

chapter C-6.2

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

AS water is indispensable to life and is a vulnerable and exhaustible resource;

AS water resources are part of the common heritage of the Québec nation, and it is important to preserve water and improve water management to meet the needs of present and future generations;

AS water is for everyone’s use and must be accessible in the quantity and quality required to meet every individual’s essential needs;

AS the environments associated with water resources make a fundamental contribution, particularly with regard to the quality and quantity of water, the conservation of biodiversity and the fight against climate change;

AS it is appropriate to ensure the conservation of such environments, whether to preserve, protect, sustainably use or restore them, or to create new ones;

AS it is appropriate to set the objective of no net loss of such environments;

AS the State, as custodian of the interests of the nation in water resources, must be vested with the powers required to protect and manage those resources;

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

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

2009, c. 21; 2017, c. 14, ss. 1 and 2.

**TABLE OF CONTENTS**

**DIVISION I**  
WATER, A COLLECTIVE RESOURCE..... **1**

**DIVISION II**  
PRINCIPLES

§ 1. — *User pays principle*..... **4**

§ 2. — *Prevention principle*..... **5**

§ 3. — *Reparation principle*..... **6**

§ 4. — *Principles of transparency and participation*..... **7**

<b>DIVISION III</b>	
ACTION FOR DAMAGE TO WATER RESOURCES.....	8
<b>DIVISION IV</b>	
MEASURES RELATED TO GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS.....	12
§ 1. — <i>Boundaries of the hydrologic units</i> .....	13.2
§ 2. — <i>Planning for each hydrologic unit</i> .....	13.3
§ 3. — <i>Regional planning related to wetlands and bodies of water</i> .....	15
<b>DIVISION IV.1</b>	
PROGRAM TO PROMOTE THE RESTORATION AND CREATION OF WETLANDS AND BODIES OF WATER.....	15.8
<b>DIVISION V</b>	
BUREAU DES CONNAISSANCES SUR L’EAU.....	16
<b>DIVISION V.1</b>	
REPORTING.....	17.1
<b>DIVISION VI</b>	
AMENDING PROVISIONS	
ENVIRONMENT QUALITY ACT.....	18
ACT RESPECTING ADMINISTRATIVE JUSTICE.....	31
<b>DIVISION VII</b>	
REPEALING PROVISION.....	32
<b>DIVISION VIII</b>	
TRANSITIONAL PROVISIONS.....	33
<b>DIVISION IX</b>	
FINAL PROVISIONS.....	39
<b>REPEAL SCHEDULE</b>	

## DIVISION I

### WATER, A COLLECTIVE RESOURCE

**1.** Being of vital interest, both surface water and groundwater, in their natural state, are resources that are part of the common heritage of the Québec nation.

As set out in article 913 of the Civil Code, their use is common to all and they may not be appropriated except under the conditions defined by that article.

2009, c. 21, s. 1.

**2.** Under the conditions and within the limits defined by the law, it is the right of every natural person to have access to water that is safe for drinking, cooking and personal hygiene.

2009, c. 21, s. 2.

**3.** The protection, restoration, improvement and management of water resources are of general interest and further sustainable development.

The Minister of Sustainable Development, Environment and Parks may take action to promote public access to the St. Lawrence River and other bodies of water or watercourses, particularly to allow any person to travel on them in accordance with the conditions set out in article 920 of the Civil Code.

2009, c. 21, s. 3.

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

2017, c. 14, s. 3.

## DIVISION II

### PRINCIPLES

#### § 1. — *User pays principle*

**4.** The costs related to water resource use, including protection, restoration, improvement and management costs, are to be borne by users under the conditions defined by law and on the basis of environmental, social and economic consequences and the polluter pays principle.

2009, c. 21, s. 4.

#### § 2. — *Prevention principle*

**5.** Every person has a duty, under the conditions defined by law, to prevent or at least limit the damage the person may cause to water resources and to thus join in the effort to protect water resources.

2009, c. 21, s. 5.

#### § 3. — *Reparation principle*

**6.** Every person must repair the damage the person causes to water resources, under the conditions defined by law.

2009, c. 21, s. 6.

§ 4. — *Principles of transparency and participation*

**7.** Under the conditions and within the limits defined by law, every person has a right of access to any information on water resources that is held by public authorities and a right to participate in public decision-making that affects those resources.

2009, c. 21, s. 7.

**DIVISION III**

**ACTION FOR DAMAGE TO WATER RESOURCES**

**8.** If damage to water resources, including impairment of their physical, chemical or biological properties, ecological functions or quantitative status, is caused by a person or through a person's fault or illegal act, the Attorney General may institute an action against that person, in the name of the State as custodian of the interests of the nation in water resources, with a view to obtaining one or more of the following:

- (1) restoration of the water resources to their original state or a state similar to their original state;
- (2) reparation through compensatory measures;
- (3) reparation by payment of compensation in a lump sum or otherwise.

For the purposes of this section, “original state” means the state of the water resources and of their ecological functions as it would have existed had the damage not occurred, determined on the basis of the best available information.

The obligation to make reparation for damage to water resources or their ecological functions caused through the fault or illegal act of two or more persons is solidary.

2009, c. 21, s. 8.

**9.** For the purposes of an action for damage to water resources, the Government may make regulations determining

(1) the conditions applicable to restoration to the original state or a state similar to the original state and to reparation through compensatory measures; and

(2) the elements to be considered and the scales or methods to be used in assessing or determining damage to water resources, including impairments of the ecological functions performed by water for the benefit of other natural resources and the public, and in determining the compensation payable for such damage.

2009, c. 21, s. 9.

**10.** *(Repealed).*

2009, c. 21, s. 10; 2011, c. 18, s. 105; 2017, c. 4, s. 240.

**11.** An action for damage to water resources is prescribed 10 years after the date on which the Minister becomes aware of the damage.

2009, c. 21, s. 11.

## DIVISION IV

### MEASURES RELATED TO GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS

2009, c. 21, Div. IV; 2017, c. 14, s. 4.

**12.** In this division, “the St. Lawrence” means, in addition to the St. Lawrence River, the St. Lawrence Estuary and the Gulf of St. Lawrence.

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

2009, c. 21, s. 12; 2017, c. 14, s. 5.

**13.** Management of water resources and associated environments in the hydrologic units designated under this division must be based on an integrated, concerted strategy, particularly in the hydrologic unit of outstanding significance that is the St. Lawrence.

This integrated, concerted management must reflect sustainable development principles such as those set out in section 6 of the Sustainable Development Act (chapter D-8.1.1).

2009, c. 21, s. 13; 2017, c. 14, s. 6.

**13.1.** The Minister may define major directions for integrated, concerted water resource management.

In addition, the Minister must prepare and submit to the Government the directions and objectives to be pursued to protect wetlands and bodies of water, so as to ensure and enhance the various benefits they bring, in particular by performing the following functions:

(1) acting as a pollution filter, controlling erosion and retaining sediments by, among other things, preventing and reducing surface water and groundwater pollution and sediment input;

(2) acting as a regulator of water levels by retaining meteoric water and meltwater and allowing part of it to evaporate, thereby reducing the risk of flooding and erosion and promoting groundwater recharge;

(3) conserving the biological diversity that enables the wetlands and bodies of water or the ecosystems to provide living species with habitats in which to feed, find cover and reproduce;

(4) acting as a sun screen and natural wind-shield by maintaining vegetation, which prevents excessive warming of water and protects soils and crops from wind damage;

(5) sequestering carbon and mitigating the impacts of climate change; and

(6) protecting the quality of the landscape by preserving the natural character of a site and the attributes of the countryside associated with it, thus enhancing the value of adjacent land.

2017, c. 14, s. 7.

#### § 1. — *Boundaries of the hydrologic units*

2017, c. 14, s. 7.

**13.2.** The Minister must establish the boundaries of the various hydrologic units, including watersheds, sub-watersheds or any group of watersheds and sub-watersheds, in all or part of the territory, taking into account the following criteria:

(1) the area of the territories included in the hydrologic units;

(2) the territorial limits of Québec, the administrative regions or the regional county municipalities, as the case may be;

(3) population density;

(4) past collaboration and relations between the various users and stakeholders concerned; and

(5) the environmental, social and economic homogeneity of development activities.

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2017, c. 14, s. 7.

§ 2. — *Planning for each hydrologic unit*

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2017, c. 14, s. 7.

**13.3.** Each hydrologic unit must be the subject of planning so as to ensure conservation of the water resource and the environments associated with it.

For that purpose, a watershed body or a regional advisory panel created or designated under subparagraph 3 or 4 of the first paragraph of section 14 must develop a water master plan or an integrated management plan for all or part of the St. Lawrence.

Once such a plan has been developed, government departments and bodies, metropolitan communities, municipalities and Native communities represented by their band council must take it into consideration in exercising their powers and duties.

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2017, c. 14, s. 7.

**13.4.** A water master plan or an integrated management plan for the St. Lawrence must be established within the framework of a regional and local consultation process.

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2017, c. 14, s. 7.

**13.5.** The Minister may determine the elements that must be addressed in a water master plan or an integrated management plan for the St. Lawrence, in particular with regard to

(1) the state of waters and water-dependent natural resources;

(2) the diagnosis of problems affecting the state and uses of waters and associated environments;

(3) objectives for the conservation of water resources and the environments associated with them, taking into account the needs of the regional county municipalities concerned and the objectives they may set for themselves in implementing their regional wetlands and bodies of water plan;

(4) measures to be implemented to meet the objectives; and

(5) an evaluation of the economic and financial means required to implement the measures.

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2017, c. 14, s. 7.

**13.6.** A water master plan or an integrated management plan for the St. Lawrence must be approved by the Minister.

It must be the subject of a review and a report, at the intervals and in accordance with the conditions determined by the Minister. A review of the plan and a report on its implementation must be sent to the Minister at least every 10 years, unless another interval is determined.

Any amendment to an approved plan must be sent to the Minister, who may then object to its integration if it does not comply with government policy directions or with the directions established by the Minister.

2017, c. 14, s. 7.

**13.7.** An approved water master plan or integrated management plan for the St. Lawrence must be made available by the Minister and the body or panel concerned on their respective websites and by any other means they determine.

A notice of approval must be sent by the body or panel that developed the plan to the government departments and bodies and to the metropolitan communities, municipalities and Native communities represented by their band council whose territory is included, in whole or in part, in the hydrologic unit covered by the plan.

2017, c. 14, s. 7.

**14.** The Minister of Sustainable Development, Environment and Parks may

- (1) establish major directions for concerted, integrated water resource management;
- (2) *(subparagraph repealed)*;
- (3) for each of the hydrologic units referred to in section 13.2 that the Minister specifies, provide, on the conditions determined by the Minister and subject to subparagraph 4, either
  - (a) for the creation of a watershed body whose mandate is to coordinate concerted, integrated water resource management of each watershed in its integrated management zone. To do so, it
    - i. coordinates a consultation process, ensuring balanced representation of users and stakeholders from the sectors concerned;
    - ii. coordinates the development and subsequent updating of a water master plan;
    - iii. mobilizes users of the water and the territory to take action to foster the consistency and implementation of the water master plan, in particular by promoting it; and
    - iv. coordinates the water master plan follow-up and assessment processes; or
  - (b) for the designation, in exceptional circumstances, of a body that is representative of the users and stakeholders in various sectors and responsible for carrying out the mandate normally conferred on a watershed body provided for in subparagraph *a*;
- (4) for the St. Lawrence hydrologic unit, provide on the conditions determined by the Minister or agreed between the Minister and any government authority concerned,
  - (a) for the establishment of governance mechanisms to ensure, for all or part of the St. Lawrence, co-operation between users and stakeholders in various sectors, and the planning and harmonization of measures for the protection and efficient use of water resources and water-dependent natural resources; and
  - (b) for the creation or designation, as the main component of these governance mechanisms, of regional advisory panels to develop and update an integrated management plan for the St. Lawrence and to promote and monitor its implementation, ensuring balanced representation, within the panels, of users and stakeholders in various sectors;
- (5) prescribe rules governing the operation and financing of a body or panel created or designated under subparagraph 3 or 4 and of governance mechanisms established under subparagraph 4;

(6) *(subparagraph repealed)*;

(7) determine conditions for developing, updating and monitoring the implementation of a water master plan or an integrated management plan for all or part of the St. Lawrence, including conditions regarding obtaining the Minister's approval of the plan and submitting status reports to the Minister on the plan's implementation;

(8) prescribe requirements for watershed bodies and regional advisory panels with regard to public information and participation measures in connection with their activities, as well as their obligations in monitoring the development of a water master plan or an integrated management plan for the St. Lawrence and in monitoring progress in the plan's implementation; and

(9) entrust any mandate to a watershed body or a regional advisory panel to, among other reasons, advise the Minister on water governance matters.

When creating or designating a body under this section, the Minister must publish, particularly in the region concerned and in any appropriate manner, a notice identifying the body and containing a brief description of its mandate.

2009, c. 21, s. 14; 2017, c. 14, s. 8; 2022, c. 8, s. 14.

§ 3. — *Regional planning related to wetlands and bodies of water*

2017, c. 14, s. 9.

**15.** A regional county municipality must develop and implement a regional wetlands and bodies of water plan for its entire territory, including the waters in the domain of the State, with a view to integrated water management for all watersheds concerned. However, such a plan must not cover other lands in the domain of the State.

Two or more regional county municipalities may agree to develop a joint regional plan. The plan adoption process still applies to each municipality that is a party to the agreement.

2009, c. 21, s. 15; 2017, c. 14, s. 9.

**15.1.** The Minister must prepare, keep up to date and make available a guide for developing the regional wetlands and bodies of water plans.

2017, c. 14, s. 9.

**15.2.** The purpose of a regional wetlands and bodies of water plan is, among other things, to identify the wetlands and bodies of water in the territory of a regional county municipality to facilitate better planning of the municipality's actions and of interventions in the territory, including those relating to the conservation of wetlands and bodies of water due to, in particular, the functions performed by the wetlands and bodies of water in any watershed concerned.

A regional plan must, as a minimum,

(1) identify the wetlands and bodies of water of the territory concerned on the basis of the criteria determined by the Minister and describe the problems that could affect them, and, from among those wetlands and bodies of water, identify

(a) those that are of special conservation interest, so as to preserve their state, specifying by what means their conservation should be ensured;

(b) those that could potentially be restored to improve their state and ecological functions; and



(c) those that should be the subject of measures to regulate the activities likely to be carried out there, so as to ensure the sustainable use of those wetlands and bodies of water;

(2) identify areas where wetlands or bodies of water could potentially be created;

(3) include an action plan containing a list of the interventions proposed for certain wetlands and bodies of water identified and a timeline for carrying them out, which plan must take into account the rights granted by the State under the Mining Act (chapter M-13.1) and the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) or the applications filed to obtain such rights; and

(4) include regional plan follow-up and assessment measures.

The plan must also include any other element determined by the Minister.

In identifying the wetlands and bodies of water as required under subparagraph 1 of the second paragraph, a regional county municipality must integrate into the plan the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2).

2017, c. 14, s. 9; 2021, c. 7, s. 31; 2022, c. 10, s. 123.

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

In addition, the metropolitan community or municipality must also comply with the Government's policy directions and objectives, in particular the objective of no net loss of wetlands and bodies of water.

2017, c. 14, s. 9.

**15.4.** A draft regional wetlands and bodies of water plan must be submitted to the Minister for approval, after consultation with the ministers responsible for municipal affairs, agriculture, wildlife, energy and natural resources.

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

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

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

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

(4) the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2) have been considered.

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

A regional plan takes effect on being approved or on any later date determined by the regional county municipality concerned.

A notice of the approval must be sent by the Minister to the government departments and bodies. The regional county municipalities concerned must in turn notify the local municipalities and the Native communities represented by their band council whose territory is covered, in whole or in part, by the approved plan.

2017, c. 14, s. 9; 2021, c. 7, s. 32.

**15.5.** A regional county municipality must make sure that its land use planning and development plan is consistent with the regional plan. It must propose any amendment to the land use planning and development plan that is conducive to ensuring such consistency, in accordance with the rules prescribed for that purpose in the Act respecting land use planning and development (chapter A-19.1). The municipality must also take the appropriate interim control measures according to the rules prescribed by that Act.

2017, c. 14, s. 9; 2019, c. 28, s. 118.

**15.6.** The approved regional wetlands and bodies of water plan is to be made public by the regional county municipality concerned by the means it deems appropriate.

2017, c. 14, s. 9.

**15.7.** The regional wetlands and bodies of water plan must be reviewed every 10 years. For that purpose, the regional county municipalities concerned must send the Minister a report on the implementation of their plan within six months after the 10th anniversary of the plan's effective date.

The regional plan must be updated as needed during the review process.

However, a regional county municipality may update its regional wetlands and bodies of water plan at any time before the review process referred to in the first paragraph if it gives prior notice to the Minister. Such an update does not exempt a municipality from complying with its obligations under the first paragraph.

Any update of a regional wetlands and bodies of water plan must be made according to the same rules as those applicable to the initial development of the plan.

2017, c. 14, s. 9; 2021, c. 7, s. 33.

## DIVISION IV.1

### PROGRAM TO PROMOTE THE RESTORATION AND CREATION OF WETLANDS AND BODIES OF WATER

2017, c. 14, s. 9.

**15.8.** To foster achievement of no net loss of wetlands and bodies of water, the Minister must develop and implement one or more programs to restore wetlands or bodies of water and create new ones.

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

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

2017, c. 14, s. 9.

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

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

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

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

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

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

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

(3) the objectives and targets to be reached;

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

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

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

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

2017, c. 14, s. 9.

**15.10.** Work to restore and create wetlands and bodies of water carried out under an agreement entered into under a program referred to in section 15.8 is exempted from the requirement to obtain a prior authorization required under the Environment Quality Act (chapter Q-2).

The conditions, restrictions and prohibitions applicable to the work that are set out in the agreement are deemed to be those set out in an authorization issued by the Minister under the Environment Quality Act. Any work not covered by the agreement remains subject to the requirement to be authorized under that Act.

The provisions of the Environment Quality Act that establish the penalties applicable for non-compliance with an authorization issued under that Act apply to work carried out in contravention of the conditions, restrictions and prohibitions applicable to the work. The Minister's powers and orders under Division I of Chapter VI of Title I of that Act, as well as the inspection and investigation powers under Chapter XII of that Act, are also applicable.

This section does not restrict any power or penalty the Minister may exercise or impose under the Environment Quality Act in cases where an activity is carried out in contravention of that Act or the regulations.

2017, c. 14, s. 9.

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

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

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

2017, c. 14, s. 9.

**15.12.** The delegation agreement must, as a minimum, stipulate

- (1) the powers delegated and the responsibilities and obligations the delegatee must fulfil;
- (2) the objectives and targets to be reached, in particular with regard to efficiency and effectiveness;
- (3) the specific rules relating to the contracts the delegatee may award to have work carried out;
- (4) the terms governing the data and information to be sent to the Minister, in particular regarding the sites where work is carried out under the program, and the terms governing the conservation of such data and information;
- (5) the reports required on the achievement of the objectives and targets set;
- (6) the Minister's oversight measures with regard to the delegatee's management, and how and when the Minister may intervene if the objectives and targets imposed on the delegatee have not been reached or seem likely not to be reached;
- (7) the penalties applicable for failing to meet the obligations stipulated in the delegation agreement; and
- (8) the duration of the agreement and the terms and conditions for renewing or terminating it.

Such an agreement is to be made available to the public.

2017, c. 14, s. 9.

**15.13.** Any local municipality required to maintain a land use planning and development plan under the Act respecting land use planning and development (chapter A-19.1) on 16 June 2017 must also develop the plan referred to in section 15.

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

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

2017, c. 14, s. 9.

## DIVISION V

### BUREAU DES CONNAISSANCES SUR L'EAU

**16.** A water knowledge branch to be known as the Bureau des connaissances sur l'eau is established within the Ministère du Développement durable, de l'Environnement et des Parcs.

The Bureau's mission is to set up, and ensure the technical coordination of, an information system for the collection of data on water resources, aquatic ecosystems and water uses in the hydrologic units referred to section 13.2, and to conserve and disseminate the data, with a view to supporting learning requirements in the water sector and providing the public with the most complete, reliable and up-to-date information possible.

The municipalities and Native communities and every department, body, educational or research institution or group whose mission, functions or activities relate in whole or in part to the water sector may, by invitation or at their request, be associated with the development of the information system.

2009, c. 21, s. 16; 2017, c. 14, s. 10.

**17.** Not later than 19 June 2014 and every five years after that, the Bureau must send the Minister a report on the state of water resources and aquatic ecosystems.

The report is to be made available to the public within 30 days after it is sent to the Minister.

2009, c. 21, s. 17; I.N. 2014-08-01.

## DIVISION V.1

### REPORTING

2017, c. 14, s. 11; I.N. 2017-09-01.

**17.1.** In connection with the conservation of wetlands and bodies of water, the Minister must make the following elements available to the public:

(1) the list of the interventions carried out by the municipalities concerned in implementing their regional wetlands and bodies of water plan;

(2) according to the watersheds, sub-watersheds or any other zones the Minister determines, a report on the surface areas of territory where activities authorized under the Environment Quality Act (chapter Q-2) adversely affect wetlands and bodies of water; and

(3) the number of projects chosen under a wetlands and bodies of water restoration and creation program, their characteristics and the surface areas involved.

2017, c. 14, s. 11.

**17.2.** Every 10 years, the Minister must produce a report concerning the administration of this Act. The report must concern, in particular,

(1) the implementation of the water master plans and the integrated management plans for the St. Lawrence;

(2) the implementation of the regional wetlands and bodies of water plans;

(3) the implementation of the wetlands and bodies of water restoration and creation programs put in place under this Act, and in particular,

- (a) identify the projects chosen;
  - (b) provide an inventory of the wetlands and bodies of water restored or created under the programs;
  - (c) present the evolution of amounts received as compensation for adverse effects on wetlands and bodies of water and amounts invested in measures to restore and create them; and
  - (d) provide the results obtained in relation to climate change issues and the objective of no net loss of wetlands and bodies of water, with a view to assessing equivalency between the wetlands and bodies of water affected and those restored or created, as well as any gains made in degraded watersheds; and
- (4) an assessment of the advisability of amending any provisions of this Act.

The Minister must table the report in the National Assembly.

2017, c. 14, s. 11.

## **DIVISION VI**

### **AMENDING PROVISIONS**

#### **ENVIRONMENT QUALITY ACT**

**18.** *(Amendment integrated into c. Q-2, heading of Division V of Chapter I).*

2009, c. 21, s. 18.

**19.** *(Amendment integrated into c. Q-2, ss. 31.74-31.108).*

2009, c. 21, s. 19.

**20.** *(Amendment integrated into c. Q-2, s. 32).*

2009, c. 21, s. 20.

**21.** *(Amendment integrated into c. Q-2, subdivision 5 of Division V of Chapter I).*

2009, c. 21, s. 21.

**22.** *(Amendment integrated into c. Q-2, s. 46).*

2009, c. 21, s. 22.

**23.** *(Amendment integrated into c. Q-2, s. 96).*

2009, c. 21, s. 23.

**24.** *(Inoperative, 2011, c. 20, s. 18).*

2009, c. 21, s. 24.

**25.** *(Inoperative, 2011, c. 20, s. 18).*

2009, c. 21, s. 25.

**26.** *(Amendment integrated into c. Q-2, s. 112.0.1).*

2009, c. 21, s. 26.

**27.** *(Amendment integrated into c. Q-2, s. 117).*

2009, c. 21, s. 27.

**28.** *(Inoperative, 2011, c. 20, s. 30).*

2009, c. 21, s. 28.

**29.** *(Amendment integrated into c. Q-2, s. 118.5).*

2009, c. 21, s. 29.

**30.** *(Amendment integrated into c. Q-2, Schedule 0.A).*

2009, c. 21, s. 30.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

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

2009, c. 21, s. 31.

#### DIVISION VII

##### REPEALING PROVISION

**32.** *(Omitted).*

2009, c. 21, s. 32.

#### DIVISION VIII

##### TRANSITIONAL PROVISIONS

**33.** Water withdrawal authorizations issued by the Minister of Sustainable Development, Environment and Parks before 14 August 2014 under section 32 of the Environment Quality Act (chapter Q-2) or any other provision of that Act or the regulations are, as of that date, deemed to have been issued under new section 31.75 of that Act.

Consequently, unless they specify a shorter term and subject to the last paragraph of section 31.81 of that Act and to any regulation of the Government providing for a longer term, such authorizations are valid for 10 years as of the date mentioned above and are renewable.

The second paragraph is also applicable, with the necessary modifications, to water withdrawal authorizations issued by the Government before 14 August 2014 under section 31.5 or 31.6 of that Act.

2009, c. 21, s. 33.

**34.** Water withdrawals that are being lawfully made on 14 August 2014 and for which no authorization has been issued under the Environment Quality Act (chapter Q-2) may continue under the same conditions for 10 years following that date, or for a longer period corresponding to the term set by regulation of the Government for authorizations to which such water withdrawals would be subject under the new provisions of that Act. On the expiry of that period, however, continuation of the withdrawals is subject to an authorization issued in accordance with those new provisions.

However, water withdrawals being made by a municipality on 14 August 2014 to supply a waterworks system operated by the municipality may continue after the expiry of the period mentioned in the first paragraph without the authorization of the Minister.

Water withdrawals referred to in the first or second paragraph may not be increased without an authorization issued in accordance with the new provisions mentioned above.

2009, c. 21, s. 34.

**35.** A regulation of the Government is to be made not later than 14 August 2019 to set the time limits, prior to the expiry of the period mentioned in section 33 or 34, within which persons who are making water withdrawals covered by either of those sections are required to apply to the Minister for an authorization or an authorization renewal for those withdrawals. The time limits may vary according to such factors as the quantity of water withdrawn and the intended use of the water.

Section 115.34 of the Environment Quality Act (chapter Q-2), with the necessary modifications, applies for the purpose of determining the applicable penalties in the case of the contravention of a provision of a regulation made under this section.

2009, c. 21, s. 35; 2011, c. 20, s. 47.

**36.** The contravention of section 34 makes the offender liable to the penalties prescribed by section 115.32 of the Environment Quality Act (chapter Q-2).

2009, c. 21, s. 36; 2011, c. 20, s. 48.

**37.** Sections 113, 114, 114.3, 115, 115.2 to 115.4, 115.35 to 115.57 and 116.1.1 of the Environment Quality Act (chapter Q-2), with the necessary modifications, apply to a contravention of section 34 or a regulation made under section 35.

2009, c. 21, s. 37; 2011, c. 20, s. 49.

**38.** The application of sections 33 and 34 entails no compensation from the State even if it shortens the period during which the water withdrawals concerned may continue.

2009, c. 21, s. 38.

## **DIVISION IX**

### **FINAL PROVISIONS**

**39.** This Act applies to the Government, government departments, and bodies that are mandataries of the State.

2009, c. 21, s. 39.

**40.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

2009, c. 21, s. 40.

**41.** *(Omitted).*

2009, c. 21, s. 41.



REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 21 of the statutes of 2009, in force on 1 August 2009, is repealed, except section 41, effective from the coming into force of chapter C-6.2 of the Revised Statutes.

