

chapter E-12.01

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

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REPEAL SCHEDULE

DIVISION I

INTERPRETATION AND SCOPE

1. This Act applies to the threatened or vulnerable wildlife and plant species designated under this Act which live in Québec or are imported into Québec.

1989, c. 37, s. 1.

2. For the purposes of this Act, a subspecies, a geographically isolated population or a strain or variety of wildlife or of plants is considered to be a species.

1989, c. 37, s. 2.

3. This Act binds the Government and its departments and agencies that are mandataries of the State.

1989, c. 37, s. 3; 1999, c. 40, s. 122.

4. This Act applies subject to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1989, c. 37, s. 4.

5. The threatened or vulnerable wildlife species designated under this Act and their habitats are governed by the Act respecting the conservation and development of wildlife (chapter C-61.1), subject to the provisions of this Act.

1989, c. 37, s. 5.

DIVISION II

POWERS AND DUTIES

6. The Minister of Sustainable Development, Environment and Parks shall propose to the Government a policy of protection and management of designated threatened or vulnerable species or of species likely to be so designated, or of their habitats, coordinate the application of the policy and see to its implementation.

With regard to species of wildlife, the policy shall be proposed jointly with the minister designated by the Government, and implemented by that minister.

The Minister of Sustainable Development, Environment and Parks shall hold prior consultation with the Minister of Agriculture, Fisheries and Food, the Minister of Natural Resources and Wildlife and the Minister of Municipal Affairs, Regions and Land Occupancy.

1989, c. 37, s. 6; 1990, c. 64, s. 38; 1994, c. 13, s. 15, s. 16; 1994, c. 17, s. 46; 1999, c. 43, s. 13; 1999, c. 36, s. 128; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109.

7. The Minister of Sustainable Development, Environment and Parks or the Minister of Natural Resources and Wildlife may, according to their respective responsibilities,

(1) carry out or cause the carrying out of research, studies or surveys respecting species which appear to require protection or respecting their habitats, and grant subsidies therefor;

(2) establish programs to promote the survival of designated threatened or vulnerable species or of species likely to be so designated, and the protection and development of existing habitats, the restoration of damaged habitats or the creation of new habitats;

(3) delegate the establishment or implementation of the programs contemplated in paragraph 2 to any person, and grant subsidies therefor;

(4) enter into an agreement with any person for the purpose of achieving the objectives of this Act;

(5) enter, according to law, into an agreement with any government or any governmental or international agency for the purpose of achieving the objectives of this Act.

1989, c. 37, s. 7; 1994, c. 17, s. 47; 1999, c. 36, s. 129; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

8. The Minister of Sustainable Development, Environment and Parks may, for the purposes of protection and management of designated threatened or vulnerable plant species or of plant species likely to be so designated,

(1) lease or acquire by agreement or expropriation, with the authorization of the Government, any immovable property or immovable real right;

(2) accept any movable or immovable property as a gift or legacy.

The Minister may also, for the purposes of protection and management of designated threatened or vulnerable plant species, take all measures necessary to repair or mitigate damage caused to a designated threatened or vulnerable plant species or to its habitat and, in the manner of any debt owed to the Government, claim reimbursement of the costs entailed by these measures from the author of the damage.

1989, c. 37, s. 8; 1994, c. 17, s. 48; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

8.1. The Minister of Sustainable Development, Environment and Parks may, after consultation with the ministers concerned, develop and implement programs to promote the conservation and management of designated threatened or vulnerable plant species, of plant species likely to be so designated and of their habitats.

Programs developed under the first paragraph must allow for the allocation of measures implemented based on the needs identified in all regions of Québec.

2021, c. 24, s. 107.

8.2. The Minister of Sustainable Development, Environment and Parks may, by agreement, delegate management of all or part of a program developed under section 8.1 to an organization dedicated in particular to the conservation or management of plant species and of their habitats.

The agreement shall be published on the department's website.

2021, c. 24, s. 107.

DIVISION III

DESIGNATION OF THREATENED OR VULNERABLE SPECIES AND DEMARCATION OF THEIR HABITATS

9. The Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife may establish jointly, by order, a list of threatened or vulnerable species which are likely to be so designated.

The order shall be published in the *Gazette officielle du Québec*.

1989, c. 37, s. 9; 1994, c. 17, s. 49; 1999, c. 36, s. 130; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

10. Upon the joint recommendation of the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife, and after consultation with the other ministers mentioned in the third paragraph of section 6, the Government may, by regulation,

(1) designate, as a threatened or vulnerable species, any species requiring it;

(2) determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15.

1989, c. 37, s. 10; 1994, c. 17, s. 50; 1999, c. 36, s. 131; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

11. Where the Government determines that the habitat of a threatened or vulnerable wildlife species must be demarcated on a chart, the Minister of Natural Resources and Wildlife shall prepare the chart according to sections 128.2 to 128.5 of the Act respecting the conservation and development of wildlife (chapter C-61.1), giving attention to the features or conditions determined by the Government under this Act.

1989, c. 37, s. 11; 1994, c. 17, s. 51; 1999, c. 36, s. 132; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

12. Where the Government determines that the habitat of a threatened or vulnerable plant species must be demarcated on a chart, the Minister of Sustainable Development, Environment and Parks shall prepare the chart in cooperation with, as the case may be, the Minister of Natural Resources and Wildlife, the Minister of Agriculture, Fisheries and Food, the Minister of Transport or the Minister of Municipal Affairs, Regions and Land Occupancy.

He may amend, replace or cancel a chart in the same manner.

1989, c. 37, s. 12; 1990, c. 64, s. 39; 1994, c. 13, s. 15, s. 16; 1994, c. 17, s. 52; 1999, c. 43, s. 13; 1999, c. 36, s. 133; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109.

13. The Minister of Sustainable Development, Environment and Parks shall publish a notice in the *Gazette officielle du Québec* indicating that the chart of a habitat of a threatened or vulnerable plant species has been prepared, or, as the case may be, amended, replaced or cancelled.

The notice shall name the plant species concerned and briefly indicate the location of its habitat.

The chart comes into force 15 days after publication of the notice or on any later date indicated therein.

1989, c. 37, s. 13; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

14. The Minister of Sustainable Development, Environment and Parks shall have custody of the originals of the charts he prepares, and he shall transmit a copy thereof to any person on request.

1989, c. 37, s. 14; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

15. The Minister of Sustainable Development, Environment and Parks shall transmit a copy of the chart of the habitat of a plant species to

(1) the Minister of Natural Resources and Wildlife, who shall enter it on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1);

(2) the regional county municipality whose territory is included on the chart so that it may enter the chart on the land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1);

(3) the local municipality whose territory is included on the chart so that it may take it into account in carrying on its functions;

(4) the Land Registry Office so that all persons concerned may examine it.

1989, c. 37, s. 15; 1994, c. 17, s. 53; 1994, c. 13, s. 15; 1996, c. 2, s. 672; 1999, c. 40, s. 122; 1999, c. 36, s. 133; 2002, c. 68, s. 52; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2020, c. 17, s. 80.

DIVISION IV

ACTIVITIES HAVING AN IMPACT ON A THREATENED OR VULNERABLE PLANT SPECIES OR ITS HABITAT

16. No person may have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in his possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it.

The prohibition in the first paragraph does not apply to

- (1) an activity exempted by regulation;
- (2) an activity carried on in accordance with the standards or conditions of management prescribed by regulation;
- (3) an activity required for educational, scientific or management purposes carried on in accordance with the conditions of an authorization from the Minister of Sustainable Development, Environment and Parks;
- (4) an activity necessary to avoid, limit or repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3); or
- (5) an activity carried on under a program developed under section 8.1.

1989, c. 37, s. 16; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2021, c. 24, s. 108.

17. No person may, in the habitat of a threatened or vulnerable plant species, carry on an activity that may alter the existing ecosystem, the present biological diversity or the physical or chemical components peculiar to that habitat.

The prohibition in the first paragraph does not apply to

- (1) an activity exempted by regulation;
- (2) an activity carried on in accordance with the standards or conditions of management prescribed by regulation;
- (3) an activity authorized by the Minister of Sustainable Development, Environment and Parks or the Government;
- (4) an activity necessary to avoid, limit or repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3);
- (5) an activity required for educational, scientific or management purposes carried on in accordance with an authorization from the Minister of Sustainable Development, Environment and Parks;
- (6) an activity carried on under a program developed under section 8.1.

1989, c. 37, s. 17; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2021, c. 24, s. 109.

18. The Minister of Sustainable Development, Environment and Parks may authorize the carrying on of

- (1) an activity required for educational, scientific or management purposes;
- (2) an activity that alters the habitat of a threatened or vulnerable plant species.

He may attach such conditions to the authorization as he determines, in particular the requirement that the applicant furnish security or pay financial compensation that corresponds to the sums necessary to offset any adverse effects on threatened or vulnerable plant species or on their habitats, in accordance with the regulations.

Before issuing an authorization, the Minister shall take into account, in particular but not exclusively, the objectives pursued by the applicant, the nature of the proposed activities and their impact on the threatened or vulnerable plant species and on their habitats, the competence and experience of the applicant, and the precautionary, mitigating and monitoring measures necessary to ensure favourable living conditions for the threatened or vulnerable plant species or for their habitats. Before issuing the authorization, the Minister shall also inform the applicant of the amount of financial compensation he will be required to pay.

Financial compensation received under the second paragraph is paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) and is used to finance programs developed under section 8.1.

1989, c. 37, s. 18; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2021, c. 24, s. 110.

19. The Government, upon the advice of the Minister of Sustainable Development, Environment and Parks and after a public hearing by the Minister or his representative, may, on such conditions as it determines, authorize the carrying on of an activity that alters the habitat of a threatened or vulnerable plant species if it considers that the consequences of not carrying on or of abandoning the activity would be more harmful to the public than the alteration of the habitat of the plant species concerned.

1989, c. 37, s. 19; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

20. To obtain authorization, a person must apply in writing to the Minister.

The Minister may demand any information he considers necessary for his decision.

1989, c. 37, s. 20.

21. Where the Minister denies an application for authorization, he shall notify the applicant in writing, giving his reasons.

1989, c. 37, s. 21.

22. The Minister may demand any information relating to the carrying on of an activity in the habitat of a plant species.

1989, c. 37, s. 22.

23. Where the holder of an authorization fails to comply with the conditions attached to the authorization, the Minister of Sustainable Development, Environment and Parks may suspend or revoke the authorization or confiscate the security furnished by the holder and use it to repair the damage caused to a threatened or vulnerable plant species or its habitat.

1989, c. 37, s. 23; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

24. Before denying, suspending or revoking an authorization or confiscating security, the Minister shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant or holder at least 10 days to present observations.

1989, c. 37, s. 24; 1997, c. 43, s. 230.

25. The Minister of Sustainable Development, Environment and Parks may make an order on ascertaining that an activity that may result in serious or irreparable damage to a threatened or vulnerable plant species or its habitat

- (1) has begun or is about to begin without authorization;
- (2) violates the conditions attached to the authorization;
- (3) violates the standards or conditions of management prescribed by regulation.

The order shall require the person concerned to suspend the activity until he obtains the required authorization or, as the case may be, to observe the conditions attached to the authorization or the standards or conditions of management prescribed by regulation.

The order must give the reasons on which it is based; it comes into force on its date of notification.

A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.

1989, c. 37, s. 25; 1994, c. 17, s. 53; 1997, c. 43, s. 231; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2022, c. 8, s. 27.

25.1. The Minister may claim the direct and indirect costs of issuing an order from any person to whom the order applies.

If the order is contested before the Superior Court, the claim is suspended until the Court confirms all or part of the order.

2022, c. 8, s. 28.

25.2. In the event of non-compliance with an order, the Minister may have it enforced at the expense of the offender.

The costs and interest arising from having the order so enforced constitute a prior claim on any private immovable concerned in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

Articles 2654.1 and 2655 of the Civil Code apply, with the necessary modifications, to such a claim.

2022, c. 8, s. 28.

26. The Minister of Sustainable Development, Environment and Parks, by memorandum of agreement, on such conditions and for such activities or such habitats of a threatened or vulnerable plant species as he determines, may entrust to a municipality, the exercise in its territory of the powers provided in sections 18 and 20 to 24 and the second paragraph of section 8.

The memorandum may also provide the conditions on which the powers entrusted to the municipality may be subdelegated to its employees.

The Minister shall publish a notice in the *Gazette officielle du Québec* indicating that a memorandum of agreement has been subscribed with a municipality and giving the date of its coming into force.

From the given date, the municipality party to the memorandum of agreement has the necessary authority for the exercise of the powers delegated pursuant to this section.

1989, c. 37, s. 26; 1990, c. 85, s. 123; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2000, c. 56, s. 141; 2006, c. 3, s. 35.

DIVISION V

INSPECTION AND INVESTIGATION

1989, c. 37, Div. V; 2022, c. 8, s. 26.

27. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

1989, c. 37, s. 27; 2022, c. 8, s. 29.

28. Despite article 130 of the Code of Penal Procedure (chapter C-25.1) and section 6 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), where the thing seized is perishable or likely to depreciate rapidly, the inspector or penal investigator may dispose of it in the manner prescribed by government regulation.

If the inspector or penal investigator has disposed of such a thing and it subsequently appears that there is no cause for confiscation, the inspector or penal investigator shall, at the request of the person entitled thereto, pay to that person the indemnity provided by government regulation, as replacement for the property.

1989, c. 37, s. 28; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2022, c. 8, s. 29.

29. *(Replaced).*

1989, c. 37, s. 29; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2022, c. 8, s. 29.

30. *(Replaced).*

1989, c. 37, s. 30; 2022, c. 8, s. 29.

31. *(Replaced).*

1989, c. 37, s. 31; 2022, c. 8, s. 29.

32. *(Repealed).*

1989, c. 37, s. 32; 1992, c. 61, s. 295.

33. *(Replaced).*

1989, c. 37, s. 33; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2022, c. 8, s. 29.

34. *(Replaced).*

1989, c. 37, s. 34; 1992, c. 61, s. 296; 1997, c. 11, s. 1; 2022, c. 8, s. 29.

34.1. *(Replaced).*

1997, c. 11, s. 2; 2022, c. 8, s. 29.

35. *(Replaced).*

1989, c. 37, s. 35; 1997, c. 11, s. 3; 2022, c. 8, s. 29.

36. *(Replaced).*

1989, c. 37, s. 36; 1997, c. 80, s. 65; 2005, c. 44, s. 54; 2011, c. 10, s. 98; 2022, c. 8, s. 29.

37. *(Replaced).*

1989, c. 37, s. 37; 2022, c. 8, s. 29.

38. *(Repealed).*

1989, c. 37, s. 38; 1992, c. 61, s. 297; I.N. 2016-01-01 (NCCP); 2022, c. 8, s. 29.

38.1. *(Replaced).*

1997, c. 11, s. 4; 2022, c. 8, s. 29.

DIVISION VI

REGULATIONS

39. In addition to its regulation-making powers under section 10, the Government may, by regulation,

(1) withdraw certain activities from the application of section 16 in respect of a threatened or vulnerable plant species designated by virtue of this Act;

(2) determine activities that may alter the ecosystem, biological diversity and physical or chemical components of the habitat of a threatened or vulnerable plant species for which no authorization is required;

(3) prescribe management standards or conditions, as the case may be, applicable to activities contemplated in paragraphs 1 and 2;

(4) prescribe the cases and manner in which a habitat of a threatened or vulnerable plant species must be indicated;

(5) require as a condition precedent to the issue of an authorization, in such cases as it prescribes, that a person furnish security to enable the Minister of Sustainable Development, Environment and Parks to take or cause the taking of the required measures pursuant to the second paragraph of section 8 or to section 23, and fix the nature and amount of the security according to the class of person or habitat or to the kind of activity;

(5.1) determine the applicable elements, scales and methods for establishing the amount of financial compensation that the Minister of Sustainable Development, Environment and Parks may require under section 18 and the applicable terms of payment, fines and interest;

(5.2) determine the proportion of the financial compensation required by the Minister of Sustainable Development, Environment and Parks under section 18 that can be reduced in cases where compensation or another type of contribution is required by the Minister under the Environment Quality Act (chapter Q-2) if an activity is carried on in a wetland or body of water or in cases where it is required by the Minister of Natural Resources and Wildlife if the activity is carried on in a wildlife habitat;

(6) *(paragraph repealed);*

(6.1) prescribe the manner in which an inspector of plant life may dispose of a thing seized that is perishable or likely to depreciate rapidly and, according to the category or species of the thing seized,

determine the amount or the method to be used for determining the amount of the indemnity payable to the person entitled to it when the inspector has disposed of it;

- (7) prescribe any provision of the regulations the violation of which is an offence.

The activities or the management standards or conditions prescribed in subparagraphs 1, 2 and 3 of the first paragraph may vary according to the plant species, the kind of activity, the class of habitat of a plant species or its location, the time of year or environmental features.

1989, c. 37, s. 39; 1994, c. 17, s. 53; 1997, c. 11, s. 5; 1997, c. 80, s. 66; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2021, c. 24, s. 111.

DIVISION VI.1

MONETARY ADMINISTRATIVE PENALTIES

2022, c. 8, s. 30.

39.1. 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, in contravention of a provision of this Act, fails to transmit any information or document required under this Act or the regulations or to transmit the information or document within the prescribed time.

2022, c. 8, s. 30.

39.2. 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, in contravention of a provision of this Act, fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations.

2022, c. 8, s. 30.

39.3. 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

(1) carries on an activity or does something without having obtained an authorization required under this Act or the regulations; or

(2) provides erroneous information or an incomplete document for the purposes of this Act and the regulations.

2022, c. 8, s. 30.

39.4. 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) carries on an activity prohibited under this Act; or

(2) fails to comply with an order made by the Minister under this Act.

2022, c. 8, s. 30.

39.5. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

2022, c. 8, s. 30.

DIVISION VII

PENAL PROVISIONS

40. Anyone who refuses or neglects to transmit information or a document required under this Act or the regulations or fails to transmit the information or document within the prescribed time commits 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.

1989, c. 37, s. 40; 1990, c. 4, s. 974; 2022, c. 8, s. 31.

41. Anyone who fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations commits 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.

1989, c. 37, s. 41; 1994, c. 17, s. 53; 1999, c. 40, s. 122; 1999, c. 36, s. 133; 2000, c. 42, s. 166; 2006, c. 3, s. 35; 2020, c. 17, s. 81; 2022, c. 8, s. 31.

42. Anyone who

(1) carries on an activity or does something without obtaining an authorization required under this Act or the regulations, or

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

commits 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.

1989, c. 37, s. 42; 2022, c. 8, s. 31.

43. Anyone who

(1) carries on an activity prohibited under this Act, or

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

commits 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.

1989, c. 37, s. 43; 1990, c. 4, s. 975; 2022, c. 8, s. 31.

44. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to this division and the penal provisions provided by regulation.

1989, c. 37, s. 44; 1990, c. 4, s. 976; 2022, c. 8, s. 31.

45. The owner of private land on which a habitat of a threatened or vulnerable plant species is situated cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless that owner had prior notification of the existence of the habitat.

The Minister of Sustainable Development, Environment and Parks may request the registration, in the land register, of a reference to the existence of a habitat of a threatened or vulnerable plant species on the land. The Minister's request is made by means of a notice filed at the registry office; such notice shall be in lieu of a

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notice of the existence of a habitat of a threatened or vulnerable plant species on that land in respect of any person who becomes the owner thereof after the registration.

1989, c. 37, s. 45; 2022, c. 8, s. 31.

46. In the cases prescribed by the Government, by regulation, in which a habitat of a threatened or vulnerable plant species must be indicated, a person cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless the habitat has already been indicated in the manner prescribed by regulation or unless the person had prior notification of the existence of the habitat.

1989, c. 37, s. 46; 2022, c. 8, s. 31.

47. *(Replaced).*

1989, c. 37, s. 47; 1992, c. 61, s. 298; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35; 2022, c. 8, s. 31.

48. *(Repealed).*

1989, c. 37, s. 48; 1990, c. 4, s. 977; 1992, c. 61, s. 299.

49. A municipality party to a memorandum of agreement in accordance with section 26 may, in respect of activities contemplated in the memorandum of agreement, institute proceedings for an offence under sections 40 to 43, in which case the amount of the fine shall be paid to the municipality.

1989, c. 37, s. 49; 1992, c. 61, s. 300; 2000, c. 56, s. 142; 2022, c. 8, s. 32.

DIVISION VII.1

RECOVERY

2022, c. 8, s. 33.

49.1. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.

2022, c. 8, s. 33.

DIVISION VIII

AMENDING AND FINAL PROVISIONS

50. *(Amendment integrated into c. C-61.1, s. 1).*

1989, c. 37, s. 50.

51. *(Amendment integrated into c. C-61.1, s. 1.1).*

1989, c. 37, s. 51.

52. *(Amendment integrated into c. C-61.1, s. 128.3).*

1989, c. 37, s. 52.

53. *(Amendment integrated into c. C-61.1, s. 128.4).*

1989, c. 37, s. 53.

54. *(Amendment integrated into c. C-61.1, s. 162).*

1989, c. 37, s. 54.

55. *(Amendment integrated into c. C-61.1, s. 171.1).*

1989, c. 37, s. 55.

56. *(Inoperative, 1990, c. 4, s. 339).*

1989, c. 37, s. 56.

57. The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act, except where it applies to the protection and management of wildlife species and their habitats; the administration of the provisions relating to wildlife species and their habitats shall be under the responsibility of the Minister of Natural Resources and Wildlife.

1989, c. 37, s. 57; 1994, c. 17, s. 54; 1999, c. 36, s. 134; 2000, c. 8, s. 242; 2004, c. 11, s. 69, s. 70; 2006, c. 3, s. 35.



The functions of the Minister of Natural Resources and Wildlife provided for in this Act, in respect of wildlife, are assigned to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks. Order in Council 1645-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6517.

58. Sections 52, 53 and 56 have effect from the date of the coming into force of sections 128.3, 128.4 and 171.2, respectively, of the Act respecting the conservation and development of wildlife (chapter C-61.1).

1989, c. 37, s. 58.

59. *(Omitted).*

1989, c. 37, s. 59.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 37 of the statutes of 1989, in force on 1 March 1990, is repealed, except section 59, effective from the coming into force of chapter E-12.01 of the Revised Statutes.