

7.5. The Minister shall register in the Terrier or in any other register designated by him all alienations and rights granted by the RCM on the lands in question and shall issue attestations in writing of the information entered therein; the RCM shall collect all exigible expenses, including interest income, and shall remit them entirely to the Minister, according to the terms and conditions defined in the territorial management agreement. When the Minister will have implemented a formal procedure to make it possible for the RCM to directly enter rights in the official land register, he will contact the RCM to adapt the relevant terms and conditions in the territorial management agreement.

7.6. An RCM that exercises the powers and responsibilities provided for in this Program acts in its own name and any action it takes is in no way binding on the Government.

Subject to the special provisions of section 6, the RCM shall comply with the Act respecting the lands in the domain of the State and its regulations, as amended.

8. FINAL PROVISIONS

8.1. The territorial management agreement respecting land planning and management has a renewable five-year term.

When the land management delegation expires, the Minister shall again be fully responsible for the management of the intramunicipal lands in the public domain that he had delegated.

The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2. Where the Minister is again responsible for the management of intramunicipal lands in the public domain he had delegated, the RCM shall send the Minister all the information required, including, in particular, the up-to-date books and records kept by the RCM for managing the lands. The RCM shall also give the Minister all the records that the Minister entrusted to it.

8.3. Any contestation by the holder of a right that was granted by the RCM and that results from differences in the management methods applied by the RCM and the Minister shall be submitted to the Minister.

4380

Gouvernement du Québec

O.C. 775-2001, 20 June 2001

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

Agreement respecting the transfer of responsibilities for the management of forests in the domain of the State to the Outaouais regional county municipalities on an experimental basis

WHEREAS the Gouvernement du Québec and the Conseil régional de développement de l'Outaouais have agreed to enter into a specific agreement on the management and development of the intramunicipal public territory of the Outaouais in order to promote that territory's contribution to the revitalization, consolidation and economic development of the region and the local communities;

WHEREAS the delegation of powers and responsibilities for management and development is one of the principal measures defined in the specific agreement;

WHEREAS the delegation is based on the compliance with government principles and guidelines concerning the use, development and management of public land and on the attainment of objectives while granting the regional county municipalities (RCM) and local and regional authorities the necessary leeway with respect to the means of implementation;

WHEREAS the said agreement provides that powers and responsibilities concerning forest management may be subject to a delegation of management conditional on the required amendments to the Forest Act (R.S.Q., c. F-4.1), amended by chapter 77 of the Statutes of 1999, by chapters 4, 8, 15, 53 and 56 of the Statutes of 2000 and by chapter 6 of the Statutes of 2001, subject to their coming into force being decided by the Government;

WHEREAS, under the Forest Act, the Minister of Natural Resources holds the powers and responsibilities concerning forest management;

WHEREAS, under section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), an RCM may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, 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 the conditions governing the exercise of the responsibility to which it applies, including the

duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation;

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

WHEREAS an inhabited forest demonstration recognized by the Ministère des Ressources naturelles and coordinated by the Corporation de gestion de la Forêt de l'Aigle is located in the territorial jurisdiction of La Vallée-de-la-Gatineau RCM;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and 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 an agreement, for and on behalf of the Government, with each regional county municipality (RCM) in the Outaouais region under which will be transferred to each RCM on an experimental basis responsibilities for the management of forests in the domain of the State currently established as forest reserves located within the limits of local municipalities; those responsibilities are set out in the Schedule to this Order in Council;

THAT the agreement take effect for a five-year term on the date each territorial management agreement is signed;

THAT the agreement may be automatically renewed if the specific agreement on the management and development of the intramunicipal public territory of the Outaouais is renewed;

THAT the agreement may terminate prematurely in whole or in part if the amendments to the Forest Act (R.S.Q., c. F-4.1), amended by chapter 77 of the Statutes of 1999, by chapters 4, 8, 15, 53 and 56 of the Statutes of 2000 and by chapter 6 of the Statutes of 2001, come into force to introduce therein provisions allowing the RCMs to be entrusted with the delegation of such powers and responsibilities;

THAT the agreement apply to the following RCMs: La Vallée-de-la-Gatineau, Les-Collines-de-l'Outaouais, Papineau and Pontiac;

THAT the agreement be entered into on the following conditions:

(a) each RCM shall, before the signing of any delegation agreement, consent by resolution to all the terms, obligations and conditions of the specific agreement;

(b) in exercising the responsibilities transferred to them, the RCMs shall comply with the provisions of the Forest Act and the regulations made thereunder, as amended, particularly as regards sustainable forest development, preservation of forest production and forest conservation;

(c) the RCMs shall not adopt restrictions favouring the use of the resource on a local level, to the detriment of more promising projects with respect to job creation and future development;

(d) the RCMs shall not carry out or allow forest management activities to be carried out, as defined in section 3 of the Forest Act, in the areas identified as exceptional forest ecosystems in Schedule I.2 of their respective territorial management agreements, without prior authorization from the Minister of Natural Resources;

(e) the RCMs shall prepare, for the approval of the Minister of Natural Resources, a forest management plan that includes a forest production estimate and a five-year program for forest management activities;

(f) the RCMs shall consult with the Société de la faune et des parcs du Québec regarding the forest management plans prepared by the holders of forest management agreements in accordance with the terms and conditions agreed to by the parties;

(g) the RCMs shall become members of forest protection organizations recognized by the Minister of Natural Resources and shall pay their share of the assessment. The RCMs' contributions to the organizations shall apply to the territory where the RCMs have not entered into forest management agreements covering an area of 800 hectares or more. Where such agreements have been entered into, the RCMs shall require the holders to become members of the organizations and pay their share of the assessment;

(h) the RCMs shall file the following reports with the Minister of Natural Resources: on 31 March of each year, an annual report on the activities that have taken place and the use of the income from forest management and a five-year activity report assessing the experimental forest management;

(i) the Minister of Natural Resources shall continue to hold the powers and responsibilities that are not expressly transferred to the RCMs;

(j) the Minister of Natural Resources may, where necessary, specify the scope of the transferred responsibilities for forest management;

THAT the agreements to be entered into with the RCMs comply with the provisions of the specific agreement on the management and development of the intramunicipal public territory of the Outaouais.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

Responsibilities defined in the Forest Act (R.S.Q., c. F-4.1), amended by chapter 77 of the Statutes of 1999, chapters 4, 8, 15, 53 and 56 of the Statutes of 2000 and chapter 6 of the Statutes of 2001, relating to forests in the domain of the State and applicable to forest reserves:

— the issuing of forest management permits of the following classes:

- for the harvest of firewood for domestic or commercial purposes;
- for sugar bush management for acericultural purposes; and
- for a wildlife or recreational development project;

— the development of forest reserves and the sale of timber harvested in the territory covered by this agreement. Notwithstanding the foregoing, the sale of pulpwood and timber in the classes covered by agreements between the Outaouais wood producers' and sawmillers' unions and boards shall be negotiated with the unions and boards in question;

— the signing of forest management agreements;

— the issuing of forest management 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 restriction or prohibition of access to forest roads in the public interest, particularly in case of fire, during thaw periods or for safety reasons;

— the application 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, as amended, or the standards prescribed in accordance with the provisions of sections 25.2 and 25.3 of the Forest Act;

— the collection of dues from holders of authorizations, permits or rights issued by the RCMs in accordance with the applicable regulations;

— the monitoring and supervision of forest management, in accordance with the Forest Act and the regulations thereunder. The RCM shall notify the Minister of any offence under the Forest Act or the regulations in force and forward to the Minister the file it has prepared on the matter, including the technical documents needed to describe the offence (maps, area measurements, tree count, ...);

— the supervision of the scaling of harvested timber, in accordance with the standards determined by Government regulation; the RCM shall use the computerized scaling method to forward the data to the Ministère des Ressources naturelles.

4381

Gouvernement du Québec

O.C. 776-2001, 20 June 2001

Public Health Protection Act
(R.S.Q., c. P-35)

Regulation

— Amendments

Regulation to amend the Regulation respecting the application of the Public Health Protection Act

WHEREAS under subparagraph *d* of the first paragraph of section 69 of the Public Health Protection Act (R.S.Q., c. P-35), the Government may, by regulation, determine what documents a permit holder must produce, the kind of operations he must conduct, the reports he must make, the records he must keep and the fees he must pay, as well as the procedures for renewal of permits, except in the case of a holder of an ambulance service permit;

WHEREAS the Government made the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, c. P-35, r. 1) and it is expedient to amend it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 69 of the Public Health Protection Act, the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 22 November 2000, on page 5330, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;