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officielle
DU Québec

Part

2

No. 31

31 July 2013

Laws and Regulations

Volume 145

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Legal deposit – 1st Quarter 1968
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Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

40TH LEGISLATURE

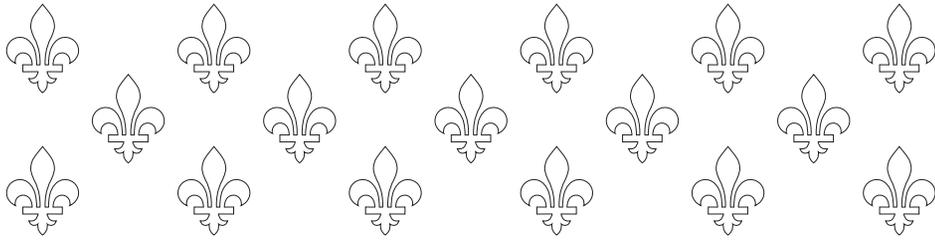
QUÉBEC, 17 APRIL 2013

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 17 April 2013*

This day, at sixteen minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 21 An Act to optimize government action in delivering public services to citizens and businesses

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 21
(2013, chapter 4)

**An Act to optimize government action in
delivering public services to citizens and
businesses**

**Introduced 13 February 2013
Passed in principle 20 March 2013
Passed 10 April 2013
Assented to 17 April 2013**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act confers the mission to provide citizens and businesses throughout Québec a single window for simplified access to public services on the Minister of Employment and Social Solidarity. For that purpose, the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail is amended to transfer responsibility for certain activities exercised by Services Québec to the Minister.

This Act contains provisions allowing the Minister to carry out that mission, in particular by providing information to citizens and businesses, by providing referral services with respect to the delivery of services and by exercising any functions and engaging in any activities related to delivery of services that are assigned to the Minister by an agreement.

As well, responsibility for the register of civil status and the power to appoint the registrar of civil status are transferred to the Minister.

In addition, the Goods and Services Fund is established to finance the delivery of goods and services under the Minister's authority, including those related to the functions of the registrar of civil status.

Changes are introduced as regards the handling of complaints concerning service delivery and the implementation of measures or programs under the Minister's authority.

Lastly, transitional and consequential provisions are introduced, in particular with respect to terminating the terms of office of the members of the board of Services Québec and to the transfer of Services Québec personnel, assets and documents.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Public Administration Act (chapter A-6.01);
- Individual and Family Assistance Act (chapter A-13.1.1);

- Health Insurance Act (chapter A-29);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting Services Québec (chapter S-6.3).

Bill 21

AN ACT TO OPTIMIZE GOVERNMENT ACTION IN DELIVERING PUBLIC SERVICES TO CITIZENS AND BUSINESSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SERVICES QUÉBEC

1. The Act respecting Services Québec (chapter S-6.3) is repealed.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA
SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES
DU MARCHÉ DU TRAVAIL

2. Section 2 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended

(1) by adding “as well as in the area of services to citizens and businesses” at the end of the first paragraph;

(2) by adding the following paragraph after the second paragraph:

“In the area of services to citizens and businesses, the Minister’s mission is to provide a single window in order to procure simplified access to public services throughout Québec. To do so, the Minister shall

(1) see that integrated service delivery is developed in a manner that guarantees its efficiency and ensure a government presence in all regions of Québec, based on the directions determined by the Government;

(2) provide information to citizens and businesses and referral services with respect to the delivery of the services that are available to them;

(3) ensure that the department provides a main gateway to business start-up and development services, including ready access to the forms and procedures needed to complete registration, modification, declaration and other formalities;

(4) ensure optimal use of information technologies in the delivery of services while taking into consideration the choice of citizens and businesses regarding the mode of service delivery;

(5) facilitate access to public documents by citizens and businesses in keeping with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(6) foster concerted action and partnership in the delivery of services; and

(7) propose to any person, department or body the Minister may enter into agreements with, means to enhance the delivery of services to citizens and businesses.”

3. Section 3 of the Act is amended by inserting “, subject to subparagraph 4 of the first paragraph of section 77.1 of the Public Administration Act (chapter A-6.01),” after “shall” in the first paragraph.

4. The Act is amended by inserting the following section after section 5:

“5.0.1. When exercising functions or engaging in activities assigned by an agreement entered into for the purposes of this Act, the Minister is vested with all the necessary powers.

When a function or activity assigned to the Minister is exercised or engaged in by a public officer, the officer becomes a member of the personnel of the department if the agreement so provides. Otherwise, the Minister designates persons to exercise the function or engage in the activity, and publishes the designations in the *Gazette officielle du Québec*.”

5. The Act is amended by inserting the following sections after section 57:

“57.1. The Minister is responsible for the register of civil status and appoints the registrar of civil status.

“57.2. The registrar of civil status is a public officer and a member of the personnel of the department. The registrar exercises the functions provided for by law, attending exclusively to the work and duties of the registrar of civil status. However, at the request and in lieu of the Minister of Justice, the registrar may also grant the special exemptions provided for in articles 63 and 67 of the Civil Code and the authorizations provided for in article 366 of that Code.

If no designation has been made under article 151 of the Civil Code and the registrar of civil status is absent or unable to act, the Minister designates a public servant from the department to exercise the functions of registrar of civil status, and publishes the designation in the *Gazette officielle du Québec*.

“57.3. The registrar of civil status must inform the Attorney General, as soon as possible, of cases that could raise general interest issues or require the intervention of the Minister of Justice or Attorney General.

“57.4. The Minister must adopt a policy for the examination and processing of complaints received in respect of the delivery of services and the implementation of measures or programs under the Minister’s authority.

“57.5. To process such complaints, the Minister designates an administrative unit separate from the units responsible for delivering services or implementing measures or programs under the Minister’s authority.

“57.6. Complaints received by the administrative unit must be processed promptly and must be examined and analyzed, unless they are clearly unfounded, including if they do not pertain to one of the matters governed by this Act.

“57.7. The complainant must be informed of the results of the examination of the complaint, as well as of any applicable remedy procedures.

The first paragraph does not operate to allow the disclosure of confidential information.

“57.8. In the department’s annual management report, the Minister reports on the policy described in section 57.4, and states the number of complaints received, the nature of the complaints, the means used to settle them, the follow-up given to the complaints, and the level of satisfaction of complainants.”

6. The Act is amended by inserting the following chapter before Chapter VII:

“CHAPTER VI.1

“GOODS AND SERVICES FUND

“68.1. The Goods and Services Fund is established within the Ministère de l’Emploi et de la Solidarité sociale.

The Fund is to be used to finance

(1) the delivery of goods and services under the Minister’s authority that are related to the functions of the registrar of civil status;

(2) activities to further the achievement of the mission described in the third paragraph of section 2; and

(3) goods and services delivery activities, including with respect to products or services related to the department’s expertise.

“68.2. The following are credited to the Fund:

(1) the sums collected in achieving the objects of the second paragraph of section 68.1;

(2) the sums transferred to it by a minister out of the appropriations granted for that purpose by Parliament;

(3) the other sums the Minister is entitled to under any Act, regulation, order, order in council or agreement as consideration for the services rendered by the Minister;

(4) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(5) the gifts, legacies and other contributions paid into it to further the achievement of its objects; and

(6) the revenue generated by the sums credited to the Fund.

“68.3. The sums required for the payment of any investment-related cost or expense needed to achieve the objects of the second paragraph of section 68.1 are debited from the Fund.

“68.4. Any surplus accumulated by the Fund may only be transferred to the general fund on the dates and to the extent determined by the Government.”

OTHER AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

7. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Services Québec”.

PUBLIC ADMINISTRATION ACT

8. The Public Administration Act (chapter A-6.01) is amended by inserting the following sections after section 73:

“73.1. The Conseil du trésor may, on the conditions it determines, require one or more departments or bodies of the Administration to have recourse to a department or a body of the Administration that it designates to exercise specific functions or engage in specific activities related to the delivery of services to citizens or businesses.

The decision may provide for the remuneration of that designated department or body by the department or body concerned. The decision may also provide for the transfer to the designated department or body of any document or property in the possession of the department or body that is required for the carrying out of the decision.

Such a decision requires the approval of the Government.

This section does not apply to administrative bodies exercising adjudicative functions.

“73.2. When exercising functions or engaging in activities assigned by a decision under section 73.1, the Minister or the chief executive officer of the body is vested with all the necessary powers.

When such a function or activity is exercised or engaged in by a public officer, the officer becomes a member of the personnel of the department or body if the decision so provides. Otherwise, the Minister or chief executive officer designates persons to exercise the function or engage in the activity, and publishes the designations in the *Gazette officielle du Québec*.”

9. Section 77.2 of the Act is repealed.

INDIVIDUAL AND FAMILY ASSISTANCE ACT

10. Section 38 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by striking out “and establish a complaint processing procedure for matters governed by this Act” in the first paragraph.

11. Sections 40 to 43 of the Act are repealed.

HEALTH INSURANCE ACT

12. Section 65 of the Health Insurance Act (chapter A-29) is amended by striking out “, Services Québec” in the sixth paragraph.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L'INNOVATION ET DE L'EXPORTATION

13. Section 5 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) is amended by striking out paragraph 2.

TRANSITIONAL AND FINAL PROVISIONS

14. Unless the context indicates otherwise and with the necessary modifications, in any document,

(1) a reference to Services Québec, depending on the context, is a reference to the Minister of Employment and Social Solidarity or the Ministère de l'Emploi et de la Solidarité sociale;

(2) a reference to the Act respecting Services Québec (chapter S-6.3) or to any of its provisions is a reference to the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001); and

(3) a reference to the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale established by Order in Council 431-2006 (2006, G.O. 2, 2456, in French only) is a reference to the

Goods and Services Fund, established by section 68.1 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

15. The Minister of Employment and Social Solidarity replaces Services Québec; the Minister acquires the rights of Services Québec and assumes its obligations.

16. The records and other documents of Services Québec become records and documents of the Ministère de l'Emploi et de la Solidarité sociale.

17. The assets and liabilities of Services Québec are transferred to the Goods and Services Fund.

18. The assets and liabilities of the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale are transferred to the Goods and Services Fund.

19. The activities of the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale end on 17 April 2013.

20. The expenditure and investment estimates for the Goods and Services Fund that are set out in Schedule I are approved for the 2013–2014 fiscal year. Those estimates include the appropriations allocated for that year to the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale.

21. The members of the personnel of Services Québec become, without further formality, employees of the Ministère de l'Emploi et de la Solidarité sociale, except those working as jurists or legal managers in the Direction des services juridiques, who become employees of the Ministère de la Justice.

22. The terms of office of the members of the board of directors of Services Québec end on 17 April 2013.

23. The terms of office of the vice-chairs of Services Québec end on 17 April 2013, with no compensation other than the compensation provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, in French only). However, vice-chairs who benefit from public service job security are reinstated under the conditions set out in their notice of appointment in the case of a return to the public service.

24. The Regulation respecting the signing of certain deeds, documents or writings of Services Québec adopted by the board of directors of Services Québec remains in force until it is repealed or replaced by the Government.

25. The Attorney General of Québec becomes, without continuance of suit, a party to all proceedings to which Services Québec was a party.

26. The examination of any complaint of which Services Québec was seized under section 18 of the Act respecting Services Québec and of which the Minister of Employment and Social Solidarity was seized under section 40 of the Individual and Family Assistance Act (chapter A-13.1.1) is continued by the Minister of Employment and Social Solidarity under sections 57.4 to 57.8 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

27. This Act has effect from 1 April 2013 and all acts performed by Services Québec from that date until 17 April 2013 are deemed to have been performed by the Minister.

28. This Act comes into force on 17 April 2013.

SCHEDULE I
(Section 20)

GOODS AND SERVICES FUND

2013–2014 EXPENDITURE AND INVESTMENT ESTIMATES

| | |
|---------------------------------------|----------------------------|
| Revenue | \$97,004,537 |
| Expenditures | <u>\$96,833,937</u> |
| Surplus (deficit) for the fiscal year | <u>\$170,600</u> |

Investments

| | |
|-------------------------------|---------------|
| Capital investments | \$7,318,279 |
| Balance of loans and advances | (\$9,143,978) |

Regulations and other Acts

M.O., 2013

Order of the Minister of Sustainable Development, Environment, Wildlife and Parks dated 17 July 2013

An Act respecting the conservation and development of wildlife (chapter C-61.1)

Regulation to amend the Regulation respecting hunting

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING the second paragraph and subparagraphs 1 to 3 of the third paragraph of section 56 and subparagraph 2 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1) which provide that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act which provides that a regulation made under section 56 or subparagraphs 1 to 3 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING the making of the Regulation respecting hunting (chapter C-61.1, r. 12);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting, attached hereto, is made;

The Regulation to amend the Regulation respecting hunting comes into force on the fifteenth day following the date of this publication in the *Gazette officielle du Québec*.

Québec, 17 July 2013

YVES-FRANÇOIS BLANCHET,
Minister of Sustainable Development, Environment, Wildlife and Parks

Regulation to amend the Regulation respecting hunting

An Act respecting the conservation and development of wildlife (chapter C-61.1, s. 56, 3rd par., subpars. 1 to 3, and s. 163, 1st par., subpar. 2)

1. The Regulation respecting hunting (chapter C-61.1, r. 12) is amended in section 17

(1) by replacing “2 to 4, 6, 7,” at the beginning of subparagraphs 1 and 2 of the first paragraph by “2, 3 and 7;”;

(2) by inserting “4, 6,” at the beginning of subparagraphs 3 and 4 of the first paragraph before “10, 11”.

2. Schedule II is amended by replacing section 2 by the following:

“2. For caribou hunting:

| Area | Number of licences |
|--|---|
| the part of Area 22 shown on the plan in Schedule XII | 500, that is, 2 licences per hunter selected by a drawing of lots |
| the part of Area 22 shown on the plan in Schedule XVII | 1,722 |
| Area 23 except the southern part shown on the plan in Schedule XVIII and except the eastern part shown on the plan in Schedule CCC | 804 |

”.

3. Schedule III is amended by replacing sections 2 and 2.1 by the following:

| “Section | Column I Animal | Column II Type of implement | Column III Area | Column IV Hunting season |
|------------|--------------------|---|--------------------|-----------------------------------|
| “2 Caribou | 1 (a) | the parts of Area 22 whose plans appear in Schedules XII and XVII | | (a) from 1 December to 30 January |

(b) 23 except the southern part
whose plan appears in Schedule
XVIII and except the eastern
part whose plan
appears in Schedule CC

(b) from 17 August
to 7 October

”.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2900

Draft Regulations

Draft Minister's Order

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of proposed aquatic reserve status to an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula and establishment of the plan of that area and its conservation plan

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Order respecting the assignment of proposed aquatic reserve status to an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula and the establishment of the plan of that protected area and its conservation plan, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Order sets aside, in accordance with the Natural Heritage Conservation Act (chapter C-61.01), for a period of four years, as Réserve aquatique projetée de Manicouagan, an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula. That assignment of status is to render applicable the activities framework provided for in the Act and in the conservation plan drawn up for that area in respect of land designated in the plan that accompanies it.

The activities framework is provided for in Division 3 of the proposed conservation plan of the Réserve aquatique projetée de Manicouagan appearing below. The activities framework is based, in general, on the provisions contained in the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves made by Order in Council 136-2008 dated 20 February 2008.

Further information on the draft Order, the conservation plan of the Réserve aquatique projetée de Manicouagan and the plan of the proposed boundaries for that reserve may be obtained by contacting Patrick Beauchesne, Director, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4783; fax: 418 646-6169; email: patrick.beauchesne@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Order is requested to submit written comments within the 45-day period to Patrick Beauchesne, Director, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, at the above-mentioned address.

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development,
Environment, Wildlife and Parks*

Minister's Order

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of proposed aquatic reserve status to an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula and establishment of the plan of that area and its conservation plan

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 27 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that, for the purpose of protecting land to be established as a new protected area, the Minister, with the approval of the Government, prepares the plan of that area, establishes a conservation plan and assigns temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

CONSIDERING section 28 of the Act under which the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to renewals or extensions, which may not be such that the term of the setting aside exceeds six years, however, unless so authorized by the Government;

CONSIDERING Order in Council 645-2013 dated 19 June 2013 by which the Government authorized the Minister of Sustainable Development, Environment, Wildlife and Parks to assign the status of proposed aquatic reserve to an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula, to prepare the plan of that area and to establish the conservation plan of the Réserve aquatique projetée de Manicouagan;

CONSIDERING the ecological value of the land, whose marine and estuarial ecosystems are among the richest and most productive of the marine St. Lawrence;

ORDERS AS FOLLOWS:

The status of proposed aquatic reserve, the plan of that area and its conservation plan being those the copies of which are attached to this Minister's Order, is assigned to an area of the St. Lawrence estuary surrounding the Manicouagan Peninsula;

The status is assigned for a period of four years beginning on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*.

Québec, 17 July 2013

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development,
Environment, Wildlife and Parks*

QUÉBEC STRATEGY FOR PROTECTED AREAS



Protected areas
in Québec:

A Lifelong Heritage

Réserve aquatique projetée de Manicouagan

Conservation plan



June 2013

1. Protection status and toponym

The protection status of the territory described below is that of proposed aquatic reserve under the Natural Heritage Conservation Act (chapter C-61.01). The same applies to the permanent protection status planned which is that of “aquatic reserve.”

The main objectives of the proposed aquatic reserve are to preserve an estuarine and marine area of great ecological value, develop the natural and cultural heritage, and involve local communities in the site’s management.

The provisional toponym is: “Réserve aquatique projetée de Manicouagan”. The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of Réserve aquatique projetée de Manicouagan are shown on the plan annexed to this document.

The Manicouagan peninsula is located on the north shore of the St. Lawrence marine estuary in the Côte-Nord administrative region between 48° 52’ and 49° 12’ north latitude and 68° 45’ and 68° 05’ west longitude. It is located in the Regional County Municipality (RCM) of Manicouagan, to the west of the city of Baie-Comeau.

The proposed aquatic reserve is located on the coastline bordering the municipalities of Ragueneau, Chute-aux-Outardes, Pointe-aux-Outardes and Pointe-Lebel. It also adjoins the territory of the Pessamit Innu community and Pointe à Michel in the municipality of Colombier in the Haute-Côte-Nord RCM.

The proposed aquatic reserve includes the foreshore of the Manicouagan peninsula, adjacent waters to a depth of 300 meters and the first ten meters of the seabed. On the foreshore, it encompasses the west half of the Manicouagan estuary to downstream of the Manic-1 Dam, the Manicouagan flat surrounding the peninsula, all of the Aux Outardes estuary from the Outardes-2 power plant toward downstream, the flat along baie aux Outardes to the rivière Betsiamites and the mouth of the rivière Betsiamites to the Highway 138 bridge. It covers an area of about 712 km².

The proposed aquatic reserve lies within the Manicouagan-Uapishka World Biosphere Reserve.

Areas subject to a right of occupancy to operate the Outardes-2, Manic-1 and McCormick power stations and their respective dams are excluded from the proposed aquatic reserve perimeter.

2.2. Ecological overview

The proposed aquatic reserve encompasses a set of rich and diversified habitats, including the estuaries of three rivers (Manicouagan, Outardes and Betsiamites), salt marshes, sandy flats, eelgrass beds, islands and seabeds.

Salt marshes are among the planet's most productive habitats. The Pointe-aux-Outardes salt marsh, whose area is about 5 km², is the largest of the Côte-Nord, the second largest of the maritime estuary and the fourth largest in Québec. The marshes of the rivière Betsiamites estuary (1 km²) and baie Henri-Grenier estuary at Pointe-Lebel (0.2 km²), although less extensive, also contribute to the proposed aquatic reserve's productivity, as well as to that of the adjacent marine environment.

The sector also provides a habitat for eelgrass beds totaling an area of over 15 km² spread over three distinct areas: baie aux Outardes, Baie-Saint-Ludger and Pointe-Lebel. It is the third largest eelgrass bed in the St. Lawrence system, after those of baie de Cascapedia and Isle-Verte.

The sandy flats of the rivière aux Outardes and rivière Manicouagan, which vary in width from 2 to 4 kilometres, support the largest community of soft-shell clams in Québec. In some places, there are more than 40 individuals/m², and the average productivity is about 0.70 kg/m², although it can reach 0.8 kg/m² in some places near Betsiamites (more than 100 individuals/m²).

The estuaries of the three rivers and the flats contain capelin spawning grounds. Sand eel spawning has also been observed on the Pointe-Paradis flats of the rivière Manicouagan estuary. These species are an important part of the food resources of many birds, fish and marine mammals, including both whales and seals. A rainbow smelt spawning ground is also known to exist in the rivière aux Outardes and there are several others suspected in the region. In addition, there could also be an Atlantic herring spawning ground around the Manicouagan and Outardes estuaries.

The rivière Betsiamites is a salmon river with production potential estimated at 7,500 adult salmon. It is also a major lamprey spawning ground. Its watershed represents a large north shore area for the growth of juvenile American eel. There could potentially be sturgeon spawning grounds in the protected area, because this species was once fished there and landings were at Pointe-aux-Outardes.

The area contains many types of wildlife habitats designated under the Act respecting the conservation and development of wildlife (chapter C-61.1), in this case fifteen "areas where aquatic birds congregate,"

including one that partially overlaps the proposed aquatic reserve, three “heronries,” one “muskrat habitat,” and six “islands or peninsulas inhabited by a colony of birds.”

The sector is partially contained in the important bird area (IBA) of Baie-Comeau, which includes the coastline from Pointe-Saint-Gilles, baie des Écorces, baie Comeau and part of baie des Anglais. The Baie-Comeau flats are considered to be of global importance due to the numbers of certain bird species including the black surf scoter, red-breasted merganser, Bonaparte's gull and glaucous gull which reach the world population threshold of 1% during their stopover in the fall. The site is also of continental importance for gatherings of Barrow's goldeneyes in the wintering period and black duck during the fall migration. Many of these species are likely to frequent the foreshore of the proposed aquatic reserve. The sector is also an important rest and feeding area for aquatic birds, migrating birds of prey and many species of shorebirds.

In addition to the Barrow's goldeneyes (a species of special concern in Canada, likely to be designated threatened or vulnerable in Québec), five species of birds at risk have been reported on the outskirts of the peninsula and could frequent the territory of the proposed aquatic reserve. They are the horned grebe (a threatened species in Québec), the harlequin duck (a species of special concern in Canada, likely to be designated threatened or vulnerable in Québec), the peregrine falcon (a threatened species in Canada and vulnerable in Québec), the short-eared owl (a species of special concern in Canada, likely to be designated as threatened or vulnerable in Québec) and the yellow rail (a species of special concern in Canada, likely to be designated as threatened or vulnerable in Québec).

A high density of osprey nests, one of the largest in Canada, is found on the péninsule de Manicouagan. Ospreys frequent the flats of the rivière aux Outardes and rivière Manicouagan to feed.

The mouths of the rivière aux Outardes and rivière Manicouagan are rest and feeding grounds for many migratory birds, including the Canada goose. Salty marshes are favourite stopping places for snow geese. In fact, both these species number in the thousands during migration periods.

The Ragueneau Islands are home to a very large black-crowned night-heron heronry. There are also nearly 1,500 common eider nests which are commercially harvested each year for down. The islands also constitute an important haul-out site for grey seals and harbour seals. Harbour seals reproduce on the flats of the Outardes estuary.

The proposed aquatic reserve contains a wide variety of species of fish and invertebrates, including soft-shell clam, snow crab, northern shrimp, Greenland halibut and waved whelk. Capelin, sandlance, smelt, lumpfish and Atlantic herring are among some of the species of fish that spawn there. Most of the 13 species of marine mammals that frequent the St. Lawrence estuary are also observed there. In addition, over 400 benthic species have been inventoried, illustrating the extent and variety of the area's

marine biodiversity. Sea-run brook trout are also found in the estuaries of the three rivers, as well as Atlantic tomcod in the rivière Manicouagan estuary.

The territory is frequented on a seasonal basis by several species designated under the Canadian Species at Risk Act (S.C. 2002, c. 29) and the Québec Act respecting threatened or vulnerable species (chapter E-12.01). This is particularly the case of the beluga of the St. Lawrence (a threatened species in Canada and Québec), blue whale (endangered species in Canada and likely to be designated as threatened or vulnerable in Québec) and the fin whale (a species of special concern in Canada and likely to be designated as threatened or vulnerable in Québec). There are also other species that are considered to be at risk by the Committee on the status of endangered wildlife in Canada (COSEWIC), including the striped bass (extirpated), Atlantic cod (threatened), harbour porpoise (special concern) and American eel (special concern).

2.3. Land occupation and uses

The banks of the proposed aquatic reserve are occupied by residences, resorts and several municipal infrastructure facilities.

Commercial rainbow smelt fishery licence holders operate in the territory covered by the proposed protected area. Although commercial smelt fishing remains closed for an unspecified period of time, licences still exist.

Aquatic birds as well as grey and harp seals are hunted for sport in the proposed aquatic reserve.

There is sport fishing in the river estuaries, especially the Manicouagan and Outardes estuaries. In winter, the main activity in the sector is sport fishing for rainbow smelt, particularly at the mouth of the rivières Manicouagan, aux Outardes, Betsiamites and aux Rosiers. Fishing for food, social or ceremonial reasons is conducted by the Pessamit Innu community. Harvested species include Atlantic salmon, American plaice, Arctic cod, capelin, Atlantic herring, snow crab, soft-shell clam and waved whelk. Several launching ramps have been constructed in various municipalities as well as in the territory of the Pessamit Innu community (Betsiamites locality).

The principal tourism and recreational activities in the coastal areas are associated with the Parc Nature de Pointe-aux-Outardes, the Camp Saint-Paul in Les Buissons, the quai de Ragueneau and the Parc de la Rive campsite in Baie-Saint-Ludger, the De la Mer campsite in Pointe-Lebel and the Argile Eau Mer, Inc. company in Pointe-aux-Outardes. A kite surfing festival, "Kitefest," is held annually at the Parc Nature de Pointe-aux-Outardes. The activity has significant benefits for the Côte-Nord region, both economically and socially.

Other activities in the sector are hiking, nature observation and ornithology. Some activities are more specifically related to the marine environment. They include recreational boating, sea kayaking, personal water craft activities, harvesting soft-shell clams and mussels, and swimming. Harvesting soft-shell clams is one of the most important commercial and recreational activities between March and December.

Research on clam collection is being carried out on the flats of the peninsula. The project is expected to continue over the coming years.

The Ministère de la Culture et des Communications inventory has identified 40 archaeological sites on the territory of the proposed aquatic reserve, including one in the marine environment. Most are prehistoric Amerindian sites dating from the archaic period (7,000 to 3,000 B.P.) or the Woodland period (3,000-500 B.P.). Around ten of them are concentrated between the Outardes-2 power plant and the dyke east of its reservoir. Fourteen other sites are located between the rivière Ragueneau and rivière aux Rosiers and seven others near the Papinachois site. Furthermore, there is still very high archaeological potential for the land and marine areas. It could lead to the discovery of a number of other sites.

Several sites with bank erosion issues have been identified within the proposed aquatic reserve. They threaten the integrity of some residences and Route 138 in the short or medium term. Rockfill work has been done on the banks in the municipality of Ragueneau over a stretch of 8.9 km. The work began in 2008 and will continue until 2014-2015. Moreover, memoranda of understanding to combat coastal erosion have been signed in the municipalities of Chute-aux-Outardes, Pointe-aux-Outardes and Pointe-Lebel.

3. Activities framework

§ 1. Introduction

Activities carried on within the proposed aquatic reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited by the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed aquatic reserve. Accordingly, certain activities require the prior authorization of the Minister. The permitted and prohibited activities considered for the period that follows the assignment of permanent status by the Government are the same with the necessary adjustments to take into account the application of sections 46 and 47 of the Act.

Under the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest development activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§ 2. Prohibitions, prior authorizations and other conditions governing certain activities in the proposed reserve

§2.1 Protection of resources and the natural environment

3.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna into the reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a watercourse or body of water in the proposed aquatic reserve for aquaculture, commercial fishing or any other commercial purpose, unless the person has been authorized by the Minister.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister.

3.2. No person may use fertilizer or fertilizing material in the proposed aquatic reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, made by Order in Council 468-2005 dated 18 May 2005 and amended by Order in Council 709-2008 dated 25 June 2008.

3.3. No person may, unless the person has been authorized by the Minister,

- (1) intervene in a wetland area, including a marsh, swamp or bog;
- (2) modify the natural drainage or water regime of the proposed aquatic reserve, including by creating or developing watercourses or bodies of water;
- (3) dig, fill, obstruct or divert a watercourse or body of water;
- (4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water, although no authorization is required for minor works such as

a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r.1);

(5) carry on any activity other than those referred to in the preceding paragraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality or biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed aquatic reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;

(6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

(7) install or erect any structure, infrastructure or new works;

(8) reconstruct or demolish an existing structure, infrastructure or works;

(9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;

(10) use a pesticide, although no authorization is required for the use of personal insect repellent;

(11) carry on educational activities or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(12) hold a sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed aquatic reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed reserve is highly unfeasible.

3.4. Despite subparagraphs 6, 7, 8 and 9 of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met and the Ministère de la Culture et des Communications has been consulted about the impact of the work on the archaeological heritage.

(1) The work involves

(a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve; or

(c) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed aquatic reserve;

(b) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; and

(d) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.5. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister.

§2.2 Rules of conduct for users

3.6. Every person staying, carrying on an activity or travelling in the proposed aquatic reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.7. Every person who makes a campfire must

(1) first clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible material;

(2) ensure that the fire is at all times under the immediate supervision of a person on the premises; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.8. In the proposed aquatic reserve, no person may

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the premises; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed aquatic reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed aquatic reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

3.10. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed aquatic reserve.

§2.3 Activities requiring an authorization

3.11. No person may occupy or use the same site in the proposed aquatic reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the proposed reserve, including for vacation purposes;

ii. installing a camp or shelter in the proposed reserve; and

iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;

(b) "same site" means any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, no authorization is required if a person,

(a) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(b) in accordance with law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph a, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(c) elects to acquire land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.12. No person may carry on commercial activities within the proposed aquatic reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, no authorization is required to continue carrying on commercial activities that, on the date on which the protection status as a proposed aquatic reserve takes effect, are subject to the right to use the land for that purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits permitted by that right.

§2.4 Authorization exemptions

3.13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The exemption applies in particular to the carrying out of work and the maintenance of works aimed at stabilizing banks and shores to counter erosion or prevent landslides. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed aquatic reserve are exempted from obtaining an authorization.

3.15. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or intervention required within the proposed aquatic reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act; and
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a

clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the proposed aquatic reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of access roads, construction or equipment movement incidental to the work.

4. Activities governed by other laws

Certain activities likely to be carried on within the reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other laws or regulations that are applicable within the proposed aquatic reserve.

A special legal framework can provide cohesion concerning permitted activities within the reserve in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (chapter Q-2) and its regulations;
- Species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (chapter E-12.01) prohibiting the removal of such species;
- Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife and its regulations (chapter C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular the fishery regulations;
- Archeological research and finds: measures set out in particular in the Cultural Heritage Act (chapter P-9.002), including obtaining a permit beforehand for any archaeological research, obtaining a notice with respect to the impacts of carrying out some work, and immediately informing the Minister of the discovery of an archaeological property or site;
- Access and land rights related to the domain of the State: measures set out in the Act respecting the lands in the domain of the State (chapter T-8.1) and in the Watercourses Act (chapter R-13);

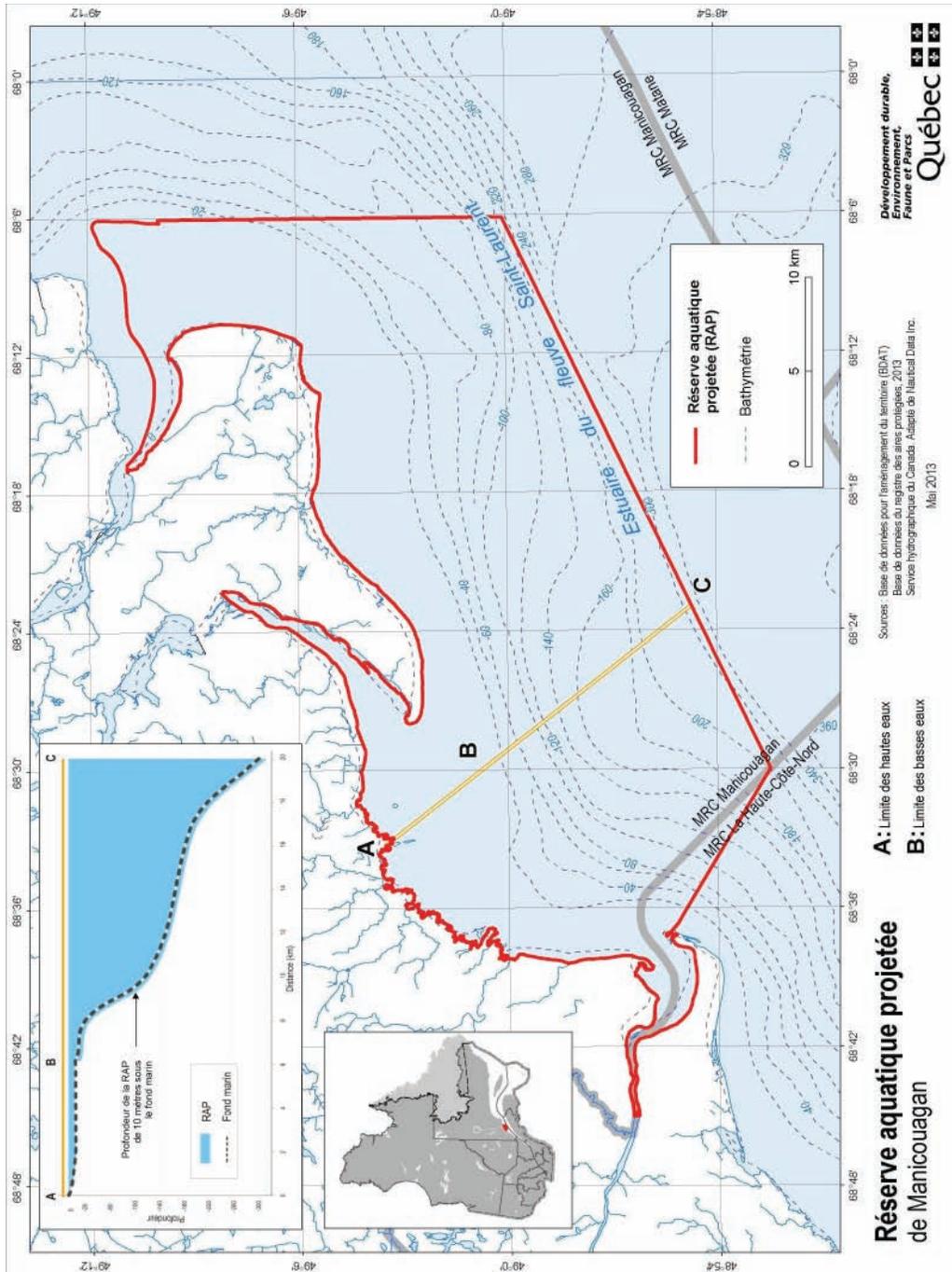
- Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State and in the regulation on motor vehicle traffic in certain fragile environments enacted pursuant to the Environment Quality Act;
- Construction and layout standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

5. Responsibilities of the Minister of Sustainable Development, Environment, Wildlife and Parks

The conservation and management of Réserve aquatique projetée de Manicouagan are the responsibility of the Minister of Sustainable Development, Environment, Wildlife and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve, the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, such as the Minister of Natural Resources. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has now been granted them. No additional conservation measure is planned at this point. Regarding zoning, the conservation objectives for the temporary protection period are the same for the entire area, the proposed reserve being only one conservation area.

Appendix

Plan of the Réserve aquatique projetée de Manicouagan



Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

An Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises
(2012, chapter 32)

Target-benefit pension plans in certain pulp and paper sector enterprises

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises, appearing below, may be made by the Government on the expiry of 30 days following this publication.

The Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises (2012, chapter 32) provides that, where such pension plans meet the rules and requirements set out in a regulation made by the Government, they may be established if the employer who is party to the pension plan is in the pulp and paper sector and has entered into an agreement with a union to establish a target-benefit pension plan while that employer or another employer whose assets it acquired was subject to an order under the Companies' Creditors Arrangement Act (Revised Statutes of Canada (1985), chapter C-36).

The draft regulation provides the rules and conditions applicable to those plans. To date certain Produits forestiers Résolu pension plans and an entity of the Papiers White Birch group are affected.

Under section 12 of the Regulations Act, the Regulation may be made at the expiry of a period shorter than the 45-day period applicable under section 11 of that Act.

The Government is of the opinion that the shorter interval for publication is justified by the urgency engendered by the following circumstances:

— for the pension plans to which Produits forestiers Résolu is party, the agreement provides that the target-benefit pension plans shall apply to the years of service accumulated after 31 December 2010, whereas for the pension plans to which Papiers White Birch is party, the new plans will cover service accumulated after 12 September 2012, the termination date of the former plans;

— the agreements signed cannot be brought to fruition by the registration of target-benefit pension plans with the Régie des rentes du Québec as the plans cannot be registered until the rules set out in this draft Regulation have come into force.

Further information may be obtained by contacting Ms. France Panneton, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3 (telephone: 418 657-8703, extension 3895; fax: 418 659-8983; email: france.panneton@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to send their comments in writing before the expiry of the 45-day period mentioned above to Mr. Denys Jean, President and Chief Executive Officer of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act.

AGNÈS MALTAIS,
Minister of Employment and Social Solidarity

Regulation respecting target-benefit pension plans in certain pulp and paper sector enterprises

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises
(2012, chapter 32)

DIVISION 1 AFFECTED ENTERPRISES

1. A target-benefit pension plan can be established in an enterprise covered by the Act to provide for the establishment of target-benefit pension plans in certain pulp and paper sector enterprises (2012, chapter 32) where the conditions referred to in paragraphs 2 and 3 of section 1 of that Act are met between 30 December 2010 and 1 January 2014.

DIVISION 2 ESTABLISHMENT AND EFFECTIVE DATE OF THE PLAN

2. A target-benefit pension plan may be established with regard to service affected by a component of a pension plan established in application of a regulation made pursuant to section 2 of the Supplemental Pension Plans Act (chapter R-15.1). It may be established as part of that pension plan or as a separate pension plan.

The target-benefit pension plan is effective as of the date on which the component is established.

3. A pension plan established under this Regulation is said to be a “target-benefit pension plan”.

The provisions of the Supplemental Pension Plans Act apply to the target-benefit pension plan, except to the extent provided for under this Regulation. Moreover, in the case of a discrepancy, the provisions of this Regulation prevail over those of the Act.

4. Where the target-benefit pension plan is established as a component of a pension plan, any mention, in this Regulation, of a target-benefit pension plan is also understood to refer such a component. The provisions of a regulation referred to in the first paragraph of section 2, under which section the component is constituted, continue to apply thereto.

DIVISION 3 CHARACTERISTICS

5. A target-benefit pension plan established under this Regulation must include the following characteristics:

(1) the employer and member contributions as well as the method used for calculating those contributions are determined in advance;

(2) the plan text determines the benefits target, including any ancillary benefit, on the basis of which the current service contribution is established;

(3) the normal pension may vary according to the financial situation of the pension plan, as can any ancillary benefit provided for under the plan; the same variation being described in the actuarial valuation report for the plan;

(4) notwithstanding section 39 of the Act, the employer contribution to the plan is limited to the one set out in the plan text;

(5) the cost of the plan’s obligations, after deducting the employer contribution set out in the plan text, is charged solely to the members and beneficiaries of the plan, under the conditions provided for in section 25;

(6) notwithstanding the second paragraph of section 68 of the Act, any benefit offered under the plan has the characteristics of the deferred pension of any member of the plan;

(7) the employer who is party to the pension plan cannot unilaterally amend or terminate it, whether directly or indirectly;

(8) only the members and beneficiaries are entitled to surplus assets during the existence of the plan, as in the case of its termination;

(9) the plan has no defined contribution provision nor provisions that, under a defined benefit plan, are identical to those of a defined contribution plan.

6. A target-benefit plan constitutes, for the purposes of the Act, a defined benefit plan.

DIVISION 4 FUNDING

§1. General

7. Notwithstanding section 42.1 of the Act, the employer may not exempt itself from the contributions it must pay by means of letter of credit nor may it exempt itself by the allocation of the surplus assets in whole or in part.

8. The cost of the plan’s obligations as at the date of an actuarial valuation is equal to the sum of the following:

(1) the current service contribution determined in accordance with section 138 of the Act;

(2) the greater of the following amounts: the amortization payment determined in respect of the funding actuarial deficiency or the amortization payment determined in respect of the technical actuarial deficiency.

9. For the purposes of this Regulation, the technical actuarial deficiency, where applicable, corresponds to the amount by which the liabilities of the plan exceed the assets.

Furthermore, the amortization period for a technical actuarial deficiency ends, notwithstanding paragraph 1 section 142 of the Act, no later than 10 years after the date of the actuarial valuation that determines the deficiency.

10. The value of the obligations arising from a target-benefit pension plan for credited service completed during the current fiscal year of the plan is determined based on the benefits target provided for under the plan.

11. A portion of the contributions paid into the pension fund may be allocated to establishing the reserve referred to in section 128 of the Act.

12. The plan may not provide for the payment of additional voluntary contributions nor may it allow any sums to be transferred to the fund from any other pension plan, even one not referred to in the Act.

13. The maximum set in section 60 of the Act does not apply to member contributions to a target-benefit plan.

The provisions of section 60.1 of the Act do not apply to a target-benefit pension plan.

14. The provision for adverse deviations, notwithstanding the regulatory provisions made under section 128 of the Act, is the one provided for under the plan. It may not, however, be less than 20% of the liabilities of the plan determined on a solvency basis.

Despite the foregoing, to determine the maximum amount of surplus assets that may be allocated, in application of the second paragraph of section 28, to the restoration of benefits that were reduced, the provision for adverse deviations provided for under the plan is reduced by 50%.

15. Notwithstanding the second paragraph of section 118 of the Act, any actuarial valuation of a target-benefit pension plan must be complete.

§2. Conditions for payment of benefits

16. The provisions of this subdivision, with the exception of those in section 24, apply to any payment of benefits during the existence of the plan.

17. The salary progression of the member after the end of the period of membership in the target-benefit pension plan cannot be taken into account in the determination of the normal pension under the plan.

Notwithstanding the second paragraph of section 5 of the Act, the provisions of a target-benefit pension plan cannot be more advantageous than the provisions provided for under this section.

18. Notwithstanding section 99 of the Act, a member who is less than 10 years under normal retirement age or who has attained or exceeded normal retirement age may exercise the right to transfer provided for under section 98 of the Act in the 90 days following receipt of the statement provided for in section 113 of the Act.

19. The value of the benefits of a member or beneficiary shall be paid, notwithstanding section 143 of the Act, in proportion to the degree of solvency of the plan determined in accordance with section 20.

A payment made in accordance with the first paragraph constitutes a valid discharge with respect to the benefits covered by the payment. The provisions of section 146 of the Act do not, therefore, apply to the payment.

20. The degree of solvency of the plan taken into account for the payment of benefits is the one determined during the last actuarial valuation of the plan or the one determined under the plan for a period less than a fiscal year, whichever is most recent.

The pension committee must determine or have determined the degree of solvency of the plan as at the end date of each period so prescribed. For that purpose, the actuary in charge of preparing the actuarial valuation report required at the end date of a fiscal year of the plan must define in the report a method that, taking into account the return on the investment of the plan assets and the change in the valuation rate, will allow the degree of solvency to be determined summarily before the date of the next required actuarial valuation.

The most recent degree of solvency is assessed on the date on which is received by the pension committee the application for a refund or transfer of benefits filed by a member who has ceased to be active, or the application for the benefit provided for in the first paragraph of section 86 of the Act, filed by the spouse or successor of the member. Where the benefits are paid on the initiative of the pension committee, the degree of solvency is assessed as at the date on which the application for the purchase of an annuity is submitted to the insurer or, where the payment is made by other means than the purchase of an annuity, as at the date the payment is made.

21. The pension committee may only proceed on its own initiative with the payment, through the purchase of an annuity, of the benefits of a member or beneficiary whose pension is already in payment where the following conditions are met:

(1) the value of the member's benefits at the time of payment, multiplied by the degree of solvency of the pension plan, is greater than or equal to the value of the benefits target;

(2) the amount of the annuity purchased is at least equal to the pension the member or beneficiary was receiving before its purchase;

(3) the payment does not reduce the degree of solvency of the plan.

The value of the benefits of the member or beneficiary is established using the premium determined according to the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date of the calculation made for the purposes of the payment of the benefits.

22. The refund referred to in section 66 of the Act may be made on the initiative of the pension committee only where the conditions referred to in the first paragraph of section 21 are met.

23. Notwithstanding the third paragraph of section 33 of the Act, a member whose benefits are paid in full ceases to be a member of the pension plan.

24. The provisions of subdivision 4 of Division II of Chapter XIII of the Act, related to the debt of the employer on termination of the pension plan, do not apply except concerning the employer contributions provided for under the plan that have not been paid on the date of termination.

§3. Reduction in benefits and increase in member contributions

25. Where an actuarial valuation of a target-benefit pension plan shows that the cost of the plan's obligations exceeds the contributions set out under the plan, the shortfall in contributions, subject to the terms and conditions prescribed by the plan text, must be offset by one or more of the following corrective measures:

- (1) a reduction in the benefits arising from service completed prior to the date of the actuarial valuation;
- (2) an increase in member contributions;
- (3) a reduction of the benefits target.

The plan text must provide the types of corrective measures that can be used and indicate the priority of use for each measure.

The provisions of the first paragraph only apply where the shortfall in contributions is greater than 2% the contributions set under the plan.

26. The corrective measures referred to in the first paragraph of section 25 may not become effective until the day following the date of the actuarial valuation that determined the contribution shortfall. Moreover, the corrective measures may take effect no later than one year after the day following the date of that valuation.

The adjustment of accrued benefits and the change to member contributions or the benefits target must take into consideration, for actuarial purposes, any deferment thus determined.

27. A corrective measure referred to in subparagraph 1 of the first paragraph of section 25 does not constitute an amendment to the plan. It is therefore exempted in particular from the requirements of the Act pertaining to the registration of an amendment to a pension plan.

Furthermore, given that it does not constitute an amendment to the plan, such a measure does not require, notwithstanding section 20 of the Act, the consent of the members and beneficiaries referred to therein and may, notwithstanding section 21 of the Act, apply to a benefit whose payment began prior to the effective date of the measure.

§4. Appropriation of surplus assets

28. During the existence of the plan, only the portion of the surplus assets that exceeds the provision for adverse deviations, as referred to in section 14 and as determined in an actuarial valuation of the plan, may be appropriated.

The portion must first be appropriated to restoring, up to the amount of the benefits target, any benefits that were reduced.

Where a balance of the portion of the surplus assets remains, the balance may be appropriated as determined by the person or body empowered to amend the plan.

The plan text must provide the conditions for the restoration of benefits referred to in the second paragraph, particularly the order in which they are restored.

With the exception of measures aimed at increasing the benefits target, a measure taken in application of the second and third paragraph does not constitute an amendment to the plan and is therefore exempted from the requirements of the Act regarding the registration of an amendment to a pension plan.

29. Notwithstanding section 146.1 of the Act, the maximum amount of surplus assets that may be appropriated under section 28 is equal to the lesser of the following amounts:

(1) on a solvency basis, the amount by which the plan's assets, reduced by the reserve provided for in section 128 of the Act, exceed the plan's liabilities, reduced by the value of the additional obligations arising from any measure referred to in section 28 considered for the first time during the valuation;

(2) on a funding basis, the amount by which the plan's assets exceed its liabilities, the latter being reduced by the value of the additional obligations arising from any measure referred to in section 28 considered for the first time during the valuation.

30. A measure referred to in the second paragraph of section 28 may not become effective until the day following the date of the actuarial valuation that determined the surplus assets. Moreover, the measure may take effect no later than one year after the day following the date of that valuation.

31. No measure referred to in section 28 may be made unless the resulting additional obligations are paid in full from the surplus assets.

DIVISION 5 **SEIZURE, TRANSFER OR PARTITION OF** **BENEFITS**

32. For the purposes of a seizure, transfer or partition of benefits, the value that must be considered as the value of the aggregate benefits of the member or the value of the benefits accrued during the union is equal to the product of the value determined pursuant to the applicable provisions of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), multiplied by the degree of solvency of the plan as at the date of their valuation.

Where no pension is being paid to the member as at the date of execution of the partition or transfer of pension benefits, the amount referred to in the first paragraph of section 54 of that regulation, and for which the pension committee must keep a record, is replaced by the amount calculated according to the following formula:

$$A \times B/C$$

“A” represents the normal pension, determined according to the value of the benefits of the member as at the date of execution of partition or transfer for recognized credited service on the date of the valuation, that would have been payable to the member at normal retirement age according to the conditions and characteristics provided for by the plan for that pension;

“B” represents the sum remitted to the spouse further to partition or a transfer, including interest;

“C” represents the value considered for the purpose of the partition or transfer of the member’s benefits.

33. To determine the residual benefits of the member receiving a pension as at the date of execution of the partition or transfer of benefits, the amount referred to in subparagraph 2 of the first paragraph of section 55 of the Regulation respecting supplemental pension plans is equal to the amount calculated according to the following formula:

$$A - (A \times B/C)$$

“A” represents the benefit payable to the member as at the date of execution of the partition or transfer;

“B” represents the sum remitted to the spouse further to partition or a transfer, including interest;

“C” represents the value considered for the purpose of the partition or transfer of the member’s benefits.

34. Notwithstanding subparagraph 2 of the first paragraph of section 50 of the Regulation respecting supplemental pension plans, no amount granted to the spouse further to the partition or transfer of the member’s benefits may be retained in the plan or transferred thereto, even where the spouse is a member of the plan.

DIVISION 6 **COMMUNICATIONS**

35. The summary of the pension plan provided for in section 111 of the Act must contain, in addition to the information provided for in section 56.1 of the Regulation respecting supplemental pension plans, the following:

(1) a description of what a target-benefit pension plan is, including the fact that benefits may vary according to the financial situation of the pension plan;

(2) a description of the risks for the members and beneficiaries as well as the methods used to manage those risks.

36. The document referred to in the first paragraph of section 112 of the Act must also contain:

(1) a description of what a target-benefit pension plan is, including the fact that benefits may vary according to the financial situation of the pension plan;

(2) a description of the risks for the members and beneficiaries as well as the methods used to manage those risks;

(3) a description of the benefits target.

37. The first part of the annual statement provided for in section 112 of the Act for an active member or non-active member must contain, in addition to the information referred to in section 57 or 59 of the Regulation respecting supplemental pension plans, adapted to take into account this Regulation, as the case may be:

(1) the amount of the pension, adjusted according to the financial situation of the plan, to which the member is entitled and the one to which the member would be entitled had the benefits target been reached;

(2) the value of the benefits of the member, adjusted according to the financial situation of the plan as at the date of the actuarial valuation, and the value those benefits would have attained at that date had the benefits target been reached, assuming a degree of solvency of 100%.

The first part of the statement sent to a beneficiary must contain, in addition to the information referred to in section 59.0.1 of the Regulation respecting supplemental pension plans, the amount of the pension, adjusted according to the financial situation of the plan as at the date of the actuarial valuation, to which the beneficiary is entitled and the one to which he would have been entitled had the benefits target been reached.

The statement must also mention that, should the member or beneficiary transfer his benefits, he will be entitled to the value of those benefits multiplied by the degree of solvency of the plan determined in accordance with section 20.

38. The second part of the annual statement provided for in section 112 of the Act must contain, in addition to the information referred to in section 59.0.2 of the Regulation respecting supplemental pension plans:

- (1) a description of the adjustments to benefits that were applied during the fiscal year concerned;
- (2) a description of the adjustments to benefits that will be applied at a later date and the effective date of the adjustments.

39. The statement referred to in section 113 of the Act must

- (1) not include a reference to section 60 of the Act;
- (2) indicate the most recent degree of solvency, determined in accordance with the second paragraph of section 20 as at the date the statement is prepared;
- (3) indicate the amount of the pension and the value of the benefits determined by taking into consideration the degree of solvency of the plan referred to in subparagraph 2;
- (4) indicate the amount of the pension that would apply had the benefits target been reached and the value of that pension, as determined by assuming a degree of solvency of 100%.

Where the statement is for a member referred to in section 18, the statement must mention the right to transfer provided for under that section.

The statement must also mention that, should the member leave his benefits in the plan, the benefits and their value could continue to vary according to the financial situation of the pension plan.

Furthermore, the statement must mention that the degree of solvency that applies in the case of the payment of benefits in full is the one determined in accordance with section 20.

40. During the annual meeting, the following subjects must be on the agenda in addition to those mentioned in section 166 of the Act:

- (1) a description of what a target-benefit pension plan is, including the fact that benefits may vary according to the financial situation of the pension plan;
- (2) a description of the risks for the members and beneficiaries as well as the methods used to manage those risks;
- (3) the adjustments to the benefits and the changes to member contributions or the benefits target applied during the fiscal year concerned;
- (4) the adjustments to the benefits and the changes to member contributions or the benefits target that will be applied at a later date and their effective date.

41. Where the pension committee proceeds with the payment of the benefits of a member or beneficiary on its own initiative, the pension committee must notify in writing the member or beneficiary concerned.

Where the payment of the benefits of a member or beneficiary whose pension is in payment is made by means of the purchase of an annuity, the notice must include the following information:

- (1) the name and contact information of the insurer that guaranteed the annuity;
- (2) the amount of the guaranteed annuity;
- (3) the amount of the pension the member or beneficiary was receiving prior to the purchase of the annuity;
- (4) the amount of the benefits target provided for under the plan.

In all cases the notice must also indicate that the member or beneficiary no longer has any connection to the plan.

42. The actuarial valuation report for the plan must indicate the adjustments to the benefits taken into consideration in the valuation, the calculations pertaining to their determination and their effective date. The report must also contain a summary of the adjustments to benefits and any amendments taken into consideration in the previous actuarial valuation.

The provisions of sections 4.1, 4.3 and 4.4 of the Regulation respecting supplemental pension plans that pertain to amendments considered for the first time apply, adapted as required, to any measure taken in application of section 28 being considered for the first time.

43. The Régie may require from a pension committee or an employer party to a pension plan, on the conditions and within the time limits established by the Régie, any document, information or report that it deems necessary for ascertaining that the requirements imposed by this Regulation are met, particularly concerning the contents of an actuarial valuation report provided for under this Division.

DIVISION 7 MISCELLANEOUS PROVISIONS

44. The fiscal year of a target-benefit pension plan corresponds to the calendar year except where, for the first fiscal year of the plan, the Régie has authorized a period that exceeds one year.

45. No multi-employer pension plan, even one not considered as such, may be established under this Regulation.

46. No purchase of past service or transfer of benefits from another plan is permitted under a target-benefit plan.

The provisions of this section do not hinder the exercise of the rights provided for under sections 79.3 and 81.15 of the Act respecting labour standards (chapter N-1.1), nor do they preclude the application of the plan provisions allowing the accrual of benefits for the periods of absence determined under the plan and for which the required contributions are paid during the same fiscal year.

47. Notwithstanding section 59 of the Act, periodic amounts payable as pension benefits may vary further to the adjustments provided for under subparagraph 1 of the first paragraph of section 25 or under the second or third paragraph of section 28.

48. A target-benefit plan may not be the object of a merger of all or part of its assets and liabilities with those of another plan, nor can it be converted to another type of plan.

49. The provisions of subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act do not apply to a target-benefit pension plan.

50. The Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act (chapter R-15.1, r. 4) and the Regulation providing temporary relief measures for the funding of solvency deficiencies (chapter R-15.1, r. 3.1) do not apply to a target-benefit pension plan established under this Regulation.

DIVISION 8 TRANSITIONAL AND FINAL PROVISIONS

51. In the case of a target-benefit pension plan whose effective date is prior to the date of coming into force of this Regulation, the time period provided for under section 16 of the Act for notifying the Régie, as well as the time period provided for under section 25 of the Act for sending the Régie an application for the registration of a pension plan, begin on the latter date.

52. Where a member has received the statement referred to in section 113 of the Act prior to (*insert the date of publication of this Regulation*), the time period for exercising the right to transfer provided for under section 18 begins on the date on which the pension committee informs the member of the right provided for under that section.

The pension committee must inform, in a diligent manner and in writing, all members referred to in the first paragraph.

53. Notwithstanding subparagraph 1 of the first paragraph of section 119 of the Act, a pension committee has until (*insert the date that occurs 4 months after the date of publication of this Regulation*) to send the Régie any actuarial valuation report for a pension plan referred to in this Regulation whose date is prior to 1 January 2013.

The fees provided for under the fourth paragraph of section 14 of the Regulation respecting supplemental pension plans with regard to a report referred to in the first paragraph shall be paid to the Régie for each complete month of delay as of (*insert the date that occurs 4 months after the date of publication of this Regulation*).

54. The annual statements referred to in section 112 of the Act already filed for the fiscal year ending on 31 December 2011, where applicable, do not have to be filed again. Annual statements related to the fiscal year ending on 31 December 2012, however, must include for the previous fiscal year the adaptations required under the provisions of this Regulation.

Notwithstanding the first paragraph of section 112 of the Act, the time period for sending to members and beneficiaries the statement referred to in that section for the fiscal year ending on 31 December 2012 expires on (*insert the date that occurs 4 months after the date of publication of this Regulation*).

55. An annual meeting held before (*insert the date of publication of this Regulation*) with regard to a fiscal year that ended before that date does need to be held again. However, at the first annual meeting held after that date, a summary of the information required under the provisions of this Regulation must be presented.

56. Notwithstanding section 205 of the Act, where, with regard to service covered by a component of a pension plan established in accordance with a regulation made pursuant to section 2 of the Act, a target-benefit pension plan is established as a separate plan, the existing plan may not be terminated solely because it no longer has active members, for so long as the target-benefit plan has active members.

57. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 31 December 2010.

Erratum

Ville de Laval — Disallowance

Gazette officielle du Québec, Part 2, 28 November 2012, Volume 144, No. 48, page 3253.

The notice published on 28 November 2012, concerning the disallowance by the Minister of Transport of By-law L-11605 to amend By-law L-6070 governing traffic and highway safety on public roads is corrected by replacing “boulevard René-Lévesque Est” by “boulevard Lévesque Est”.

Québec, 16 juillet 2013

DOMINIQUE SAVOIE,
Deputy Minister of Transport

2896

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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