

chapter H-4.2

PETROLEUM RESOURCES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

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CHAPTER I

GENERAL PROVISIONS AND DEFINITIONS

2016, c. 35, s. 23.

DIVISION I

GENERAL PROVISIONS

2016, c. 35, s. 23.

1. The purpose of this Act is to govern the development of petroleum resources on land and in bodies of water while ensuring the safety of persons and property, environmental protection and optimal recovery of the resource, in compliance with the law as to ownership of immovables and in compliance with the greenhouse gas emission reduction targets set by the Government.

For the purposes of this Act, land includes wetlands.

2016, c. 35, s. 23.

2. Petroleum, underground reservoirs and brine form part of the domain of the State.

2016, c. 35, s. 23.

3. All work performed under this Act must be performed in accordance with generally recognized best practices for ensuring the safety of persons and property, environmental protection and optimal recovery of the resource.

2016, c. 35, s. 23.

4. This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.

2016, c. 35, s. 23.

5. This Act must be construed in a manner consistent with the obligation to consult Native communities. The Government consults Native communities separately if the circumstances so warrant.

2016, c. 35, s. 23.

DIVISION II

DEFINITIONS

2016, c. 35, s. 23.

6. In this Act,

“body of water” means a lake, a constant or intermittent watercourse, including a bed created or altered by human intervention, except a ditch as defined in subparagraph 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1), or a marine environment;

“brine” means any natural aqueous solution containing more than 4% by weight of dissolved solids;

“commercial discovery” means a discovery of petroleum that has been demonstrated to contain petroleum reserves that justify the investment of capital and effort to bring the discovery to production;

“fracturing” means any operation that consists in creating fractures in a geological formation by injecting a fluid under pressure through a well;

“gas” means natural gas and includes all substances, other than oil, that are produced in association with natural gas;

“geochemical surveying” means any method of exploration for petroleum or underground reservoirs by indirect measurement to determine and quantify the distribution and migration of chemical elements in rocks, soils, sediments and water;

“geophysical surveying” means any method of exploration for petroleum or underground reservoirs by indirect measurement of the physical properties of the subsoil effected on the surface of the ground or in the air, particularly seismic reflection, seismic refraction, gravimetric, magnetic or resistivity surveying and any other geophysical method used to indirectly determine any characteristic of the subsoil;

“oil” means crude oil, regardless of gravity, produced at a well head in liquid form and any other hydrocarbons, except coal and gas, and, in particular, hydrocarbons that may be extracted or recovered from deposits of oil sand, bitumen, bituminous sand, oil shale or from any other types of deposits on the subsoil;

“petroleum” means oil or gas;

“pipeline” means any pipe or system of pipes, including associated facilities such as pumps, compressors, pumping stations and surface reservoirs, designed or used to gather or transport gas or petroleum, except

(1) lines used to transport and distribute gas, and petroleum equipment installations governed by the Building Act (chapter B-1.1); and

(2) pipes, including associated facilities, situated on the premises of an industrial enterprise and used for refining operation;

“pool” means a natural underground reservoir containing or appearing to contain an accumulation of petroleum that is or appears to be separated from any other such accumulation;

“significant discovery” means a discovery indicated by the first well on a geological feature that demonstrates by testing the existence of petroleum in that feature and, having regard to geological and engineering factors, suggests the existence of an accumulation of petroleum that has potential for sustained production;

“stratigraphic survey” means any opening in the ground, other than a seismic shotpoint, that is made to collect data on a geological formation, using samples and their analysis and technical surveys, conducted as part of preliminary investigations to eventually locate, design and construct a drilling site for exploration for or the production of petroleum or brine, or for exploration for or the operation of an underground reservoir and the well or wells which will be present on the site; and

“underground reservoir” means a subsurface geological environment that contains or may contain petroleum in a natural porosity system or in a source rock;

“well” means any opening in the ground on a drilling site, other than a seismic shotpoint, that is made, is to be made or is in the process of being made for the production of petroleum, for the purpose of exploring for or obtaining petroleum, for the purpose of withdrawing water to inject into an underground formation, for the purpose of injecting gas, air, water or any other substance into an underground formation, or for any other purpose.

2016, c. 35, s. 23.

CHAPTER II

DISCOVERY OF EXISTING NATURAL GAS OR WELLS

2016, c. 35, s. 23.

7. A person who discovers an uninterrupted flow of gas on their land must notify the Minister and the local municipality in which the land is situated in writing and with dispatch.

2016, c. 35, s. 23.

8. A person who discovers a well on their land must notify the Minister in writing with dispatch.

The Minister enters in the land register a declaration of the well's location. The declaration is registered in the register of real rights of State resource development and, as applicable, in the file relating to the immovable affected by the well, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey.

2016, c. 35, s. 23.

CHAPTER III

EXPLORATION, PRODUCTION AND STORAGE

2016, c. 35, s. 23.

DIVISION I

GENERAL PRINCIPLES

2016, c. 35, s. 23.

9. No one may explore for petroleum or underground reservoirs, produce or store petroleum or produce brine without holding an exploration licence, a production licence, a storage licence or an authorization to produce brine, as applicable.

2016, c. 35, s. 23.

10. A licence or an authorization to produce brine is transferable only in the cases and on the conditions the Government determines by regulation.

2016, c. 35, s. 23.

11. The territory subject to an exploration, production or storage licence or to an authorization to produce brine is limited on the surface by its perimeter, and in depth by the vertical projection of its perimeter.

For a storage licence, the territory is determined by the vertical projection, on the surface, of the perimeter of the underground reservoir and the perimeter of the protected area. The Government determines the size of the protected area by regulation.

The size of an underground reservoir is determined on the basis of the assumption that a reservoir is limited at the top and base by stratigraphic geological units.

2016, c. 35, s. 23.

12. Any part of a watercourse with a natural force equal to or greater than 225 kilowatts at its ordinary flow during six months together with a strip of land 20 metres in width on each side of such a watercourse is excluded from the territory subject to a licence.

The Minister may add to the excluded portion any area the Minister considers necessary for the development and utilization of the waterpower. If such an addition is made after the awarding of a licence on the land, the Minister pays compensation to the licence holder.

However, the Minister may, subject to certain conditions, authorize a licence holder to explore for, produce or store petroleum or to produce brine on the land so reserved.

2016, c. 35, s. 23.

13. An outstanding geological site classified under section 305.1 of the Mining Act (chapter M-13.1) may not be subject to a licence, nor may a parcel of land used as a cemetery governed by the Funeral Operations Act (chapter A-5.02) or a Native cemetery.

2016, c. 35, s. 23.

14. No licence may be awarded for the part of the St. Lawrence River west of longitude 64°31'27" in the NAD83 geodetic reference system or for the islands situated in that part of the river.

2016, c. 35, s. 23.

DIVISION II

IMMOVABLE REAL RIGHTS

2016, c. 35, s. 23.

15. The exploration, production and storage rights conferred by a licence and the right to produce brine conferred by an authorization are immovable real rights.

Ownership of such immovable real rights is separate from ownership of the land to which they pertain.

Use of the land, before or after such a right is awarded, by a third person does not in any case confer a right to compensation on its holder. The same holds for the transfer or awarding of rights in lands in the domain of the State.

2016, c. 35, s. 23.

DIVISION III

EXPLORATION LICENCE

2016, c. 35, s. 23.

§ 1. — *Auction process*

2016, c. 35, s. 23.

16. An exploration licence is awarded by auction.

2016, c. 35, s. 23.

17. The process for awarding an exploration licence by auction is determined by government regulation.

2016, c. 35, s. 23.

18. In selecting the territory to be up for auction, the Minister must consider the requests made to the Minister in that regard.

No licence may be awarded in a territory that is subject to an exploration, production or storage licence.

2016, c. 35, s. 23.

19. The Minister must notify the local municipalities whose territories are to be involved in an auction and the regional county municipality in writing and at least 45 days before the beginning of the auction process.

2016, c. 35, s. 23.

20. The Minister awards an exploration licence at the time and subject to the conditions the Minister determines, in particular to take the territory's characteristics into account.

The successful bidder must meet the conditions and pay the fee the Government determines by regulation.

2016, c. 35, s. 23.

21. The Minister is not required to award a licence under the terms of an auction process.

2016, c. 35, s. 23.

22. If no licence has been awarded on a territory that is up for auction within six months after the auction closing date, the Minister must not award a licence for that territory without holding a new auction.

2016, c. 35, s. 23.

23. No licence may be awarded to a person if, during the five years prior to the auction publication date, a licence they held under this Act was revoked.

The first paragraph does not apply to a revocation under subparagraph 4 of the fourth paragraph of section 145.

2016, c. 35, s. 23.

24. Failure to comply with any of the requirements which the Government determines by regulation respecting the form and content of, and time and manner of publishing, an auction does not vitiate any licence awarded by the Minister.

2016, c. 35, s. 23.

§ 2. — Licence holder's rights and obligations

2016, c. 35, s. 23.

25. An exploration licence gives its holder the right to explore for petroleum or an underground reservoir in the territory covered by the licence.

The licence must contain conditions, which are not inconsistent with this Act and the regulations, that are agreed on by the Minister and the holder.

The Minister may subject the licence to conditions designed to avoid conflicts with other uses of the territory.

The Government determines, by regulation, any other conditions for exercising the licence.

2016, c. 35, s. 23.

26. The exploration licence also gives its holder the right to extract petroleum and dispose of it or use an underground reservoir for a trial period. The Government determines, by regulation, the duration of this trial period and the conditions applicable.

2016, c. 35, s. 23.

27. The term of an exploration licence is five years.

The Minister renews the licence for the terms and subject to the conditions the Government determines by regulation.

2016, c. 35, s. 23.

28. An exploration licence holder must establish a monitoring committee to foster the local community's involvement in the exploration project as a whole.

The committee must be established within 30 days after the licence is awarded and must be maintained, as the case may be, throughout the term of the licence or, in the case provided for in the second paragraph of section 97, until all the work required under the permanent well or reservoir closure and site restoration plan has been completed.

The committee members are chosen in accordance with the process determined by the licence holder and approved by the Minister. The licence holder also determines the number of members who are to sit on the committee. However, the committee must include at least one member representing the municipal sector, one member representing the economic sector, one member representing the agriculture sector, one member of the public and, if applicable, one member representing a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the licence holder. All must be from the region in which the territory subject to the licence is situated.

The Government determines, by regulation, the particulars relating to the committee with respect to such matters as the independence of committee members, the information and documents a licence holder must provide to the committee, the nature of the costs that are reimbursed to committee members by the licence holder, the minimum number of meetings the committee must hold each year and the production of an annual report by the committee. The Government determines, in the same manner, the cases in which and the conditions on which a licence holder to whom another exploration licence is awarded is not required to establish a new monitoring committee.

The Government may determine, by regulation, other particulars relating to consultations that are applicable to an exploration licence holder.

2016, c. 35, s. 23.

29. If an exploration licence is awarded on private land or land leased by the State, the exploration licence holder must, within 30 days after registering the licence in the public register of real and immovable petroleum rights established under section 149 and in the manner the Government determines by regulation, notify the owner or lessee, the local municipality and the regional county municipality, in writing, of the licence obtained.

2016, c. 35, s. 23.

30. The holder of an exploration licence has a right of access to the territory subject to the licence.

If the licence is awarded on private land or land leased by the State, the holder must obtain written authorization from the owner or lessee at least 30 days in advance in order to access the site or may acquire, by agreement, any real right or property necessary to access the territory and perform exploration work. Failing that, the holder may not access the territory.

If the licence is in the territory of a local municipality, the holder must inform the local municipality and the regional county municipality, in writing and at least 45 days before the work begins, of the work to be performed.

2016, c. 35, s. 23.

31. Subject to sections 32 to 34, the holder of an exploration licence must, each year, perform the minimum work determined by regulation in the territory subject to the licence.

The exploration licence holder must, within six months after the anniversary date of the awarding of the licence, report to the Minister on all the work performed in the year.

In addition to the minimum work, the Government determines, by regulation, the nature of the eligible work, the related expenses, the form and content of any report to be sent to the Minister and the documents that must accompany it. The nature of the work and the minimum amount of work may vary according to the area of the territory and the region it is situated in.

2016, c. 35, s. 23.

32. The Minister may exempt an exploration licence holder from performing the minimum work prescribed, provided

(1) the holder informs the Minister in writing, before the end of the year for which the work was required, of the reasons why the holder will not perform the work; and

(2) the holder pays to the Minister an amount equal to twice the minimum amount to be spent on the work that should have been performed or, if applicable, an amount equal to twice the difference between that minimum amount and the amount spent on the work performed and reported.

2016, c. 35, s. 23.

33. Amounts spent in a year in excess of the minimum amount to be spent on the work required to be performed by the holder may be applied to subsequent years.

2016, c. 35, s. 23.

34. The holder of several exploration licences may, in a report, apply to one or more of them all or part of the amounts spent in a territory subject to a licence that are in excess of the minimum amount to be spent on the work required to be performed there, provided

(1) the holder so informs the Minister in writing; and

(2) the territory in which the work was performed and the territory or territories to which the excess amounts are applied are located at least in part within a radius of 10 kilometres as measured from the perimeter of the territory subject to the licence in which the work was performed.

2016, c. 35, s. 23.

35. The Minister may refuse all or part of the work reported if the report or the documents accompanying it

- (1) are incomplete or not consistent with the regulations;
- (2) do not corroborate the stated amounts or the actual amount of the work;
- (3) fail to show that the stated amounts were disbursed solely for the performance of work;
- (4) have been falsified or contain false information; or
- (5) pertain to work previously reported by the exploration licence holder and accepted as part of another report.

2016, c. 35, s. 23.

36. The holder of an exploration licence must, on each anniversary date of the awarding of the licence, pay to the Minister the annual fee the Government determines by regulation.

2016, c. 35, s. 23.

37. An exploration licence holder must prepare an annual report in accordance with the form and content the Government determines by regulation, and send it, at their option,

(1) to the Minister not later than the 150th day after the end of their fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under section 6 of the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Autorité des marchés financiers sends the report received under subparagraph 2 of the first paragraph to the Minister without delay.

2016, c. 35, s. 23.

38. An exploration licence holder who makes a significant discovery of petroleum must so notify the Minister, the local municipalities whose territories are covered by the licence and the regional county municipality in the manner the Government determines by regulation.

2016, c. 35, s. 23.

39. The holder of an exploration licence who makes a commercial discovery of petroleum must so notify the Minister, the local municipalities whose territories are covered by the licence and the regional county municipality in the manner the Government determines by regulation.

The exploration licence holder must, within eight years after the discovery, submit a petroleum production project to the Régie de l'énergie (the Board) in accordance with section 41 and apply to the Minister for a production licence. Failing that, the Minister may partially or completely revoke the exploration licence, without compensation, and award a production licence for the territory affected by the revocation in accordance with section 49.

In the case of a partial revocation, the minimum amount of the exploration work to be performed in a year on that territory is proportionately reduced.

2016, c. 35, s. 23.

40. The holder of a licence may, with the Minister's authorization, surrender their exploration right in all or part of the territory subject to the licence. The Government determines, by regulation, the conditions for obtaining an authorization and the liability to be assumed by the holder following the surrender.

In the case of partial surrender, the residual area must be included within a single perimeter that must not be less than 2 km².

Partial surrender reduces the minimum work required to be performed by the holder for the current year of the surrender proportionately to the surrendered area.

2016, c. 35, s. 23.

DIVISION IV

PRODUCTION LICENCES AND STORAGE LICENCES

2016, c. 35, s. 23.

§ 1. — Board's examination of projects

2016, c. 35, s. 23.

41. An exploration licence holder who wishes to obtain a production or storage licence must submit their project to and obtain a favourable decision from the Board. The same holds for a production licence holder who wishes to obtain a storage licence.

2016, c. 35, s. 23.

42. The Board may, at any time, require a licence holder to provide additional information, to study certain matters more thoroughly or to undertake certain research which it considers necessary to complete its analysis of the project.

2016, c. 35, s. 23.

43. A production or storage project that involves the construction or use of a pipeline is also subject to Chapter V.

2016, c. 35, s. 23.

44. The Government determines, by regulation, the documents required for the application's examination by the Board as well as the elements the Board must take into account and those it must rule on.

2016, c. 35, s. 23.

45. The Board sends its decision to the Minister who submits it to the Government so the Government may decide the application for authorization provided for in section 31.5 of the Environment Quality Act (chapter Q-2).

2016, c. 35, s. 23.

46. Any amendment to the petroleum production or petroleum storage project must be submitted to the Board, which examines the project if it considers that the amendment is substantial. This subdivision applies, with the necessary modifications, to the new examination.

2016, c. 35, s. 23.

47. In order to perform the functions provided for in this subdivision, the Board may exercise the powers assigned to it under the Act respecting the Régie de l'énergie (chapter R-6.01), to the extent that they are not inconsistent with this Act.

2016, c. 35, s. 23.

§ 2. — *Awarding of production and storage licences*

2016, c. 35, s. 23.

48. The Minister awards a production licence to an exploration licence holder who has obtained a favourable decision from the Board on their project, the Government's authorization under section 31.5 of the Environment Quality Act (chapter Q-2) as well as, if applicable, the authorization of the Commission de protection du territoire agricole du Québec, and who meets the conditions and pays the fee the Government determines by regulation.

The Minister awards a storage licence to an exploration or production licence holder on the same conditions.

In such a case, the territory subject to the exploration or production licence is reduced by the area of the territory subject to the production or storage licence, as applicable.

2016, c. 35, s. 23.

49. The Minister may award, by auction, a production or storage licence in a territory that is no longer subject to an exploration, production or storage licence if the Minister considers that the territory presents an economically workable deposit or an economically usable underground reservoir, as applicable.

Sections 17 to 24 apply, with the necessary modifications, to the auction.

2016, c. 35, s. 23.

50. Only one production or storage licence may be awarded for any one territory.

2016, c. 35, s. 23.

§ 3. — *Licence holder's rights and obligations*

2016, c. 35, s. 23.

51. A production licence gives its holder the right to produce petroleum.

A storage licence gives its holder the right to use an underground reservoir to store materials the Government determines by regulation.

The production or storage licence must include any conditions, which are not inconsistent with this Act and the regulations, that are agreed on by the Minister and the holder. It may also include conditions proposed by the Board.

The Minister may subject a licence to conditions designed to avoid conflicts with other uses of the territory.

The Government determines, by regulation, any other conditions for exercising the licences.

2016, c. 35, s. 23.

52. The Minister may modify the conditions on a production or storage licence once the Board, after examining a project amended in accordance with section 46, proposes new production or storage conditions.

2016, c. 35, s. 23.

53. The territory subject to a production or storage licence must be included within a single perimeter and its area must not be less than 2 km².

2016, c. 35, s. 23.

54. The term of a production or storage licence is 20 years.

The Minister renews the licence for the terms and subject to the conditions the Government determines by regulation.

2016, c. 35, s. 23.

55. If a monitoring committee has not already been established, the production or storage licence holder must establish one to foster the local community's involvement in the production project as a whole.

Section 28 applies, with the necessary modifications.

2016, c. 35, s. 23.

56. When awarding or renewing a production or storage licence, the Government may, on reasonable grounds, require that the benefits within Québec of producing or storing petroleum be maximized.

2016, c. 35, s. 23.

57. If a production or storage licence is awarded on private land or land leased by the State, the licence holder must, within 30 days after registering the licence in the public register of real and immovable petroleum rights and in the manner the Government determines by regulation, notify the owner or lessee, the local municipality and the regional county municipality, in writing, of the licence obtained.

2016, c. 35, s. 23.

58. The holder of a production or storage licence has a right of access to the territory subject to the licence.

If the licence is awarded on private land or land leased by the State, the holder must obtain written authorization from the owner or lessee at least 30 days in advance in order to access the site or may acquire, by agreement, any real right or property necessary to access the territory and perform their work. If no agreement is reached, the Government may, subject to the conditions it determines, authorize the holder to acquire the real rights or property by expropriation in accordance with the Expropriation Act (chapter E-24) so the holder may access the territory and perform their work.

If the licence is in the territory of a local municipality, the holder must inform the local municipality and the regional county municipality, in writing and at least 45 days before the work begins, of the work to be performed.

2016, c. 35, s. 23.

59. A production or storage licence holder who intends to acquire a residential immovable, or an immovable used for agricultural purposes that is situated on farm land, must pay to the landowner the costs of the professional services required to negotiate the agreement, up to a maximum amount representing 10% of the value of the immovable as entered on the property assessment roll.

2016, c. 35, s. 23.

60. If a person is in illegal possession of any land in the domain of the State the territory of which is subject to a production or storage licence and the person refuses to relinquish possession of it, the licence holder may apply to a Superior Court judge for an eviction order.

In such a case, sections 60 to 62 of the Act respecting the lands in the domain of the State (chapter T-8.1) apply, with the necessary modifications.

2016, c. 35, s. 23.

61. The holder of a licence may, with the Minister's authorization, surrender their production or storage right in all or part of the territory subject to the licence. The Government determines, by regulation, the conditions for obtaining an authorization and the liability to be assumed by the licence holder following the surrender.

In the case of partial surrender of a right conferred by a production licence, the residual area must be included within a single perimeter that, unless otherwise authorized by the Minister, must not be less than 2 km².

2016, c. 35, s. 23.

§ 4. — *Special provisions applicable to production licences*

2016, c. 35, s. 23.

62. A production licence holder must send a monthly report to the Minister detailing the amount of petroleum extracted during the previous month, and pay the royalties payable to the Minister at the same time.

The Government determines, by regulation, the form and content of the report, the documents that must accompany it and the royalties payable. The royalty may vary according to whether or not the petroleum is extracted in an area delimited by order in a body of water.

2016, c. 35, s. 23.

63. The holder of a production licence must, on each anniversary date of the awarding of the licence, pay the annual fee the Government determines by regulation.

2016, c. 35, s. 23.

64. A production licence holder must prepare an annual report in accordance with the form and content the Government determines by regulation, and send it, at their option,

(1) to the Minister not later than the 150th day after the end of their fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Autorité des marchés financiers sends a report received under subparagraph 2 of the first paragraph to the Minister without delay.

2016, c. 35, s. 23.

§ 5. — *Special provisions applicable to storage licences*

2016, c. 35, s. 23.

65. A storage licence holder must send a monthly report to the Minister detailing the nature and quantity of substances injected or withdrawn during the previous month, and at the same time pay duties to the Minister on the substances withdrawn.

The Government determines, by regulation, the form and content of the report, the documents that must accompany it and the duties payable on the substances withdrawn.

2016, c. 35, s. 23.

66. The holder of a storage licence must, on each anniversary date of the awarding of the licence, pay the annual fee set by the Minister in accordance with the criteria the Government determines by regulation.

2016, c. 35, s. 23.

67. The holder of a storage licence must send an annual report to the Minister within 30 days after each anniversary date of the awarding of the licence. The Government determines, by regulation, the form and content of the report and the documents that must accompany it.

2016, c. 35, s. 23.

DIVISION V

AUTHORIZATION TO PRODUCE BRINE

2016, c. 35, s. 23.

68. The Minister may authorize a licence holder to produce brine if the holder meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

2016, c. 35, s. 23.

69. The term of an authorization to produce brine is five years.

The Minister renews the authorization for the terms and subject to the conditions the Government determines by regulation.

2016, c. 35, s. 23.

70. The holder of an authorization to produce brine must, on each anniversary date of the authorization, pay the annual fee the Government determines by regulation.

2016, c. 35, s. 23.

71. The holder of an authorization to produce brine must send a monthly report to the Minister detailing the quantity and value of brine extracted during the previous month, and pay the royalties payable to the Minister at the same time.

The Government determines, by regulation, the form and content of the report, the documents that must accompany it and the royalties payable.

2016, c. 35, s. 23.

DIVISION VI

AUTHORIZATION OF CERTAIN WORK OR ACTIVITIES

2016, c. 35, s. 23.

§ 1. — *Geophysical surveying or geochemical surveying*

2016, c. 35, s. 23.

72. A licence holder who conducts geophysical surveying or geochemical surveying must, for each survey, hold a geophysical surveying or geochemical surveying authorization.

2016, c. 35, s. 23.

73. The Minister grants a geophysical surveying or geochemical surveying authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

The Minister may subject the authorization to conditions designed to avoid conflicts with other uses of the territory.

2016, c. 35, s. 23.

74. If an authorization is required under section 22 of the Environment Quality Act (chapter Q-2), no geophysical surveying authorization may be granted until the authorization has been issued.

2016, c. 35, s. 23; 2017, c. 4, s. 274.

§ 2. — *Stratigraphic surveying*

2016, c. 35, s. 23.

75. A licence holder who conducts stratigraphic surveying must, for each survey, hold a stratigraphic surveying authorization.

2016, c. 35, s. 23.

76. The Minister grants a stratigraphic surveying authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

The Minister may subject the authorization to conditions designed to avoid conflicts with other uses of the territory.

2016, c. 35, s. 23.

§ 3. — *Drilling*

2016, c. 35, s. 23.

77. A licence holder who drills or re-enters a well, including carrying out any work or activities necessary to install the conductor casing, must, for each well, hold a drilling authorization.

2016, c. 35, s. 23.

78. The Minister grants a drilling authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

The Minister may subject the authorization to conditions designed to avoid conflicts with other uses of the territory.

2016, c. 35, s. 23.

79. If an authorization is required under section 22, 31.5, 164 or 201 of the Environment Quality Act (chapter Q-2), no authorization may be granted until the authorization has been issued and the Minister has approved the permanent well or reservoir closure and site restoration plan and the guarantee required under Chapter IV.

2016, c. 35, s. 23; 2017, c. 4, s. 274.

80. When granting an authorization, the Minister informs the licence holder of the time within which they must undertake their work. The licence holder must notify the Minister of the date their work begins within the time and in the manner the Government determines by regulation.

2016, c. 35, s. 23.

81. Within 30 days after work begins, the holder of a drilling authorization must enter in the land register a declaration of the well's location. The declaration is registered in the register of real rights of State resource development and, as applicable, in the file relating to the immovable affected by the well, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey.

2016, c. 35, s. 23.

82. A drilling authorization ends on or before the end date of the licence.

However, an authorization that is set to expire during the drilling of a well continues to be in force while the drilling of that well is being pursued diligently.

2016, c. 35, s. 23.

83. If drilling work is temporarily or permanently discontinued, the holder of a drilling authorization must close the well in accordance with sections 92 to 99, or complete it.

2016, c. 35, s. 23.

§ 4. — *Completion*

2016, c. 35, s. 23.

84. A licence holder who completes a well by physical, chemical or other stimulation must hold a completion authorization unless the licence holder does so by fracturing.

The Government determines, by regulation, the conditions for exercising the authorization.

2016, c. 35, s. 23.

85. The Minister grants a completion authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

2016, c. 35, s. 23.

86. If an authorization is required under section 22 of the Environment Quality Act (chapter Q-2), no completion authorization may be granted until the authorization has been issued.

2016, c. 35, s. 23; 2017, c. 4, s. 274.

§ 5. — *Fracturing*

2016, c. 35, s. 23.

87. A licence holder who conducts fracturing operations must hold a fracturing authorization.

2016, c. 35, s. 23.

88. The Minister grants a fracturing authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

2016, c. 35, s. 23.

89. If an authorization is required under section 22 of the Environment Quality Act (chapter Q-2), no fracturing authorization may be granted until the authorization has been issued.

2016, c. 35, s. 23; 2017, c. 4, s. 274.

§ 6. — *Reconditioning*

2016, c. 35, s. 23.

90. A licence holder who performs major maintenance work or conducts remedial actions on a well must hold a reconditioning authorization.

The Government determines, by regulation, the conditions for exercising the authorization.

2016, c. 35, s. 23.

91. The Minister grants a reconditioning authorization to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

2016, c. 35, s. 23.

§ 7. — *Temporary or permanent closure*

2016, c. 35, s. 23.

92. A licence holder who ceases their work or activity at a well must close it temporarily or permanently.

The licence holder must obtain the Minister's authorization prior to the closure.

The Government determines, by regulation, in what circumstances a temporary closure is to be considered permanent.

2016, c. 35, s. 23.

93. An authorization is granted to a licence holder who meets the conditions and pays the fee the Government determines by regulation.

The Government also determines, by regulation, the conditions for exercising the authorization.

2016, c. 35, s. 23.

94. If the circumstances warrant it, the Minister may authorize a person other than a licence holder to close a well.

2016, c. 35, s. 23.

95. The holder of a permanent closure authorization must perform the work required under the permanent well or reservoir closure and site restoration plan, as well as the work the Government determines by regulation.

2016, c. 35, s. 23.

96. If a temporary closure is considered permanent under the third paragraph of section 92, the holder of a temporary closure authorization must perform the work required under the permanent well or reservoir closure and site restoration plan, as well as the work the Government determines by regulation.

2016, c. 35, s. 23.

97. A licence holder must close a well before the expiry date of their licence.

However, site restoration work may continue beyond that date, in accordance with this Act and the regulations.

2016, c. 35, s. 23.

98. Within 30 days after a permanent well closure, an authorization holder must enter in the land register a declaration of the closure. The declaration is registered in the register of real rights of State resource development and, as applicable, in the file relating to the immovable affected by the well, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey.

2016, c. 35, s. 23.

99. No one may move, disturb or damage a facility erected under this subdivision unless they have written authorization from the Minister and the holder of the permanent well closure authorization or, in the case provided for in section 96, from the holder of a temporary closure authorization.

2016, c. 35, s. 23.

§ 8. — Report to the Minister

2016, c. 35, s. 23.

100. The holder of an authorization governed by this division must send a report to the Minister within 90 days after the end of the work or activities.

The Government determines, by regulation, the form and content of the report and the documents that must accompany it.

2016, c. 35, s. 23.

CHAPTER IV

PERMANENT WELL OR RESERVOIR CLOSURE AND SITE RESTORATION PLAN

2016, c. 35, s. 23.

101. An exploration, production or storage licence holder applying for a drilling authorization must submit a permanent well or reservoir closure and site restoration plan to the Minister for approval.

The plan sets out the work required to be performed on closure of the well or reservoir.

2016, c. 35, s. 23.

102. The plan must include the information the Government determines by regulation. The Government may also determine, by regulation, the form of the plan and the documents that must accompany it.

2016, c. 35, s. 23.

103. A guarantee covering the anticipated cost of completing the work required must be furnished to the Minister with the plan.

The Government determines, by regulation, such matters as the duration, form and terms of the guarantee.

2016, c. 35, s. 23.

104. The Minister may require a licence holder to provide, within the time the Minister specifies, any additional information, research findings or study the Minister considers necessary to approve the plan.

2016, c. 35, s. 23.

105. The Minister approves the plan after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

The Minister may subject the approval of the plan to any condition or obligation the Minister determines, in particular advance payment of all or part of the guarantee required under section 103. In such a case, the plan is amended accordingly.

2016, c. 35, s. 23.

106. The Minister registers every plan the Minister has approved in the public register of real and immovable petroleum rights.

2016, c. 35, s. 23.

107. If property or a sum of money serves as guarantee, the property or sum is exempt from seizure.

2016, c. 35, s. 23.

108. The holder of a drilling authorization must submit a revised plan to the Minister for approval whenever warranted by changes in their work or activities or whenever the Minister so requires.

Sections 103 to 106 apply, with the necessary modifications, to a revised plan.

2016, c. 35, s. 23.

109. The Minister may require that a licence holder furnish any additional guarantee, within the time the Minister specifies, if the Minister considers that it is no longer sufficient in view of the foreseeable costs of performing the work required under the plan.

The Minister may also require the payment of the total guarantee if, in the Minister's opinion, the licence holder's financial situation or a reduction in the anticipated duration of the licence holder's work or activities may prevent the payment of all or part of the guarantee.

2016, c. 35, s. 23.

110. The work required under the plan must begin within six months after the permanent cessation of work or activities.

The Minister may require that the work begin within a shorter period, or grant one or more extensions for performance of the work. The first extension may not exceed six months and additional extensions may not exceed one year.

2016, c. 35, s. 23.

111. If a licence holder fails to perform any obligation relating to the plan, the Minister may order them to perform the obligation within the time the Minister specifies.

If the licence holder fails to comply, the Minister may, in addition to imposing any other civil, administrative or penal sanction, cause the work required under the plan to be performed at the licence holder's expense. The Minister may recover the cost of the work out of the guarantee furnished, among other means.

2016, c. 35, s. 23.

112. The Minister may also release an exploration, production or storage licence holder from their obligations under sections 101 to 105 and 108 to 110 if the Minister agrees to let a third person assume the obligations. In such a case, the Minister issues a certificate to that effect to the licence holder.

2016, c. 35, s. 23.

113. As soon as the work required under the plan has been completed, the holder of a drilling authorization must send to the Minister a certificate of an expert whose name appears on the list drawn up under section 31.65 of the Environment Quality Act (chapter Q-2) stating that the work referred to in Division IV.2.1 of Chapter I of that Act was performed in accordance with the plan.

2016, c. 35, s. 23.

114. The Minister declares the Minister's satisfaction with the permanent well or reservoir closure and site restoration work and returns the guarantee if

(1) in the Minister's opinion, the permanent well or reservoir closure and site restoration work has been completed in accordance with the plan approved by the Minister and if no sum is owing to the Minister with respect to the performance of the work;

(2) in the Minister's opinion, the condition of the territory affected by the work or activities no longer poses a risk for the environment or for human health and safety;

(3) the Minister has obtained a favourable opinion from the Minister of Sustainable Development, Environment and Parks; and

(4) the Minister has received the certificate required under section 113.

2016, c. 35, s. 23.

115. Nothing in sections 101 to 112 affects or restricts the application of the Environment Quality Act (chapter Q-2).

2016, c. 35, s. 23.

CHAPTER V

PIPELINE CONSTRUCTION OR USE AUTHORIZATION

2016, c. 35, s. 23.

DIVISION I

GENERAL PRINCIPLES

2016, c. 35, s. 23.

116. No one may build or use a pipeline without holding a pipeline construction or use authorization.

2016, c. 35, s. 23.

117. A pipeline construction or use authorization is transferable only in the cases and on the conditions the Government determines by regulation.

2016, c. 35, s. 23.

DIVISION II

BOARD'S DECISION

2016, c. 35, s. 23.

118. A person who wishes to build or use a pipeline must submit their project to and obtain a favourable decision from the Board.

The application must be accompanied by the information and documents the Government determines by regulation.

2016, c. 35, s. 23.

119. The Board renders a favourable decision if it considers that the project complies with generally recognized best practices for ensuring the safety of persons and property, environmental protection and optimal recovery of the resource and that it meets the standards the Government determines by regulation.

In its decision, the Board mentions the conditions it considers necessary for the carrying out of the project.

The Board sends its decision to the Minister.

2016, c. 35, s. 23.

120. Sections 42 and 44 to 47 apply, with the necessary modifications, to this chapter.

2016, c. 35, s. 23.

DIVISION III

GRANTING OF PIPELINE CONSTRUCTION OR USE AUTHORIZATION

2016, c. 35, s. 23.

121. The Minister grants a pipeline construction or use authorization to an applicant who has obtained a favourable decision from the Board on the applicant's pipeline project and who meets the conditions and pays the fee the Government determines by regulation.

No pipeline construction or use authorization may be granted until the certificate of authorization required under the Environment Quality Act (chapter Q-2) has been issued.

2016, c. 35, s. 23.

122. A pipeline construction or use authorization gives its holder the right to build or use a pipeline.

The authorization must include any conditions, which are not inconsistent with this Act and the regulations, that are agreed on by the Minister and the holder. It may also include conditions proposed by the Board.

The Minister may subject the authorization to conditions designed to avoid conflicts with other uses of the territory.

The Government determines, by regulation, any other conditions for exercising the authorization.

2016, c. 35, s. 23.

123. The Government determines, by regulation, the term of a pipeline construction or use authorization.

The Minister renews the authorization for the terms and subject to the conditions prescribed by government regulation.

2016, c. 35, s. 23.

124. If a pipeline construction or use authorization is awarded on private land or land leased by the State, the authorization holder must, within 30 days after registering the authorization in the public register of real and immovable petroleum rights and in the manner the Government determines by regulation, notify the owner or lessee, the local municipality and the regional county municipality, in writing, of the authorization obtained.

2016, c. 35, s. 23.

125. The Minister may modify the conditions on a pipeline construction or use authorization once the Board, after examining a project amended in accordance with section 46, proposes new conditions for building or using a pipeline.

2016, c. 35, s. 23.

126. A pipeline construction or use authorization holder must, as soon as their construction work has been completed, restore the land affected by the work to its former condition.

The Government determines, by regulation, the other conditions for carrying out such restoration work.

2016, c. 35, s. 23.

127. A pipeline construction or use authorization holder must make sure they prevent and monitor any risk of leakage from the pipeline.

2016, c. 35, s. 23.

CHAPTER VI

LIABILITY AND PROTECTIVE MEASURES

2016, c. 35, s. 23.

128. An exploration, production or storage licence holder or a pipeline construction or use authorization holder is required, irrespective of any fault alleged against anyone and up to, for each event, an amount the Government determines by regulation, to make reparation for any injury caused through or in the course of their work or activities, including a loss of non-use value relating to a public resource, in particular due to emanations or migrations of gas or spills of oil or other liquids. Beyond that amount, the holder may be required to make reparation for injury caused through their fault or the fault of any of their employees or subcontractors in the performance of their functions. The holder nevertheless has a right to bring any legal remedy, for the entire injury, against the person who committed the fault.

The holder may not be relieved of liability by proving that the injury resulted from superior force. The cases of apportionment of liability set out in the Civil Code apply to any action brought against the holder for sums in excess of the amount determined under the first paragraph and to any recursory action brought by the holder.

The holder must provide proof, in the form and manner the Government determines by regulation, that they are solvent to an amount determined by the Government.

Only the Government may bring a legal action to recover a loss of non-use value relating to a public resource.

2016, c. 35, s. 23.

129. Nothing in section 128 suspends or limits any legal action, of any kind, that may be brought against an exploration, production or storage licence holder or a pipeline construction or use authorization holder for a fault they or their employees or subcontractors are alleged to have committed.

2016, c. 35, s. 23.

130. The Minister may, if a spill of liquid or an emanation or migration of gas from a well or a pipeline poses a risk for human health or safety or the safety of property, order the person in charge of the well or pipeline to do what is necessary to remedy the situation or, if there is no other solution, to seal off the source of the spill, emanation or migration.

If the person in charge fails to comply with the Minister's orders within the prescribed time, the Minister may cause the work required to be done or the source of the spill, emanation or migration to be sealed off at that person's expense.

2016, c. 35, s. 23.

131. The Government determines, by regulation, the protective and safety measures that must be implemented by a licence holder, a pipeline construction or use authorization holder or any other person in charge of a well or pipeline.

The Minister may order such a holder or person to take any other protective or safety measure the Minister considers necessary.

If the holder or person fails to comply with a protective or safety measure, the Minister may cause the work required to be done at the holder's or person's expense.

2016, c. 35, s. 23.

CHAPTER VII

OPTIMAL PETROLEUM RECOVERY AND BRINE

2016, c. 35, s. 23.

132. An exploration, production or storage licence holder must recover petroleum and brine optimally using generally recognized best practices for ensuring the safety of persons and property, environmental protection and optimal recovery of the resource.

In order to ensure that the licence holder complies with this obligation, the Minister may

- (1) require the licence holder to send a report to the Minister justifying the method used;
- (2) conduct a study to evaluate the method used; and
- (3) order the licence holder to take, within the time the Minister specifies, any measures necessary to remedy any situation that would compromise the optimal recovery of petroleum or brine.

The Minister may, subject to the conditions the Minister determines, give a mandate to a committee composed of three persons, including two specialists in the field who are not part of the public service, to conduct a study under subparagraph 2 of the second paragraph.

The committee must submit a report recommending, if applicable, measures to remedy any situation that compromises the optimal recovery of petroleum and brine.

If the licence holder fails to comply with the Minister's requirements, the Minister may order the suspension of the holder's work or activities for the period the Minister determines.

2016, c. 35, s. 23.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

2016, c. 35, s. 23.

133. A person authorized by the Minister to carry out work related to protective, closure or site restoration measures may enter, at any reasonable time, for the purposes of their work, any place where a work or activity governed by this Act or the regulations is carried on.

2016, c. 35, s. 23.

134. Within 30 days after the surrender, revocation or expiry of their right, an exploration licence holder must remove all of their property from the territory that was subject to the right. The same holds for a production or storage licence holder, in the year following the surrender, revocation or expiry of their right.

On written application, the Minister may grant an extension subject to the conditions the Minister determines. The Minister may also grant an extension if site restoration work continues beyond the term of the licence.

Once the time has expired, the property remaining on lands in the domain of the State forms part of that domain of right and may be removed by the Minister at the licence holder's expense.

2016, c. 35, s. 23.

135. Any sum owed to the State under section 111, 130, 131 or 134 gives rise to a legal hypothec of the State on all of the debtor's property.

2016, c. 35, s. 23.

136. A licence holder may, in order to construct buildings or perform any other operation required for their work or activities, cut timber forming part of the domain of the State on the parcel of land that is subject to their right, in accordance with the rules prescribed by the Sustainable Forest Development Act (chapter A-18.1) and the regulations.

However, those rules do not apply to a licence holder who carries out line cutting not exceeding one metre in width.

Similarly, except in the case of a strip of woodland established for the protection of lakes, watercourses, riparian areas and wetlands by government regulation under section 38 of the Sustainable Forest Development Act, the rules apply neither to a licence holder cutting trenches or performing other excavations nor to a licence holder conducting geophysical surveying, geochemical surveying or stratigraphic surveying or carrying out drilling work, provided they have obtained prior authorization from the minister responsible for the administration of that Act and comply with the following conditions:

(1) the total area of the trenches or other excavations, added, if applicable, to the total area of excavations already carried out by another licence holder, must not exceed 2% of the wooded area of the parcel of land concerned; and

(2) the area affected by the cutting of timber that is required for geophysical surveying, geochemical surveying or stratigraphic surveying or for drilling work, added, if applicable, to the area affected by cutting already carried out by another licence holder on the same conditions, must not exceed 2% of the wooded area of the parcel of land concerned.

The minister responsible for the administration of the Sustainable Forest Development Act may make the minister's authorization subject to such other conditions and obligations as that minister determines jointly with the minister responsible for the administration of this Act.

Despite the preceding paragraphs, in any area classified as an exceptional forest ecosystem under the Sustainable Forest Development Act, a licence holder must follow the rules prescribed by that Act.

2016, c. 35, s. 23.

137. A licence holder who obtains an authorization under section 136 must scale the harvested timber in accordance with section 70 of the Sustainable Forest Development Act (chapter A-18.1) and pay the same duties as those applicable to the holder of a forestry permit issued under subparagraph 4.1 of the first paragraph of section 73 of that Act.

2016, c. 35, s. 23.

138. The Minister of Transport, with the Government's authorization, may construct, improve or maintain any road to facilitate the carrying on of any work or activity relating to petroleum exploration, production and

storage. The provisions of the Mining Act (chapter M-13.1) relating to mining roads apply, with the necessary modifications, to such a road.

In any Act or regulation, a reference to a mining road is also a reference to a road for which authorization has been obtained under this section.

2016, c. 35, s. 23.

139. The Minister must, not later than 1 April 2018 and every three years after that, report to the Government on the state of the wells identified that belong to no one or that have been abandoned in the territory of Québec.

The report is tabled within the next 30 days in the National Assembly or, if the Assembly is not sitting, within 30 days of resumption.

2016, c. 35, s. 23.

CHAPTER IX

DISCLOSURE OF INFORMATION

2016, c. 35, s. 23.

140. Subject to the information or documents that are public information or documents under subparagraph 4 of paragraph *s* of section 46 of the Environment Quality Act (chapter Q-2), the information sent to the Minister by an exploration, production or storage licence holder following geophysical, geochemical or stratigraphic surveys becomes public information five years after completion of the work; the information sent to the Minister by an exploration, production or storage licence holder following the drilling of a well becomes public information two years after the date of permanent closure of the well.

2016, c. 35, s. 23.

CHAPTER X

INCOMPATIBLE TERRITORY

2016, c. 35, s. 23.

141. Any petroleum situated in a territory incompatible with petroleum exploration, production and storage which is delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) is withdrawn from any petroleum exploration-, production- or storage-related work or activity from the time the territory is shown on the maps kept at the office of the registrar.

A territory incompatible with petroleum exploration, production and storage is one in which the viability of the work or activities would be compromised by the impacts created by such exploration, production or storage.

The first paragraph does not apply to petroleum in respect of which exploration, production or storage is already authorized by a licence at the time the incompatible territories are shown on the maps kept at the office of the registrar.

2016, c. 35, s. 23.

CHAPTER XI

MINISTER'S POWERS

2016, c. 35, s. 23.

DIVISION I

SPECIAL POWERS

2016, c. 35, s. 23.

142. The Minister may, by order, reserve to the State or withdraw from any petroleum exploration-, production- or storage-related work or activity any land containing a pool, brine or an underground reservoir if necessary for any purpose that the Minister considers to be in the public interest, in particular, for the purposes of

- (1) mining, industrial, port, airport or communications facilities;
- (2) underground conduits;
- (3) the development and utilization of waterpower, power transmission lines, storage tanks or underground reservoirs;
- (4) the creation of parks or protected areas;
- (5) plant-life and wildlife conservation;
- (6) the protection of eskers that may be a source of drinking water; and
- (7) classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (chapter A-18.1) or designation of biological refuges under that Act.

The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order.

2016, c. 35, s. 23.

143. The Minister may delegate to any person the exercise of the powers conferred on the Minister under this Act. The delegation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the delegation.

2016, c. 35, s. 23.

DIVISION II

SUSPENSION OF THE TERM OF A LICENCE

2016, c. 35, s. 23.

144. The Minister may, on the Minister's own initiative or at any interested person's request, subject to the conditions determined by the Minister, suspend the term of a licence

- (1) during such time as the validity of the licence is contested;
- (2) for the period the Minister determines, if the licence holder is prevented from performing the work authorized by their exploration licence;

- (3) until the Minister has rendered a decision on the renewal or surrender of the licence; or
- (4) to permit the use of the territory for public utility purposes.

2016, c. 35, s. 23.

DIVISION III

SUSPENSION OR REVOCATION OF A LICENCE OR AUTHORIZATION

2016, c. 35, s. 23.

145. The Minister may suspend or revoke any licence or authorization required under this Act if its holder does not comply with the conditions, obligations or restrictions applicable to the exercise of the licence or authorization.

The Minister may, by order, prohibit any holder from commencing or continuing any work or activity in the territory covered by the holder's licence if there exists

- (1) an environmental or social problem of a serious nature; or
- (2) dangerous or extreme weather conditions affecting the health or safety of persons or the safety of equipment.

Any requirement in relation to a licence that cannot be complied with while such an order is in force is suspended until the order is revoked by the Minister.

The Minister may also revoke a licence or authorization if

- (1) it was obtained or renewed by mistake;
- (2) it was obtained or renewed through fraud or misrepresentation, unless it has been registered for not less than one year in the public register of real and immovable petroleum rights in the name of a subsequent purchaser in good faith;
- (3) the licence holder has, in the preceding five years, been found guilty of an offence under any of sections 200 to 203; or
- (4) after six months, the Minister considers that the suspension ordered to use the territory for public utility purposes under paragraph 4 of section 144 must be maintained. In such a case, the Minister pays to the licence holder compensation equal to the amounts spent for all the work performed, on the filing of the reports on that work.

An exploration licence for work refused under any of paragraphs 1 to 3 and 5 of section 35 must be revoked within seven months after the end of the year in which the work was performed.

2016, c. 35, s. 23.

146. A licence or authorization holder whose licence or authorization has been revoked must send to the Minister all the documents the holder was required to submit to the Minister.

2016, c. 35, s. 23.

147. Before suspending or revoking a licence or authorization awarded or granted under this Act, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the licence holder in writing and allow the latter at least 15 days to submit observations.

2016, c. 35, s. 23.

148. The suspension or revocation of a licence or authorization takes effect on the date the decision becomes enforceable.

2016, c. 35, s. 23.

CHAPTER XII

PUBLIC REGISTER

2016, c. 35, s. 23.

149. A public register of real and immovable petroleum rights is established at the Ministère des Ressources naturelles et de la Faune.

2016, c. 35, s. 23.

150. The Minister appoints a registrar to keep the public register and make in the register an entry of

(1) the immovable real rights referred to in section 15, their renewal, transfer, surrender, suspension, revocation or expiry and any other act relating to those rights;

(2) the authorizations granted and notices sent under sections 38, 39, 73, 76, 78, 80, 85, 88, 91, 92 and 121;

(3) any permanent well or reservoir closure and site restoration plan; and

(4) the Minister's declaration of satisfaction under section 114.

The Government may determine, by regulation, any other act or document that may be registered in the public register.

The registrar keeps in the public register the titles evidencing the rights referred to in subparagraph 1 of the first paragraph, and issues to any interested person a certificate of any entry in the public register.

2016, c. 35, s. 23.

151. Every transfer of real and immovable rights, and every other act relating to such rights and referred to in subparagraph 1 of the first paragraph of section 150, is registered in the public register on presentation of a copy of the instrument evidencing the transfer or act.

No such transfer or act is enforceable against the State unless it has been registered in the public register.

2016, c. 35, s. 23.

152. The Government determines, by regulation, the fee payable for searching the public register and the fee payable for consulting the register, registering an act, obtaining copies or extracts from the public register and being issued a certificate of registration.

2016, c. 35, s. 23.

CHAPTER XIII

INSPECTION AND INQUIRY

2016, c. 35, s. 23.

DIVISION I

INSPECTION

2016, c. 35, s. 23.

153. Every person authorized by the Minister to act as an inspector may

- (1) enter, at any reasonable time, any place where work or an activity governed by this Act or the regulations is carried on and inspect it;
- (2) take any images of the premises and the property located there;
- (3) examine and make copies of any document relating to that work or activity; and
- (4) require any information or document relating to the work or activities governed by this Act and the regulations.

A person having custody, possession or control of the documents referred to in subparagraphs 3 and 4 of the first paragraph must, on request, make them available to the inspector and facilitate their examination.

2016, c. 35, s. 23.

154. An inspector may, by a request sent by registered mail or personal service, require a person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

2016, c. 35, s. 23.

155. The inspector may order the suspension of any work or activity at a well if there are reasonable grounds to believe that this Act or the regulations have been contravened.

The inspector authorizes resumption of the work or activity when they consider that the situation has been remedied.

2016, c. 35, s. 23.

DIVISION II

INQUIRY

2016, c. 35, s. 23.

156. The Minister or any person the Minister designates as investigator may inquire into any matter relating to the application of this Act or the regulations.

2016, c. 35, s. 23.

157. When an investigation is conducted to enable the Minister to make a decision affecting a licence or authorization holder's rights, the investigator sends the report containing the inspection findings to the Minister and must, at the same time, send a copy of it to the holder.

2016, c. 35, s. 23.

DIVISION III

IDENTIFICATION AND IMMUNITY

2016, c. 35, s. 23.

158. The inspector or investigator must, on request, produce identification and show the certificate of authority signed by the Minister.

2016, c. 35, s. 23.

159. In no case may judicial proceedings be taken against an inspector or investigator for acts performed in good faith in the exercise of their functions.

2016, c. 35, s. 23.

CHAPTER XIV

REFERRAL, REVIEW AND APPEAL

2016, c. 35, s. 23.

160. Every decision rendered under the second paragraph of section 27, section 35, 40 or 48, the second paragraph of section 54, section 61 or 68, the second paragraph of section 69, section 73, 76, 78, 85, 88, 91, 93, 105, 108 or 121 or the second paragraph of section 123 must be in writing and include reasons. It must be sent to the interested person.

2016, c. 35, s. 23.

161. Before rendering a decision under section 160, the Minister must send a copy of the record relating to the case to every interested person who applies for it.

2016, c. 35, s. 23.

162. The Minister must also send a 30-day notice of the Minister's intention not to renew a right referred to in section 15 or of the Minister's intention to revoke it to creditors who have registered an act referred to in subparagraph 1 of the first paragraph of section 150.

If the right expires during the 30-day period, the notice postpones the expiry of the right by suspending its term for the time that remains to run by virtue of the notice.

2016, c. 35, s. 23.

163. A decision to refuse to renew or to suspend or revoke a right referred to in section 15 suspends the term of that right until the decision becomes enforceable.

2016, c. 35, s. 23.

164. Any interested person may, within 30 days after receiving a decision referred to in section 160, make a request in writing to the Minister for a review of the decision.

The request must include reasons and all the relevant facts.

2016, c. 35, s. 23.

165. The Minister may allow an interested person to act after the expiry of the time specified in section 164 if the interested person was unable, for serious and valid reasons, to act sooner.

2016, c. 35, s. 23.

166. A review decision must be communicated in writing to the interested person and include reasons. In communicating the review decision, the Minister must inform the interested person that they may contest it before the Court of Québec.

2016, c. 35, s. 23.

167. Any party to a decision under section 166 may appeal from it to the Court of Québec.

2016, c. 35, s. 23.

168. An appeal suspends the execution of the decision unless the court decides otherwise.

2016, c. 35, s. 23.

169. The appeal is brought by an application served on the Minister.

2016, c. 35, s. 23.

170. The appellant must file the application, within 30 days after receiving the decision, in the office of the Court of Québec of the judicial district of their domicile or principal establishment or of the district where the facts which gave rise to the decision occurred.

2016, c. 35, s. 23.

171. On service of the application, the Minister sends the record of the decision appealed from to the Court of Québec.

2016, c. 35, s. 23.

172. The appeal is heard and decided by preference.

The court bases its decision on the record sent to it and on any other evidence submitted by the parties.

2016, c. 35, s. 23.

173. The Court of Québec may, in the manner prescribed in articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), adopt the regulations which, in its judgment, are necessary for the application of this chapter.

2016, c. 35, s. 23.

174. Only the judges of the Court of Québec designated by the chief judge have jurisdiction under this chapter.

2016, c. 35, s. 23.

175. A decision of the Court of Québec may be appealed from to the Court of Appeal with leave of a judge of the Court of Appeal.

2016, c. 35, s. 23.

176. The Minister refers to the Court of Québec any dispute concerning a right referred to in section 15 held by the State.

Sections 170 to 175 apply, with the necessary modifications, to any case so referred.

2016, c. 35, s. 23.

CHAPTER XV

MONETARY ADMINISTRATIVE PENALTIES

2016, c. 35, s. 23.

177. Persons designated by the Minister may impose monetary administrative penalties on any person who fails to comply with this Act or the regulations in the cases and on the conditions set out in them.

For the purposes of the first paragraph, the Minister develops and makes public a general framework for applying such administrative penalties in connection with penal proceedings, specifying the following elements:

(1) the purpose of the penalties, such as urging the person to take rapid measures to remedy the failure and deter its repetition;

(2) the categories of functions held by the persons designated to impose penalties;

(3) the criteria that must guide designated persons when a failure to comply has occurred, such as the type of failure, its repetitive nature, the seriousness of the effects or potential effects, and the measures taken by the person to remedy the failure;

(4) the circumstances in which priority will be given to penal proceedings; and

(5) the other procedures connected with such a penalty, such as the fact that it must be preceded by notification of a notice of non-compliance.

The general framework must give the categories of administrative or penal sanctions as defined by the Act or the regulations.

2016, c. 35, s. 23.

178. No decision to impose a monetary administrative penalty may be notified to a person for a failure to comply with this Act or the regulations if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.

2016, c. 35, s. 23.

179. In the event of a failure to comply with this Act or the regulations, a notice of non-compliance may be notified to the person concerned urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may give rise to a monetary administrative penalty and penal proceedings.

2016, c. 35, s. 23.

180. When a person designated by the Minister imposes a monetary administrative penalty on a person, the designated person must notify the decision by a notice of claim that complies with section 192.

No accumulation of monetary administrative penalties may be imposed on the same person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty decides which one is most appropriate in light of the circumstances and the purpose of the penalties.

2016, c. 35, s. 23.

181. The person may apply in writing for a review of the decision within 30 days after notification of the notice of claim.

2016, c. 35, s. 23.

182. The Minister designates persons to be responsible for reviewing decisions on monetary administrative penalties. Those persons must not come under the same administrative authority as the persons who impose such penalties.

2016, c. 35, s. 23.

183. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record, unless they deem it necessary to proceed in some other manner. The person may confirm, quash or vary the decision under review.

2016, c. 35, s. 23.

184. The application for review must be dealt with promptly. The review decision must be written in clear, concise terms, must include reasons, must be notified to the applicant and must state the applicant's right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, as applicable, after the expiry of the time required by the applicant to submit observations or produce documents, the interest provided for in the fourth paragraph of section 192 on the amount owing ceases to accrue until the decision is rendered.

2016, c. 35, s. 23.

185. The imposition of a monetary administrative penalty for failure to comply with the Act or the regulations is prescribed two years after the date of the failure to comply.

However, if false representations have been made to the Minister, the monetary administrative penalty may be imposed within two years after the date on which the inspection or inquiry that led to the discovery of the failure to comply was begun.

In the absence of evidence to the contrary, the certificate of the Minister, inspector or investigator constitutes conclusive proof of the date on which the inspection or inquiry was begun.

2016, c. 35, s. 23.

186. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

2016, c. 35, s. 23.

187. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on any person who

(1) refuses or neglects, in contravention of this Act, to provide any information or documents or fails to file them in the prescribed time, in cases where no other monetary administrative penalties are provided for by this Act or the regulations; or

(2) contravenes section 7 or 29, the third paragraph of section 30, the second paragraph of section 31, section 57, the third paragraph of section 58 or section 80, 81, 98, 100 or 146.

2016, c. 35, s. 23.

188. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any person who contravenes section 28, the first paragraph of section 37, section 46, 55 or 62, the first paragraph of section 64 or section 65, 67, 71, 72, 75, 77, 84, 87, 90 or 92.

The same holds for any person who does not comply with a requirement of the Minister imposed under subparagraph 1 of the second paragraph of section 132.

2016, c. 35, s. 23.

189. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who contravenes section 9, 99, 108, 116, 127 or 134.

2016, c. 35, s. 23.

190. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any person who

(1) contravenes any of sections 95 to 97, the first paragraph of section 110 and section 126;

(2) does not comply with a requirement of the Minister imposed under the second paragraph of section 110; or

(3) refuses or fails to comply with an order imposed under this Act.

2016, c. 35, s. 23.

191. The Government may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty. The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the degree to which the standards have been infringed, without exceeding the amounts set out in section 190, according to the party in breach.

2016, c. 35, s. 23.

192. The person designated by the Minister under section 180 may, by notification of a notice of claim, claim from a person the payment of the amount of any monetary administrative penalty imposed under this chapter.

In addition to stating the person's right to obtain a review of the decision under section 181 and the time limit specified in that section, the notice of claim must include

(1) the amount of the claim;

(2) the reasons for it;

(3) the time from which it bears interest; and

(4) the right to contest the review decision before the Administrative Tribunal of Québec and the time limit for doing so.

The notice of claim must also include information on the procedure for recovery of the amount claimed, in particular with regard to the issue of a recovery certificate under section 195 and its effects. The person concerned must also be advised that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

2016, c. 35, s. 23.

193. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the person concerned, within 30 days after notification of the decision.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending.

2016, c. 35, s. 23.

194. The directors and officers of a legal person that has defaulted on payment of an amount owed under this chapter are solidarily liable, with the legal person, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

2016, c. 35, s. 23.

195. If the amount owing is not paid in its entirety, the Minister may issue a recovery certificate on the expiry of the time for applying for a review of the decision, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the Minister's decision or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

2016, c. 35, s. 23.

196. Once a recovery certificate has been issued, the Minister of Revenue applies, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund due to a person under a fiscal law to the payment of an amount owed by them under this Act.

That application interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owed.

2016, c. 35, s. 23.

197. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision establishing the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court and has all the effects of such a judgment.

2016, c. 35, s. 23.

198. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount that the Government determines by regulation.

2016, c. 35, s. 23.

CHAPTER XVI

PENAL PROVISIONS

2016, c. 35, s. 23.

199. Anyone who

(1) contravenes section 7 or 29, the third paragraph of section 30, the second paragraph of section 31, section 57, the third paragraph of section 58 or section 80, 81, 98, 100 or 146, or

(2) contravenes a provision of a regulation whose violation constitutes an offence under paragraph 5 of section 207,

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

2016, c. 35, s. 23.

200. Anyone who contravenes section 28, the first paragraph of section 37, section 38, 39, 46, 55 or 62, the first paragraph of section 64 or section 65, 67, 71, 72, 75, 77, 84, 87, 90 or 92 is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

The same holds for any person who does not comply with a requirement of the Minister imposed under subparagraph 1 of the second paragraph of section 132.

2016, c. 35, s. 23.

201. Anyone who in any way hinders an inspector or investigator in the exercise of inspection or investigation functions, misleads an inspector or investigator through concealment or false declarations, refuses to provide any information or document the inspector is entitled to require or examine under sections 153 and 154, or conceals or destroys any document or property relevant to an inspection or investigation is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

Anyone who in any way hinders the work of a person referred to in section 133 is guilty of an offence and is liable to the same fine.

2016, c. 35, s. 23.

202. Anyone who contravenes section 3, 9, 99, 108, 116 or 127, the first paragraph of section 132 or section 134 is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

2016, c. 35, s. 23.

203. Anyone who

(1) contravenes any of sections 95 to 97, the first paragraph of section 110 and section 126,

(2) does not comply with a requirement of the Minister imposed under the second paragraph of section 110; or

(3) refuses or fails to comply with an order imposed under this Act,

is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

2016, c. 35, s. 23.

204. Anyone who does not comply with a requirement of the Minister imposed under section 109 or contravenes a standard prescribed by regulation for the guarantee required under this Act is guilty of an offence and is liable to a fine corresponding to 10% of the total amount of the guarantee.

2016, c. 35, s. 23.

205. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.

2016, c. 35, s. 23.

206. Penal proceedings for offences under this Act or the regulations are prescribed one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

2016, c. 35, s. 23.

CHAPTER XVII

REGULATORY POWERS

2016, c. 35, s. 23.

207. In addition to the other regulatory powers conferred on it by this Act, the Government may, by regulation,

(1) determine the form and manner in which all the documents required for the purposes of this Act and the regulations are to be sent;

(2) determine the fee payable for the assessment of a permanent well or reservoir closure and site restoration plan with a view to its approval or revision;

(3) determine the fee payable for the assessment and inspections conducted for the purpose of issuing a certificate of release under section 112;

(4) determine the fee payable by a person to whom an inspector has given a written notice of non-compliance with this Act or the regulations;

(5) determine the provisions of a regulation whose violation constitutes an offence; and

(6) prescribe, in relation to a petroleum right in a body of water, additional conditions or obligations or conditions or obligations that are different from those prescribed by this Act and the regulations; such conditions or obligations may vary according to the type of body of water concerned.

2016, c. 35, s. 23.

CHAPTER XVIII

AMENDING PROVISIONS

2016, c. 35, s. 23.

CIVIL CODE OF QUÉBEC

208. *(Amendment integrated into the Civil Code, a. 951).*

2016, c. 35, s. 23.

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

209. *(Amendment integrated into c. A-4.1, s. 1).*

2016, c. 35, s. 23.

SUSTAINABLE FOREST DEVELOPMENT ACT

210. *(Amendment integrated into c. A-18.1, s. 35).*

2016, c. 35, s. 23.

211. *(Amendment integrated into c. A-18.1, s. 73).*

2016, c. 35, s. 23.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

212. *(Amendment integrated into c. A-19.1, s. 1).*

2016, c. 35, s. 23.

213. *(Amendment integrated into c. A-19.1, s. 6).*

2016, c. 35, s. 23.

214. *(Amendment integrated into c. A-19.1, s. 53.7).*

2016, c. 35, s. 23.

215. *(Amendment integrated into c. A-19.1, s. 246).*

2016, c. 35, s. 23.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

216. *(Amendment integrated into c. D-15.1, s. 17).*

2016, c. 35, s. 23.

MINING TAX ACT

217. *(Amendment integrated into c. I-0.4, s. 1).*

2016, c. 35, s. 23.

ACT RESPECTING INVESTISSEMENT QUÉBEC

218. *(Amendment integrated into c. I-16.0.1, s. 12.1).*

2016, c. 35, s. 23.

219. *(Amendment integrated into c. I-16.0.1, s. 35.1).*

2016, c. 35, s. 23.

220. *(Amendment integrated into c. I-16.0.1, s. 35.2).*

2016, c. 35, s. 23.

221. *(Amendment integrated into c. I-16.0.1, s. 35.5).*

2016, c. 35, s. 23.

222. *(Amendment integrated into c. I-16.0.1, s. 35.13).*

2016, c. 35, s. 23.

ACT RESPECTING ADMINISTRATIVE JUSTICE

223. *(Amendment integrated into c. J-3, Schedule III).*

2016, c. 35, s. 23.

MINING ACT

224. *(Amendment integrated into c. M-13.1, s. 1).*

2016, c. 35, s. 23.

225. *(Amendment integrated into c. M-13.1, heading of Chapter II).*

2016, c. 35, s. 23.

226. *(Amendment integrated into c. M-13.1, s. 3).*

2016, c. 35, s. 23.

227. *(Amendment integrated into c. M-13.1, s. 8).*

2016, c. 35, s. 23.

228. *(Amendment integrated into c. M-13.1, s. 13).*

2016, c. 35, s. 23.

229. *(Amendment integrated into c. M-13.1, s. 18).*

2016, c. 35, s. 23.

230. *(Amendment integrated into c. M-13.1, s. 64).*

2016, c. 35, s. 23.

231. *(Amendment integrated into c. M-13.1, s. 100).*

2016, c. 35, s. 23.

232. *(Amendment integrated into c. M-13.1, Divisions IX to XIII of Chapter III).*

2016, c. 35, s. 23.

233. *(Amendment integrated into c. M-13.1, s. 217).*

2016, c. 35, s. 23.

234. *(Amendment integrated into c. M-13.1, s. 218).*

2016, c. 35, s. 23.

235. *(Amendment integrated into c. M-13.1, ss. 227, 230 and 254).*

2016, c. 35, s. 23.

236. *(Amendment integrated into c. M-13.1, s. 267).*

2016, c. 35, s. 23.

237. *(Amendment integrated into c. M-13.1, ss. 273 to 277 and 279).*

2016, c. 35, s. 23.

238. *(Amendment integrated into c. M-13.1, s. 281).*

2016, c. 35, s. 23.

239. *(Amendment integrated into c. M-13.1, s. 291).*

2016, c. 35, s. 23.

240. *(Amendment integrated into c. M-13.1, s. 304).*

2016, c. 35, s. 23.

241. *(Amendment integrated into c. M-13.1, s. 306).*

2016, c. 35, s. 23.

242. *(Amendment integrated into c. M-13.1, s. 306.1).*

2016, c. 35, s. 23.

243. *(Amendment integrated into c. M-13.1, s. 310).*

2016, c. 35, s. 23.

244. *(Amendment integrated into c. M-13.1, ss. 313, 313.1).*

2016, c. 35, s. 23.

245. *(Amendment integrated into c. M-13.1, s. 314).*

2016, c. 35, s. 23.

246. *(Amendment integrated into c. M-13.1, s. 316).*

2016, c. 35, s. 23.

247. *(Amendment integrated into c. M-13.1, ss. 366 to 371 and 376).*

2016, c. 35, s. 23.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

248. *(Amendment integrated into c. M-25.2, s. 17.12.12).*

2016, c. 35, s. 23.

249. *(Amendment integrated into c. M-25.2, s. 17.12.19).*

2016, c. 35, s. 23.

250. *(Amendment integrated into c. M-25.2, subdivision 4).*

2016, c. 35, s. 23.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

251. *(Amendment integrated into c. P-41.1, s. 1).*

2016, c. 35, s. 23.

ENVIRONMENT QUALITY ACT

252. *(Amendment integrated into c. Q-2, s. 31.5).*

2016, c. 35, s. 23.

253. *(Amendment integrated into c. Q-2, s. 31.65).*

2016, c. 35, s. 23.

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

254. *(Amendment integrated into c. R-13.1, s. 64).*

2016, c. 35, s. 23.

255. *(Amendment integrated into c. R-13.1, s. 89).*

2016, c. 35, s. 23.

256. *(Amendment integrated into c. R-13.1, s. 149).*

2016, c. 35, s. 23.

257. *(Amendment integrated into c. R-13.1, s. 173).*

2016, c. 35, s. 23.

258. *(Amendment integrated into c. R-13.1, s. 191.46).*

2016, c. 35, s. 23.

259. *(Amendment integrated into c. R-13.1, s. 191.68).*

2016, c. 35, s. 23.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

260. *(Amendment integrated into c. T-8.1, s. 52).*

2016, c. 35, s. 23.

REGULATION RESPECTING FOREST ROYALTIES

261. *(Inoperative).*

2016, c. 35, s. 23.

REGULATION RESPECTING THE APPLICATION OF THE ENVIRONMENT QUALITY ACT

262. *(Amendment integrated into c. Q-2, r. 3, s. 1).*

2016, c. 35, s. 23.

263. *(Amendment integrated into c. Q-2, r. 3, s. 2).*

2016, c. 35, s. 23.

264. *(Inoperative).*

2016, c. 35, s. 23.

REGULATION RESPECTING THE DECLARATION OF WATER WITHDRAWALS

265. *(Amendment integrated into c. Q-2, r. 14, s. 3).*

2016, c. 35, s. 23.

REGULATION RESPECTING ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW

266. *(Inoperative).*

2016, c. 35, s. 23.

WATER WITHDRAWAL AND PROTECTION REGULATION

267. *(Amendment integrated into c. Q-2, r. 35.2, s. 7).*

2016, c. 35, s. 23.

268. *(Amendment integrated into c. Q-2, r. 35.2, s. 43).*

2016, c. 35, s. 23.

CHAPTER XIX

TRANSITIONAL AND FINAL PROVISIONS

2016, c. 35, s. 23.

DIVISION I

TRANSITIONAL PROVISIONS

2016, c. 35, s. 23.

269. A licence to explore for petroleum, natural gas and underground reservoirs issued under the Mining Act (chapter M-13.1) and in force on 20 September 2018 is deemed to be, for the unexpired term of the licence, an exploration licence issued under this Act. The holder of such an exploration licence must inform the landowner, the local municipality and the regional county municipality whose land or territory is covered, in whole or in part, by the licence, in writing and within 60 days after 20 September 2018.

In the event of non-compliance with the first paragraph, sections 187 and 199 apply.

For the purposes of section 31, the work performed by the holder of a licence to explore for petroleum, natural gas and underground reservoirs under section 177 of the Mining Act for the current year as at 20 September 2018 is considered to have been performed in accordance with section 31.

For the purposes of section 33, excess amounts spent as at 20 September 2018 by the holder of a licence to explore for petroleum, natural gas and underground reservoirs may be applied to years subsequent to that in which the work was performed.

2016, c. 35, s. 23.

270. A lease to produce petroleum and natural gas issued under the Mining Act and in force on 20 September 2018 is deemed to be, for the unexpired term of the lease, a production licence issued under this Act.

2016, c. 35, s. 23.

271. A lease to operate an underground reservoir issued under the Mining Act and in force on 20 September 2018 is deemed to be, for the unexpired term of the lease, a storage licence issued under this Act.

2016, c. 35, s. 23.

272. An authorization to produce brine issued under the Mining Act and in force on 20 September 2018 is deemed to be an authorization to produce brine issued under this Act. However, its holder is not required to hold a licence under this Act.

The holder of an authorization to produce brine who, on 20 September 2018, has not begun to produce brine must obtain the authorizations required under this Act.

For the purposes of section 69, the five-year period is calculated from 20 September 2018.

2016, c. 35, s. 23; I.N. 2017-10-01.

273. A licence for geophysical surveying issued under the Mining Act and in force on 20 September 2018 is deemed to be a geophysical surveying or geochemical surveying authorization issued under this Act.

2016, c. 35, s. 23.

274. A well drilling licence issued under the Mining Act and in force on 20 September 2018 is deemed to be a drilling authorization issued under this Act.

2016, c. 35, s. 23.

275. The holder of a mining right granted under the Mining Act whose well or reservoir is not permanently closed by 20 September 2018 must, within 90 days after that date, submit a permanent well or reservoir closure and site restoration plan to the Minister as well as the guarantee required under Chapter IV.

2016, c. 35, s. 23.

276. A well completion licence issued under the Mining Act is deemed to be a completion authorization issued under this Act.

2016, c. 35, s. 23.

277. A well conversion licence issued under the Mining Act is deemed to be a reconditioning authorization issued under this Act.

2016, c. 35, s. 23.

278. The lease to use natural gas bearing number 1997BU701 continues in force in accordance with the conditions of the lease until its expiry.

2016, c. 35, s. 23.

279. The holder of an exploration, production or storage licence referred to in any of sections 269 to 271 must, within 90 days after 20 September 2018, establish the monitoring committee required under section 28.

The Government determines, by regulation, the conditions that apply to the establishment of the monitoring committee if the holder holds two or more licences.

In the event of non-compliance with the first paragraph, sections 188 and 200 apply.

2016, c. 35, s. 23.

280. As of 20 September 2018, applications for licences to explore for petroleum, natural gas and underground reservoirs, leases to produce petroleum and natural gas, leases to operate an underground reservoir, authorizations to produce brine, licences for geophysical surveying, well drilling licences, well completion licences and well conversion licences as well as applications for authorization to temporarily or permanently close a well that are pending are continued and decided in accordance with this Act.

2016, c. 35, s. 23.

281. Entries, in the public register of real and immovable mining rights, of petroleum rights granted under the Mining Act (chapter M-13.1) are deemed to have been registered in the public register of real and immovable petroleum rights established under section 149.

2016, c. 35, s. 23.

282. The Regulation respecting the delegation of the exercise of powers relating to petroleum, natural gas, brine and underground reservoirs vested in the Minister of Natural Resources and Wildlife under the Mining Act (chapter M-13.1, r. 0.2) continues to apply until an order is made under section 143, with the following modifications:

(1) a reference to the Mining Act (chapter M-13.1) is a reference to the Petroleum Resources Act (chapter H-4.2); and

(2) a reference to petroleum or natural gas is a reference to petroleum.

2016, c. 35, s. 23.

283. Unless the context indicates otherwise, a petroleum-related order made under section 304 of the Mining Act (chapter M-13.1) is deemed to also have been made under section 142 of this Act.

2016, c. 35, s. 23.

284. Section 124 of chapter 32 of the statutes of 2013 continues to apply to petroleum resources for 18 months following the adoption of the government policy directions on land development that concern petroleum resources, with the necessary modifications.

2016, c. 35, s. 23.

285. An exploration licence holder is exempted from performing the work required under section 31 until the date determined by the Government. In that case, the term of the licence is deemed to be suspended in accordance with section 144. At the end of the exemption period, the expiry date of the licence is deferred to the end of the period for performing the work that remains to run after the lifting of the suspension.

The time limit for filing the report that an exploration licence holder who performs work during the exemption period provided for in the first paragraph must submit under the second paragraph of section 31 is deferred to six months after the new expiry date of the licence determined under the first paragraph.

2016, c. 35, s. 23; I.N. 2017-10-01.

286. Until the coming into force of section 43 of chapter 1 of the statutes of 2016, section 13 is to be read as follows:

“**13.** An outstanding geological site classified under section 305.1 of the Mining Act (chapter M-13.1), a parcel of land used as a cemetery within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1), a parcel of land on which a cemetery is established in accordance with the Non-Catholic Cemeteries Act (chapter C-17) or a Native cemetery may not be subject to a licence.”.

2016, c. 35, s. 23.

287. The Government may, by a regulation made before 20 March 2020, enact any other transitional measure required for the carrying out of this Act.

Such a regulation may, if it so provides, apply from a date not prior to 20 September 2018.

2016, c. 35, s. 23.

DIVISION II

FINAL PROVISIONS

2016, c. 35, s. 23.

288. This Act applies subject to the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and the Act approving the Northeastern Québec Agreement (chapter C-67.1).

2016, c. 35, s. 23.

289. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

2016, c. 35, s. 23.

