

chapter C-61.1, r. 18

Regulation respecting wildlife habitats

Act respecting the conservation and development of wildlife
(chapter C-61.1, ss. 128.1, 128.6 and 128.18).

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SCHEDULE 1 (*Revoked*)

DIVISION I

SCOPE

1. For the purposes of Chapter IV.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) and for the purposes of this Regulation, wildlife habitats are habitats located on land in the domain of the State, having the following features or in which the following conditions prevail and, in the case of habitats described in paragraphs 1 to 5, 6 as regards the woodland caribou, mountain ecotype, Gaspésie population, 7 as regards any other territory under water and 8 to 11, which are demarcated on a chart prepared by the Minister:

(1) “water fowl gathering area” means the site of a swamp, a floodplain delimited by the mean high-water level for a 2-year period, and intertidal zone, a water plant community or a band of water measuring no more than 1 km wide as measured from the low-water mark and no less than 25 ha in area, that is frequented by geese or ducks during nesting or migration seasons and where there are at least 50 birds of those species per kilometre of shoreline measured along a straight line drawn between the 2 most distant points on the shoreline or 1.5 birds per hectare; where the limits of a floodplain cannot be established as indicated, they shall correspond to the natural high-water mark; (*aire de concentration d’oiseaux aquatiques*)

(2) “white-tailed deer yard” means a wooded area measuring at least 250 ha where white-tailed deer gather during the period when the snow cover exceeds 40 cm in the region south of the St. Lawrence River and west of the rivière Chaudière and 50 cm elsewhere; (*aire de confinement du cerf de Virginie*)

(3) “area frequented by caribou south of the 52nd parallel” means a site where a herd of at least 50 caribou calves, breeds and feeds during the winter; (*aire de fréquentation du caribou au sud du 52^e parallèle*)

(4) “caribou calving area north of the 52nd parallel” means a territory frequented by at least 5 caribou cows per square kilometre from 15 May to 1 July; (*aire de mise bas du caribou au nord du 52^e parallèle*)

(5) “cliff inhabited by a colony of birds” means a cliff, and the cliff top back to a depth of 100 m, where there are at least 10 seabird nests per 100 m of cliff face; (*une falaise habitée par une colonie d’oiseaux*)

(6) “habitat of a threatened or vulnerable wildlife species” means a habitat defined by the Regulation respecting threatened or vulnerable species and their habitats (chapter E-12.01, r. 2); (*habitat d’une espèce faunique menacée ou vulnérable*)

(7) “fish habitat” means a lake, a swamp, a marsh, a floodplain delimited by the mean high-water level for a 2-year period or a watercourse, frequented by fish, including the St. Lawrence River and its estuary or any other territory under water situated in the Gulf of St. Lawrence or the Baie des Chaleurs and demarcated on a chart prepared by the Minister; where the limits of a floodplain cannot be established as indicated, they shall correspond to the natural high-water mark; (*habitat du poisson*)

(8) “muskrat habitat” means a swamp or a pond at least 5 ha in area, inhabited by muskrats; (*habitat du rat musqué*)

(9) “heronry” means a site where at least 5 nests have been used by great blue herons, black-crowned night herons and American egrets during at least 1 of the past 5 nesting seasons, including a strip of surrounding land 500 m wide or, where the layout of the land makes it impossible to extend the strip to 500 m, a smaller surrounding strip; (*héronnière*)

(10) “island or peninsula inhabited by a colony of birds” means an island or a peninsula less than 50 ha in area, where there are at least 25 nests per hectare of colonizing bird species other than herons; (*île ou presqu’île habitée par une colonie d’oiseaux*) and

(11) “salt lick” means the site of a swamp, spring or body of water, including a strip of surrounding land 100 m wide, that is frequented by moose and contains mineral salts in concentrations greater than 3 parts per million of potassium and greater than 75 parts per million of sodium. (*vasière*)

O.C. 905-93, s. 1; O.C. 256-99, s. 1; O.C. 951-2001, s. 1; O.C. 733-2004, s. 1; O.C. 721-2011, s. 5.

2. In sections 12, 22 and 27, the expression “shelter stand” means a softwood stand or a softwood-dominant mixed stand 7 m high or more, that has a canopy density of 60% or more and is located in a white-tailed deer yard.

In Division II,

(1) “laying out as an uneven-aged structure” means forest management intended to ensure that all age and diameter classes are present in a stand so that it remains of uneven-aged; (*aménagement en structure inéquienne*)

(2) “selection cutting” means the felling or harvesting of chosen trees in order to keep in the stand stems from each age or diameter class; it requires the marking in each of the age or diameter classes of the trees to be harvested in the stand; (*coupe de jardinage*)

(3) “cut with regeneration and soil protection including high regeneration” means cutting all at once all the trees in an area, while preserving advance regeneration and stems smaller than 10 cm at breast height, minimising any disturbance of the soil during harvest operations and ensuring the protection of lichen-bearing snags; (*coupe avec protection de la régénération et des sols incluant la haute régénération*)

(4) “release of softwood regeneration” means an operation that consists in favouring seedlings of softwood species at the expense of competing plant species such as ligneous or herbaceous species; (*dégagement de régénération résineuse*)

(5) “precommercial thinning” means an operation that consists in reducing the density of seedlings to increase the growth and strength of remaining stems; that intervention does not allow for the harvest of merchantable volume; (*éclaircie précommerciale*)

(6) “commercial thinning” means a partial cut in a stand so as to reduce the number of stems and to give more strength to the remaining stems; that intervention allows for the harvest of a merchantable volume; (*éclaircie commerciale*)

(7) “even-aged stand” means a stand where trees have the same or almost the same age; (*peuplement équien*)

(8) “uneven-aged stand” means a stand comprising trees from different age or diameter classes; (*peuplement inéquien*)

(9) “planting” means an operation that consists in putting seedlings into the soil so as to quickly occupy the station (*plantation*).

In this Regulation, “habitat of the woodland caribou, mountain ecotype, Gaspésie population” means the habitat described in section 2 of the Regulation respecting threatened or vulnerable species and their habitats (chapter E-12.01, r. 2).

O.C. 905-93, s. 2; O.C. 951-2001, s. 2; O.C. 721-2011, s. 5.

DIVISION II

STANDARDS RELATING TO FOREST MANAGEMENT ACTIVITIES

3. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on activities involving the application of fertilizers for silvicultural purposes, except in the habitat of a threatened or vulnerable wildlife species.

O.C. 905-93, s. 3.

4. The prohibition set forth in section 128.6 does not apply to a person who, in a white-tailed deer yard or in an area frequented by caribou south of the 52nd parallel, carries on activities involving the application of pesticides for the purpose of controlling an insect infestation or a cryptogamic disease or involving the application of phytocides.

O.C. 905-93, s. 4.

5. The prohibition set forth in section 128.6 does not apply to a person who, on a lakeshore or on the bank of a perennial watercourse located in a white-tailed deer yard or in an area frequented by caribou south of the 52nd parallel, sets up a piling and slashing area and builds a launching ramp for timber driving purposes.

O.C. 905-93, s. 5.

6. The prohibition set forth in section 128.6 does not apply to a person who carries on activities involving the cultivation and operation of a maple grove for the purpose of producing maple syrup products, except in a heronry or in the habitat of a threatened or vulnerable wildlife species.

O.C. 905-93, s. 6.

7. The prohibition set forth in section 128.6 does not apply to a person who, in a white-tailed deer yard, carries on activities involving

- (1) pruning;
- (2) forest drainage;
- (3) the operation of a tree nursery or of a Christmas tree plantation; or
- (4) site preparation for forest production purposes.

O.C. 905-93, s. 7.

8. A person may, in a wildlife habitat, other than the habitat of a threatened or vulnerable wildlife species, carry on a forest development activity within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1), provided that the person complies with the standards applicable to those activities and prescribed in the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), and any other forest development standard applicable to those activities that the person must comply with pursuant to the Sustainable Forest Development Act.

The following forest development activities are excluded from the application of the first paragraph and remain subject to the prohibition referred to in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1):

- (1) the construction, improvement and repair of roads whose management is under the Minister responsible for the Act respecting roads (chapter V-9) and that are classified autoroute or a national, regional or collector road;

(2) the construction, improvement and repair of a road that skirts a lake or a watercourse by encroaching on the fish habitat.

O.C. 905-93, s. 8; O.C. 951-2001, s. 3; O.C. 733-2004, s. 2; O.C. 721-2011, s. 1; O.C. 474-2017, s. 1.

8.1. *(Revoked).*

O.C. 951-2001, s. 4; O.C. 721-2011, s. 2.

8.2. *(Revoked).*

O.C. 951-2001, s. 4; O.C. 721-2011, s. 2.

8.3. *(Revoked).*

O.C. 951-2001, s. 4; O.C. 721-2011, s. 2.

8.4. *(Revoked).*

O.C. 951-2001, s. 4; O.C. 721-2011, s. 2.

8.5. *(Revoked).*

O.C. 951-2001, s. 4; O.C. 721-2011, s. 2.

DIVISION III

STANDARDS RELATING TO EXPLORATION FOR MINERAL SUBSTANCES, NATURAL GAS, PETROLEUM, BRINE AND UNDERGROUND RESERVOIRS

9. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, for the purposes of exploring for mineral substances, natural gas, petroleum, brine or underground reservoirs, stakes a claim or does geological, geochemical or geophysical surveys using methods other than seismic reflection or seismic refraction, except in the habitat of a threatened or vulnerable wildlife species other than the habitat of the woodland caribou, mountain ecotype, Gaspésie population, with respect to the part of that habitat located outside the limits of the Parc national de la Gaspésie.

O.C. 905-93, s. 9; O.C. 951-2001, s. 5; O.C. 721-2011, s. 3.

10. The prohibition set forth in section 128.6 does not apply to a person who, in a habitat mentioned in sections 11 to 18, carries on an activity mentioned in those sections and involving exploration for mineral substances, natural gas, petroleum, brine or underground reservoirs, where the person carries on the activity in compliance with the requirements of those sections.

O.C. 905-93, s. 10.

11. No person may cut lines more than 2 m wide in a habitat mentioned in paragraphs 2 to 4 and 9 of section 1. In addition, no person may cut lines in a heronry, except in the area outside the first 200 m surrounding the site where the nests are found and then only during the period from 1 August to 31 March.

O.C. 905-93, s. 11; O.C. 474-2017, s. 2.

12. No person may, in a white-tailed deer yard, carry on an activity involving outcrop stripping, trenching, excavating, boring, seismic reflection or seismic refraction surveying, the drilling of a well for the purposes of exploring for natural gas or petroleum, or the construction of access roads or trails for the purposes of those activities, except in compliance with the following requirements:

(1) a written notice shall be sent by registered mail to the Minister of Natural Resources and Wildlife at least 15 days prior to the date set for the beginning of the work. The notice shall specify the type of work that is planned, the size of the area affected, the dates on which the work will begin and end, and the location of the work;

(2) the activity may be carried on only during the period from 1 May to 1 December;

(3) a zone used for outcrop stripping, trenching, excavating, boring or the drilling of a well for the purposes of exploring for natural gas or petroleum may not measure more than 5 ha in a single block and such zones shall be separated from one another by a distance of at least 100 m;

(4) the sum of the areas used for such activities may not represent more than 2% of the total wooded area within the white-tailed deer yard and not more than 2% of the total area of all shelter stands located within the yard; and

(5) trenches and other excavations shall be filled and the organic matter shall be spread over them when the activity is completed.

The percentage of deforestation requirement prescribed in subparagraph 4 of the first paragraph applies cumulatively: areas deforested from one year to the next during simultaneous or successive deforestation activities carried on by one or more persons shall be taken into account, up to a maximum of 10 years from the completion of the work or, where the work lasts less than one year, from the beginning of the work.

O.C. 905-93, s. 12.

12.1. In the part of the habitat of the woodland caribou, mountain ecotype, Gaspésie population, located outside the limits of the Parc national de la Gaspésie, activities such as outcrop stripping, trenching, excavating, boring, seismic refraction surveying, well sinking for the purposes of exploring for natural gas or petroleum, or access road construction for the purposes of those activities may be carried out only in compliance with the following requirements:

(1) written notice shall be sent by registered mail to the Minister at least 15 days prior to the date set to begin the work; the notice must specify the type of work planned, the size of the area involved, the location and the work schedule;

(2) the activity may be carried out only during the period from 15 June to 1 November;

(3) the area where outcrop stripping, trenching, excavating, boring or well sinking for the purposes of exploring for natural gas or petroleum take place may not exceed 5 ha in a single block and such areas shall be spaced out at intervals of at least 100 m;

(4) the sum of the areas where such activities take place may not be more than 2% of the total area of the territory; and

(5) trenches and other excavations shall be filled in and organic matter shall be spread over them when the activity has been completed.

The percentage requirement in subparagraph 4 of the first paragraph is cumulative and shall apply to areas deforested year after year in simultaneous or successive deforestation activities by one or more persons for a maximum of 10 years from the completion of the work or, where the work lasts less than one year, from the beginning of the work.

O.C. 951-2001, s. 6; O.C. 721-2011, s. 4.

13. No person may, in a caribou calving area north of the 52nd parallel, carry on any of the activities mentioned in section 12, except in compliance with the following requirements:

(1) the activity may be carried on only during the period from 1 August to 15 May; and

(2) trenches and other excavations shall be filled and the organic matter shall be spread over them when the activity is completed.

O.C. 905-93, s. 13.

14. No person may, in a heronry, carry on an activity mentioned in section 12, except in compliance with the following requirements:

(1) the activity may be carried on only in the area outside the first 200 m surrounding the site where the nests are found and then only during the period from 1 August to 31 March; and

(2) trenches and other excavations shall be filled and the organic matter shall be spread over them when the activity is completed.

O.C. 905-93, s. 14; O.C. 474-2017, s. 2.

15. No person may use explosives in a white-tailed deer yard, except for an activity mentioned in section 12 and then only during the period from 1 May to 1 December.

No person may use explosives in a caribou calving area north of the 52nd parallel, except for an activity mentioned in section 12 and then only during the period from 1 August to 15 May.

No person may use explosives in a heronry, except for an activity mentioned in section 12, in which case the explosives may be used only outside the first 200 m surrounding the site where the nests are found and then only during the period from 1 August to 31 March.

O.C. 905-93, s. 15; O.C. 474-2017, s. 2.

16. No person may, in a muskrat habitat, bore or drill a well for the purposes of exploring for natural gas or petroleum, unless the habitat is covered by ice not less than 35 cm thick.

No person may, in a fish habitat, bore or drill a well for the purposes of exploring for natural gas or petroleum, unless the person recovers the sediments, sludge and cuttings and deposits them more than 30 m from the boundaries of the habitat.

O.C. 905-93, s. 16.

17. No person may pump water from a fish habitat, except in compliance with one of the following requirements:

(1) where the fish habitat is a watercourse, the volume of water removed does not exceed 15% of the flow at the location from which the water is removed;

(2) where the fish habitat is a floodplain, the volume of water removed does not exceed 45,000 litres per day; or

(3) where the fish habitat is a lake, the volume of water removed does not lower the level of the lake by more than 15 cm. A written notice shall be sent by registered mail to the Minister of Natural Resources and Wildlife at least 15 days before the date on which the pumping is to begin. The notice shall indicate the name and location of the lake from which water is to be pumped, the length of time during which pumping is expected to take place and the date on which pumping is to start.

O.C. 905-93, s. 17.

18. No person may do seismic reflection or seismic refraction surveying in a waterfowl gathering area or in a fish habitat, unless the person uses an air gun or a water gun.

O.C. 905-93, s. 18.

DIVISION IV

STANDARDS RELATING TO THE OPERATION AND MAINTENANCE OF A DAM, TO THE INSTALLATION OF ABOVEGROUND AND UNDERGROUND TELECOMMUNICATIONS LINES AND ELECTRIC POWER DISTRIBUTION LINES; AND TO THE MAINTENANCE OF THE RIGHT OF WAY

19. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, prior to the installation of an aboveground or underground telecommunications line or electric power distribution line or prior to the construction of a dam, does geological, geochemical or geophysical surveys using methods other than seismic reflection or seismic refraction, except in the habitat of a threatened or vulnerable wildlife species.

O.C. 905-93, s. 19.

19.1. The prohibition set forth in section 128.6 does not apply to a person whose activities are carried out in the habitat of the woodland caribou, mountain ecotype, Gaspésie population and are related to the maintenance of the right-of-way of an aboveground or underground telecommunications line or a power distribution line.

O.C. 951-2001, s. 7; O.C. 721-2011, s. 5.

20. The prohibition set out in section 128.6 does not apply to a person who, in a fish habitat, carries out work necessary for the operation of a dam, built in accordance with the law, in particular work related to its maintenance and monitoring, except work carried out for the primary purpose of removing sediment accumulated in the reservoir.

O.C. 905-93, s. 20; O.C. 733-2004, s. 3.

21. The prohibition set forth in section 128.6 to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, in a habitat mentioned in sections 22 to 24, carries on one of the activities involved in the installation of aboveground or underground telecommunications lines or electric power distribution lines or in the maintenance of the right of way for such lines mentioned in sections 22 to 24, where the person carries on the activity in accordance with the requirements of those sections.

O.C. 905-93, s. 21.

22. No person may, in a white-tailed deer yard, cut timber, dig a trench, install poles, conductors or conduits, construct or install an access shaft, or construct an access road or trail for the purpose of laying out the right of way for an aboveground or underground telecommunications line or electric power distribution line, except in compliance with the following requirement:

- (1) a written notice shall be sent in accordance with subparagraph 1 of the first paragraph of section 12;
- (2) the activity may be carried on only during the period from 1 May to 1 December;
- (3) the right of way for the aboveground or underground telecommunications line or electric power distribution line may not be more than 10 m wide; and

(4) the sum of the areas used for such activities may not represent more than 2% of the total wooded area of the white-tailed deer yard or more than 2% of the total area of all the shelter stands located within the yard.

The percentage of deforestation requirement prescribed in subparagraph 4 of the first paragraph applies cumulatively: areas deforested during simultaneous or successive deforestation activities carried on by one or more persons shall be taken into account.

O.C. 905-93, s. 22.

23. No person may, in a heronry, carry on an activity mentioned in section 20, except in compliance with the following requirements:

(1) the activity may be carried on only in the area outside the first 200 m surrounding the site where the nests are found and then only during the period from 1 August to 31 March; and

(2) the right of way for the aboveground or underground telecommunications line or electric power distribution line may not be more than 10 m wide.

O.C. 905-93, s. 23; O.C. 474-2017, s. 2.

24. No person may, in a white-tailed deer yard, cut vegetation for the purposes of maintaining the right of way for an aboveground or underground telecommunications line or electric power distribution line, unless the person uses a chainsaw, a portable brush cutter or a hand tool.

No person may cut vegetation in a heronry, except in the area outside the first 200 m surrounding the site where the nests are found and then only during the period from 1 August to 31 March and only with the tools mentioned in the first paragraph.

O.C. 905-93, s. 24; O.C. 474-2017, s. 2.

DIVISION V

STANDARDS RELATING TO THE DEVELOPMENT AND MAINTENANCE OF RECREATIONAL SITES

O.C. 905-93, Div. V; O.C. 951-2001, s. 8.

25. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, in an area frequented by caribou south of the 52nd parallel, carries on activities involving the development of a wilderness campsite or a developed campsite without services.

The prohibition set forth in the first paragraph does not apply either to a person who carries on, in the habitat of the woodland caribou, mountain ecotype, Gaspésie population, activities involving the maintenance of a vacation site, in particular of a wilderness campsite or a developed campsite with or without services or of a rest area, including a strip of 20 m around it; the prohibition does not apply either to a person who carries on landscaping or maintenance activities in a services zone in the part of Parc national de la Gaspésie located in that habitat.

For the purposes of the second paragraph, “services zone” means a services zone appearing as such in Schedule 2 to the Parks Regulation (chapter P-9, r. 25).

O.C. 905-93, s. 25; O.C. 951-2001, s. 9; O.C. 721-2011, s. 5.

26. The prohibition set forth in section 128.6 does not apply to a person who, in an area frequented by caribou south of the 52nd parallel or in a caribou calving area north of the 52nd parallel, carries on activities involving the laying out of trails for hiking, riding, cycling or cross-country skiing.

The prohibition set forth in the first paragraph does not apply to a person whose activities are related to the maintenance of trails referred to in that paragraph and located in the habitat of the woodland caribou, mountain ecotype, Gaspésie population.

O.C. 905-93, s. 26; O.C. 951-2001, s. 10; O.C. 721-2011, s. 5.

27. No person may, in a white-tailed deer yard, carry on an activity involving the laying out of trails for hiking, riding, cycling or cross-country skiing, except in compliance with the following requirements:

(1) a written notice shall be sent in accordance with subparagraph 1 of the first paragraph of section 12;

(2) the activity may be carried on only during the period from 1 May to 1 December; and

(3) the sum of the areas used for such activities may not represent more than 2% of the total wooded area of the white-tailed deer yard or more than 2% of the total area of all the shelter stands located within the yard.

The percentage of deforestation requirement prescribed in subparagraph 3 of the first paragraph applies cumulatively: areas deforested during simultaneous or successive deforestation activities carried on by one or more persons shall be taken into account.

O.C. 905-93, s. 27.

DIVISION VI

STANDARDS RELATING TO TIMBER DRIVES, DISCHARGE AND CONSTRUCTION IN A FISH HABITAT

28. *(Revoked).*

O.C. 905-93, s. 28; O.C. 733-2004, s. 4.

29. The prohibition set forth in section 128.6 does not apply to a person who carries on an activity that may emit, into the water of a fish habitat, a contaminant within the meaning of paragraph 5 of section 1 of the Environment Quality Act (chapter Q-2).

O.C. 905-93, s. 29.

30. The prohibition set forth in section 128.6 does not apply to a person who, in a fish habitat, carries on an installation or construction activity mentioned in sections 31 to 35, where the person carries on the activity in compliance with the requirements of those sections.

O.C. 905-93, s. 30.

31. No person may build or install a dock or boathouse in a fish habitat, unless the dock or boathouse floats, is mobile or is built on piles.

O.C. 905-93, s. 31.

32. No person may make a trail in a fish habitat unless the habitat is covered by ice not less than 35 cm thick, unless the person installs a culvert not less than 45 cm in diameter or whose dimensions are such that it is able to handle the flood flow, or unless the person builds a bridge or bridging, which shall be removed when the work is completed.

O.C. 905-93, s. 32.

33. No person may build a road in a fish habitat, except in compliance with one of the following requirements:

- (1) the habitat is covered by ice not less than 35 cm thick;
- (2) the person installs a culvert not less than 45 cm in diameter or whose dimensions are such that it is able to handle the flood flow in accordance with section 34;
- (3) bridging is built where the road is to be used for less than 1 year; or
- (4) a bridge is built in accordance with section 35.

In the cases provided for in subparagraphs 2 to 4 of the first paragraph, runoff from ditches shall not be allowed to flow directly into the fish habitat.

O.C. 905-93, s. 33.

34. No person may install a culvert in a fish habitat, except in compliance with the following requirements:

- (1) the culvert shall be installed parallel to the slope of the bed of the habitat and the base of the culvert shall be sunk deep enough to allow the bed of the habitat to resettle;
- (2) the culvert shall extend beyond the base of the fill supporting the road;
- (3) the bed of the habitat shall be stabilized at each opening of the culvert and the passage of fish shall not be obstructed;
- (4) the culvert shall not reduce the width of the habitat by more than 20% as measured from the natural high-water mark;
- (5) water diversion structures such as channels, dikes and caissons shall not obstruct the passage of fish and shall not reduce the width of the habitat by more than one-third as measured from the natural high-water mark; and
- (6) channels dug to divert water from the habitat shall be filled in when their use is discontinued.

O.C. 905-93, s. 34.

35. No person may construct a bridge in a fish habitat, except in compliance with the following requirements:

- (1) the bridge shall not reduce the width of the habitat by more than 20% as measured from the natural high-water mark;
- (2) water diversion structures such as channels, dikes and caissons shall not obstruct the passage of fish and shall not reduce the width of the habitat by more than one-third as measured from the natural high-water mark; and
- (3) channels dug to divert water from the habitat shall be filled in when their use is discontinued.

O.C. 905-93, s. 35.

DIVISION VII

STANDARDS RELATING TO THE MAINTENANCE OF ROAD AND RAILWAY CORRIDORS AND TO THE CONSTRUCTION AND IMPROVEMENT OF FOREST ROADS

36. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on an activity involving the suppression of vegetation in a road or railway corridor, except in the habitat of a threatened or vulnerable species other than the habitat of the woodland caribou, mountain ecotype, Gaspésie population.

O.C. 905-93, s. 36; O.C. 951-2001, s. 11; O.C. 721-2011, s. 5.

37. *(Revoked).*

O.C. 905-93, s. 37; O.C. 474-2017, s. 3.

38. *(Revoked).*

O.C. 905-93, s. 38; O.C. 474-2017, s. 3.

39. *(Revoked).*

O.C. 905-93, s. 39; O.C. 474-2017, s. 3.

DIVISION VIII

STANDARDS RELATING TO LAND SURVEYING ACTIVITIES

40. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, in any of the habitats mentioned in paragraphs 2 to 4 and 9 of section 1, lays out a surveying line not more than 2 m wide or carries on any activity making it possible to subsequently locate that line, except in the habitat of a threatened or vulnerable wildlife species. No person may carry on those activities in a heronry, except during the period from 1 August to 31 March.

O.C. 905-93, s. 40.

DIVISION IX

STANDARDS RELATING TO FARMING ACTIVITIES

41. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who, as part of farming activities, waters animals at a fish habitat or drives animals across a ford in a fish habitat.

O.C. 905-93, s. 41.

42. No person may, in a fish habitat, install an outlet for an underground drain used for farming purposes, except where the part of the bed and the banks under and around the outlet are stabilized with rocks or rigid materials to prevent any erosion.

O.C. 905-93, s. 42.

43. No person may, in a fish habitat, create a ford for farming purposes, except in compliance with the following requirements:

- (1) the ford shall not be more than 7 m wide;
- (2) the bed of the fish habitat shall be stabilized with pebbles or gravel; and
- (3) the passage of fish shall not be obstructed.

O.C. 905-93, s. 43.

44. No person may upgrade a farm road on the floodplain of a fish habitat or in a water fowl gathering area, except during the period from 16 June to 31 March and then provided that no filling is done and the passage of fish is not obstructed.

O.C. 905-93, s. 44.

45. No person may, in a fish habitat, pump water for farming purposes, except where the pumping is done in a watercourse and removes no more than 15% of the flow of water at the pumping location.

O.C. 905-93, s. 45.

DIVISION X

MISCELLANEOUS EXCLUSIONS

46. The prohibition set out in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on an activity in a wildlife habitat that may alter a biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on an activity as part of a project referred to in Schedule A to the Environment Quality Act (chapter Q-2) or a project for which a certificate of authorization has been issued by the Minister under paragraph *a* of section 154 or paragraph *a* of section 189 of that Act, except in the habitat of a threatened or vulnerable wildlife species.

O.C. 905-93, s. 46; O.C. 733-2004, s. 5.

47. The prohibition set forth in section 128.6 does not apply to a person who carries on an activity requiring an authorization certificate issued by the Government under section 31.1 of the Environment Quality Act (chapter Q-2), except in the habitat of a threatened or vulnerable wildlife species.

O.C. 905-93, s. 47.

48. *(Revoked).*

O.C. 905-93, s. 48; O.C. 102-96, s. 1; O.C. 733-2004, s. 6.

DIVISION X.1

STANDARDS RELATING TO MAINTENANCE ACTIVITIES ON WILDLIFE DEVELOPMENT PROJECTS IN AQUATIC ENVIRONMENTS

O.C. 1515-97, s. 1.

48.1. The prohibition set forth in section 128.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1) to carry on, in a wildlife habitat, an activity likely to alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on maintenance activities on wildlife development projects in aquatic environments where the following conditions are met:

- (1) the wildlife development has already been authorized by the Minister;
- (2) the conditions of the authorization are respected; and
- (3) in a case where such maintenance activities are carried out on a dike, measures will be taken to ensure that the vegetation is restored or maintained.

O.C. 1515-97, s. 1.

DIVISION XI

FINAL

49. *(Omitted).*

O.C. 905-93, s. 49.

SCHEDULE 1

(Revoked)

O.C. 951-2001, s. 12; O.C. 721-2011, s. 6.

UPDATES

O.C. 905-93, 1993 G.O. 2, 3536

O.C. 102-96, 1996 G.O. 2, 1048

O.C. 1515-97, 1997 G.O. 2, 5805

O.C. 256-99, 1999 G.O. 2, 426

O.C. 951-2001, 2001 G.O. 2, 4852

S.Q. 2001, c. 63, s. 13

O.C. 733-2004, 2004 G.O. 2, 2467

O.C. 721-2011, 2011 G.O. 2, 1622

O.C. 474-2017, 2017 G.O. 2, 1261