

chapter Q-2, r. 0.1

Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act
(chapter Q-2, ss. 95.1 and 124.1).

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

O.C. 871-2020; S.Q. 2022, c. 8, s. 1.

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CHAPTER I

OBJECT, SCOPE AND INTERPRETATION

O.C. 871-2020, c. I.

1. The object of this Regulation is to prescribe certain general standards applicable to the carrying out of activities in wetlands and bodies of waters covered by section 46.0.2 of the Environment Quality Act (chapter Q-2), hereinafter referred to as the “Act”, and in other sensitive areas as a supplement in particular to the rules prescribed by other statutes and regulations.

O.C. 871-2020, s. 1; O.C. 1596-2021, s. 20.

2. Excluding sections 4, 8, 8.1, 33.1, 33.2, 33.4, 35.1, 35.2, 36, 38.1, 38.4, 38.5, 38.7 to 38.11, 42, 43.1, 46, 47, 48, 49, 49.0.1, 49.0.2 and 49.1, which apply generally to all types of activities, this Regulation applies to activities that are not subject to ministerial authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act nor to the amendment or renewal of such authorization.

It applies in particular in a reserved area and in an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

O.C. 871-2020, s. 2; O.C. 1596-2021, s. 21; O.C. 1461-2022, s. 1.

3. This Regulation does not apply

(1) to activities subject to the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), except those referred to in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(1.1) activities carried on in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), where the activities are authorized pursuant to that Act;

(1.2) activities carried on in the habitat of a threatened or vulnerable species of flora identified pursuant to paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), where the activities are authorized pursuant to that Act;

(1.3) activities carried on in accordance with an order issued pursuant to the Act;

(2) to the cultivation of non-aquatic plants and mushrooms, except Chapter I, Division VIII of Chapter III and sections 53 and 58;

(3) despite section 46.0.2 of the Act, to interventions carried out in

(a) the following man-made works:

i. an irrigation pond;

ii. a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

iii. a body containing water pumped from a sand pit or quarry, if it has not been restored;

iv. a commercial fishing pond;

v. a pond for the production of aquatic organisms;

vi. a basin reserved for firefighting purposes.

(b) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph *a* of subparagraph 3 of the first paragraph,

(1) the works must be on land or in a flood zone, excluding riverbanks and lakeshores and any wetlands present in that floodplain;

(2) the works must still be in use or, if not in use, must have been unused for at least 10 years;

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

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

O.C. 871-2020, s. 3; O.C. 1596-2021, s. 22; O.C. 1461-2022, s. 2.

3.1. Section 118.3.3 of the Act does not apply to this Regulation, except the provisions that apply to an activity subject to a municipal authorization under section 6, 7 or 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2).

O.C. 1596-2021, s. 23.

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

“alvar” means an open natural environment, either flat or slightly inclined, sometimes covered by a thin layer of soil, characterized by limestone or dolomite outcrops, as well as sparse vegetation composed mainly of shrubs, herbaceous plants and moss capable of withstanding extreme humidity and drought;

“body of water” means an area meeting the criteria set out in section 46.0.2 of the Act and characterized in particular by the permanent or temporary presence of water, which may occupy a bed and may be stagnant or in movement, such as a lake or watercourse, and including their lakeshores and riverbanks, littoral zone and flood zones; (*milieu hydrique*)

“boundary” means a line marking the limit of a wetland and corresponding to the point at which the soil ceases to be hydromorphic and the vegetation ceases to be dominated by hygrophilous species, in relation to the area where at least one of those conditions does apply; (*bordure*)

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

“flooded land” means the area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited in accordance with subparagraph 6 of the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2), and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means set out in subparagraphs 1 to 3 of the second paragraph of section 2 of that Regulation; (*territoire inondé*)

“flood zone” means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, the boundaries of which are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, when the boundaries have not been established, is identified by one of the means listed in the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; (*zone inondable*);

“forest cover” means the aggregate of the crowns of trees in a forest stand forming a more or less continuous canopy; (*couvert forestier*)

“forested peatland” means a peatland comprising trees more than 4 m tall covering at least 25% of its surface area; (*tourbière boisée*)

“forested swamp” means a swamp comprising trees more than 4 m tall covering at least 25% of its surface area; (*marécage arborescent*)

“forested wetland” means a forested peatland or a forested swamp; (*milieu humide boisé*)

“forest development activity” means an activity covered by paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out elsewhere than in the lands of the domain of the State and aimed specifically at the development and conservation of forest lands; (*activité d’aménagement forestier*)

“high-velocity flood zone” means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is deemed to be a high-velocity flood zone and an ice jam flood zone without distinguishing the zones with ice movement from the zones without ice movement; (*zone inondable de grand courant*)

“ice jam flood zone with ice movement” means an area that, because of the accumulation of ice or debris in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse, with ice movement, and that is identified as such on a map referred to in subparagraph 3 of the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; the zone is deemed to be a high-velocity flood zone; (*zone d’inondation par embâcle avec mouvement de glaces*);

“ice jam flood zone without ice movement” means an area that, because of the accumulation of ice or debris in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse, without ice movement, and that is identified as such on a map referred to in subparagraph 3 the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; the zone is deemed to be a low-velocity flood zone; (*zone d’inondation par embâcle sans mouvement de glaces*);

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

(1) 10 m where the slope is less than 30% or, if the slope is greater than 30%, having a bank no higher than 5 m;

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

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

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

“marsh” means an area of land that is permanently or temporarily flooded and is dominated by herbaceous vegetation growing on a mineral or organic soil; where shrubs and trees are present, they cover less than 25% of its surface area; (*marais*)

“open wetland” means any wetland that is not forested; (*milieu humide ouvert*)

“open peatland” means a peatland comprising trees more than 4 m tall covering less than 25% of its surface area; (*tourbière ouverte*)

“peatland” means an area of land covered with peat and resulting from the accumulation of partially decomposed organic matter in a layer at least 30 cm thick, in which the water table is usually at the same level as the soil or close to its surface; (*tourbière*)

“pond” means an area of land covered by water whose depth at low water is less than 2 m; if vegetation is present, it comprises floating or submerged plants and emergent plants covering less than 25% of its surface area; despite the foregoing, this definition does not apply to a commercial fishing pond or an aquatic organism breeding pond; (*étang*)

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

“public institution” means an institution covered by the definition in section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), with the exception of a tourist establishment; (*établissement public*)

“public security establishment” means an ambulance garage, a 9-1-1 emergency centre or a secondary emergency communication centre governed by the Act respecting emergency communication centres (chapter C-8.2.1) or any other establishment used in whole or in part to provide a public security service, including a police service or fire safety service; (*établissement de sécurité publique*)

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

“shrubby swamp” means any swamp that is not a forested swamp; (*marécage arbustif*)

“St. Lawrence lowlands” means the municipalities a part of whose territory is included in that natural province; (*basses-terres du Saint-Laurent*)

“swamp” means an area of land subject to seasonal flooding or characterized by a soil permanently or temporarily saturated with water and containing ligneous, shrubby or arborescent vegetation growing on a mineral soil covering more than 25% of its surface area; (*marécage*)

“silvicultural prescription” means a document prepared and signed by a forest engineer; (*prescription sylvicole*)

“watercourse” means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, the St. Lawrence River, the estuary of the St. Lawrence River, the Gulf of St. Lawrence and all the seas surrounding Québec, excluding a ditch; (*cours d’eau*)

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

When a municipality passes a by-law delimiting a lakeshore or riverbank with a width exceeding the widths set out in paragraphs 1 and 2 of the definition of “lakeshore” and “riverbank”, the municipality may apply the former width.

O.C. 871-2020, s. 4; O.C. 1596-2021, s. 24; O.C. 1461-2022, s. 3.

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

- (1) a reference to a littoral zone, riverbank or lakeshore includes any wetlands present;
- (2) a reference to body of water includes any wetlands present in the littoral zone or on the riverbank or lakeshore, excluding any wetlands present in a flood zone;
- (3) a reference to a flood zone excludes the littoral zone, riverbanks and lakeshores, and any wetlands present;
- (4) a reference to a pond, marsh, swamp, peat bog or wetland in general is a reference to the environment concerned if it is not situated in the littoral zone or on a riverbank or lakeshore;

(5) a reference to an area or length is a reference to the cumulative area or length for the type of environment affected by the activity;

(6) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or lake;

(b) from the boundary, for a wetland;

(c) from the top of the bank, for a ditch;

(7) the construction of an infrastructure, works, building or equipment includes its siting, replacement, reconstruction, substantial modification, relocation and dismantling, and any prior activity to clear trees;

(8) the maintenance of an infrastructure, works, building or equipment includes its inspection, refurbishment and repair; it is carried on in the immediate vicinity of the infrastructure, works, building or equipment and includes the necessary vegetation control;

(9) a substantial modification includes a change to the structural or functional characteristics of an infrastructure, work, building or equipment; it also includes an enlargement, extension or prolongation;

(10) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure and protect it against erosion and landslides, excluding the approaches and protection works for bridges and culverts which form an integral part of those structures, and retaining walls;

(11) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a stabilization works, a railway, a bridge, a culvert or any other works to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(a) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;

(12) a temporary road is a road put in place for a maximum period of 3 years and which is dismantled after use;

(12.1) necessary access to a main residential building or accessory building does not include a road;

(13) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(14) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(15) the terms “invasive exotic plant species”, “ditch” and “public road” have the meaning assigned in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(16) the flood-proofing of an infrastructure, work or building involves applying various measures to protect against flood damage;

(17) a building is considered to be a main residential building where it includes at least a residential part;

(18) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered as being part of the building;

(19) the term “underground linear public utility infrastructures” includes the following infrastructures:

(a) a natural gas supply or distribution pipeline;

(b) a power or telecommunications transmission and distribution line.

O.C. 871-2020, s. 5; O.C. 1596-2021, s. 25; O.C. 1461-2022, s. 4.

CHAPTER II

GENERAL STANDARDS APPLICABLE TO ALL WETLANDS AND BODIES OF WATER

O.C. 871-2020, c. II.

DIVISION I

MISCELLANEOUS PROVISIONS

O.C. 871-2020, Div. I.

6. This Chapter applies to all wetlands and bodies of water.

O.C. 871-2020, s. 6.

7. Interventions carried out in wetlands and bodies of water must not interfere with the free flow of water.

However, such interventions may cause certain permanent restrictions to the free flow of water if they concern a bridge, culvert, weir, baffle or stabilization work.

O.C. 871-2020, s. 7; O.C. 1596-2021, s. 26.

8. Work carried out in wetlands and bodies of water must satisfy the following conditions:

(1) materials must be used that are appropriate for the area concerned;

(2) measures must be taken to control erosion, sediments and suspended matter.

O.C. 871-2020, s. 8.

8.1. The activities involved in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited in a wetland or body of water.

O.C. 1596-2021, s. 27.

DIVISION II

EXPLOSIVES

O.C. 871-2020, Div. II.

9. No work carried out in wetlands and bodies of water may include the use of explosives, except for the following:

(1) work carried out in the unwatered area of a lakeshore or riverbank or a flood zone in the course of work carried out by the Minister responsible for the Act respecting roads (chapter V-9);

(2) seismic refraction surveys.

O.C. 871-2020, s. 9; O.C. 1596-2021, s. 28.

DIVISION III

EXCAVATION AND BACKFILLING

O.C. 871-2020, Div. III.

10. No work carried out in wetlands and bodies of water may include excavation or backfilling.

The provisions of the first paragraph do not apply to work whose nature necessarily entails excavation and backfilling, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from work covered by the second paragraph may give rise to temporary encroachments in wetlands and bodies of water if the work is carried out in the right-of-way of the undertaking or in the immediate work zone.

At the end of any intervention, spoil and excess materials must be disposed of outside of wetlands and bodies of water and managed so as to forestall runoff from sediment toward those areas, except for drilling mud, which may be left in an unwatered wetland, and any other spoil and materials covered by a contrary provision of this Regulation.

O.C. 871-2020, s. 10.

DIVISION IV

VEHICLES AND MACHINERY

O.C. 871-2020, Div. IV.

11. A vehicle or machinery may circulate in a lakeshore or riverbank, a flood zone or a wetland provided the area is restored to its original condition, or a condition close thereto if ruts are formed.

The refuelling and maintenance of vehicles or machinery may be carried out in a dewatered littoral zone, a lakeshore or riverbank, a flood zone or a wetland provided the vehicles or machinery are equipped with a collection system for collecting fluid leakage and spillage, or with a spillage prevention device.

The first paragraph does not apply to ruts formed in trails laid out in a forested wetland and a flood zone for the purpose of a forest management activity if they appear over no more than 25% of the total length of the trails laid out in each harvest area.

O.C. 871-2020, s. 11; O.C. 1596-2021, s. 28; O.C. 1461-2022, s. 5.

DIVISION V

FOREST DEVELOPMENT ACTIVITY

O.C. 871-2020, Div. V.

12. Sylvicultural treatments applied in wetlands and bodies of water must be carried out by promoting natural regeneration of the vegetation.

If natural regeneration of the vegetation is inadequate to restore the forest cover, the site must be reforested within 4 years after the end of the treatments, except where the treatments are carried out in a flood zone or forested wetland following the occurrence of a natural disturbance such as a windfall, epidemic, fire or ice storm. In such a case, the site must be reforested, but no time limit applies to that requirement.

O.C. 871-2020, s. 12; O.C. 1596-2021, s. 28.

13. Sylvicultural treatments in wetlands and bodies of water must be carried out without soil amendment.

O.C. 871-2020, s. 13.

14. Despite the fourth paragraph of section 10 and section 13, spreading of wood waste is permitted in the lakeshore or riverbank, a flood zone and a forested wetland or a wetland reforested after having been abandoned for agricultural use.

O.C. 871-2020, s. 14; O.C. 1596-2021, s. 28.

DIVISION VI

RESTORATION

O.C. 871-2020, Div. VI.

15. At the end of any intervention in wetlands and bodies of water,

- (1) any temporary undertaking must be dismantled, subject to any contrary provision;
- (2) the banks must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the area;
- (3) except for sylvicultural treatments, the areas concerned must be restored within one year following the end of the intervention including, where applicable,
 - (a) land restoration;
 - (b) in the unwatered zone, revegetation of the areas concerned if they have been stripped of vegetation or soil, except
 - i. for drilling work;
 - ii. for taking samples, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements, in respect of the tree stratum;
 - iii. where the revegetation jeopardizes the stability or security of an undertaking, in respect of the tree and shrub stratum.

O.C. 871-2020, s. 15; O.C. 1461-2022, s. 6.

16. Where land restoration is required pursuant to this Regulation, it must meet the following conditions:

(1) outside the littoral zone, it must be carried out with the excavated materials or, where that is not possible, with substitute materials of the same type;

(2) inside the littoral zone, it must be carried out with the stabilized original substrate, unless it is composed of particles smaller than 5 mm;

(3) the organic part of the soil must be returned to place on the surface of the ground profile;

(4) the debris and other residual materials must be removed, unless they consist of wood waste present outside the littoral zone and produced by any activity other than that covered by section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(5) the original drainage conditions must be restored or equivalent drainage conditions must be established;

(6) it must be carried out as far as possible with the original topography of the areas concerned being preserved.

O.C. 871-2020, s. 16.

17. Where revegetation is required pursuant to this Regulation, it must meet the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected and are adapted to the environment, ideally native species and not invasive exotic plant species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation.

O.C. 871-2020, s. 17.

CHAPTER III

SPECIAL STANDARDS APPLICABLE TO BODIES OF WATER

O.C. 871-2020, c. III.

DIVISION I

GENERAL PROVISION

O.C. 871-2020, Div. I.

18. This Chapter applies to bodies of water.

O.C. 871-2020, s. 18; O.C. 1596-2021, s. 30.

18.1. Work requiring the removal and trimming of vegetation in the littoral zone or a lakeshore or riverbank must be carried out without stump removal, unless the nature of the work entails stump removal.

O.C. 1596-2021, s. 31; O.C. 1461-2022, s. 7; O.C. 984-2023, s. 1.

DIVISION II

INFRASTRUCTURES, WORKS AND BUILDINGS

O.C. 871-2020, Div. II; O.C. 1596-2021, s. 29.

19. *(Revoked).*

O.C. 871-2020, s. 19; O.C. 1596-2021, s. 32.

20. Laying out of a road in a lakeshore or riverbank or extension of such a road causing additional encroachment into the lakeshore or riverbank must be for the sole purpose of crossing it.

The establishment, alteration or extension of a pipe in a sewer system or storm water management system, or a ditch or outflow, must,

(1) if the work is carried out in the lakeshore or riverbank, be for the sole purpose of crossing the lakeshore or riverbank or discharging water into that area;

(2) if the work is carried out in the littoral zone, be for the sole purpose of discharging water into that area.

O.C. 871-2020, s. 20; O.C. 1461-2022, s. 8; O.C. 984-2023, s. 2.

21. Construction of a permanent undertaking in a watercourse must not widen the watercourse beyond the limit of the littoral zone, unless the undertaking is aimed at restoring the natural width of the watercourse. The same applies for the installation of a permanent facility.

A watercourse may not be permanently narrowed by encroaching on more than 20% of its width or, where an undertaking or facility is present that has already narrowed the watercourse by encroaching on more than 20% of its width, it may not be further narrowed beyond the extent of that existing encroachment.

O.C. 871-2020, s. 21; O.C. 1461-2022, s. 9.

22. *(Revoked).*

O.C. 871-2020, s. 22; O.C. 1596-2021, s. 33.

DIVISION III

(Revoked)

O.C. 871-2020, Div. III; O.C. 1596-2021, s. 34.

23. *(Revoked).*

O.C. 871-2020, s. 23; O.C. 1596-2021, s. 34.

24. *(Revoked).*

O.C. 871-2020, s. 24; O.C. 1596-2021, s. 34.

DIVISION IV

WATERCOURSE MAINTENANCE

O.C. 871-2020, Div. IV.

25. The maintenance work on a watercourse covered by section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must meet the following conditions:

- (1) it must be carried out in the lower one third of the height of the bank;
- (2) it must not be carried out during a period of flooding in the watercourse;

(3) it must be solely for the purpose of removing accumulated sediment or, where the original plans of the watercourse are available, the work must not allow the watercourse to be excavated beyond the depth indicated in the original plans of the watercourse.

In addition, during the carrying out of the work covered by the first paragraph, the sediment removed must meet the following conditions:

(1) it must be deposited and graded outside the littoral zone or a wetland located in a lakeshore or riverbank;

(2) for the cleaning work covered by subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, it must be deposited more than 3 m from the boundary of the littoral zone for work carried out on a cultivated parcel and outside the lakeshore or riverbank in other cases;

(3) for the cleaning work covered by subparagraphs 2 and 3 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, it must be deposited more than 3 m from the top of the bank;

(4) it must not modify the topography of the site if it is deposited and graded in a flood zone, including the lakeshore or riverbank, where applicable.

O.C. 871-2020, s. 25; O.C. 1596-2021, ss. 28 and 35.

26. Tree clearing and brush cutting work required to carry out maintenance work on a watercourse must meet the following conditions:

- (1) it must be carried out on only one bank of the watercourse;
- (2) it must be limited to the space necessary for carrying out the work;
- (3) it may not cause the complete removal of the riparian arborescent vegetation;
- (4) the plant debris must be removed from the littoral zone.

O.C. 871-2020, s. 26.

27. A municipality carrying out maintenance work on a watercourse covered by subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is required to provide to the Minister, at the Minister's

request and within the time and in the manner and form the Minister determines, the longitudinal and projected profiles as well as the original plans of the watercourse.

O.C. 871-2020, s. 27.

DIVISION V

DEWATERING AND NARROWING OF A WATERCOURSE

O.C. 871-2020, Div. V.

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

If dewatering or narrowing work is carried out by the Minister responsible for the Act respecting roads (chapter V-9) or by a municipality, it must comply with the following conditions:

(1) in the case of work lasting for not more than 20 days, the dewatering or narrowing may be complete if the water is totally redirected downstream of the work;

(2) in the case of work lasting for more than 20 days, the dewatering or narrowing,

(a) if there is a permanent infrastructure present for which dewatering or narrowing is required,

i. may not exceed one half of the infrastructure's opening if the dewatering or narrowing is carried out between 15 June and 30 September;

ii. may not exceed one third of the infrastructure's opening if the dewatering or narrowing is carried out between 1 October and 14 June;

(b) if there is no permanent infrastructure present for which dewatering or narrowing is required, may not exceed two thirds of the width of the watercourse.

If dewatering or narrowing work is carried out by any person other than a person referred to in the second paragraph, it may not last for more than 30 consecutive days and, in addition to the conditions set out in the first paragraph, it must comply with the following conditions:

(1) in the case of work lasting for no more than 10 days, the dewatering or narrowing may be complete if the width of the watercourse is less than 5 m and the water is totally redirected downstream of the work;

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

This section does not apply where dewatering or narrowing work is carried out for the purpose of managing a dam.

O.C. 871-2020, s. 28; O.C. 1461-2022, s. 10.

29. Dewatering or narrowing work on a watercourse must meet the following conditions:

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

(2) if granular materials are used, they must originate from a duly authorized quarry or sand pit or a site located more than 30 m from the littoral zone and a flood zone;

(3) if the pumped water contains suspended matter visible to the naked eye, it must be discharged

(a) into a sedimentation basin located within the right-of-way of a road, if the work is carried out by a government department, public body or municipality, subject to the following conditions:

- i. the basin must not be located in the littoral zone;
- ii. the basin must not be located in the bank of the watercourse, unless it is impossible to find another location, in which case it must not be located in any wetland present therein;

(b) into an area of vegetation located more than 30 m from the littoral zone, such as a field of grass or forest litter, provided the point of discharge is regularly shifted to a new location.

O.C. 871-2020, s. 29; O.C. 1596-2021, s. 36.

30. Any undertaking used for dewatering or narrowing a watercourse must be dismantled by first removing the materials situated inside the dewatered area and by advancing from the area downstream of the undertaking toward upstream.

O.C. 871-2020, s. 30.

DIVISION VI

WATER WITHDRAWAL FACILITY

O.C. 871-2020, Div. VI.

31. Construction of a surface water withdrawal facility in a flood zone must be carried out in such a way that the components of the facility are located under ground level, for the portion located outside the littoral zone, or placed on the surface temporarily.

For the purposes of this section, the reference to a flood zone includes the littoral zone and the lakeshore or riverbank, where applicable.

O.C. 871-2020, s. 31; O.C. 1596-2021, s. 37.

32. Construction of a surface water withdrawal facility aimed at supplying a temporary industrial camp must be carried out in compliance with the following conditions:

- (1) no impounding structure may be installed in a watercourse or lake;
- (2) any area cleared of vegetation in a lakeshore or riverbank or in the littoral zone must be no wider than 5 m;
- (3) the pumping equipment must be installed elsewhere than in a lakeshore or riverbank or in the littoral zone, except in the case of a submersible pump.

The quantity of water withdrawn by the water withdrawal facility may not, at any time, exceed 15% of the instantaneous flow of the watercourse or lower the level of a lake by more than 15 cm.

O.C. 871-2020, s. 32.

DIVISION VII

DRILLING WORK

O.C. 1596-2021, s. 38.

33. Hydraulic fluids and drilling greases used for a drill in the littoral zone or in a lakeshore or riverbank must be degradable to more than 60% in 28 days.

At the end of the work,

(1) the drill holes must be sealed in such a way as to prevent contaminants from migrating from the surface toward an aquifer;

(2) the tubing located in the littoral zone or a lakeshore or riverbank must be removed or cut off at ground level.

O.C. 871-2020, s. 33; O.C. 1596-2021, s. 39.

DIVISION VIII

CULTIVATION OF NON-AQUATIC PLANTS AND MUSHROOMS

O.C. 1596-2021, s. 40.

33.1. The cultivation of non-aquatic plants and mushrooms is prohibited in the littoral zone and in a 3-metre-wide strip alongside the littoral zone, except if, for the part in the littoral zone, it is eligible for a declaration of compliance under section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), and declared in accordance with that Regulation, in which case the cultivation in the littoral zone and in the 3-metre-wide strip alongside the littoral zone must meet the following conditions:

(1) on 1 December each year, the soil of the areas cultivated in the littoral zone by an operator must be entirely covered by rooted vegetation;

(2) at least 10% of the area cultivated in the littoral zone by an operator must be planted with perennial plants;

(3) in the vegetation strip that must be preserved in accordance with paragraph 1 of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, only the following activities are permitted:

(a) seeding and planting plants to ensure the presence of the vegetation strip;

(b) picking and pruning;

(c) mowing, which may be performed only after 15 August each year and on condition that, by 1 November each year, the plants are at least 30 cm tall.

For the purposes of this section, if there is a bank, the distance must include a width of at least 1 m from the top of the bank.

For the purposes of subparagraph 1 of the first paragraph, wide-row crops such as corn and soy are not deemed to be a form of vegetation that covers the soil entirely unless they are combined with intercropping.

For the purposes of subparagraph 2 of the first paragraph, the vegetation strip may be included as a cultivated area in the calculation of the area cultivated with perennial plants.

Starting on 1 January 2023, subparagraph 1 of the first paragraph must be applied to 20% of the areas cultivated by an operator. The percentage must increase by 10% each year until all cultivated areas are covered.

O.C. 1596-2021, s. 40.

33.2. The cultivation of non-aquatic plants and mushrooms in the part of a lakeshore or riverbank not covered by the first paragraph of section 33.1 is prohibited, unless it is carried out in accordance with section 340.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

O.C. 1596-2021, s. 40.

CHAPTER III.1

SPECIAL STANDARDS APPLICABLE TO THE LITTORAL ZONE

O.C. 1596-2021, s. 40.

DIVISION I

GENERAL PROVISIONS

O.C. 1596-2021, s. 40.

33.3. This Chapter applies to the littoral zone.

O.C. 1596-2021, s. 40.

DIVISION II

INFRASTRUCTURES, WORKS AND BUILDINGS

O.C. 1596-2021, s. 40.

33.4. The construction, in the littoral zone, of a main residential building and its accessory buildings and works, including the necessary access, is prohibited.

For the purposes of this section, “construction” does not include dismantling.

O.C. 1596-2021, s. 40.

33.5. The construction of a deflector in the littoral zone must be carried out at a point where the littoral zone is no wider than 4.5 m.

The same applies for the construction of a weir, unless it is associated with a culvert installed by the minister responsible for the Act respecting roads (chapter V-9) and is aimed at permitting the free circulation of fish, in which case 2 weirs may be installed within a distance corresponding to 4 times the opening of the culvert.

A weir must be equipped with a notch and, once installed, may not cause the water level between the areas upstream and downstream of the work to vary by more than 20 cm from the water line.

O.C. 1596-2021, s. 40.

DIVISION III

VEHICLES AND MACHINERY

O.C. 1596-2021, s. 40.

33.6. The use of a vehicle or machinery in the littoral zone required to carry out construction or maintenance work is permitted only if the littoral zone is dewatered, except for

- (1) drilling work;
- (2) constructing a temporary work;
- (3) making preliminary technical surveys;
- (4) taking samples;
- (5) taking measurements.

O.C. 1596-2021, s. 40.

33.7. Where there is no ford or work available for crossing a watercourse, a vehicle or machinery may circulate in the littoral zone of a watercourse for only one back-and-forth crossing, provided the crossing point chosen minimizes the impacts on the watercourse.

O.C. 1596-2021, s. 40.

CHAPTER IV

SPECIAL STANDARDS APPLICABLE TO LAKESHORES AND RIVERBANKS

O.C. 871-2020, c. IV.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I; O.C. 1596-2021, s. 41.

34. This Chapter applies to lakeshores and riverbanks.

O.C. 871-2020, s. 34; O.C. 1596-2021, s. 30.

35. *(Revoked).*

O.C. 871-2020, s. 35; O.C. 1596-2021, s. 42.

DIVISION I.1

INFRASTRUCTURES, WORKS AND BUILDINGS

O.C. 1596-2021, s. 43.

35.1. Construction work on a main residential building and its accessory buildings and works, including the necessary access, is prohibited on a lakeshore or riverbank if it is carried out in compliance with section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

For the purposes of the first paragraph, “construction” does not include dismantling.

O.C. 1596-2021, s. 43; O.C. 984-2023, s. 3.

35.2. Sections 38.1, 38.2, 38.6 and 38.7 apply, with the necessary modifications, to work on a work or building carried out on a lakeshore or riverbank that is also in a flood zone.

O.C. 1596-2021, s. 43.

DIVISION II

FOREST DEVELOPMENT ACTIVITIES

O.C. 871-2020, Div. II.

36. Harvesting of trees in a lakeshore or riverbank carried out for the purpose of a forest development activity must be done in such a way as to promote maintenance of at least 50% of the forest cover and with the trees left standing being uniformly spaced, unless the harvesting results from the occurrence of a natural disturbance and covers more than 50% of trees measuring more than 10 cm in diameter. In such a case, if the surface area to be harvested is more than 1,000 m², the harvest must be recommended in a silvicultural prescription.

The silvicultural prescription must be kept by the person that carries out the activity for 5 years and must be provided to the Minister at the Minister’s request and within the time and subject to the other conditions the Minister determines.

O.C. 871-2020, s. 36.

CHAPTER V

SPECIAL STANDARDS APPLICABLE TO FLOOD ZONES

O.C. 871-2020, c. V; O.C. 1596-2021, s. 28.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I; O.C. 1596-2021, s. 44.

37. This Chapter applies to a flood zone.

O.C. 871-2020, s. 37; O.C. 1596-2021, ss. 28 and 30.

37.1. For the purposes of subparagraph 3 of the first paragraph of section 38.5, paragraph 1 of section 38.6, the third paragraph of section 38.9 and subparagraph 2 of the first paragraph of section 38.12, where the 100 year flood recurrence level has not been established, a reference to that level is a reference to the highest flood water level used to determine the boundaries of the flood zone.

O.C. 1596-2021, s. 45.

DIVISION II

INFRASTRUCTURES, WORKS AND BUILDINGS

O.C. 871-2020, Div. II; O.C. 1596-2021, s. 46.

§ 1. — *All flood zones*

O.C. 1596-2021, s. 47.

38. Except in the cases provided for in the second paragraph, work relating to an infrastructure, work, building or facility already present in the flood zone must not increase its exposure to flooding.

Work on a road, culvert, bridge or stabilization work for a road must not increase its surface area exposed to flooding by more than 25%, except where the work involves the siting of a new work.

For the purposes of this section, the reference to a flood zone includes the littoral zone and the lakeshore or riverbank, where applicable.

O.C. 871-2020, s. 38; O.C. 1596-2021, s. 48; I.N. 2022-03-01.

38.1. Work on a structure or guardrail must allow flood water to dissipate.

The erection of a fence is prohibited in an ice jam flood zone with or without ice movement.

O.C. 1596-2021, s. 49.

38.2. Stabilization works must not result in an increase in the ground level.

O.C. 1596-2021, s. 49.

38.3. Work to construct an artificial basin, pond or lake must not include an intake channel or discharge point in a wetland or body of water. Work to backfill such an area may not be carried out until it has been dewatered.

O.C. 1596-2021, s. 49.

38.4. The following activities are prohibited in a flood zone:

- (1) work on a flood protection work, except
 - (a) maintenance work on an existing flood protection work;
 - (b) the construction of a flood protection work carried out by a government department, a municipality or a public body, on the following conditions:
 - i. there is no other suitable way to provide adequate protection for persons and property;
 - ii. it is in the public interest, in particular because of the number of persons, infrastructures, buildings or works protected;

iii. in the case of the siting of a flood protection work, the work must protect an area in which 75% of the lots are already occupied by a building or work;

(2) when it concerns a public institution or public security establishment,

(a) the construction of a main building;

(b) work to change the intended use of a building to house a public security establishment or public institution;

(3) work for the construction of an underground parking garage.

Subparagraphs *a* and *b* of subparagraph 2 of the first paragraph do not apply when the urbanization perimeter of a municipality lies entirely within a flood zone.

For the purposes of the first paragraph, “construction” does not include dismantling.

O.C. 1596-2021, s. 49.

38.5. Work on a main residential building and its accessory buildings and works, including the necessary access, must meet the following conditions in addition to the other conditions set out in this Chapter:

(1) in the case of the relocation of a main building,

(a) it is to a new site at a higher elevation;

(b) it moves the building away from a lakeshore or riverbank;

(c) it is to a site that does not increase the exposure to ice;

(2) in the case of the construction of an accessory building or work for a main building,

(a) if for a building, it involves neither foundations nor anchoring;

(b) the encroachment into the flood zone is not more than 30 m² or, if the encroachment is into an agricultural zone ordered by the Government or established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), not more than 40 m²;

(3) in the case of the construction of the necessary access,

(a) it is associated with a building or work;

(b) it cannot be carried out above the 100 year flood recurrence level, except as necessary to ensure evacuation of occupants;

(c) it is carried out with surfacing that allows water to infiltrate into the soil;

(d) the necessary work respects the original topography of the site as far as possible if it includes grading or the replacement of a layer of unconsolidated deposits.

For the purposes of subparagraphs 2 and 3 of the first paragraph, “construction” does not include dismantling.

Works intended for bathing are excluded from the application of subparagraph *b* of subparagraph 2 of the first paragraph.

O.C. 1596-2021, s. 49.

38.6. The construction of a main building must, where applicable, comply with the following flood-proofing measures:

(1) openings such as windows, basement windows and access doors, as well as the main floor, must be at least 30 cm above the 100 year flood recurrence level, with the exception of air vents situated under the crawl space of an existing building or an open space under the building allowing water circulation;

(2) drains must be equipped with check valves;

(3) rooms that are occupied by a person, in particular to sleep, eat or prepare meals, must be elsewhere than in the basement;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must not be installed in the basement, unless the nature of the system makes that location mandatory;

(5) the basement, if finished, must be finished using water-resistant materials.

O.C. 1596-2021, s. 49.

38.7. In no case may a work or building be flood-proofed by erecting a permanent protective wall.

The flood-proofing of a main building by backfilling is also prohibited unless, in the case of an existing building, the measures set out in section 38.6 cannot be complied with and backfilling is considered by a professional to be an appropriate flood-proofing measure.

O.C. 1596-2021, s. 49.

38.8. Despite any contrary provision in this Chapter, when work on a recognized or classified heritage immovable, including its protection area if applicable, an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002) or an immovable listed in an inventory carried out in accordance with section 120 of that Act has been authorized by the Minister of Culture and Communications or by the municipality having jurisdiction, as the case may be, pursuant to that Act, reconstruction is permitted following a flood. Relocation and substantial modification work are also permitted, with a maximum encroachment of 30 m² into the flood zone, if authorized by the Minister of Culture and Communications or the municipality having jurisdiction, as the case may be.

The flood-proofing measures set out in this Division apply in the case of any work referred to in the first paragraph unless the owner has a notice, signed by a professional, showing that the prescribed measures affect the heritage value of the immovable, if the measures proposed offer equivalent protection for persons and property.

O.C. 1596-2021, s. 49.

§ 2. — *High-velocity flood zones*

O.C. 1596-2021, s. 49.

38.9. The following activities are prohibited when carried out in a high-velocity flood zone:

(1) the laying out of a public road, except if used to cross a lake or watercourse;

(2) work to install, modify or extend a pipe in a waterworks system, sewer system or storm water management system and all work for the establishment of a linear public utility infrastructure, except

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

- i. constructed in a high-velocity flood zone before 23 June 2021;
 - ii. whose construction is not prohibited in a high-velocity flood zone;
- (b) when the system is intended to serve an infrastructure, a building, or a sector outside the high-velocity zone;
- (c) when the work relates to a public road;
- (3) the construction of any residential building and the necessary access, except
- (a) access to an existing main building;
 - (b) an accessory building or work;
- (4) the reconstruction of a main residential building except
- (a) when it has sustained flood damage, provided that the value of the damage sustained is less than one half of the new-build cost for the building, excluding accessory buildings and works, and improvements to the site, established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec and adjusted on 1 July of the year preceding the year in which the building was affected by the flood;
 - (b) when it has sustained damage other than damage connected with flooding, provided that the building has the same dimensions and is on the same site as the original building, except in the cases where it is relocated in accordance with section 38.5;
- (5) the enlargement of a main residential building, including above or below ground, except work for relocating rooms used by one person for living or facilities essential for the building.

The first paragraph does not apply to accessory buildings or works erected temporarily or seasonally.

For the purposes of subparagraph 5 of the first paragraph, the enlargement of a main residential building that involves the relocation of rooms used by a person for living or of facilities essential for the building must, in addition to the other applicable conditions provided for in this Chapter, be carried out at least 30 cm above the 100 year flood recurrence level and must not result in additional encroachment into the flood zone.

O.C. 1596-2021, s. 49; I.N. 2022-03-01; O.C. 984-2023, s. 4.

§ 3. — *Low-velocity flood zones*

O.C. 1596-2021, s. 49.

38.10. The following are prohibited when carried out in a low-velocity flood zone:

- (1) the construction of a main residential building on land that has been backfilled without having obtained the required authorizations or has become vacant following a flood;
- (2) work carried out to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system except
 - (a) when the system is intended to serve
 - i. an infrastructure or a building constructed before 23 June 2021 in a low-velocity zone;
 - ii. any other infrastructure or building whose construction is not prohibited in a low-velocity zone and provided that the conditions set out in section 38.11 are met, if applicable;

(b) when the system is intended to serve an infrastructure, a building or a sector situated outside the low-velocity zone;

(c) when the work relates to a public road.

For the purposes of first paragraph,

(1) “construction” does not include dismantling;

(2) land is vacant when more than one year elapses from the dismantling of a main residential building located on the land, without reconstruction work having begun.

O.C. 1596-2021, s. 49.

38.11. Work on a work or building must meet the following conditions in addition to the other applicable conditions set out in this Chapter:

(1) the siting of a main residential building must be carried out on a lot

(a) situated within the urbanization perimeter shown on a land use and development plan;

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

(c) located between 2 other lots on which a main building is located;

(d) that does not result from the subdivision of a lot carried out after 23 June 2021;

(2) the enlargement of a main residential building must be carried out at least 30 cm above the 100 year flood recurrence level and not result in additional encroachment into the flood zone.

O.C. 1596-2021, s. 49; O.C. 1461-2022, s. 11; O.C. 984-2023, s. 5.

39. *(Revoked).*

O.C. 871-2020, s. 39; O.C. 1596-2021, s. 50.

40. *(Revoked).*

O.C. 871-2020, s. 40; O.C. 1596-2021, s. 50.

CHAPTER VI

SPECIAL STANDARDS APPLICABLE TO WETLANDS

O.C. 871-2020, c. VI.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I.

41. This Chapter applies to wetlands.

O.C. 871-2020, s. 41; O.C. 1596-2021, s. 30.

42. Races, rallies and other motor vehicle competitions are prohibited in wetlands.

O.C. 871-2020, s. 42.

DIVISION II

INFRASTRUCTURES, WORKS AND BUILDINGS

O.C. 871-2020, Div. II; O.C. 1596-2021, s. 51.

43. Before construction is undertaken on a winter road in an open peatland not covered by section 45, a plan for its construction must be prepared and signed by an engineer.

The plan must be kept by the person that carries out the activity for 5 years and must be provided to the Minister at the Minister's request and within the time and subject to the conditions the Minister determines.

O.C. 871-2020, s. 43.

43.1. Sections 38 to 38.2 and 38.4 to 38.11 apply, with the necessary modifications, to work on a work or building carried out in a wetland that is also in a flood zone.

O.C. 1596-2021, s. 52.

DIVISION III

FOREST DEVELOPMENT ACTIVITY

O.C. 871-2020, Div. III.

44. Harvesting of trees in a forested wetland for the purpose of a forest development activity must be carried out in such a way as to maintain a forest cover composed of trees with an average height of at least 4 m over at least 30% of the total surface area of all the forested wetlands included in a private forest constituting a unit of assessment within the meaning of the Act respecting municipal taxation (chapter F-2.1).

For a tree harvest targeting more than 50% of the trees measuring at least 10 cm in diameter in a forested wetland, the person who carries out the harvest must maintain a forested strip at least 60 m wide between the different harvest areas. In the strip, no work may be carried out until such time as the trees have reached an average height of 4 m in the adjacent harvest areas, unless the work is undertaken solely for the purpose of providing a crossing between harvest areas. Unless it was recommended in a silvicultural prescription, such a harvest is limited to

- (1) 4 ha per harvest area in the St. Lawrence lowlands;
- (2) 25 ha per harvest area in any other territory.

This section does not apply to a tree harvest carried out for the purpose of recovering timber following a natural disturbance.

O.C. 871-2020, s. 44.

45. The following forest development activities must be recommended in a silvicultural prescription:

- (1) tree harvesting in forested wetlands over a surface area exceeding the surface areas prescribed in subparagraphs 1 and 2 of the second paragraph of section 44;

(2) site preparation by mechanized scarification in forested wetlands over a surface area of more than 4 ha per intervention area;

(3) construction of a winter road in an open peatland;

(4) roadside construction of a ditch to a depth of more than 1 m below the surface of the litter layer;

(5) construction of a road more than 120 m long in a forested wetland and more than 35 m long in any other wetland.

The silvicultural prescription must be kept by the person who carries out the activity for 5 years and must be provided to the Minister at the Minister's request and within the time and subject to the other conditions the Minister determines.

O.C. 871-2020, s. 45.

CHAPTER VII

SPECIAL STANDARDS APPLICABLE TO CERTAIN SENSITIVE AREAS

O.C. 871-2020, c. VII.

DIVISION I

DUNES

O.C. 871-2020, Div. I.

46. Races, rallies and other motor vehicle competitions are prohibited on dunes.

O.C. 871-2020, s. 46.

47. Circulation of motor vehicles is prohibited on dunes, except

(1) on trails lawfully developed and identified for that purpose situated in the territory of the Communauté maritime des Îles-de-la-Madeleine;

(2) if circulation is required to carry out work.

O.C. 871-2020, s. 47; O.C. 1461-2022, s. 12.

DIVISION II

BEACHES AND OFFSHORE BARS

O.C. 871-2020, Div. II.

48. Races, rallies and other motor vehicle competitions are prohibited on beaches and offshore bars.

O.C. 871-2020, s. 48.

49. Circulation of motor vehicles is prohibited on beaches and offshore bars located in the littoral zone of the St. Lawrence River downstream from the pont Laviolette, the estuary and the Gulf of St. Lawrence, as well as the baie des Chaleurs and the islands located therein, except for

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

- (2) circulation required for a lawfully practised hunting, fishing or trapping activity;
- (3) circulation on trails lawfully developed and identified for that purpose;
- (4) circulation required for accessing a property;
- (5) circulation required in carrying out work.

O.C. 871-2020, s. 49.

DIVISION II.1

ALVARS

O.C. 1461-2022, s. 13.

49.0.1. Races, rallies and other motor vehicle competitions are prohibited on alvars.

O.C. 1461-2022, s. 13.

49.0.2. Circulation of motor vehicles is prohibited on alvars, except for

- (1) circulation of off-road vehicles in winter with snow or ice cover, so as not to create ruts;
- (2) circulation required for accessing a property;
- (3) circulation required in carrying out work.

O.C. 1461-2022, s. 13.

DIVISION III

ENVIRONMENTS NEAR A WETLAND OR BODY OF WATER

O.C. 1596-2021, s. 53.

49.1. The activities involved in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited within 60 m of a watercourse or lake and within 30 m of a wetland.

O.C. 1596-2021, s. 53.

CHAPTER VIII

MONETARY ADMINISTRATIVE PENALTIES

O.C. 871-2020, c. VIII.

50. A monetary administrative penalty in the amount of \$250 for a natural person and \$1,000 in other cases may be imposed on every person who

- (1) fails to keep information or a document or to keep it for the prescribed period;
- (2) fails to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines;

(3) fails to comply with a provision of this Regulation for the contravention of which no other monetary administrative penalty is prescribed herein.

O.C. 871-2020, s. 50.

51. A monetary administrative penalty in the amount of \$500 for a natural person and \$2,500 in other cases may be imposed on every person who

(1) in carrying out work in wetlands and bodies of water, interferes with the free flow of water in contravention of the first paragraph of section 7;

(2) fails to carry out work in wetlands and bodies of water in compliance with the requirements of section 8;

(3) does not comply with the requirements provided for in section 11 for the use of a vehicle or machinery in wetlands and bodies of water;

(4) carries out silvicultural treatments while failing to promote natural regeneration of ground vegetation or fails to reforest the area concerned within 4 years after the end of treatments in contravention of section 12;

(5) amends the soil while carrying out silvicultural treatments in contravention of section 13;

(6) at the end of any intervention in wetlands and bodies of water, fails to comply with the requirements prescribed in section 15;

(7) fails to revegetate the area concerned in compliance with section 17;

(8) fails to comply with the requirements prescribed in section 20;

(9) fails to comply with the requirements prescribed in section 33.5 for constructing a deflector or weir;

(10) fails to comply with the requirements prescribed in section 33.7 for circulating in the littoral zone of a watercourse;

(11) fails to comply with the requirements prescribed in section 31 for constructing a surface water withdrawal facility;

(12) fails to comply with the requirements prescribed in section 32 concerning a water withdrawal facility for supplying a temporary industrial camp;

(13) fails to comply with the requirements prescribed in section 33;

(14) removes stumps in the littoral zone or a lakeshore or riverbank in contravention of section 18.1;

(15) harvests trees in contravention of the requirements prescribed in the first paragraph of section 36 and in section 44;

(16) fails to obtain a silvicultural prescription in contravention of the requirements prescribed in the first paragraph of section 36 and the first paragraph of section 45;

(17) *(paragraph revoked)*;

(18) constructs an artificial basin, pond or lake or backfills it before it has been dewatered in contravention of section 38.3;

(19) *(paragraph revoked)*;

(20) fails to comply with the requirements prescribed in the first paragraph of section 43 for constructing a winter road.

O.C. 871-2020, s. 51; O.C. 1596-2021, s. 54; O.C. 1461-2022, s. 14; O.C. 984-2023, s. 6.

52. *(Revoked).*

O.C. 871-2020, s. 52; O.C. 1461-2022, s. 15.

53. A monetary administrative penalty in the amount of \$1,500 for a natural person and \$7,500 in other cases may be imposed on every person who

(1) fails to restore the soil in accordance with section 16;

(2) carries out an activity that is prohibited in contravention of section 8.1, 33.2, 33.4 or 35.1, the second paragraph of section 38.1, section 38.4 or 38.7, the first paragraph of section 38.9, section 38.10, 42, 46, 47, 48, 49, 49.0.1, 49.0.2 or 49.1;

(3) carries out work that widens a watercourse beyond the boundary of the littoral zone in contravention of the first paragraph of section 21;

(4) carries out work that narrows a watercourse to a width narrower than that prescribed in the second paragraph of section 21;

(5) uses a vehicle or machinery in a littoral zone that has not been dewatered in contravention of section 33.6;

(6) fails to comply with the conditions prescribed in sections 25 and 26 concerning maintenance work on a watercourse;

(7) dewateres or narrows a watercourse in contravention of the requirements prescribed in sections 28, 29 and 30;

(8) carries out work that increases the exposure of an infrastructure, work, building or equipment to flooding in contravention of section 38;

(9) carries out work on a structure or guardrail in contravention of the first paragraph of section 38.1;

(10) carries out work on a work or building in contravention of the requirements of section 35.2, 38.2, 38.5, 38.6 or 38.8, the third paragraph of section 38.9, section 38.11 or section 43.1;

(11) cultivates non-aquatic plants and mushrooms in a littoral zone in contravention of section 33.1.

O.C. 871-2020, s. 53; O.C. 1596-2021, ss. 35 and 55; O.C. 1461-2022, s. 16.

54. A monetary administrative penalty in the amount of \$2,000 for a natural person and \$10,000 in other cases may be imposed on every person who

(1) uses explosives in carrying out work in contravention of section 9;

(2) carries out excavation and backfilling work in wetlands and bodies of water in contravention of the first paragraph of section 10;

(3) fails to comply with the requirements prescribed in the third and fourth paragraphs of section 10 concerning excavation and backfilling resulting from work.

O.C. 871-2020, s. 54.

CHAPTER IX

PENAL SANCTIONS

O.C. 871-2020, c. IX.

55. Every person who

- (1) neglects to keep information or a document or to keep it for the prescribed period,
- (2) refuses or neglects to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines, or
- (3) contravenes this Regulation in cases where no other offence is prescribed herein,

commits an offence and is liable to a fine of \$1,000 to \$100,000 for a natural person and \$3,000 to \$600,000 in other cases.

O.C. 871-2020-, s. 55.

56. Every person who contravenes the first paragraph of section 7, section 8, 11, 12, 13, 15, 17, 18.1, 20, 31, 32, 33, 33.5, or 33.7, the first paragraph of section 36, section 38.3, the first paragraph of section 43, section 44 or the first paragraph of section 45 commits an offence and is liable to a fine of \$2,500 to \$250,000 for a natural person and \$7,500 to \$1,500,000 in other cases.

O.C. 871-2020, s. 56; O.C. 1596-2021, s. 56; O.C. 1461-2022, s. 17.

57. Every person who

- (1) *(paragraph revoked)*;
- (2) makes a false or misleading declaration or provides false or misleading information or documents for the purpose of making the person's activity eligible for a declaration of compliance, or
- (3) signs a false or misleading document,

commits an offence and is liable to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), a maximum term of imprisonment of 18 months, or both the fine and imprisonment, for a natural person and \$15,000 to \$3,000,000 in other cases.

O.C. 871-2020, s. 57; O.C. 1461-2022, s. 18.

58. Every person who contravenes section 8.1, 16, 21, 25, 26, 28, 29, 30, 33.1, 33.2, 33.4, 33.6, 35.1, 35.2, 38, 38.1, 38.2, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9, 38.10, 38.11, 42, 43.1, 46, 47, 48, 49, 49.0.1, 49.0.2 or 49.1 commits an offence and is liable to a fine of \$8,000 to \$500,000 in the case of a natural person and \$24,000 to \$3,000,000 in any other case.

O.C. 871-2020, s. 58; O.C. 1596-2021, s. 57; O.C. 1461-2022, s. 19.

59. Every person who contravenes section 9 or the first, third or fourth paragraph of section 10 commits an offence and is liable to a fine of \$10,000 to \$1,000,000 for a natural person and \$30,000 to \$6,000,000 in other cases.

O.C. 871-2020, s. 59.

CHAPTER X

FINAL PROVISIONS

O.C. 871-2020, c. X.

59.1. Municipalities are responsible for the application of sections 7 to 11, 15 to 17, 18.1, 20, 21, 33.3 to 33.7, 35.1, 35.2, 38 to 38.11 and 43.1 with regard to the following activities carried out in their territory:

(1) activities requiring municipal authorization under sections 6, 7 and 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2);

(2) activities pertaining to any of the matters listed in section 117 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks.

For the purposes of such responsibility, municipalities apply the penal sanctions provided for in Chapter IX but may not apply the monetary administrative penalties provided for in Chapter VIII.

O.C. 1596-2021, s. 58; O.C. 984-2023, s. 7.

60. This Regulation replaces the Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9).

O.C. 871-2020, s. 60.

61. *(Omitted).*

O.C. 871-2020, s. 61.

SCHEDULE I

(s. 4)

DETERMINATION OF THE LITTORAL ZONE

The boundary of the littoral zone is determined using one of the following methods:

- (1) if there is a water retaining structure, the boundary of the littoral zone is situated at the maximum operating level of the water retaining structure for the part of the body of water upstream from the structure and within its zone of influence;
- (2) if a retaining wall situated elsewhere than in any of the territories referred to in subparagraph 3, the boundary of the littoral zone is situated at the top of the wall;
- (3) for coasts and islands in the Gulf of St. Lawrence, the baie des Chaleurs and the portion of the St. Lawrence downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans the boundary of the littoral zone is determined using the eco-geomorphological method to take into account local variations in waves, tides and water levels;
- (4) in cases other than those mentioned in subparagraphs 1 to 3, the boundary of the littoral zone is determined using the expert botanical method or the biophysical method, based on the plant species and physical marks present;
- (5) if none of the above methods is applicable, the boundary of the littoral zone is the level associated with the 2 year flood recurrence level.

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

O.C. 1596-2021, s. 59.

UPDATES

O.C. 871-2020, 2020 G.O. 2, 2343A

O.C. 1596-2021, 2022 G.O. 2, 6

O.C. 1461-2022, 2022 G.O. 2, 3261

O.C. 984-2023, 2023 G.O. 2, 1211

S.Q. 2024, c. 18, s. 66

