is necessary to preserve in order, in particular, to contribute to safeguarding their integrity and to take into account climate change issues;

(2) the settings are remarkable at the regional or provincial level because of their integrity, rarity or surface area; or

(3) the settings contribute to public safety and, as a result, to protecting persons and property, in particular against the risks associated with flooding, slumping of banks, landslides or coastal erosion.

Such a designation may also be made for wetlands and bodies of water that have been the subject of an intervention under a wetlands and bodies of water restoration and creation program 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).”

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Section 17

AMENDMENT:

In proposed section 18:

1. Replace “or to ensure they” in subparagraph 1 of the first paragraph by “, to take into account climate change issues or to ensure the boundaries”.
2. Replace the second paragraph by:

If the Minister decreases the surface area of designated wetlands and bodies of water or decides to terminate such a designation, the Minister shall, as soon as possible, see to it that other measures to conserve, restore or create wetlands and bodies of water are implemented elsewhere in the territory, as soon as possible, to foster achievement of no net loss of designated wetlands and bodies of water. For that purpose, the Minister shall consider the elements contained in a water master plan, integrated management plan for the St. Lawrence or regional wetlands and bodies of water plan prepared 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).

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Section 18

AMENDMENT:

Insert after subparagraph 1.1 of proposed section 22:

“(1.2) the contribution of the intervention to the cumulative impacts of
disturbances in the watershed;”

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Sections 18.1, 18.2 and 18.3

AMENDMENT:

Insert after section 18:

18.1. The Act is amended by inserting the following sections after section 22:

“**22.1.** The Minister may refuse to issue an authorization for a project in settings designated on a plan if

(1) the Minister is of the opinion that the project is incompatible with maintaining the natural state of the setting;

(2) the Minister is of the opinion that the mitigation measures proposed by the applicant would not reduce the project’s impacts on the setting to a minimum;

(3) the Minister is of the opinion that the project would have adverse effects on the ecological functions and biodiversity of the setting;

(4) the project is to be carried out in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a plan has been prepared under the Regulation Respecting Wildlife Habitats (chapter C-61.1, r. 18) or in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3); or

(5) the applicant has not provided, within the time determined by the Minister, all the information and documents required for the application to be examined.

“**22.2.** Division II of Chapter VI of Title I of the Environment Quality Act (chapter Q-2) also applies, with the necessary modifications, to applications for authorization and to decisions made under this division.”

18.2. Section 23 of the Act is replaced by the following section:

“23. Before making a decision under the second paragraph of section 22 or section 22.1, the Minister shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the person at least 15 days to present observations.”

18.3. Section 24 of the Act is amended by replacing “on an application for authorization” in the first paragraph by “under this division”.

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Section 19

AMENDMENT:

Replace proposed section 24.1 by:

“**24.1.** The Minister shall publish and keep up to date a register of the designations described in this chapter. For each designated setting, the register must contain, among other information,

- (1) its surface area;
- (2) its geographic location and, if applicable, an indication that all or part of the setting is situated in land in the domain of the State;
- (3) the watershed, sub-watershed or any group of watersheds and sub-watersheds in which it is situated; and
- (4) the date its designation comes into force.”

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Section 20


AMENDMENT:

Replace paragraph 2 by:

(2) by replacing the introductory clause of the second paragraph by
“Anyone who does any of the following is guilty of an offence and is liable to the
same penalty:”;

(2.1) by replacing subparagraph 4 of the second paragraph in the French
text by the following subparagraph:

“4° quiconque exerce une activité ou réalise une intervention en
contravention avec une ordonnance rendue par le ministre en vertu de la présente
loi, ou contrevient autrement à une telle ordonnance.”

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Section 2.1

AMENDMENT:

Insert after section 2:

2.1. The Act is amended by inserting the following section after section 3:

“**3.1.** For the purpose of raising awareness among and educating the Québec public on water and water-related issues, the month of June is proclaimed Water Month.”

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Section 23

AMENDMENT:

Replace by:

23. Section 31.0.3 of the Act, enacted by section 16 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended, in the second paragraph,

(1) by inserting “or safety” after “human health” in subparagraph 2;

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

“(3) the project is to be carried out in an area entered in the register of protected areas provided for in section 5 of the Natural Heritage Conservation Act (chapter C-61.01) or in the register of other conservation measures under that Act provided for in section 24.1 of that Act; or

“(4) the project is to be carried out in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a plan has been prepared under the Regulation Respecting Wildlife Habitats (chapter C-61.1, r. 18) or in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3).”

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Section 20

AMENDMENT:

Insert after section 23:

23.1. Section 31.0.6 of the Act, enacted by section 16 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by inserting “or, in the cases determined by government regulation, within any shorter time limit” after “beginning the activity” in the second paragraph.

23.2. Section 31.74.1 of the Act, enacted by section 45 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by replacing “1 and 4” by “1 to 4”.

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Section 24

AMENDMENT:

Insert before proposed section 46.0.1:

“**46.0.0.1.** The purpose of this division is to foster integrated management of wetlands and bodies of water in keeping with the principle of sustainable development and considering the support capacity of the wetlands and bodies of water concerned and their watersheds.

One objective of this division is to prevent the loss of wetlands and bodies of water and to foster development of projects with minimal impacts on the receiving environment.

In addition, this division requires compensation measures in cases where it is not possible, for the purposes of a project, to avoid adverse effects on the ecological functions and biodiversity of wetlands and bodies of water.

Adopté
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Section 24

AMENDMENT:

In proposed section 46.0.1:

1. Replace “aquatic” in the second paragraph by “hygrophilous”;
2. Replace “Ditches, as defined in paragraph 4” in the fourth paragraph by “Ditches along public or private roads, common ditches and drainage ditches, as defined in subparagraphs 2 to 4 of the first paragraph”.

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Section 24

AMENDMENT:

Replace “who is competent in the subject” in paragraph 1 of proposed section 46.0.2 by “who, where applicable, has the qualifications determined by regulation of the Government”.

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Section 24

AMENDMENT:

Insert after paragraph 1 of proposed section 46.0.3:

(1.1) the possibility of avoiding adverse effects on wetlands and bodies of water in carrying out the project and, where applicable, the spaces available for the project's purposes elsewhere in the territory of the regional county municipality concerned;

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Section 24

AMENDMENT:

In proposed section 46.0.4:

1. Replace “may be made” in the first paragraph by “is”.
2. Add the following sentence at the end of the second paragraph: “In such cases, the Minister shall give priority to work within the watershed where the adversely affected settings are situated.”
3. Replace “may be” in the third paragraph by “will be”.

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Section 24

AMENDMENT:

In proposed section 46.0.5:

1. Insert “or the watershed to which they belong” after “water” in paragraph 2.
2. Insert “or the watershed to which they belong” at the end of paragraph 3.

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Section 24

AMENDMENT:

Replace “the possibility of requiring the payment of” in proposed section 46.0.7
by “the requirement to pay”.

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Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Section 86 of the Act is renumbered 118.3.5 and amended by replacing “124” by “118.3.3”.

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Sections 26.1 to 26.4

AMENDMENT:

Insert after section 26:

26.1. Section 115.49 of the Act, amended by section 176 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is again amended by replacing “60 days” by “30 days”.

26.2. Section 118.3.3, enacted by section 187 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by replacing “and the standards established under the second paragraph of section 31.5 prevail” in the first paragraph by “prevails”.

26.3. Section 118.15 of the Act, renumbered by section 132 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by striking out “, except one provided for under section 115.49,”.

26.4. Section 122.2 of the Act, replaced by section 197 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by inserting the following paragraph after the first paragraph:

“In addition, the authority who issues an authorization under Title II of this Act may amend the authorization on an application by the holder.”

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Section 37

AMENDMENT:

Insert the following paragraph at the end of proposed section 15.4.41.1:

When such contributions come from projects carried out in the territory of a regional county municipality, priority must be given, when allocating the contributions, to projects carried out in the territory of the regional county municipality or in the territory of the watershed all or part of which is included in the municipality's territory."

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Section 37.1

AMENDMENT:

Insert after section 37:

37.1. Section 15.4.42 of the Act, enacted by section 216 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), is amended by adding the following paragraph:

The data under the heading must include

- (1) the expenditures and investments debited from the Fund by class of measures to which the Fund is dedicated and, concerning the financing of work to restore and create wetlands and bodies of water, the territory of any regional county municipality and that of any watershed concerned by the measure; and
- (2) the nature and evolution of revenues.”

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Section 38.1

AMENDMENT:

Insert after section 38:

38.1. The Minister must publish the guide provided for in section 15.1 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2), enacted by section 8, not later than *(insert the date that is 12 months after the date of assent to this Act)*.

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Section 39

AMENDMENT:

1. Replace "Metropolitan communities and local or regional municipalities" in the first paragraph by "Regional county municipalities and any other local municipalities".
2. Replace "the metropolitan community or regional county municipality" in the third paragraph by "the regional county municipality or municipality concerned".

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Section 43

AMENDMENT:

1. Insert “section 22, 31.75 or 32 of” after “authorizations under” in the first paragraph.
2. Add at the end:

The fourth and fifth paragraphs of section 124 apply, with the necessary modifications, to any municipal by-law relating to the same object as this section.

As of 23 March 2018, for the purposes of the seventh paragraph, the provisions concerned of section 124 become the provisions of section 118.3.3 of the Environment Quality Act, enacted by section 187 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4).

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Section 43.1

AMENDMENT:

Insert after section 43:

43.1. Section 43 does not apply to maintenance work on a watercourse referred to in section 103 of the Municipal Powers Act (chapter C-47.1) or to work carried out in a lake to regulate the water level or maintain the lake bed.

In addition, section 43 does not apply to the issue of an authorization by the Minister under the Environment Quality Act (chapter Q-2) in relation to a project authorized by the Government under section 31.5 of that Act before *(insert the date of assent to this Act)*.

Nor does section 43 apply to projects subject to the environmental and social impact assessment and review mechanisms and procedures applicable to the James Bay and Northern Québec region, provided for in the Environment Quality Act.

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Section 44

AMENDMENT:

Replace “bog” in the first paragraph by “peatland”.

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Bill 132

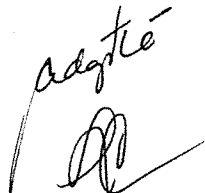
**An Act respecting the conservation of
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Section 45

AMENDMENT:

1. Replace “bog” in the introductory clause of the first paragraph by “peatland”.
2. Replace “section 23” in subparagraphs 1, 2 and 3 of the first paragraph by “section 24”.
3. Add at the end:

“This section does not apply to works and projects referred to in section 43.1.”

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Section 47

AMENDMENT:

Replace “279” and “279.1” in the first paragraph by “297” and “298”, respectively.

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Section 48

AMENDMENT:

Replace "section 23" by "section 24".

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Section 49

AMENDMENT:

Replace “section 23” in the first paragraph by “section 24”.

Adopte
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**An Act respecting the conservation of
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Section 51

AMENDMENT:

Replace "section 23" by "section 24".

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Bill 132

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Section 52

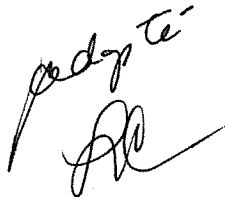
AMENDMENT:

Replace by:

52. This Act comes into force on (*insert the date of assent to this Act*), except

(1) section 22, section 22.2, enacted by section 18.1, and sections 46.0.1 to 46.0.3, the first, third and fourth paragraphs of section 46.0.4 and sections 46.0.5 to 46.0.10 of the Environment Quality Act, enacted by section 24, which come into force on 23 March 2018;

(2) the second paragraph of section 46.0.4 of the Environment Quality Act, enacted by section 24, which comes into force on the date of coming into force of the first regulation made under that paragraph.

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Bill 132

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Section 8

AMENDMENT:

Replace proposed section 15.9 by:

“**15.9.** A program must set out the eligibility criteria for projects to restore and create wetlands and bodies of water, which criteria must, as a minimum, ensure that

(1) priority is given to projects carried out in the territory of the regional county municipality in which the setting will be destroyed or disturbed or in the territory of a watershed all or part of which is included in the municipality’s territory;

(2) projects maintain the surface areas or functions of a watershed’s wetlands and bodies of water or make gains in that regard; and

(3) projects are assessed using equivalence factors with regard to the types of wetlands and bodies of water destroyed or disturbed.

Such a program must also include, but is not limited to,

(1) the eligibility criteria for the persons and bodies, as well as the partnerships and associations not endowed with juridical personality referred to in articles 2186 to 2279 of the Civil Code, that may submit a project;

(2) the eligibility criteria for the costs associated with carrying out the projects;

(3) the objectives and targets to be reached;

(4) the minimum content of the agreements to be entered into to implement the program, which agreements must stipulate the conditions, restrictions and prohibitions applicable to work carried out to restore and create wetlands and bodies of water and the prescribed schedule to carry out the work;

(5) the measures to be put in place to monitor the progress of the projects selected and assess their effectiveness; and

(6) follow-up measures to ensure the sustainability of the restored or created wetlands and bodies of water.

Such a program is established by the Minister, after consulting the other ministers concerned. The program is to be made available on the website of the Minister's department and by any other means the Minister deems appropriate.

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