



## Summary of Regulations on Activities in Wetlands and Bodies of Water in Private Forests

25 mars 2021

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On September 2, 2020, the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) [Quebec Department of Environment and the Fight Against Climate Change] announced the publication of new regulations governing activities in wetlands and bodies of water—i.e., in watercourses (rivers and streams), lakeshores, riverbanks, floodplains and wetlands. These regulations are scheduled to go into effect on December 31, 2020.

To help wood producers understand these regulations, the FPFQ has produced a table summarizing the forest management operations covered. Needless to say, this table does not replace the detailed requirements set out in the official regulations. In addition, we recommend that you ask your forestry consultant to help you identify the wetlands and streams on your property and determine their boundaries. Beware: under these regulations, offences will incur stiff fines.

Many silvicultural and forest management operations can be carried out in wetlands and water bodies without requiring prior authorization from MELCC, as stipulated in the *Regulation Respecting the Regulatory Scheme Applying to Activities on the Basis of their Environmental Impact* (RRSABEI). These operations include activities exempt from the *Environment Quality Act* (EQA), as well as those eligible for a declaration of compliance. To obtain a declaration of compliance, you must inform MELCC 30 days before you start the work. However, a number of conditions must be met to benefit from these exemptions or to be eligible for a declaration of compliance under RRSABEI. These conditions are described in the *Regulation Respecting Activities in Wetlands, Bodies of Water and Sensitive Areas* (RAWBWSA).

Remember: if your activities do not correspond to those described in the table, prior authorization from MELCC may be required to do work in a wetland, riparian zone, floodplain or watercourse.

### Summary of the basic conditions to be met for all activities in wetlands and water bodies

All work done in wetlands and water bodies must comply with the following conditions:

- Use materials appropriate for the environment in question.
- Use measures to control erosion, sediments and suspended matter.
- Activities must not interfere with the free flow of water.
- Do not drive vehicles or machinery through water, except in a watercourse and in compliance with the provisions of the regulation.
- The refueling and maintenance of machinery must be done outside wetlands and bodies of water.
- Promote natural regeneration. If the natural regeneration at a site is inadequate, the site must be reforested within four years after the end of the work. The exception is work following a natural disturbance in a habitat other than a lakeshore or riverbank.
- Unless otherwise stipulated, the work must not include excavation or backfilling.
- Any silvicultural prescription required by the regulation must be kept for five years.

## Summary table of forest management activities in wetlands and bodies of water

| Activity   | Example of conditions that must be met to be exempt from getting a MELCC authorization (for a description of all the conditions, see RAWBWSA)  |
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| <p><b>Silvicultural drainage work in a wetland or body of water</b> requires an authorization from MELCC.</p>  | <p>Authorization from MELCC must also be obtained for drainage ditches less than 30 m from an open peat bog, except in a wooded wetland located in the bioclimatic domains of balsam fir stands with white birch and black spruce stands with moss.</p>  |
| <p><b>Work to maintain or repair existing infrastructures</b>—such as roads, culverts and drainage ditches—is exempt from the EQA.</p>   | <p>For culverts, work is limited to a zone no wider than twice the length of the culvert, upstream and downstream from the culvert. Conditions governing temporary encroachments and site restoration after the completion of work are set out in RAWBWSA.</p>   |
| <p><b>Any forest management activity</b> in floodplains, aside from drainage, is exempt from the EQA.</p>  |  |
| <p><b>Partial cutting</b>, involving the harvesting of 50% or less of trees, is exempt from the EQA, with no limit on area.</p> <p><b>Clearcutting</b>, involving the harvesting of over 50% of trees, is exempt from the EQA, but a silvicultural prescription may be required, depending on the municipality where the woodlot is located::</p> <ul style="list-style-type: none"> <li>• In the St. Lawrence Lowlands, a silvicultural prescription is required if the area harvested in a wooded wetland exceeds <b>4 ha per harvest area</b>, unless the treatment follows a natural disturbance;</li> <li>• Outside the St. Lawrence Lowlands, a silvicultural prescription is required if the area harvested in a wooded wetland exceeds <b>25 ha per harvest area</b>, unless the treatment follows a natural disturbance.</li> </ul> | <p><b>In wooded wetlands</b> (forested swamps or forested peatlands), the following conditions apply:</p> <ul style="list-style-type: none"> <li>• Unless cutting follows a natural disturbance, forest cover must be maintained composed of trees with an average height of at least 4 m over at least 30% of the total surface area of all the forested wetlands included in the unit of assessment (property);</li> <li>• Unless cutting follows a natural disturbance, a forested strip at least 60 m wide must be maintained between the different clearcut areas until the trees have reached an average height of 4 m or more;</li> <li>• Ruts must cover no more than 25% of the length of trails (a rut is defined as being at least 20 cm deep and at least 4 m long).</li> </ul> <p><b>In the riparian strip</b> along permanent and intermittent watercourses:</p> <ul style="list-style-type: none"> <li>• The harvesting of 50% or less of the trees is allowed.</li> <li>• Salvage cutting of more than 50% of the trees is allowed, but a silvicultural prescription is required if the area harvested is over 1,000 m<sup>2</sup>.</li> </ul> |
| <p><b>Soil amendment with wood waste</b> is exempt from the EQA.</p>   | <p>Wood waste is the only type of soil amendment allowed in wetlands without prior authorization.</p>  |
| <p><b>Other silvicultural treatments</b>, such as forest renewal activities and precommercial thinning, are exempt from the EQA.</p>   | <p>This applies to <b>wooded</b> wetlands only.</p> <p>In <b>other types of wetlands</b>, the only activities exempt from the EQA are those required for the reforestation of abandoned agricultural land.</p> <p>A silvicultural prescription is required for site preparation using mechanized scarification if the area exceeds 4 ha per intervention area.</p>   |

| Activity  | Example of conditions that must be met to be exempt from getting a MELCC authorization (for a description of all the conditions, see RAWBWSA)   |
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| <p><b>The construction of a road 6.5 m wide or less</b> (not including the ditches) is exempt from the EQA. However, a silviculture prescription is required for roads longer than 120 m in a wooded wetland, for roads longer than 35 m in other types of wetlands, or if ditches in wetlands are deeper than 1 m. The right of way of a road along a riverbank or lakeshore must be no wider than 15 m.</p> <p><b>The construction of a road between 6.5 m and 10 m wide</b> (not including the ditches) is eligible for a declaration of compliance.</p> | <p>The road must not be situated in a pond or an open peat bog.</p> <p>Authorization from MELCC is required for the construction, widening or straightening of a road less than 60 m from a littoral zone, pond, or open peat bog if it runs alongside the former for a distance of 300 m or more.</p> <p>Authorization from MELCC is required to dig a ditch less than 30 m from an open peat bog, except in the balsam fir–white birch or black spruce–moss bioclimatic domains.</p>  |
| <p><b>The construction of a winter road</b> with a right of way of no more than 15 m wide is exempt from the EQA.</p>   | <p>The work must be done when the load-bearing capacity of the soil results in no rutting. The activity is allowed in all types of wetlands; however, a silvicultural prescription must be obtained for work in an open peat bog.</p>   |
| <p><b>A water crossing for fording a watercourse</b> is exempt from the EQA.</p>  | <p>The width of the right of way on the bank or shore must be no more than 7 m.</p>   |
| <p><b>The construction of a culvert</b> is exempt from the EQA.</p>   | <ul style="list-style-type: none"> <li>• The culvert must have a total opening of no more than 4.5 m and have no more than two parallel pipes. The covering of fill over the culvert must be no more than 3 m thick.</li> <li>• The watercourse may not be permanently narrowed by encroaching on more than 20% of its width.</li> <li>• During construction, only one back-and-forth crossing of the watercourse by machinery is allowed.</li> <li>• The work is limited to a zone no wider than twice the length of the culvert, upstream and downstream from the culvert.</li> <li>• Conditions governing the dewatering of a portion of the watercourse are detailed in the RAWBWSA.</li> </ul> |
| <p><b>The construction of a temporary, movable or ice bridge</b> with a right of way of no more than 10 m on the bank or shore is exempt from the EQA.</p>  |   |
| <p><b>The construction of a bridge no more than 5 m wide</b> with no support or stabilization in the watercourse is exempt from the EQA.</p>  |   |

[Interactive wetland map.](#)

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