

Gouvernement du Québec

**O.C. 424-2000, 29 March 2000**

Forest Act  
(R.S.Q., c. F-4.1)

Agreement respecting the transfer, on an experimental basis, of responsibilities in the field of forest management in the domain of the State to Municipalité régionale de comté d'Antoine-Labelle

WHEREAS the Conseil régional de développement des Laurentides adopted a resolution recognizing that the delegation of the management of the intramunicipal territory in the domain of the State situated in Municipalité régionale de comté d'Antoine-Labelle to Municipalité régionale de comté d'Antoine-Labelle constitutes, in the collective interest, a new management method able to improve the territory's contribution to regional and local development and that the delegation plan respects the strategic plan of the Conseil régional de développement;

WHEREAS under section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1) a regional county municipality (RCM) may enter into an agreement with the Government under which certain responsibilities that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis;

WHEREAS under section 10.6 of that Code such agreement must set out, in particular, the conditions governing the exercise of the responsibility, the duration and the rules relating to its implementation;

WHEREAS under section 10.8 of the Code such agreement shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder;

WHEREAS under the Forest Act (R.S.Q., c. F-4.1) amended by chapter 80 of the Statutes of 1997 and chapters 36 and 40 of the Statutes of 1999, the Minister of Natural Resources holds the powers and responsibilities in the field of forest management;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and of the Minister of State for Municipal Affairs and Greater Montréal and Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Natural Resources be authorized to sign for and on behalf of the Government an agreement with Municipalité régionale de comté

d'Antoine-Labelle under which it will be temporarily entrusted with the management responsibilities over public forests that currently constitute public forest reserves and are within the limits of local municipalities, on an experimental basis. Those powers and responsibilities are identified in the Schedule to this Order in Council;

THAT the agreement has a 5-year term, subject to renewal;

THAT the agreement be entered into on the following conditions:

a) in exercising the responsibilities transferred to it, the RCM will have to comply with the provisions of the Forest Act (R.S.Q., C. F-4.1) amended by chapter 80 of the Statutes of 1997 and chapters 36 and 40 of the Statutes of 1999 and the regulations made thereunder, as amended, particularly as regards the sustainable development of forests, the preservation of forest production and forest conservation;

b) the RCM shall not adopt provisions that add restrictions favouring the use of the resource on a local level, to the disadvantage of more promising projects with respect to job creation and future development;

c) the RCM shall be a member of the forest protection organizations recognized by the Minister of Natural Resources and shall pay their portion of the costs. The RCM's contribution to the organizations shall apply to the territory where the RCM does not have forest management contracts for 800 hectares or more. Where such contracts have been entered into, the RCM must require that the parties in the agreement be members of the organizations and pay a portion of the costs;

d) the RCM shall prepare, for the approval of the Minister of Natural Resources, a forest management plan including, in particular, an estimate of the forest production and a plan for the forest management activities for the term of this Agreement;

e) the RCM shall consult the Société de la faune et des parcs du Québec on the forest management plans prepared by the holders of the forest management contracts in accordance with the terms and conditions agreed to by the parties;

f) on 31 March of each year, the RCM shall submit a report to the Minister of Natural Resources on the activities carried out and the use made of the revenues from forest management; a 5-year report assessing the experimental forest management shall also be forwarded to the Minister;

g) the Minister of Natural Resources shall continue to assume the powers and responsibilities not expressly transferred to the RCM by the Agreement;

h) if need be, the Minister of Natural Resources may specify the scope of the transferred powers in the field of forest management.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## SCHEDULE

Responsibilities defined in the Forest Act (R.S.Q., c. F-4.1) amended by chapter 80 of the Statutes of 1997 and chapters 36 and 40 of the Statutes of 1999 and referred to in the agreement with Municipalité régionale de comté d'Antoine-Labelle on the experimental delegation of forest management:

— the granting of forest management permits of the following classes: for the harvest of firewood for domestic or commercial purposes, for the cultivation and operation of a maple grove to make maple syrup products, for public utility works, for mining activities and for a wildlife or recreational development project;

— the development of forest reserves and the sale of timber. Notwithstanding the provisions of the Act, the marketing of timber may be carried out by the RCM on its own terms;

— the signing of forest management contracts;

— the granting of permits for the construction or improvement of forest roads and the issuing of authorizations regarding the width of the right-of-way and the use of timber harvested in connection with the construction or improvement of roads other than forest roads;

— the control or denial of access to forest roads for reasons of public interest, particularly in cases of fire, during the thaw period and for safety reasons;

— the prescription of forest management standards, in accordance with the Regulation respecting standards of forest management for forests in the public domain made by Order in Council 498-96 dated 24 April 1996 or the prescription standards according to the provisions of sections 25.2 and 25.3 of the Forest Act;

— the collection of duties payable by holders of authorizations, permits or rights granted by the RCM under the applicable regulations;

— the supervision and control of forest management activities, in accordance with the Forest Act and the regulations thereunder. The RCM shall notify the Minister of Natural Resources of any offences against the Forest Act or its regulations that it has ascertained and shall send the relevant record to the Minister.

3560

## M.O., 2000-008

### Order of the Minister responsible for Wildlife and Parks dated 28 March 2000

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

Replacement of Schedule 3 to Order in Council 1888-89 dated December 6, 1989 concerning the designation and delimitation of land in the domain of the State

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 13 of Chapter 29 of the Statutes of 1998 and by section 85 of Chapter 40 of the Statutes of 1999, which provides that the Minister, after consultation with the Minister of Natural Resources, may delimit areas on land in the domain of the State;

GIVEN that the Government, by Order in Council 1888-89 dated 6 December 1989 designated and delimited the areas on land in the domain of the State described in Schedules 1 to 3 to that Order in Council in view to increasing utilization of wildlife resources;

GIVEN the making by the Government of Order in Council 1888-89 dated 6 December 1989 concerning the designation and delimitation of land in the domain of the State;

GIVEN section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;