



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 81

**An Act to amend various provisions
relating to the environment**

Introduction

**Introduced by
Mr. Benoit Charette
Minister of the Environment, the Fight Against Climate
Change, Wildlife and Parks**

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EXPLANATORY NOTES

The purpose of this bill is to amend various Acts relating to the environment.

The bill first amends the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, mainly to provide for a system of credits applicable to heavy motor vehicles and to grant the Government the power to determine by by-law the parameters, calculation method and conditions applicable. It harmonizes certain provisions currently applicable to light motor vehicles governed by the Act with provisions of the same nature that will be applicable to heavy vehicles.

The bill amends the Environment Quality Act to replace the rule whereby provincial regulations relating to the environment have precedence over municipal by-laws dealing with the same object by the general rule of consistency between those regulations and by-laws. It grants the Government the power to determine by regulation that a provision of a municipal by-law dealing with the same object as a regulation made under the Environment Quality Act is inoperative. The bill amends various municipal Acts relating to certain cities in order to remove the mechanisms for approval, by the minister responsible for the environment, of the by-laws of those municipalities that relate to the environment.

The bill makes several amendments to the Act respecting the conservation and development of wildlife, in particular broadening the powers relating to the authorization of certain activities that alter a wildlife habitat in order to specify that the development of a replacement habitat may be required. The Act is also amended to replace the name of the Fondation de la faune du Québec by “Fondation pour la biodiversité et la faune du Québec” and to broaden its functions to include the promotion of and support for conservation as well as the development of biodiversity in particular of wildlife and natural habitats.

The bill broadens the protection afforded by the Act respecting threatened or vulnerable species to plant specimens of those species by prohibiting, in particular, activities that could have adverse effects on them. The bill introduces an authorization mechanism allowing the minister responsible for the environment or the Government, as

applicable, to authorize otherwise prohibited activities if the Minister or the Government considers that the activities do not threaten the survival of the species.

The bill also amends the Natural Heritage Conservation Act to grant the Government the power to determine by regulation the activities that are prohibited in a natural setting designated by a plan and those that may be carried out in such a setting without authorization.

The bill also adjusts certain provisions of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation in order to harmonize powers relating to inspections and to broaden the scope of certain administrative penalties to cover persons forming or administering a legal person.

The bill also amends the Act respecting the Ministère des Ressources naturelles et de la Faune and the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs mainly to specify the funds to which are to be credited the amounts payable as compensation for adverse affects on various natural settings under the Environment Quality Act, the Act respecting the conservation and development of wildlife and the Act respecting threatened or vulnerable species.

The bill amends the provisions relating to the environmental impact assessment and review procedure provided for by the Environment Quality Act, in particular to ensure that more information is sent to the Minister in the early stages, to provide for public information periods conducted by the Bureau d'audiences publiques sur l'environnement, and to revise the scope of the Government's powers when it renders a decision following the procedure. The bill grants the Government the power to decide that certain preparatory work may be carried out before the procedure is held if the public interest warrants it, and it introduces a new sectoral or regional environmental assessment procedure. The bill also amends the ministerial authorization scheme provided for in that Act to clarify the scope of the concept of avoidance applicable to activities that adversely affect wetlands and bodies of water.

Finally, the bill makes various amendments to the Environment Quality Act, including broadening the Government's power to regulate the production, reclamation and management of residual materials, clarifying the information to be provided in support of an application for authorization for an activity that adversely affects wetlands and

bodies of water, adjusting the penal and administrative sanctions provided for in that Act and integrating Québec's latest commitments relating to the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement.

Lastly, the bill provides for various other adjustments and includes consequential and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02);
- Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);
- Charter of Ville de Gatineau (chapter C-11.1);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Natural Heritage Conservation Act (chapter C-61.01);
- 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);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Environment Quality Act (chapter Q-2);
- Act respecting Ville de Fossambault-sur-le-Lac (1994, chapter 67).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02, r. 1).

Bill 81

AN ACT TO AMEND VARIOUS PROVISIONS RELATING TO THE ENVIRONMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO INCREASE THE NUMBER OF ZERO-EMISSION MOTOR VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

1. Section 1 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02) is amended by replacing “motor vehicles” by “light motor vehicles and heavy motor vehicles.”

2. Section 2 of the Act is amended

(1) in the first paragraph,

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

““bus” means a heavy motor vehicle, other than a minibus, designed for the transportation of more than nine occupants at a time and used mainly for that purpose, or equipped with devices to secure wheelchairs against movement;

““heavy motor vehicle” means a motor vehicle used to carry persons or property on a public highway and whose gross vehicle weight rating, including that of any trailer, semi-trailer or detachable axle towed by that vehicle, is greater than 4,536 kg;

““minibus” means a heavy motor vehicle having two axles with single wheels and equipped with not more than five rows of seats for the transportation of more than nine occupants at a time, or equipped with devices to secure wheelchairs against movement;

““motor vehicle manufacturer” means a manufacturer specialized in the design and commercialization of new light motor vehicles or heavy motor vehicles and that assembles the main parts of those vehicles, or a person that specializes in the assembly of a new non-motorized chassis cab and a powertrain using new or used parts from different suppliers with the goal of manufacturing and commercializing a heavy motor vehicle.”;

(b) by replacing the definition of “motor vehicle” by the following definition and by adjusting the alphabetical order of the definitions accordingly:

“light motor vehicle” means a motor vehicle that is used to carry up to nine persons at a time or property on a public highway and whose gross vehicle weight rating is less than or equal to 4,536 kg;”;

(2) by inserting “light” before “motor” in the second paragraph;

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

“Buses and minibuses are not governed by this Act.”

3. Section 3 of the Act is amended by inserting “light” before both occurrences of “motor vehicles”.

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

“3.1. When, on average, for three consecutive model years, more than 50 new heavy motor vehicles are sold or leased in Québec by a motor vehicle manufacturer, that manufacturer must, for the model year that immediately follows the last of those three consecutive model years, accumulate credits whose number is determined according to the parameters, calculation method and conditions determined by government regulation.

If the average number of new heavy motor vehicles referred to in the first paragraph is equal to or less than 50, a motor vehicle manufacturer may, even if not required to do so, accumulate credits according to the same parameters, calculation method and conditions as those provided for in this chapter.

“3.2. The Minister may, for one or more model years, exclude certain types of heavy motor vehicles from the calculation of sales or leases provided for in the first paragraph of section 3.1.

Where applicable, the Minister must publish the list of those vehicles in the *Gazette officielle du Québec* and on the website of the Minister’s department. The Minister may, in the list, include specifications for each of those vehicles.”

5. Section 4 of the Act is amended by replacing “in section 3” by “in sections 3 and 3.1”.

6. Section 5 of the Act is amended by replacing “new or reconditioned motor vehicles” in the first paragraph by “new light motor vehicles and heavy motor vehicles, as well as the reconditioned light motor vehicles,”.

7. Section 6 of the Act is amended

(1) by replacing “may accumulate credits under section 3” in the introductory clause by “referred to in the first paragraph of section 3 may accumulate the credits required under that section”;

(2) in paragraph 1,

(a) by inserting “light” before “motor vehicles” in the introductory clause;

(b) by replacing “a hydrogen internal combustion engine” in subparagraph *a* by “including an electric motor supplied by a hydrogen fuel cell,”;

(3) by inserting “light” before both occurrences of “motor vehicles” in the introductory clause of paragraph 2;

(4) by inserting “, except in the cases and on the conditions that the Government determines by regulation” at the end of paragraph 3;

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

“(4) in any other manner prescribed by government regulation.”

8. The Act is amended by inserting the following section after section 6:

“**6.1.** A motor vehicle manufacturer referred to in the first paragraph of section 3.1 may accumulate the credits required by that paragraph

(1) in the manner and on the conditions set out in paragraph 1 of section 6, but in that case by selling or leasing, in Québec, new heavy motor vehicles;

(2) in the manner and on the conditions set out in paragraph 3 of section 6; or

(3) in any other manner prescribed by government regulation.”

9. Section 7 of the Act is amended

(1) by inserting “, except in the cases and on the conditions that the Government determines by regulation,” after “may” in the first paragraph;

(2) by replacing “of section 8” in the third paragraph by “of sections 8 and 8.1”.

10. Section 8 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Minister establishes, not later than 1 September following each period of three consecutive calendar years, on the basis of the information entered in the register referred to in section 11, the number of credits accumulated up to that date by a motor vehicle manufacturer referred to in section 3 for each of the three model years that corresponds to one of the three calendar years concerned.

For any period subsequent to the one that includes the model years 2022, 2023 and 2024, the Minister establishes the credits referred to in the first paragraph not later than 1 October.

The first period of three consecutive calendar years includes the model years 2019, 2020 and 2021.”;

(2) by replacing “through the sale or lease of a motor vehicle” in the second paragraph by “referred to in section 3 through the sale or lease of a light motor vehicle”;

(3) by striking out the third and fourth paragraphs.

II. The Act is amended by inserting the following sections after section 8:

“8.1. The Minister establishes, not later than 1 October of each calendar year, on the basis of the information entered in the register referred to in section 11, the number of credits accumulated up to that date by a motor vehicle manufacturer referred to in section 3.1 for the model year corresponding to the calendar year that precedes the one during which the credits are established.

“8.2. If, for a particular model year, a motor vehicle manufacturer referred to in the first paragraph of section 3.1 has not accumulated the number of credits required for that model year, it may make up the missing credits by using the following credits for that model year:

(1) excess credits accumulated for a prior model year, to the extent prescribed by a regulation made under section 9.1;

(2) credits accumulated, for the particular model year, after the date of 1 June referred to in section 10; or

(3) credits accumulated for one or more of the three consecutive model years following the particular model year.

“8.3. A motor vehicle manufacturer referred to in the first paragraph of section 3 that, at the end of a period provided for in the first paragraph of section 8, has not accumulated the number of credits required to fulfill its obligations under this Act or the regulations must, within three months after the Minister sends a notice of claim, pay to the Minister a charge whose parameters, calculation method, conditions and terms of payment are determined by government regulation.

The provisions of the first paragraph regarding payment of a charge apply to a motor vehicle manufacturer referred to in the first paragraph of section 3.1 that, at the time the credits for the last of the three consecutive model years that were available to it under paragraph 3 of section 8.2 are calculated, has not been able to make up the missing credits for the particular model year referred to in that section.

The Government determines, by regulation, the value of a credit for the purpose of calculating the charge.”

12. Section 9 of the Act is amended

(1) in the first paragraph,

(a) by inserting “referred to in the first paragraph of section 3” after “motor vehicle manufacturer”;

(b) by replacing “or alienate the excess credits later” by “them to the extent provided for in a regulation made under section 9.1 or it may alienate them later, except in the cases and on the conditions that the Government determines by regulation”;

(2) by replacing the second paragraph by the following paragraph:

“A motor vehicle manufacturer referred to in the first paragraph of section 3.1 that, for a model year, has accumulated a number of credits greater than that required to fulfill its obligations under this Act or the regulations may, in addition to what is provided for in section 8.2, alienate them later, except in the cases and on the conditions that the Government determines by regulation.”

13. The Act is amended by inserting the following section after section 9:

“**9.1.** The Minister may, by regulation,

(1) limit the number of credits referred to in the first paragraph of section 9 that may be used by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated for that period;

(2) limit the number of credits referred to in paragraph 1 of section 8.2 that may be used by a motor vehicle manufacturer in order to make up missing credits for a particular model year;

(3) determine a conversion factor applicable to the credits referred to in the first paragraph of section 9 for their use by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated for that period;

(4) determine a conversion factor applicable to the credits referred to in paragraph 1 of section 8.2 for their use by a motor vehicle manufacturer in order to make up missing credits for a particular model year;

(5) limit the number of consecutive periods subsequent to the period in which the credits referred to in the first paragraph of section 9 were accumulated and at the end of which those credits may be used by a motor vehicle manufacturer for the purpose of establishing the number of credits it has accumulated for those periods;

(6) limit the number of model years prior to a particular model year referred to in section 8.2 and whose excess accumulated credits referred to in paragraph 1 of that section may be used by a motor vehicle manufacturer to make up missing credits for that particular model year; and

(7) prescribe the terms attached to the limits prescribed in paragraphs 1, 2, 5 and 6.”

14. Section 10 of the Act is amended

(1) by inserting “or in the first paragraph of section 3.1” after “section 3”;

(2) by replacing “September” and “section 3 may” by “June” and “either of those sections may”, respectively.

15. Section 12 of the Act is amended, in the first paragraph,

(1) by replacing “three” by “four”;

(2) by inserting “and those established under section 8.1” at the end.

16. Section 13 of the Act is amended by replacing “new or reconditioned motor vehicle” by “new light motor vehicle, new heavy motor vehicle or reconditioned light motor vehicle”.

17. Section 18.1 of the Act is amended by inserting “fails to report any information determined by regulation under section 10 or fails to report it in the prescribed time or that” after “that”.

18. Section 19 of the Act is amended

(1) by inserting “, other than that determined by regulation under section 10,” after “information”;

(2) by replacing “file them” by “provide them”.

19. Sections 33 and 34 of the Act are replaced by the following sections:

“33. A motor vehicle manufacturer that

(1) fails to report any information determined by regulation under section 10 or fails to report it in the prescribed time; or

(2) provides false or misleading information for the purposes of this Act or the regulations

is liable to a fine of \$15,000 to \$3,000,000.

“34. A motor vehicle manufacturer that fails to provide any information, other than that determined by regulation under section 10, or documents required under this Act or necessary for its application or fails to provide them in the prescribed time is liable to a fine of \$6,000 to \$600,000.”

20. The Act is amended by inserting the following section after section 47:

“48. A motor vehicle manufacturer must, at the Minister’s request and within the time the Minister indicates, provide the Minister with any information, other than that determined by regulation under section 10, and document considered necessary for the application of this Act or the regulations.”

21. Section 60 of the Act is amended by inserting “or section 3.1” after “section 3”.

22. Section 64 of the Act is amended by inserting “light” before “motor vehicles” in the third paragraph.

23. The Act is amended by inserting the following section after section 64:

“64.1. The first model year for which the obligation to accumulate credits under the first paragraph of section 3.1 applies and for which charges may be required under the second paragraph of section 8.3 is determined by government regulation.

The date on which the Minister establishes for the first time, under section 8.1, the number of credits accumulated by a motor vehicle manufacturer is also determined by government regulation.”

24. Section 65 of the Act is amended by inserting “light” before “motor vehicles”.

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS

25. Section 13.1 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) is amended, in the second paragraph,

(1) by replacing “protect” in the introductory clause by “conserve”;

(2) by replacing subparagraph 2 by the following subparagraph:

“(2) regulating hydrologic, hydraulic and hydromorphological processes, thereby promoting the resilience of wetlands and bodies of water, mitigating the impacts of flooding and contributing to groundwater recharge, in particular through hydrosedimentary transport as well as through retention and evaporation of part of meteoric water and meltwater;”;

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

“(7) ensuring ecological connectivity by allowing the free movement of species, interconnection between critical habitats, and the circulation of nutrients and energy.”

26. Section 13.2 of the Act is amended by replacing “including watersheds, sub-watersheds or any group of watersheds and sub-watersheds” in the introductory clause by “in particular those of watersheds, sub-watersheds or any group of watersheds and sub-watersheds, including the integrated water management zones”.

27. Section 15.8 of the Act is amended by striking out the third paragraph.

28. Section 15.9 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 1;

(2) by replacing “a watershed’s wetlands and bodies of water” in subparagraph 2 by “the wetlands and bodies of water of the integrated water management zone”;

(3) by inserting “, among other things,” after “using” in subparagraph 3.

CHARTER OF VILLE DE GATINEAU

29. Section 60 of the Charter of Ville de Gatineau (chapter C-11.1) is amended by striking out the second paragraph.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

30. Sections 97 and 98 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) are amended by striking out the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

31. Section 159.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by striking out the second paragraph;

(2) by replacing “a by-law approved by the Minister of Sustainable Development, Environment and Parks” in the fourth paragraph by “by-law”.

32. Section 159.8 of the Act is repealed.

33. Section 159.18 of the Act is amended by striking out “, in a by-law approved by the Minister of Sustainable Development, Environment and Parks,”.

34. Section 184.1 of the Act is amended

(1) by replacing “second paragraphs of section 95.4” in the first paragraph by “fourth paragraphs of section 90 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6)”;

(2) by replacing the second paragraph by the following paragraph:

“The third paragraph of section 90 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation applies, with the necessary modifications, to a regulation made under the first and fourth paragraphs of section 90 of that Act.”

35. Section 224.1 of the Act is amended

(1) by striking out “and that requires the approval of the Minister of Sustainable Development, Environment and Parks” in the first paragraph;

(2) by replacing “a by-law approved by that Minister” in the second paragraph by “by-law”.

NATURAL HERITAGE CONSERVATION ACT

36. Section 13.1 of the Natural Heritage Conservation Act (chapter C-61.01) is amended by adding the following paragraph at the end:

“The Government may, by regulation, determine

(1) that an activity may, despite the first paragraph, be carried on without the authorization of the Minister; and

(2) that carrying on an activity is prohibited in such a setting.”

37. Section 18 of the Act is amended by replacing “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” in the second paragraph by “If the Minister’s decision has the effect of decreasing the total surface area of designated natural settings, the Minister shall, as soon as possible, see to it that other measures to conserve, restore or create natural settings are implemented elsewhere in the territory, in particular to foster achievement of no net loss of

wetlands and bodies of water. In the case of wetlands and bodies of water, the Minister shall also consider”.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

38. Section 47.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended by replacing “under section 56” by “under section 56 or 67”.

39. Section 67 of the Act is replaced by the following section:

“67. A person may capture, move or kill an animal in cases of public interest determined by regulation of the Minister.

A person or anyone lending him assistance may capture, move or kill an animal attacking him or causing damage to his property or property under his care or maintenance if he is unable to frighten the animal away or prevent it from causing damage.

The Minister may, by regulation, determine any condition relating to the capture, moving or killing of an animal under this section.”

40. Section 122.3 of the Act, enacted by section 64 of chapter 24 of the statutes of 2021 and amended by section 10 of chapter 10 of the statutes of 2022, is again amended by adding the following paragraph at the end:

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

41. Section 126 of the Act is amended by inserting “or a territory set aside for the establishment of a wildlife preserve” after “wildlife preserve” in the first paragraph.

42. Section 127 of the Act is amended by inserting “or a territory set aside for the establishment of a wildlife preserve” after both occurrences of “wildlife preserve”.

43. Section 127.1 of the Act is amended by inserting “or a territory set aside for the establishment of a wildlife preserve” after “wildlife preserve”.

44. Section 128.6 of the Act is amended by striking out “of the animal or fish concerned” in the first paragraph.

45. Section 128.7 of the Act is amended by replacing the second paragraph by the following paragraphs:

“For that purpose, the Minister may attach such conditions to the authorization as the Minister determines and, among other things, require the applicant to furnish security, carry out measures necessary for the conservation, management or development of a replacement wildlife habitat, or pay the financial compensation necessary for those purposes.

However, in the case of an activity arising from a project for which the Government made a decision regarding compensation measures under the second paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2), the Minister must, when exercising the power provided for in the second paragraph of this section, do so in accordance with that decision.”

46. Section 128.8 of the Act is amended

- (1) by striking out the last sentence of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Section 128.7 applies, with the necessary modifications, to the authorization issued under the first paragraph.”

47. Section 128.9 of the Act is amended by adding the following paragraphs at the end:

“For that purpose, the Government may require that the applicant furnish security, carry out measures necessary for the conservation, management or development of a replacement wildlife habitat, or pay the financial compensation necessary for those purposes.

However, in the case of an activity arising from a project for which the Government made a decision regarding compensation measures under the second paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2), the Government must, when exercising the power provided for in the second paragraph of this section, do so in accordance with that decision.”

48. Section 128.18 of the Act is amended

- (1) by inserting the following paragraph after paragraph 3:

“(3.1) determine the applicable terms for establishing the measures necessary for the conservation, management and development of a replacement wildlife habitat that may be required under sections 128.7, 128.8 or 128.9;”;

- (2) by replacing “that the Minister may require under sections 128.7 and 128.8” in paragraph 4 by “that may be required under sections 128.7, 128.8 or 128.9”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) determine the proportion of a financial compensation required under sections 128.7 to 128.9 that can be reduced in cases where compensation or another type of contribution is required under the Environment Quality Act (chapter Q-2) or under the Act respecting threatened or vulnerable species (chapter E-12.01); and”.

49. Section 145 of the Act is amended

(1) by replacing “the conservation and development of wildlife and the wildlife habitat” in the first paragraph by “and support the conservation and development of biodiversity, in particular wildlife and natural habitats”;

(2) by replacing “for the conservation or development of wildlife or the wildlife habitat” in subparagraph 3 of the second paragraph by “to promote or support the conservation or development of biodiversity, in particular wildlife and natural habitats”.

50. Section 150 of the Act is amended

(1) by replacing “\$500,000” in paragraph 1 by “the amount determined by the Government”;

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

“(3) make an investment in excess of the limits or in contravention of the terms determined by the Government.”

51. Section 151 of the Act is repealed.

52. Section 162 of the Act is amended

(1) by inserting the following paragraph after paragraph 7:

“(8) determining the invertebrates for which a licence is required for keeping them in captivity, capturing them for the purpose of keeping them in captivity or disposing of them;”;

(2) by replacing paragraph 16 by the following paragraph:

“(16) prescribing norms, obligations and prohibitions respecting the transportation, possession, registration and disposal of animals, fish, invertebrates or wildlife by-products;”.

53. Section 163 of the Act is amended by striking out subparagraph 10 of the first paragraph.

54. Section 164 of the Act is amended, in the first paragraph,

(1) by replacing “or 56” in the first paragraph by “and 56 or under the second paragraph of section 67”;

(2) by replacing “and 10 to” by “, 11 and”.

55. The Act is amended by replacing all occurrences of “Fondation de la faune du Québec” by “Fondation pour la biodiversité et la faune du Québec”.

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

56. Section 16 of the Act respecting threatened or vulnerable species (chapter E-12.01) is amended

(1) in the first paragraph,

(a) by inserting “transplant,” after “mutilate,”;

(b) by inserting “, or carry on any other activity is likely to adversely affect any specimen of that species” at the end;

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) an activity authorized by the Minister of Sustainable Development, Environment and Parks or the Government under this Act;”.

57. Section 17 of the Act is amended by inserting “under this Act” at the end of subparagraph 3 of the second paragraph.

58. Section 18 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) an activity prohibited in respect of a threatened or vulnerable plant species;”;

(2) by replacing “or pay financial compensation that corresponds to the sums necessary to offset any adverse effects on threatened or vulnerable plant species or on their habitats, in accordance with the regulations” in the second paragraph by “, carry out measures necessary for the conservation or management of threatened or vulnerable plant species, in particular the development of replacement habitats, or pay the financial compensation necessary for those purposes”;

(3) by replacing the third and fourth paragraphs by the following paragraphs:

“However, in the case of an activity arising from a project for which the Government made a decision regarding compensation measures under the third paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2), the Minister must, when exercising the power provided for in the second paragraph of this section, do so in accordance with that decision.

Before issuing an authorization, the Minister shall take into account the following elements in particular:

- (1) the nature of the proposed activity;
- (2) the consequences of the proposed activity for any threatened or vulnerable plant species and, if applicable, for its habitat;
- (3) the general status of any threatened or vulnerable plant species affected by the proposed activity;
- (4) the species’ status and the state of its environment at the place where the proposed activity will take place;
- (5) the availability of other sites to carry on the proposed activity; and
- (6) the precautionary, minimization and monitoring measures proposed to ensure favourable living conditions for the threatened or vulnerable plant species or to maintain the features of its habitat.

The Minister may authorize an activity under the first paragraph if of the opinion that

- (1) the proposed activity is not likely to undermine the survival of the threatened or vulnerable plant species in Québec;
- (2) the proposed activity is compatible with maintaining the features of the species’ habitat, if applicable;
- (3) alternatives have been evaluated; and
- (4) reasonable measures to limit the consequences of the proposed activity for the species or for its habitat are put in place.

The Minister shall inform the applicant of any amount of financial compensation the applicant will be required to pay before the Minister issues the authorization to the applicant.”

59. Section 19 of the Act is amended

(1) by inserting “, including the carrying out of measures necessary for the conservation or management of threatened or vulnerable plant species, in particular the development of replacement habitats” after “determines”;

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

“However, in the case of an activity arising from a project for which the Government made a decision regarding compensation measures under the third paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2), the Government must, when exercising the power provided for in the first paragraph of this section, do so in accordance with that decision.”

60. Section 39 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 5:

“(5.0.1) determine the applicable terms for establishing the measures necessary for the conservation or management of threatened or vulnerable plant species, in particular the development of replacement habitats, that may be required under sections 18 and 19;”;

(2) by inserting “or the Government may require under section 19, as the case may be,” after “section 18” in subparagraph 5.1;

(3) by replacing “by the Minister of Sustainable Development, Environment and Parks under section 18 that can be reduced in cases where compensation or another type of contribution is required by the Minister under the Environment Quality Act (chapter Q-2) if an activity is carried on in a wetland or body of water or in cases where it is required by the Minister of Natural Resources and Wildlife if the activity is carried on in a wildlife habitat” in subparagraph 5.2 by “under sections 18 or 19 that can be reduced in cases where compensation or another type of contribution is required under the Environment Quality Act (chapter Q-2) or the Act respecting the conservation and development of wildlife (chapter C-61.1)”.

61. Sections 39.2 and 41 of the Act are amended by striking out “by the Minister”.

**ACT RESPECTING CERTAIN MEASURES ENABLING
THE ENFORCEMENT OF ENVIRONMENTAL AND DAM
SAFETY LEGISLATION**

62. Section 17 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) is amended by inserting the following paragraph after the fourth paragraph:

“The person who has custody of the land for which a notice of execution has been issued must give free access to the land at any reasonable time to any person accessing it or carrying out work on it to comply with the notice of execution, subject, however, to that person restoring the site to its former state and compensating the owner or custodian of the land, as the case may be, for any damage sustained.”

63. Section 23 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) an administrative investigator designated under section 13;”;

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

“The penalty prescribed in the first paragraph may also be imposed on any person who has custody of the land but does not grant access to a person requiring such access to comply with a notice of execution under section 17.”

64. Section 32 of the Act is amended

(1) by replacing “or cancel such an authorization, in whole or in part, or may oppose its transfer” in the introductory clause of the first paragraph by “or cancel such an authorization or oppose its transfer, in whole or in part,”;

(2) by inserting the following paragraph after the first paragraph:

“The Government or the Minister may also refuse to do so if the applicant or authorization holder is a legal person and one of its directors, officers or shareholders was a director, officer or shareholder of a legal person referred to in the first paragraph.”

65. Section 33 of the Act is amended by replacing “or cancel such an authorization, in whole or in part, or may oppose its transfer” in the first paragraph by “or cancel such an authorization or oppose its transfer, in whole or in part,”.

66. Section 34 of the Act is amended by replacing “amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer” in the introductory clause by “issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization or oppose its transfer, in whole or in part,”.

67. Section 35 of the Act is amended by replacing “or cancel such an authorization, in whole or in part, or may oppose its transfer” by “or cancel such an authorization or oppose its transfer, in whole or in part,”.

68. Section 42 of the Act is amended by adding the following paragraph at the end:

“Any person who has custody of the land but does not grant access to a person requiring such access to comply with a notice of execution under section 17 also commits an offence and is liable to the penalty prescribed in the first paragraph.”

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

69. Section 17.12.16 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended, in subparagraph 2 of the first paragraph,

(1) by replacing “and 128.8” by “, 128.8 or 128.9”;

(2) by inserting “or under the second paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2)” after “development of wildlife”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

70. Section 15.4.40 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by inserting the following subparagraph after subparagraph 7 of the first paragraph:

“(7.1) the sums collected under the Act respecting threatened or vulnerable species (chapter E-12.01);”.

71. The Act is amended by inserting the following section after section 15.4.40:

“**15.4.41.** The sums collected under the third paragraph of section 31.5.1 of the Environment Quality Act (chapter Q-2) or under sections 18 and 19 of the Act respecting threatened or vulnerable species (chapter E-12.01) are allocated to the financing of a program developed under section 8.1 of the latter Act.”

72. Section 15.4.41.1 of the Act is amended

(1) by replacing “are allocated to the financing of projects eligible for a wetlands and bodies of water restoration and creation program” in the first paragraph by “or the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) are allocated to the financing of projects for the restoration or creation of wetlands and bodies of water, in particular such projects that are eligible under a program”;

(2) by replacing “priority must be given, when allocating the contributions, to” and “watershed all or part of which is included in the municipality’s territory” in the second paragraph by “85% of those contributions are to be allocated to, on a priority basis,” and “integrated water management zone concerned”, respectively.

ENVIRONMENT QUALITY ACT

73. The Environment Quality Act (chapter Q-2) is amended by inserting the following section after section 6.3:

“6.3.1. Within the framework of the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV and the sectoral or regional environmental assessment provided for in subdivision 5 of Division II of Chapter IV, at the Minister’s request or in the cases prescribed by government regulation, the Bureau’s functions, in addition to its investigative functions, are to inform the public, gather the public’s concerns and observations, and give them the opportunity to obtain answers to their questions about the project, plan or program concerned. To that end, the Bureau must, among other things, ensure the organization and proper management of information periods, including the holding of information meetings, where applicable.”

74. Section 6.6 of the Act is amended by inserting “information periods,” after “conduct of” in the first paragraph.

75. Section 6.7 of the Act is amended by adding the following paragraph at the end:

“Within the framework of the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV and the sectoral or regional environmental assessment provided for in subdivision 5 of Division II of Chapter IV, the reports shall be published, within the same time limit, in the environmental assessment register created under section 118.5.0.1 with the mandates entrusted by the Minister.”

76. Section 23 of the Act is amended by replacing “by regulation” and “in the regulation” in the fourth paragraph by “by this Act, the regulations or a decision made under a regulation” and “therein”, respectively.

77. Section 24 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.1) if the project is part of a plan or program that has been the subject of a sectoral or regional environmental assessment, the decision made by the Government in accordance with section 31.9.16, in particular the guidelines determined under that section.”

78. Section 25 of the Act is amended by replacing subparagraph 10 of the first paragraph by the following subparagraph:

“(10) adaptation measures to reduce the vulnerability of persons and property in the event of flooding or channel migration of watercourses.”

79. Section 31.0.2 of the Act is amended

(1) by inserting “, in whole or in part,” after “a transfer” in the first paragraph;

(2) by replacing “the declaration provided for in section 115.8 and, if applicable,” in the second paragraph by “, if applicable, an attestation to the effect that the transferee holds”;

(3) in the third paragraph,

(a) by replacing “34” by “35”;

(b) by striking out the last sentence;

(4) by inserting the following paragraphs after the third paragraph:

“Furthermore, in the case of a partial transfer, the Minister must oppose the transfer if the Minister considers that the notice of transfer does not make it possible to determine which conditions, restrictions or prohibitions will be applicable, after the transfer, to the activity undertaken or carried out by the transferee or those applicable to the activity retained by the transferor. The Minister may also oppose the partial transfer if the Minister considers that the conditions, restrictions or prohibitions applicable after the transfer would be insufficient to ensure adequate protection of the environment or of the health, safety, welfare or comfort of human beings, to protect other living species or to prevent adverse effects on property.

If the Minister does not send a notice of intention within the time specified in the third paragraph, the transfer is deemed to have been completed. In the case of a partial transfer, the Minister may extend that time by a period not exceeding 30 days. The Minister must then notify the transferee in writing within the time specified in the third paragraph.”;

(5) in the sixth paragraph,

(a) by inserting “for the activity in respect of which the authorization has been transferred” after “transferor”;

(b) by replacing “in accordance with the second paragraph” by “under this Act or the regulations”.

80. Section 31.0.3 of the Act is amended by inserting “or, if applicable, with a decision made under this Act” at the end of the first paragraph.

81. Section 31.0.12 of the Act is amended by replacing “of this division” and “an apprehended disaster” in the first paragraph by “of subdivisions 1 to 3” and “such a disaster”, respectively.

82. Section 31.1 of the Act is amended by replacing “plan or program” by “project”.

83. Section 31.1.1 of the Act is amended by adding the following paragraph at the end:

“No person may undertake a project that is subject to the procedure under this section without following the procedure provided for in this subdivision and obtaining an authorization from the Government.”

84. Sections 31.2 to 31.3.4 of the Act are replaced by the following sections:

“31.2. The proponent of a project referred to in section 31.1 or 31.1.1 must file a notice of intention with the Minister that includes

- (1) a presentation of the general nature of the project;
- (2) the intended nature, scope and extent of the environmental impact assessment statement to be prepared as well as the potential issues that will be taken into account when developing the project; and
- (3) any other document or information prescribed by government regulation.

On filing the notice of intention with the Minister, the project proponent must also send a copy to the municipality in whose territory the project will be carried out.

“31.3. Within the time determined by government regulation, the Minister shall request that the Bureau announce the beginning of the environmental assessment and organize an information period on the notice of intention provided for in the first paragraph of section 31.2 in order to gather the public’s concerns that could become issues to assess as well as the public’s observations on the intended nature, scope and extent of the environmental impact assessment statement.

As soon as possible, the Minister shall publish the notice of intention and the Minister’s request to the Bureau in the environmental assessment register.

“31.3.1. Within the time determined by government regulation, the Bureau shall send the Minister an account of the information period that includes, in particular, a summary of the observations and concerns raised by the public and identifies those whose relevance warrants that they be taken into account in the environmental impact assessment statement.

Within 15 days after receiving the account, the Minister shall publish it in the environmental assessment register.

“31.3.2. Within the time determined by government regulation, the Minister shall send the project proponent a directive determining the nature, scope and extent of the environmental impact assessment statement the proponent must prepare and the time limit for sending the statement to the Minister. Where applicable, the directive must take into account any strategic environmental assessment conducted under Chapter V in connection with the development of the program under which the project is to be carried out or any decision made following a sectoral or regional environmental assessment conducted under subdivision 5. The directive shall be accompanied by the summary of the observations and concerns identified by the Bureau.

As soon as possible, the Minister shall publish the directive in the environmental assessment register.

“31.3.3. Failure by the project proponent to send the environmental impact assessment statement within the time specified in the Minister’s directive terminates the procedure provided for in this subdivision. A person who still intends to undertake the project must file a new notice of intention in accordance with section 31.2.

“31.3.4. The project proponent must send to the Minister, along with the environmental impact assessment statement, an attestation that its content complies with the Minister’s directive and with the requirements prescribed by government regulation and that the summary of observations and concerns identified by the Bureau has been taken into account.

If the Minister considers the impact assessment statement admissible, the Minister shall publish the statement and the project proponent’s attestation in the environmental assessment register.

Within the time determined by government regulation following the publication, the Minister shall request that the Bureau organize an information period on the project, as it is presented in the impact statement, to allow the public to make comments, raise concerns and ask questions, while also giving the public the opportunity to obtain answers from the project proponent.

“31.3.4.1. Within the time determined by government regulation, the Bureau shall send the Minister an account of the information period that includes, in particular, a summary of the observations and concerns raised by the public as well as additional information provided by the project proponent in response to those observations and concerns, if applicable.

Within 15 days after receiving the account, the Minister shall publish it in the environmental assessment register.”

85. Section 31.3.5 of the Act is amended

(1) by replacing the first, second, third and fourth paragraphs by the following paragraphs:

“A person or a group of persons may, during the information period provided for in the third paragraph of section 31.3.4, apply to the Minister, in the manner and form prescribed by government regulation, for a public consultation or mediation to be held on the project. The Minister shall send the Bureau a copy of each application that complies with the prescribed manner and form.

Following analysis of the applications received and within the time fixed by government regulation, the Bureau shall send the Minister its recommendation regarding the relevance of one of the mandates referred to in the third paragraph being conferred on the Bureau and, where applicable, regarding the type of mandate.”;

(2) by replacing “The” in the introductory clause of the fifth paragraph by “Where applicable, the”;

(3) by replacing “recevable” in the French text and “the proponent having to undertake the stage referred to in the first paragraph” in the sixth paragraph by “admissible” and “undertaking the information period stage provided for in section 31.3.4”, respectively.

86. Sections 31.3.6 and 31.3.7 of the Act are replaced by the following sections:

“31.3.6. For the purposes of the first and second paragraphs of section 31.3.5, the Bureau shall develop and make public a general framework for analyzing applications for public consultations or for mediation made to the Minister, which shall set out, in particular, the criteria that are to guide the Bureau in its recommendation to the Minister regarding the relevance of a mandate being entrusted to it and, where applicable, regarding the type of mandate.

The analysis framework developed by the Bureau, including any subsequent amendment made to it, is subject to the Minister’s approval before being published.

“31.3.7. At the end of its mandate, the Bureau shall, on the basis of the mandate entrusted to it and of the observations and concerns it received from the public, report its findings, and its analysis of those findings, to the Minister. The Bureau shall also identify any information on the project presented by the project proponent that is not addressed in the impact assessment statement and that the Bureau considers relevant for assessing the project.”

87. Section 31.4 of the Act is amended

(1) by replacing “information” and “to fully evaluate the impact of the proposed project on the environment” in the first paragraph by “additional information” and “for evaluating the potential impacts of the proposed project on the environment, analyzing the issues related to the project and completing his analysis with a view to making a recommendation to the Government regarding whether or not the project should be authorized as well as regarding the conditions, restrictions and prohibitions that must be attached to the authorization, if any”, respectively;

(2) by striking out the second paragraph.

88. The Act is amended by inserting the following sections after section 31.4:

“31.4.1. The Minister may terminate the procedure provided for in this subdivision or require the project proponent, on the conditions and within the time the Minister determines, to return to a prior stage in the procedure in the following cases:

(1) the Minister considers that the environmental impact assessment statement is not admissible;

(2) the project proponent fails to comply with the Minister’s requests, or fails to comply with them within the time or on the conditions fixed, or the proponent’s answers are considered to be insufficient, incomplete or unsatisfactory;

(3) the project proponent provides false or misleading information;

(4) according to the information provided by the project proponent, the project cannot comply with this Act or the regulations;

(5) the information provided by the project proponent has the effect of substantially altering the nature, scope or extent of, or the issues presented in, the impact assessment statement;

(6) preparatory work that was the subject of a decision under section 31.4.3 did not begin within the time specified by the Government; or

(7) the other cases provided for by government regulation.

Before making a decision under the first paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the project proponent and grant the latter at least 15 days to submit observations.

Where the Minister terminates the procedure, a person who still intends to undertake the project must file a new notice of intention in accordance with section 31.2.

“31.4.2. Unless a time limit for sending a document or information to the Minister is running, failure by the project proponent, for 365 consecutive days, to communicate with the Minister in writing terminates the procedure provided for in this subdivision. In such a case, a person who still intends to undertake the project must file a new notice of intention in accordance with section 31.2.

“31.4.3. Where the project of a government department contributes to the achievement of government targets regarding the fight against climate change or relating to the objectives of the energy transition, the Government may, exceptionally and if the Minister so recommends within 90 days after receiving the account of the information period sent by the Bureau under section 31.3.1, allow certain preparatory work required as part of the project to be undertaken, despite section 31.1 or 31.1.1, as the case may be, without the procedure provided for in this subdivision being followed and a government authorization being obtained, provided that the work is not, on its own, subject to that procedure under section 31.1.

The Government may so decide only if it is of the opinion that the public interest so warrants and that the notice of intention shows

(1) that the independent supervision of the work does not compromise adequate protection of the environment or of the health, safety, welfare or comfort of human beings; and

(2) that the work must be carried out within shorter periods than those required for the purposes of the procedure provided for in this subdivision so as not to compromise the achievement of government targets regarding the fight against climate change or relating to the objectives of the energy transition.

The Government may attach the conditions, restrictions or prohibitions it determines to the carrying out of such work, including requiring security to ensure site restoration, if applicable.

Such work must be the subject of a ministerial authorization in accordance with subdivision 1. The Minister is bound only by the conditions, restrictions or prohibitions determined by the Government under the third paragraph when the Minister exercises the powers provided for by this Act. If the work is not carried out within the time specified by the Government in its decision, it must be the subject of the procedure provided for in this subdivision within the framework of the assessment of the project.

The decision to allow certain preparatory work to be carried out is to be communicated to the project proponent as soon as possible. If applicable, the Minister must update the directive sent under section 31.3.2.

No damage suffered by the project proponent if total or partial site restoration is later required gives entitlement to an indemnity, compensation or reparation by the State.

This section also applies where Hydro-Québec is the project proponent.”

89. Section 31.5 of the Act is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “However, no recommendation is required if the Minister has terminated the procedure under section 31.4.1.”;

(2) in the third paragraph,

(a) by inserting “in particular requiring restoration, in whole or in part, in cases where preparatory work was the subject of a decision under section 31.4.3, or the deposit of security,” after “determines,”;

(b) by striking out the second sentence;

(3) by inserting the following paragraph after the fourth paragraph:

“The Government or the committee of ministers may also, for certain activities it determines, delegate to the Minister its power to amend an authorization, to the extent that the amendment does not substantially alter the project. In such a case, subdivision 1 applies, with the necessary modifications, to the amendment.”;

(4) by inserting “and the report produced as part of the procedure provided for in this subdivision regarding the environmental analysis of the project shall be published in the environmental assessment register after the decision has been made public” at the end of the fifth paragraph.

90. Section 31.5.1 of the Act is replaced by the following section:

“31.5.1. If the project adversely affects wetlands and bodies of water, the Government or the committee of ministers shall apply sections 46.0.4 and 46.0.6, with the necessary modifications, taking into account the objectives stated in section 46.0.1. It shall decide, with regard to those adverse effects, whether compensation measures are required. In such a case, it shall determine those measures from among the following:

(1) the payment of a financial contribution, according to the terms determined by the Government or the committee of ministers, whose amount is established in accordance with the calculation method prescribed by the government regulation made under paragraph 1 of section 46.0.22 or, if the Government or the committee of ministers is of the opinion that that method is not suited to the context because a variable of the method is not determinate or

determinable in the case at hand or because the method does not allow all the characteristics of the wetlands and bodies of water concerned by the compensation to be taken into consideration, in accordance with any other calculation method established by the Government or the committee of ministers that ensures fair compensation of the adverse effects on the wetland or body of water; and

(2) the carrying out of work to restore or create wetlands and bodies of water, subject to the conditions, restrictions and prohibitions determined by the Government or the committee of ministers.

If the project alters a wildlife habitat within the meaning of section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government or the committee of ministers may determine, with regard to the alteration, the compensation measures required, if applicable, from among the following:

(1) the payment of a financial contribution, according to the terms determined by the Government or the committee of ministers, whose amount is established in accordance with the calculation method prescribed by the government regulation made under paragraph 4 of section 128.18 of that Act or, if the Government or the committee of ministers is of the opinion that that method is not suited to the context because a variable of the method is not determinate or determinable in the case at hand or because the method does not allow all the characteristics of the habitat concerned by the compensation to be taken into consideration, in accordance with any other calculation method established by the Government or the committee of ministers that ensures fair compensation of the adverse effects on the wetland or body of water; and

(2) the carrying out of measures necessary for the conservation, management or development of a replacement wildlife habitat, subject to the conditions, restrictions and prohibitions determined by the Government or the committee of ministers.

If the project is likely to adversely affect a specimen of a threatened or vulnerable plant species or if it alters the habitat of such a species within the meaning of the Act respecting threatened or vulnerable species (chapter E-12.01), the Government or the committee of ministers may determine, with regard to those adverse effects or that alteration, the compensation measures required, if applicable, from among the following:

(1) the payment of a financial contribution intended to compensate the adverse effects or the alteration, according to the terms determined by the Government or the committee of ministers, whose amount is established in accordance with the calculation method prescribed by the government regulation made under paragraph 5.1 of section 39 of that Act or, if the Government or the committee of ministers is of the opinion that that method is not suited to the context because a variable of the method is not determinate or determinable in the case at hand or because the method does not allow all the characteristics of the habitat concerned by the compensation to be taken

into consideration, in accordance with any other calculation method established by the Government or the committee of ministers that ensures fair compensation of the adverse effects on a specimen of a threatened or vulnerable plant species or of the alteration of the habitat of such a species, as the case may be; and

(2) the carrying out of measures necessary for the conservation or management of threatened or vulnerable plant species, in particular for the development of replacement habitats, subject to the conditions, restrictions and prohibitions determined by the Government or the committee of ministers.

If, for the same area, two or more compensation measures are required under the first, second or third paragraph, the Government or the committee of ministers shall determine which measure applies in order to avoid an adverse effect being compensated more than once. In such a case, if it determines that financial contribution is payable, it may establish an alternative calculation method that takes into consideration those multiple adverse effects in order to ensure fair compensation.

Any financial contribution required as compensation under the first, second or third paragraph may, on request and within the time and on the conditions determined by government regulation, be reimbursed, in whole or in part, if the actual adverse effects are less than the ones covered by the contribution required. The request for reimbursement must be accompanied by the information determined by government regulation.

If the Government or the committee of ministers considers that an impact of the project that is not covered by the first, second or third paragraph should be compensated in order to ensure adequate protection of the environment or of the health, safety, welfare or comfort of human beings, to protect other living species or to prevent adverse effects on property, it may require the carrying out of work or of another compensation measure intended, in particular, to create, restore or protect environments.

In the case of a project in respect of which preparatory work was the subject of a decision made under section 31.4.3, the Government or the committee of ministers may exercise the powers provided for in this section in respect of that work where the work was not the subject of another compensation measure.”

91. Section 31.6 of the Act is amended by inserting “, subject to the conditions it determines” after “subdivision 2” in the second paragraph.

92. Section 31.7 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“If the changes to the authorization holder’s project are subject to the impact assessment and review procedure under section 31.1, the authorization holder must follow the procedure provided for in this subdivision in order to obtain the amendment to the Government’s authorization.

If the changes to the authorization holder's project are not subject to that procedure, the authorization holder must provide all the documents and information determined by government regulation that are required, in particular, to assess the impacts of the proposed changes on the environment in order to obtain the amendment to the Government's authorization. The authorization holder must, at the Minister's request and within the time and subject to the conditions determined by the Minister, study any matter raised more thoroughly and carry out the research requested for that purpose.

The Government or the committee of ministers may amend an authorization in accordance with the conditions, restrictions or prohibitions it determines, or may refuse to do so.

Section 31.5.1 applies, with the necessary modifications, to any decision to amend made under this section."

93. Section 31.7.1 of the Act is replaced by the following section:

"31.7.1. The Minister, on the advice of the Minister of Public Security as to the necessity of a project, or of part of a project, for repairing any damage caused by a disaster within the meaning of the Act respecting civil protection to promote disaster resilience (chapter S-2.4) or for preventing any damage that could be caused by such a disaster, may recommend to the Government or to the committee of ministers that all or part of a project be exempted from the procedure provided for in this subdivision subject to the conditions, restrictions or prohibitions the Minister determines if, in the Minister's opinion, the situation requires that the project be carried out within a shorter time frame than that required for the application of the procedure.

In that case, the Government or the committee of ministers may exempt the project, in whole or in part and subject to the conditions, restrictions or prohibitions it determines, from the environmental impact assessment and review procedure as well as from the application of the provisions of subdivisions 1 and 2 that it determines.

If all or part of the project is exempted from the provisions of subdivision 1 and the exempted part of the project adversely affects wetlands and bodies of water, the Government or the committee of ministers may determine whether compensation measures from among those referred to in the first paragraph of section 31.5.1 are required. The project proponent must then file, within the time determined by the Government, a report establishing the area concerned by the adverse effects on those environments caused by the exempted activities. On the basis of that report, the Minister shall establish the compensation measures in accordance with what the Government determines."

94. Section 31.7.2 of the Act is amended

(1) by replacing "the situation requires" in the first paragraph by "the public interest, in particular with regard to residual materials management, warrants";

(2) by replacing “must issue an authorization for the project and” in the second paragraph by “may exempt all or part of the project from the environmental impact assessment and review procedure and issue an authorization as well as”;

(3) by inserting the following paragraph after the second paragraph:

“Section 31.5.1 applies, with the necessary modifications, to the issue of an authorization under this section.”

95. Section 31.7.3 of the Act is replaced by the following section:

“31.7.3. Any decision made by the Government under any of sections 31.5, 31.7.1 and 31.7.2 is binding on the Minister only with respect to the conditions, restrictions or prohibitions, the compensation measures and the related terms determined in the decision where the Minister subsequently exercises the powers provided for by this Act.”

96. Section 31.7.5 of the Act is replaced by the following section:

“31.7.5. An authorization issued under this subdivision is transferable, in whole or in part. To that end, the authorization holder must first send the Minister a notice of transfer containing the information and documents prescribed by government regulation.

Within 120 days after receiving the notice of transfer, the Minister may notify to the transferor and transferee a notice of the Minister’s intention to oppose the transfer for any of the reasons provided for in sections 32 to 35 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6).

In the case of a partial transfer, the Minister must oppose the transfer if the Minister considers that the notice of transfer does not make it possible to determine which conditions, restrictions or prohibitions will be applicable after the transfer to the transferee’s part of the project as well as those that will be applicable to the part of the project retained by the transferor. The Minister may also oppose the partial transfer if the Minister considers that the conditions, restrictions or prohibitions applicable after the transfer would be insufficient to ensure adequate protection of the environment or of the health, safety, welfare or comfort of human beings, to protect other living species or to prevent adverse effects on property.

If the Minister does not send a notice of intention within the time limit specified in the second paragraph, the transfer is deemed to have been completed. In the case of a partial transfer, the Minister may extend that time by a period not exceeding 120 days. The Minister must then notify the transferee in writing within the time specified in the second paragraph.

The Minister’s notice of intention must grant the transferor and transferee at least 60 days to submit their observations.

Within 60 days after receiving the observations or of the expiry of the period for submitting them, the Minister shall notify the decision to the transferor and transferee.

Once the transfer of the authorization has been completed, the new holder has the same rights and obligations as the transferor with respect to the project for which the authorization was the subject of the transfer. The Minister must publish the notice of transfer in the environmental assessment register as soon as possible.”

97. Section 31.9 of the Act is amended, in the first paragraph,

(1) by replacing “the minimum content of a notice referred to in section 31.2” in subparagraph *a.1* by “any other information that the notice of intention referred to in section 31.2 must contain”;

(2) by replacing “as well as the time limit for the Bureau to” in subparagraph *c* by “, the duration of an information period, and the time limit for the Bureau to ensure the conduct of such a period or”;

(3) by inserting “public information periods,” after “how” in subparagraph *d*;

(4) by adding the following subparagraph at the end:

“(f) determine the terms governing the sending of the documents and information required under this subdivision to the Minister.”

98. The Act is amended by inserting the following subdivision after section 31.9:

“§5.—*Sectoral or regional environmental assessment*

“31.9.1. Any plan or program whose objectives are to plan the development of a particular sector of activity or territory as well as to determine the environmental and social acceptability guidelines applicable to projects and activities that are or could be part of it, including with regard to authorizations to be issued under this Act, may, in whole or in part, be the subject of a sectoral or regional environmental assessment.

The purpose of the assessment is to ensure that the plan or program is developed in keeping with the Government’s environmental and social policy directions and objectives, in particular with respect to consideration of cumulative impacts. A further purpose of the assessment is to ensure the participation of the public and of the Aboriginal communities in the planning of the development covered by the plan or program.

“31.9.2. Whoever intends to submit a plan or program to a sectoral or regional environmental assessment must send the Minister a notice of intention to that effect as well as a scoping proposal.

“31.9.3. The notice of intention sent to the Minister must contain

(1) a presentation of the plan or program, including the context of its establishment, a description of the plan or program, and the intended territory and implementation period;

(2) a summary description of the projects and activities that are or could be part of the plan or program;

(3) a statement listing the objectives sought by the sectoral or regional environmental assessment, in particular with regard to assessing the cumulative impacts on the environment and to adapting the regime of authorizations to be issued under this Act for any project or activity that is or could be part of the plan or program;

(4) a demonstration of the legitimacy of the person in charge of the plan or program in the planning of the development of the particular sector of activity or territory as well as that person’s ability to submit the plan or program to an assessment; and

(5) any other document or information prescribed by government regulation.

The scoping proposal for the sectoral or regional environmental assessment must, on the basis of the objectives sought by the assessment, set out the intended scope, nature and extent of the assessment, as well as the issues it will address. It must include any other information prescribed by government regulation.

“31.9.4. Within the time determined by government regulation, the Minister shall decide whether to consent to the sectoral or regional environmental assessment of the plan or program and shall notify the person in charge. To that end, the Minister shall take into consideration, in particular, the objectives sought by the environmental assessment of the plan or program with respect to the cumulative impacts on the environment.

“31.9.5. Where applicable and within the time determined by government regulation, the Minister shall request that the Bureau announce the beginning of the sectoral or regional environmental assessment and organize an information period on the notice of intention and the scoping proposal provided for in section 31.9.2 in order to gather the public’s concerns that could become issues to assess, as well as the public’s observations on the objectives sought by the assessment and on the intended scope, nature and extent of the assessment as set out in the scoping proposal.

As soon as possible, the Minister shall publish in the environmental assessment register the notice of intention and the assessment scoping proposal that have been sent to him, the notice of consent that the Minister sent to the person in charge of the plan or program as well as the Minister’s request to the Bureau.

“31.9.6. Within the time determined by government regulation, the Bureau shall send the Minister an account of the information period that includes, in particular, a summary of the observations and concerns raised by the public and identifies those whose relevance warrants that they be taken into account in the sectoral or regional environmental assessment report.

Within 15 days after receiving the account, the Minister shall publish it in the environmental assessment register.

“31.9.7. Within a reasonable time after receiving the account provided for in section 31.9.6, the Minister shall send the person in charge of the plan or program a sectoral or regional environmental assessment scoping document that is based on the objectives identified in the notice of intention and that determines the nature, scope and extent of the assessment that the person in charge of the plan or program must carry out as well as the time limit for sending the report on that assessment to the Minister. The scoping document shall be accompanied by the summary of the observations and concerns identified by the Bureau.

As soon as possible, the Minister shall publish the scoping document in the environmental assessment register.

“31.9.8. Failure by the person in charge of the plan or program to send the sectoral or regional environmental assessment report within the time specified by the scoping document terminates the environmental assessment provided for in this subdivision. In such a case, a person who still intends to submit the plan or program to such an assessment must file a new notice of intention and a new scoping proposal in accordance with section 31.9.2.

“31.9.9. If the Minister considers that the sectoral or regional environmental assessment report does not satisfactorily deal with the subjects it is required to address under the scoping document, the Minister shall inform the person in charge of the plan or program and specify how the person must remedy the situation and within what time limit.

“31.9.10. If the Minister considers that the sectoral or regional environmental assessment report satisfactorily deals with the subjects it is required to address under the scoping document, the Minister shall publish it in the environmental assessment register.

“31.9.11. Not later than six weeks after the report is published in the register, the Minister shall mandate the Bureau to hold a public hearing.

“31.9.12. At the end of its mandate, the Bureau shall, on the basis of the mandate entrusted to it and the observations and concerns it received from the public, report its findings, and its analysis of those findings, to the Minister. The Bureau shall also identify any information on the plan or program presented by the person in charge that is not addressed in the sectoral or regional environmental assessment report and that the Bureau considers relevant for assessing the plan or program.

“31.9.13. The Minister may, at any time, within the time and on the conditions fixed by the Minister, request the person in charge of the plan or program to provide any additional information, to study certain matters more thoroughly or to undertake certain research which the Minister considers necessary to evaluate the impact of the proposed plan or program on the environment, analyze the issues relating to the plan or program and support the Minister’s recommendation to the Government.

“31.9.14. The Minister may terminate the assessment provided for in this subdivision in the following cases:

(1) the sectoral or regional environmental assessment report still does not satisfactorily deal with the subjects it is required to address under the scoping document despite the opportunity granted to the person in charge of the plan or program under section 31.9.9 to remedy the situation;

(2) the person in charge of the plan or program fails to comply with the Minister’s requests within the time or on the conditions fixed, or the answers of the person in charge are considered to be insufficient, incomplete or unsatisfactory;

(3) the information provided has the effect of substantially altering the nature, scope, extent or objectives of the sectoral or regional environmental assessment; or

(4) the other cases provided for by government regulation.

Before making a decision under the first paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person in charge of the plan or program and grant the person at least 15 days to submit observations.

Where the Minister terminates the assessment, a person who still intends to submit the plan or program to a sectoral or regional environmental assessment must file a new notice of intention and a new scoping proposal in accordance with section 31.9.2.

“31.9.15. The Minister shall send his recommendation to the Government after analyzing the plan or program, at the end of the environmental assessment. No recommendation is required if the Minister terminated the assessment under section 31.9.14.

The recommendation must pertain to the guidelines to be taken into consideration for any subsequent authorization of projects and activities that are or could be part of the plan or program, in particular the special conditions of environmental and social acceptability as well as the conditions for carrying out the projects and carrying on the activities. Such conditions may include, in particular, avoidance, minimization, compensation, supervision, monitoring, control or consultation measures.

In addition, the Minister's recommendation may also pertain to the elements listed in the second paragraph of section 31.9.16.

“31.9.16. The Government must, in respect of the plan or program, determine the guidelines to be taken into consideration for any subsequent authorization of projects and activities that are or could be part of the plan or program, in particular the special conditions of environmental and social acceptability as well as the conditions for carrying out the projects and carrying on the activities. Such conditions may include avoidance, minimization, compensation, supervision, monitoring, control or consultation measures.

In addition, on the Minister's recommendation to that effect, the Government may, for the projects or activities that are or could be part of the plan or program,

(1) exempt all or part of the projects or activities from subdivision 1 or 4, subject to the conditions, restrictions and prohibitions it determines so as to ensure adequate protection of the environment, human health or other living species;

(2) allow the projects or activities to be eligible for a declaration of compliance under subdivision 2, subject to the conditions, restrictions and prohibitions it determines so as to ensure adequate protection of the environment, human health or other living species; or

(3) determine the compensation measures required in accordance with section 31.5.1, with the necessary modifications.

The decision shall be communicated to the person in charge of the plan or program as soon as possible and the Minister's environmental analysis shall be published in the environmental assessment register at the same time as the decision is made public.

“31.9.17. If applicable, any person who avails himself of authorization regime adaptations determined under the second paragraph of section 31.9.16, but fails to comply with the conditions, restrictions and prohibitions determined under that section, is deemed to be carrying out the project or carrying on the activity without the authorization required under this Act and is liable to the remedies, penalties, fines and other measures applicable in such a case.

“31.9.18. The Minister may withdraw from a public consultation any information concerning industrial processes, state security or the location of threatened or vulnerable species.

“31.9.19. The Government may make regulations to

(1) prescribe any other information or document that must be included in the notice of intention sent to the Minister by the person who intends to submit a plan or program to a sectoral or regional environmental assessment;

(2) prescribe any other information that must be included in the scoping proposal sent to the Minister by the person who intends to submit a plan or program to a sectoral or regional environmental assessment;

(3) determine the time limit for the Minister to inform the person in charge of the plan or program of his decision to consent or not to consent to the sectoral or regional environmental assessment of the plan or program;

(4) determine the time limit for the Minister to request the Bureau to organize an information period in accordance with section 31.9.5;

(5) prescribe the terms governing the information and the public consultation relating to any plan or program subject to a sectoral or regional environmental assessment report;

(6) prescribe the other cases in which the Minister may terminate the assessment provided for in this subdivision;

(7) prescribe any other document or information that the Minister shall make available to the public in the environmental assessment register; and

(8) determine the terms governing the sending of the documents and information required under this subdivision to the Minister.

The Government may, if of the opinion that it is warranted in the circumstances, extend in respect of a plan or program any time limit prescribed pursuant to the first paragraph.”

99. The Act is amended by inserting the following section after section 31.47:

“31.47.1. A person that registers in the land register, in accordance with section 31.47, a notice of use restriction resulting from a rehabilitation plan that provides for a mitigation measures inspection and maintenance program or environmental monitoring, or any subsequent acquirer of the land, shall establish a register of inspection results, of corrective measures implemented and of monitoring done. Information entered in the register must be kept for a minimum of five years after its entry and for an additional five years after the registration of a decontamination notice in the land register.

A person that keeps such a register must provide to the Minister, upon request and in the format and within the time fixed by the Minister, any information entered in the register.”

100. Section 31.48 of the Act is amended by striking out “and that it has made it possible to stay within the regulatory limit values provided for in the plan” in paragraph 1.

101. Section 31.58 of the Act is amended

(1) by inserting “or sent to the Minister under this Act” after “Act” in the first paragraph;

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

“Such registration is not required in the cases determined by government regulation.”

102. Section 31.69 of the Act is amended

(1) by striking out paragraph 1;

(2) by inserting the following paragraph after paragraph 3:

“(4) determine the cases in which and conditions under which it is prohibited to provide, in a rehabilitation plan, that contaminants in a concentration exceeding the regulatory limit values are to be left in the land;”;

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

“The Minister may, by regulation, prescribe, for the contaminants the Minister determines, the concentration limit values in excess of which those contaminants, when present in land, may give rise to implementation of the characterization, rehabilitation or publicity measures provided for in this division. The limit values may vary according to, among other things, land use.”

103. Section 31.81 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, the term is 30 years where the water withdrawal is for the purpose of keeping a public utility transportation infrastructure dry.”

104. Section 31.92 of the Act is amended by adding the following sentence at the end of the second paragraph: “In any other case, the transfer is subject to such a review at the request of one of the parties to the Agreement where it involves a regionally significant or potentially precedent-setting proposal.”

105. Section 31.94 of the Act is amended

(1) in the first paragraph,

(a) by replacing “or 31.93” in the introductory clause by “, 31.93 or 31.95”;

(b) by inserting “or 31.95 and 31.96” after “31.93” in subparagraph 2;

(2) by replacing “In making a decision with respect to the application for authorization, the Minister or the Government, as the case may be, shall take into account the Regional Body’s declaration” in the fourth paragraph by “The Minister or the Government, as the case may be, shall make a decision with respect to the application for authorization after receiving the declaration from the Regional Body, and taking that declaration into account”.

106. Section 31.95 of the Act is amended by inserting the following paragraph after the first paragraph:

“If a withdrawal under the first paragraph would result in a consumptive use of an average of 19 million litres or more per day, it is also subject to review by the Great Lakes-St. Lawrence River Water Resources Regional Body established by the Agreement. In any other case, the withdrawal described is subject to that review at the request of one of the parties to the Agreement where it involves a proposal that is of regional significance or that could set a precedent.”

107. Section 31.97 of the Act is repealed.

108. Section 31.98 of the Act is amended by replacing “in section 31.95 or 31.97” in the introductory clause of the first paragraph by “in section 31.95”.

109. Section 31.99 of the Act is amended by striking out “or a new or increased water withdrawal described in section 31.95” in the second paragraph.

110. Section 31.100 of the Act is amended

(1) by inserting “or with respect to a new or increased water withdrawal described in section 31.95” after “31.99” in the introductory clause of the first paragraph;

(2) by inserting “or with respect to a new or increased water withdrawal described in section 31.95” after “31.99” in the second paragraph.

111. Section 31.101 of the Act is amended

(1) by replacing “in order to” in the introductory clause of the first paragraph by “and on the following goals:”;

(2) by replacing the second and third paragraphs by the following paragraph:

“The Minister shall annually assess the results achieved by the water conservation and efficiency programs that the Minister has implemented under this section and shall publish the assessment on the Minister’s department’s website. The Minister shall report to the Regional Body, on 1 September 2027 and every five years after that, on the results achieved under the programs.”

112. The Act is amended by inserting the following section after section 31.101:

“31.101.1. The Minister shall, every five years, review the water management programs and report to the Great Lakes-St. Lawrence River Water Resources Regional Body on the measures implemented to ensure that the water management complies with the Agreement.”

113. Section 31.102 of the Act is amended

(1) in the first paragraph,

(a) by replacing “conduct an assessment of the cumulative impacts of water withdrawals and consumptive uses in the St. Lawrence River Basin on the Basin ecosystem, particularly on the waters and water-dependent natural resources of the Basin, in accordance with the requirements of the Agreement” by “participate, in collaboration with the other parties to the Agreement and in accordance with its requirements, in an assessment of the cumulative impacts of water withdrawals and consumptive uses in the St. Lawrence River Basin on the Basin ecosystem, particularly on the waters and water-dependent natural resources of the Basin”;

(b) by striking out the second sentence;

(2) by striking out the second paragraph;

(3) by replacing “prescribed by this section must be done” in the third paragraph by “referred to in the first paragraph shall take place”.

114. Section 31.103 of the Act is repealed.

115. Section 45.5.1 of the Act is amended, in the second paragraph,

(1) by replacing “31.103” in subparagraph 1 by “31.102”;

(2) by replacing “31.97” in subparagraph 3 by “31.96”.

116. Section 46.0.1 of the Act is amended

(1) by replacing “and their watersheds” in the first paragraph by “, their catchment areas and the watersheds in which they are located”;

(2) by replacing “reduce the vulnerability of persons and property exposed to flooding” in the second paragraph by “reduce the vulnerability of persons and property in the event of flooding or channel migration of watercourses”.

117. Section 46.0.2 of the Act is amended by replacing “division” in the first paragraph by “Act and the regulations”.

118. Section 46.0.2.1 of the Act is amended

- (1) in the second paragraph,
 - (a) by replacing “the impact of a” by “the protection provided by a”;
 - (b) by striking out “qu’il protège” in the French text;
- (2) by adding the following paragraph at the end:

“The boundaries of the flood zones of lakes and watercourses and those of the channel migration zones of watercourses established in accordance with this division have precedence over any other boundaries of such zones established under any other Act or a regulation.”

119. The heading of subdivision 3 before section 46.0.3 of the Act is amended by replacing “*Authorization*” by “*Ministerial authorization*”.

120. Section 46.0.3 of the Act is amended

- (1) in paragraph 1,
 - (a) by inserting “geography,” after “biology,” in the introductory clause;
 - (b) by inserting “and, if applicable, of their catchment areas” after “affected” in subparagraph *a*;
 - (c) by replacing “, including the wetlands’ and bodies of water’s connection to other wetlands and bodies of water or other natural environments” in subparagraph *d* by “and taking into consideration the adjacent natural environments”;
- (d) by replacing paragraph 2 by the following paragraphs:

“(2) a demonstration that the known wetlands and bodies of water of importance for conservation in the regional county municipality concerned have been considered in choosing the location where the project will be carried out, so that they are avoided;

“(2.1) a document showing that the project has been conceptualized so as to avoid adverse effects on wetlands and bodies of water as much as possible, which shall include

- (a) a description of the alternative scenarios examined, including the other locations considered, and an explanation to the effect that the selected scenario is the one that has the least adverse effects on wetlands and bodies of water; and
- (b) a justification explaining that the project still adversely affects the wetlands and bodies of water despite efforts to avoid such effects, if applicable;”;

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

“Despite the first paragraph, the applicant is not required to provide the document mentioned in subparagraph 2.1 of the first paragraph if the applicant demonstrates that the nature of the project makes it necessary to carry it out in wetlands and bodies of water.”

121. Section 46.0.4 of the Act is amended

(1) by inserting “, of their catchment area, if applicable,” after “concerned” in paragraph 1;

(2) by replacing subparagraph 2 by the following subparagraphs:

“(2) the possibility of avoiding adverse effects on wetlands and bodies of water in carrying out the project;

“(2.1) the possibility of minimizing the impacts on wetlands and bodies of water in carrying out the project;”.

122. Section 46.0.5 of the Act is amended

(1) by inserting the following paragraph after the second paragraph:

“Despite the first and second paragraphs, in the case of an application for authorization for an activity arising from a project for which the Government made a decision regarding compensation measures under the first paragraph of section 31.5.1, the Minister is bound by that decision.”;

(2) by striking out the fourth paragraph.

123. Section 46.0.6 of the Act is amended

(1) by adding the following paragraph at the beginning:

“The Minister shall refuse to issue or amend an authorization for a project in wetlands and bodies of water if the applicant refuses to pay the financial contribution required under the first paragraph of section 46.0.5.”;

(2) by replacing “In addition” and “an authorization for a project in wetlands and bodies of water” in the introductory clause by “Furthermore, in addition” and “or amend such an authorization”, respectively;

(3) by replacing “that the applicant would, for the purposes of the project, avoid adversely affecting the wetlands and bodies of water” in paragraph 1 by “that the applicant’s project would avoid, as much as possible, adversely affecting wetlands and bodies of water”;

(4) by replacing “mitigation measures proposed by the applicant would not reduce the project’s impacts on the wetlands and bodies of water or the watershed to which they belong to a minimum” in paragraph 2 by “measures proposed by the applicant would not minimize the project’s impacts on the wetlands and bodies of water or the watershed to which they belong”;

(5) by striking out paragraph 4.

124. Section 46.0.9 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Failing that, the authorization for the activity that would adversely affect wetlands and bodies of water is cancelled by operation of law. The Minister shall, at the holder’s request, reimburse any financial contribution the holder paid under the first paragraph of section 46.0.5, without interest, within 30 days after the request.”

125. Section 46.0.11 of the Act is repealed.

126. Section 46.0.22 of the Act is amended by replacing “by the Minister under the Act respecting threatened or vulnerable species (chapter E-12.01) in respect of a threatened or vulnerable plant species or by the minister responsible for wildlife, in particular if an activity is carried out in a wildlife habitat governed by” in paragraph 4 by “under the Act respecting threatened or vulnerable species (chapter E-12.01) or”.

127. Section 46.8.1 of the Act is amended by replacing “or at research and development in this area” in the third paragraph by “, the removal of such gases from the atmosphere, or research and development in those areas”.

128. Section 53.28 of the Act is amended

(1) in the first paragraph,

(a) by replacing “of the containers, packaging, packaging materials, printed matter or other products it designates” in the introductory clause by “, or to the offering for sale, sale or distribution, or otherwise making available, of the containers, packaging, printed matter or other products it designates and their materials,”;

(b) by replacing subparagraphs 1 and 2 by the following subparagraphs:

“(1) fix the minimum proportion of recovered, recycled or otherwise reclaimed materials or elements to be used in the manufacture, offering for sale, sale or distribution, or otherwise making available, of the designated containers, packaging, printed matter or other products and their materials;

“(2) prohibit certain materials or certain mixtures or associations with other materials or elements in the manufacture, offering for sale, sale or distribution, or otherwise making available, of the designated containers, packaging, printed matter or other products and their materials;”;

(c) by replacing “or packaging” in subparagraph 3 by “, packaging, printed matter or other products”;

(2) by replacing “or packaging” in the second paragraph by “, packaging or other products”.

129. Section 53.29 of the Act is amended

(1) by replacing “containers, packaging, packaging materials, printed matter or other products” in paragraph 1 by “designated containers, packaging, printed matter or other products and their materials”;

(2) by replacing “or packaging” in paragraph 2 by “, packaging or other products”.

130. The Act is amended by inserting the following section after section 53.29:

“**53.29.1.** The Government may, by regulation, prescribe any measure to limit the production of residual materials and ensure the future recovery and reclamation of those materials.”

131. Section 53.30 of the Act is amended

(1) in the first paragraph,

(a) in subparagraph 6,

i. by inserting “commercializes,” after “manufactures,” in the introductory clause;

ii. by replacing “or packaging materials, printed matter or other products, who markets products in containers or packaging” in the introductory clause by “, printed matter or other products as well as their materials or the products in them that the person”;

iii. by replacing “the containers, packaging, packaging materials, printed matter or other products” in subparagraph *a* by “the abovementioned items”;

iv. by replacing “residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their” in subparagraph *b* by “, including, in particular, the re-use of, residual materials generated by the abovementioned items or by the person’s”;

v. by replacing “containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their” in subparagraph *c* by “abovementioned items, on the residual materials generated by the person’s”;

vi. by inserting “, including, in particular, re-use” at the end of subparagraph *c*;

(b) by replacing “or 53.30.2” in the introductory clause of subparagraph 7 by “, 53.30.2 or 53.30.2.1”;

(2) by striking out the second paragraph;

(3) by replacing “Minister may” in the third paragraph by “Government may, by regulation,”;

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

“The Minister may, by regulation,

(1) delegate to the Société québécoise de récupération et de recyclage various responsibilities relating to the administration of any regulatory provision made under subparagraph 6 of the first paragraph;

(2) determine the amounts to be invested in the implementation of remediation plans if the prescribed performance rates are not met; and

(3) determine the parameters to be used to establish the quantities of products available for recovery, such as the products’ lifespan or the quantities of products lost through use, and establish those quantities.”

132. The Act is amended by inserting the following section after section 53.30.2:

“53.30.2.1. A regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 that requires certain persons to develop, implement and contribute financially to programs or measures to reduce, recover or reclaim residual materials, in addition to the measures enacted under section 53.30.1 or 53.30.2, may, in particular,

(1) determine the products concerned;

(2) prescribe the time limits and the terms and conditions applicable to the entering into of contracts, if applicable, between the persons, the municipalities, the groups of municipalities and any Aboriginal community, represented by its band council, determined in the regulation and the minimum content of such contracts;

(3) determine the terms and conditions applicable to the return, collection, transportation, sorting and conditioning of the products concerned, including their storage, to recover and reclaim such products;

(4) determine, in addition to the persons who are required to develop, implement and contribute financially to the programs or measures, the other persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the programs or measures;

(5) determine the obligations, rights and responsibilities of the persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the programs or measures;

(6) fix the indemnity payable for the management costs of the programs or measures, or the parameters to be used to fix it by a body designated under a regulation made under section 53.30.3; and

(7) prescribe a mechanism for resolving disputes that may arise following the entering into or performance of contracts referred to in paragraph 2 or the obligation to prescribe such a mechanism in such contracts.”

133. Section 53.30.3 of the Act is amended

(1) by replacing “or 53.30.2” in the introductory clause by “, 53.30.2 or 53.30.2.1”;

(2) by replacing “a non-profit body designated” in paragraph 1 by “one or more non-profit bodies designated”.

134. Section 53.31.0.1 of the Act is amended by replacing “or 53.30.2” in the first paragraph by “, 53.30.2 or 53.30.2.1”.

135. The Act is amended by inserting the following sections after section 53.31.0.3:

“53.31.0.4. The persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required, to the extent and on the conditions prescribed by government regulation, to compensate the persons determined by government regulation for the services provided by the latter to ensure that the residual materials, or classes of them, designated by government regulation are recovered and reclaimed.

“53.31.0.5. The amount of the compensation shall be determined annually by the Société québécoise de récupération et de recyclage in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government and shall be based on the services provided during a year to deal with the designated materials or classes of materials, that is, in particular, the collection, transportation, sorting and conditioning costs, including an indemnity to the persons determined by government regulation under section 53.31.0.4 for the management of those services.

For the purpose of determining the amount of the annual compensation, the Government shall prescribe by regulation the information or documents that any person determined by government regulation must send to the Société.

“53.31.0.6. Applications for certification to represent the persons required to pay a compensatory contribution under section 53.31.0.4 shall be made to the Société québécoise de récupération et de recyclage.

The Government may, by regulation, determine the number of certifications possible, in particular based on the designated materials or classes of materials. The Government shall determine, in the same manner, the minimum criteria to be taken into account by the Société québécoise de récupération et de recyclage in certifying a body, and the procedure for filing applications for certification.

“53.31.0.7. A certified body may collect from its members and from persons who, without being members of the body, carry on activities similar to those carried on by the members where the designated materials or classes of materials are concerned, the contributions necessary to remit the compensation amount required, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation referred to in section 53.31.0.5.

The certified body may similarly collect the amount payable to the Société québécoise de récupération et de recyclage under section 53.31.0.8.

“53.31.0.8. The Government shall determine by regulation the amount payable to the Société québécoise de récupération et de recyclage to indemnify the Société for its management costs and other expenses related to the compensation referred to in section 53.31.0.5, including expenses for information, awareness and educational activities and for development activities related to the reduction, recovery or reclamation of the designated materials or classes of materials, including, in particular, re-use.”

136. Subdivision 3 of Division VII.1 of Chapter IV of Title I of the Act, comprising sections 70.6 and 70.7, is replaced by the following subdivision:

“§3.—*Annual management report*

“70.6. Any person specified by government regulation who has possession of a residual hazardous material determined by government regulation must send to the Minister, at the intervals prescribed by that regulation, an annual management report containing the information prescribed by that regulation.

“Residual hazardous material” means

(1) a hazardous material that was produced or used but subsequently discarded;

(2) a hazardous material that was used, but that is no longer used for the same purpose as its initial use or for a purpose similar to that purpose;

(3) a hazardous material that was produced or kept for eventual use, but that is outdated; or

(4) a hazardous material that was produced or used and that appears on a list of residual hazardous materials established by government regulation or belongs to a class appearing on the list.

The annual management report must be accompanied by an attestation of the accuracy of the information provided, signed by the sender or, if the sender is not a natural person, by a person authorized for that purpose.”

137. Section 70.19 of the Act is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) determine the cases in which an annual management report and a management plan relating to residual hazardous materials must be sent to the Minister and the intervals at which they are to be sent;”.

138. Section 95.3 of the Act is amended, in the first paragraph,

(1) by replacing “or amendment of an authorization, approval” in subparagraph 1 by “, amendment, suspension or maintaining of an authorization, approval, attestation”;

(2) by replacing “section 31.0.6 or 31.68.1” in subparagraph 2 by “this Act”.

139. Section 95.10 of the Act is amended by replacing “exceptionally” in the second paragraph by “at the Administration’s request or exceptionally on its own initiative,”.

140. Section 95.18 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “such documents and information with dispatch on the Minister’s department’s website” in the second paragraph by “with dispatch the reports and documents produced, in connection with a strategic environmental assessment conducted under this chapter, in the environmental assessment register”.

141. Section 115.2 of the Act is amended by striking out “to prevent or reduce the risk of such harm or damage” in the second paragraph.

142. Section 115.23 of the Act is amended by inserting “, report” after “list” in subparagraph 2 of the first paragraph.

143. Section 115.24 of the Act is amended

(1) by inserting “in the manner and form prescribed by this Act” at the end of subparagraph 4 of the first paragraph;

(2) in the second paragraph,

(a) by inserting the following subparagraph after subparagraph 1:

“(1.1) fails to notify the Minister of any change in the person’s contact information in contravention of section 31.0.1;”;

(b) by inserting “, the third paragraph of section 70.5.2” after “31.63” in subparagraph 5;

(c) by inserting “, as well as any infrastructure, facility, works, layout, apparatus or equipment governed by this Act and the regulations” after “environment” in subparagraph 7.

144. Section 115.25 of the Act is amended, in the first paragraph,

(1) by replacing “, 31.1, 31.51, 31.51.1, 31.54” in subparagraph 2 by “or 31.1, the fourth paragraph of section 31.1.1 or section 31.51, 31.51.1, 31.54, 33.1”;

(2) by replacing “or 31.0.12, sections” in subparagraph 4 by “, section 31.0.12, 31.4.3,”;

(3) by inserting “or 53.29” at the end of subparagraph 9.2.

145. Section 115.29 of the Act is amended, in paragraph 1,

(1) by striking out “section 31.0.1,”;

(2) by inserting “31.47.1 or” after “section 31.38, section”;

(3) by striking out “70.7,”.

146. Section 115.30 of the Act is amended, in paragraph 1,

(1) by inserting “31.0.1,” before “31.0.4”;

(2) by replacing “section 31.47 or” by “the first paragraph of section 31.47, section”;

(3) by replacing “section 31.58” by “the first or second paragraph of section 31.58”;

(4) by replacing “or 70.5.4” by “, the third paragraph of section 70.5.2, the first or second paragraph of section 70.5.4”.

147. Section 115.31 of the Act is amended

(1) in paragraph 1,

(a) by inserting “the fourth paragraph of section 31.1.1, section” after “31.1,”;

(b) by inserting “33.1,” after “33,”;

(c) by replacing “66, 70.5.2,” by “53.29 or 66, the first paragraph of section 70.5.2, section”;

(2) by inserting “31.4.3,” after “31.0.12,” in paragraph 3.

148. The Act is amended by inserting the following section after section 115.33:

“115.33.1. The minimum fine that may be imposed on a legal person that commits an offence in the course of one of the activities determined by government regulation is 10 times higher than what is provided for in this chapter if the person

(1) contravenes section 20 or 22, the first or second paragraph of section 30, the second paragraph of section 31.0.5, section 31.1, 31.7, 31.10, 31.26, 31.51, 31.53, 31.54 or 66, the first paragraph of section 70.5.1 or section 70.5.3, 70.8, 70.9, 123.1, 123.5, 154 or 189;

(2) fails to comply with any standard or any condition, restriction, prohibition or requirement relating to an approval, authorization, certificate, attestation or certification issued by the Government or the Minister under this Act, in cases where no other penalty is provided for in this Act or the regulations;

(3) fails to apply or comply with a land rehabilitation plan approved by the Minister under this Act;

(4) fails to comply with a corrective program imposed by the Minister under section 31.28;

(5) fails to comply with a depollution program approved by the Minister under section 124.3;

(6) provides false or misleading information for the purposes of this Act or the regulations;

(7) carries out a project, carries on an activity or does something without first obtaining any other authorization required under this Act or the regulations, in cases where no other penalty is provided for in this Act or the regulations;

(8) is responsible for the accidental release of a hazardous material or a contaminant and fails to stop the release in contravention of subparagraph 1 of the second paragraph of section 21;

(9) is responsible for the accidental release of a contaminant and fails to recover, clean or treat in situ the matter contaminated by the release, or to remove the contaminated matter from the area affected by the release and ship it to an authorized site, in contravention of subparagraph 2 of the second paragraph of section 21;

(10) fails to take the measures prescribed by the Minister in accordance with an emergency plan formulated under section 49 in case of air pollution;

(11) fails to comply with an order imposed under this Act, or in any way prevents or hinders its enforcement;

(12) carries out a project, carries on or pursues an activity or does something even though

(a) the issue or renewal of the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been refused; or

(b) the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been suspended or revoked; or

(13) carries on an activity or does something that contravenes a decision the Government or the Minister renders in its regard under this Act.”

149. Section 118.3.3 of the Act is replaced by the following sections:

“118.3.3. Any provision of a municipal by-law that is inconsistent with a provision of this Act or the regulations is inoperative.

The Government may, by regulation, determine that a provision of a municipal by-law relating to the same object as all or part of a regulation made under this Act is inoperative.

“118.3.3.1. Despite section 118.3.3, the Minister may approve a provision of a by-law of the Communauté métropolitaine de Montréal concerning contamination and pollution of the atmosphere, or sources of contamination or pollution of the atmosphere, for the part of its territory that is equivalent to the territory of the Communauté urbaine de Montréal provided for in the second paragraph of section 2 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2), as it read on 27 May 1981.

The Minister may also approve a provision of a by-law of the Communauté métropolitaine de Montréal concerning contaminant releases into a purification works by persons other than the Communauté métropolitaine de Montréal and the municipalities forming it for the part of its territory that is equivalent to

the territory of the Communauté urbaine de Montréal provided for in the second paragraph of section 2 of the Act respecting the Communauté urbaine de Montréal, as it read on 28 January 1987.

The provision approved by the Minister under the first or second paragraph prevails over all or part of a regulation made under this Act, to the extent determined by the Minister.

The Minister may, at any time, amend or revoke an approval issued under the first or second paragraph.

A notice of approval under the first or second paragraph or a notice of amendment or revocation under the fourth paragraph must be published without delay in the *Gazette officielle du Québec*. The approval, amendment or revocation takes effect at the time of its publication, unless the notice provides otherwise.”

150. Section 118.3.4 of the Act is amended by replacing “paragraph of section 118.3.3” by “or second paragraph of section 118.3.3.1”.

151. Section 118.3.5 of the Act is amended by replacing “dealing with the matters contemplated in the regulations aforementioned has been approved in conformity with section 118.3.3” by “has been approved under the first or second paragraph of section 118.3.3.1”.

152. Section 118.4 of the Act is amended by replacing “70.7” in subparagraph 5 of the first paragraph by “70.6”.

153. Section 118.5.0.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “environmental assessments concerning the” and “, the plans or programs that are the subject of a sectoral or regional environmental assessment provided for in subdivision 5 of Division II of Chapter IV, the programs subject to a strategic environmental assessment provided for in Chapter V and the projects subject to the environmental and social impact assessment and review procedure provided for in Division III of Chapters II and III of Title II,” after “register of” and “Chapter IV”, respectively, in the introductory clause;

(b) by replacing subparagraph 1 by the following subparagraphs:

“(1) the notices of intention provided for in sections 31.2 and 31.9.2;

“(1.1) the Minister’s requests to the Bureau d’audiences publiques sur l’environnement to organize an information period under section 6.3.1;

“(1.2) the information period accounts sent by the Bureau d’audiences publiques sur l’environnement under section 31.3.1, 31.3.4.1 or 31.9.6;

“(1.3) the Government’s decisions to allow the carrying out of certain preparatory work under section 31.4.3;”;

(c) by striking out “and the observations and issues raised under sections 31.3 and 31.3.1” in subparagraph 2;

(d) by striking out “, the Minister’s findings and questions under section 31.3.3,” in subparagraph 3;

(e) by inserting the following subparagraphs after subparagraph 3:

“(3.1) the attestations accompanying the environmental impact assessment statements referred to in section 31.3.4;

“(3.2) the Minister’s requests and the information and documents provided in accordance with section 31.4, 31.7 or 31.9.13;”;

(f) by inserting the following subparagraphs after subparagraph 4:

“(4.1) the report on the analysis made by the Minister, referred to in the first paragraph of section 31.5 or the first paragraph of 31.9.15;

“(4.2) the notices of transfer sent to the Minister under section 31.7.5, in cases where the transfer has been completed;

“(4.3) the Minister’s notice of consent sent under section 31.9.4;

“(4.4) the sectoral or regional environmental assessment scoping proposals provided for in section 31.9.2 and the assessment scoping documents provided for in section 31.9.7;

“(4.5) the sectoral or regional environmental assessment reports considered satisfactory by the Minister under section 31.9.10;

“(4.6) the decisions rendered in the context of a sectoral or regional environmental assessment;

“(4.7) the strategic environmental assessment scoping reports provided for in section 95.13;

“(4.8) the preliminary environmental reports provided for in section 95.14;

“(4.9) the draft final environmental reports provided for in section 95.16;

“(4.10) the final environmental reports provided for in section 95.17;

“(4.11) the preliminary information required under sections 156 and 190;

“(4.12) the Minister’s decisions with respect to the scope and content of an impact assessment statement rendered under sections 158 and 195;

“(4.13) the environmental and social impact assessment statements received by the Minister, the Minister’s findings and questions provided for in sections 160 and 196 and any information supplementing an assessment statement;

“(4.14) the recommendations and decisions of the bodies created by sections 148 and 181;”;

(g) by replacing “this subdivision” in subparagraph 5 by “the provisions of those subdivisions, those of that chapter and those of that division”;

(h) by inserting the following subparagraphs after subparagraph 5:

“(5.1) the opinions of the Minister of Public Security received under section 31.7.1;

“(5.2) the exemption decisions rendered under the provisions of those subdivisions, those of that chapter and those of that division and any document received and considered in the Minister’s recommendation concerning such decisions;”;

(i) by inserting “, as well as such reports that may be required for projects or activities that are part of a plan or program that has been the subject of a sectoral or regional environmental assessment or in connection with the implementation of a program that has been the subject of a strategic environmental assessment” at the end of subparagraph 6;

(2) by inserting the following paragraph after the first paragraph:

“However, the information not subject to the public consultation under section 31.8 or 31.9.18 need not be published in the register.”

154. Section 118.9 of the Act is amended by replacing “34” in the fourth paragraph by “35”.

155. Section 118.12 of the Act is amended

(1) in the second paragraph,

(a) by inserting “, maintain, suspend, revoke” after “renew” in subparagraph 1;

(b) by inserting the following subparagraphs after subparagraph 4:

“(4.1) in respect of a project, terminates the environmental impact assessment procedure provided for in subdivision 4 of Division II of Chapter IV or requires the project proponent to return to a prior stage in the procedure, in accordance with section 31.4.1;

“(4.2) determines the compensation measure required under the third paragraph of section 31.7.1;

“(4.3) in respect of a plan or program, terminates the sectoral or regional environmental assessment provided for in subdivision 5 of Division II of Chapter IV, in accordance with section 31.9.14;”;

(2) by inserting the following paragraph after the second paragraph:

“In addition, any person who is informed of the amount of the financial contribution required from the person under section 46.0.5 may contest the calculation of the amount before the Tribunal before the person’s authorization is issued or renewed.”;

(3) by replacing “or person served may contest the decision before the Tribunal” in the third paragraph by “, the owner of a system or the person served may contest the decision before the Tribunal. Those persons then become parties to the proceeding”.

156. Section 122.2 of the Act is amended by inserting “, amend” after “suspend” in the first paragraph.

157. Section 123.5 of the Act is amended by adding the following paragraph at the end:

“The same applies to any infrastructure, facility, works, layout, apparatus or equipment referred to in this Act or the regulations.”

ACT RESPECTING VILLE DE FOSSAMBAULT-SUR-LE-LAC

158. Section 2 of the Act respecting Ville de Fossambault-sur-le-Lac (1994, chapter 67) is amended by striking out the second paragraph.

REGULATION RESPECTING THE APPLICATION OF THE ACT TO INCREASE THE NUMBER OF ZERO-EMISSION MOTOR VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

159. Section 1 of the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02, r. 1) is amended by striking out paragraph 2 of the definition of “low-emission motor vehicle”.

160. Section 12 of the Regulation is amended by replacing “90” by “120”.

TRANSITIONAL AND FINAL PROVISIONS

161. Until the coming into force of the first regulation made under the first paragraph of section 3.1 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02), enacted by section 4 of this Act, section 9 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions is to be read as if “or alienate the excess credits later” in the first paragraph were replaced by “the excess credits to the extent provided for by a regulation made under the second paragraph or it may alienate them later, except in the cases and on the conditions determined by the Government”.

162. Natural settings other than wetlands or bodies of water that were the subject of a compensation measure under the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water (chapter M-11.4) before 16 June 2017 may be designated by the minister responsible for the administration of the Natural Heritage Conservation Act (chapter C-61.01) under section 13 of that Act, as provided for by the provisions of the Act respecting the conservation of wetlands and bodies of water (2017, chapter 14), in addition to the natural settings already referred to in that section. However, the Minister must consult the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1) before designating such a natural setting that forms part of the domain of the State.

163. As of 31 March 2025, 85% of the financial contributions that have been collected as compensation for adverse effects on wetlands and bodies of water for projects carried out in the territory of a regional county municipality, that have been credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State and that have not been allocated to a project to restore or create wetlands or bodies of water under programs developed under 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) are to be allocated on a priority basis to projects carried out in the territory of that same regional county municipality or in the territory of the integrated water management zone concerned.

164. Unless the context or this Act indicates otherwise, in any Act or regulation, “Fondation de la faune du Québec” is replaced by “Fondation pour la biodiversité et la faune du Québec”.

165. The assessment of any project for which the environmental impact assessment and review procedure is in progress on the date of coming into force of section 84 of this Act continues, from that date, according to the procedure established by the new provisions of subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), enacted by this Act.

The Government may, by a regulation made before the date that is 18 months after the date of coming into force of section 84 of this Act, prescribe any measure, in particular any transitional measure, that is useful for the application of the procedure established according to the new provisions of subdivision 4 of Division II of Chapter IV of Title I of this Act that are enacted by this Act. Such a regulation may, if it so provides, apply from any date not prior to *(insert the date of assent to this Act)*.

166. Despite the first paragraph of section 165 of this Act, the assessment of any project for which the environmental impact assessment and review procedure is in progress on the date of coming into force of section 84 of this Act and that is the subject of acceleration measures relating to the environment provided for in Division IV of Chapter II of Title I of the Act respecting the acceleration of certain infrastructure projects (chapter A-2.001) continues, from that date, according to the procedure established by the provisions of subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), as they read before the coming into force of section 84 of this Act.

For the purposes of the Act respecting the acceleration of certain infrastructure projects, a reference to a provision of subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act is then a reference to the provision as it read before the coming into force of section 84 of this Act.

167. In the case of projects for which the Minister has already received a written notice in accordance with section 31.2 of the Environment Quality Act (chapter Q-2), as it read before the coming into force of section 84 of this Act, but regarding which the Government has not yet made a decision on the date of coming into force of section 31.4.2 of the Environment Quality Act, enacted by section 88 of this Act, the 365-day period provided for in section 31.4.2 of the Environment Quality Act runs from that date.

168. Until the coming into force of section 31.4.3 of the Environment Quality Act (chapter Q-2), enacted by section 88 of this Act, if a project of a government department contributes to the achievement of government targets regarding the fight against climate change or relating to the objectives of the energy transition, the Government may, exceptionally and if the minister responsible for the administration of the Environment Quality Act so recommends within 90 days after the expiry of the period prescribed by government regulation during which any person may submit observations on the issues that the impact assessment statement should address under section 31.3.1 of that Act, as it read before the coming into force of section 84 of this Act, allow certain preparatory work required as part of the project to be undertaken, despite sections 31.1 or 31.1.1 of the Environment Quality Act, as applicable, provided that the work is not, on its own, subject to that procedure under section 31.1 of that Act, as it read before the coming into force of section 82 of this Act.

The Government may so decide only if it is of the opinion that the public interest so warrants because the notice sent under section 31.2 of that Act, as it read before the coming into force of section 84 of this Act, shows

(1) that the independent supervision of the work does not compromise adequate protection of the environment or of the health, safety, welfare or comfort of human beings; and

(2) that the work must be carried out within shorter periods than those required for the purposes of the procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act so as not to compromise the achievement of government targets regarding the fight against climate change or relating to the objectives of the energy transition.

The Government may then attach the conditions, restrictions or prohibitions it determines to the carrying out of such work, including requiring security to ensure site restoration, if applicable.

Such work must be the subject of a ministerial authorization in accordance with subdivision 1 of Division II of Chapter IV of Title I of the Environment Quality Act. The Minister is bound only by the conditions, restrictions or prohibitions determined by the Government under the third paragraph when the Minister exercises the powers provided for by that Act. If that work is not carried out within the time specified by the Government in its decision, it must be the subject of the procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of that Act within the framework of the assessment of the project, and the Minister may require the project proponent to return to a prior stage in the procedure, if applicable.

The decision to allow the carrying out of certain preparatory work is communicated to the project proponent as soon as possible. If applicable, the Minister must update the directive sent under section 31.3 of the Environment Quality Act, as it read before the coming into force of section 84 of this Act.

No damage suffered by the project proponent if total or partial site restoration is later required gives entitlement to an indemnity, compensation or reparation from the State.

This section also applies where Hydro-Québec is the project proponent.

Where the Government makes a decision regarding the project under section 31.5 of the Environment Quality Act, the Government may exercise the powers set out in section 31.5.1 of that Act, enacted by section 90 of this Act, in respect of the preparatory work referred to in the fifth paragraph if that work has not been the subject of another compensation measure.

A monetary administrative penalty in the same amount as that prescribed in section 115.25 of the Environment Quality Act may be imposed on any person who fails to comply with a condition, restriction or prohibition imposed under this section.

Any person who fails to comply with a condition, restriction or prohibition imposed under this section is liable to the same penalties as those provided for in section 115.31 of that Act.

For the purposes of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), this section is deemed to be a provision of an Act concerned within the meaning of section 2 of that Act.

169. Until the coming into force of the first regulation made under the third paragraph of section 31.7 of the Environment Quality Act (chapter Q-2), enacted by section 92 of this Act, an authorization holder who must obtain from the Government an amendment to the holder's authorization issued under section 31.5 of the Environment Quality Act for changes made to the holder's project that are not subject to the procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act must provide all the information required to assess the impacts on the environment of the proposed changes.

170. Until the coming into force of section 98, any person who wishes to submit a plan or program referred to in section 31.9.1 of the Environment Quality Act (chapter Q-2), enacted by section 98 of this Act, to a sectoral or regional environmental impact assessment must send the minister responsible for the administration of the Environment Quality Act a notice of intention to that effect as well as a scoping proposal for that assessment. The notice and the scoping proposal must contain the same information as that provided for in section 31.9.3 of that Act, enacted by section 98 of this Act, and be accompanied by a demonstration that it is in the public interest not to delay the assessment of the plan or program so as to ensure that it is developed in keeping with the Government's environmental and social policy directions and objectives, including with respect to consideration of the cumulative impacts of the plan or program, and to ensure the participation of the public and of the Aboriginal communities in the planning of the development of the plan or program.

The Government decides whether it agrees to a sectoral or regional environmental assessment of the plan or program and so informs the person in charge. If applicable, the new provisions concerning the sectoral or regional environmental assessment provided for by the Environment Quality Act apply, with the necessary modifications.

Where the Government agrees to such an assessment, it determines the rules applicable to it.

171. Until the coming into force of the first regulation made under the fourth paragraph of section 31.58 of the Environment Quality Act (chapter Q-2), enacted by section 101 of this Act, the registration of a notice of contamination in the land registry under the first paragraph of section 31.58 of the Environment Quality Act, enacted by section 101 of this Act, is not required where the

characterization study that reveals the presence in land of contaminants in a concentration exceeding the regulatory limit values is sent to the minister responsible for the administration of the Environment Quality Act in support of an application for an authorization to be issued under section 22 of that Act for the treatment, on the land of origin, of contaminated soil or groundwater in order to, voluntarily and without the applicant for that authorization being required to do so under a provision of that Act, rehabilitate all or part of that land, or where such a study is performed in accordance with an authorization for the same purposes.

172. The concentration limit values in excess of which contaminants, when present in land, may give rise to implementation of the characterization, rehabilitation or publicity measures provided for in Division IV of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), prescribed by Government regulation, continue to apply until the coming into force of the first regulation of the Minister on the same subject made under the second paragraph of section 31.69 of that Act, as amended by section 102 of this Act.

173. For the purpose of calculating the five-year period prescribed in section 31.101.1 of the Environment Quality Act (chapter Q-2), enacted by section 112 of this Act, the first report on the measures implemented to ensure water management that complies with the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement following the date of assent to this Act must be submitted to the Great Lakes–St. Lawrence River Water Resources Regional Body before 31 December 2029.

174. The amounts that must be invested in the implementation of remedial plans in the event that the prescribed performance rates are not achieved, the parameters for establishing the quantities of products available for recovery, and those quantities, determined by the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), continue to apply until the coming into force of the first regulation of the Minister on the same subject made under the second paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), as amended by paragraph 2 of section 131 of this Act.

175. The approvals given by the minister responsible for the administration of the Environment Quality Act (chapter Q-2) under the fourth paragraph of section 124 of that Act as it read between 21 December 1972 and 23 June 1982, under the fifth paragraph of section 124 of that Act, as it read between 23 June 1982 and 1 May 2000, under the fourth paragraph of section 124 of that Act as it read between 1 May 2000 and 23 March 2018, and under the first paragraph of section 118.3.3 of that Act, as it read between 23 March 2018 and the date of coming into force of section 118.3.3 of that Act, enacted by section 149 of this Act, are revoked, except for the approvals referred to in the following notices:

– Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 17 March 1979, page 3414 (French only);

- Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 15 January 1983, page 136 (French only);
- Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 30 January 1988, page 338 (French only);
- Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 6 March 1999, page 224 (French only);
- Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 2 February 2002, page 113 (French only);
- Notice of approval published in Partie 1 of the *Gazette officielle du Québec* on 24 August 2024, page 467 (French only).

176. Until the coming into force of section 118.5 of the Environment Quality Act (chapter Q-2), replaced by section 188 of chapter 4 of the statutes of 2017 and amended by section 137 of chapter 8 of the statutes of 2022, paragraphs *c* and *o* of that section 118.5 are to be read as if “31.3” and “70.7” were replaced by “31.3.2” and “70.6”, respectively.

177. Until the coming into force of the second paragraph of section 118.5.0.1 of the Environment Quality Act (chapter Q-2), enacted by section 153 of this Act, information withdrawn from public consultation under section 31.8 of the Environment Quality Act need not be published in the environmental assessment register established under section 118.5.0.1 of that Act.

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

(1) section 1 insofar as it enacts “and heavy motor vehicles”, subparagraph *a* of paragraph 1 and paragraph 3 of section 2, sections 4 and 5, section 6 insofar as it enacts “and heavy motor vehicles”, section 8, paragraph 2 of section 9, section 11 insofar as it enacts sections 8.1 and 8.2 and the second paragraph of section 8.3, subparagraph *b* of paragraph 1 and paragraph 2 of section 12, section 13, paragraph 1 of section 14, paragraph 2 of section 14 insofar as it enacts “either of those sections”, paragraph 2 of section 15, section 16 insofar as it enacts “and heavy motor vehicle”, and sections 21 and 23, which come into force on the date of coming into force of the first regulation made under the first paragraph of section 3.1 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02), enacted by section 4 of this Act;

(2) section 27, and section 72, except subparagraph *b* of paragraph 2, which come into force on 31 March 2025;

(3) paragraph 2 of section 14 insofar as it enacts “June”, and paragraph 1 of section 15, which come into force on 2 September 2025;

(4) section 79, except paragraph 2 and subparagraph *b* of paragraph 5, sections 96, 99, 120 and 121, paragraph 2 of section 145, and section 156, which come into force on (*insert the date that is six months after the date of assent to this Act*);

(5) sections 29 to 33, 35, 50, 51, 73 to 75 and 84 to 86, section 88 except insofar as it enacts 31.4.2, paragraphs 1, 2 and 4 of section 89, paragraphs 1 to 3 of section 97, section 98, paragraph 3 of section 131, sections 136, 137 and 140, paragraph 2 of section 144, paragraph 3 of section 145, paragraph 2 of section 147, sections 149 to 153, and subparagraph *b* of paragraph 1 of section 155 except insofar as it enacts paragraph 4.2, which come into force on the date or dates to be set by the Government.

