

(2) \$225 for the English or French edition of Part 2 in paper form and \$195 for the English or French edition of Part 2 on a medium based on information technology.

7. The selling price of an issue of the *Gazette officielle du Québec* is \$8.50 per copy in paper form and \$8 per copy on a medium based on information technology.

8. The price of a technology-based document included in an issue of the *Gazette officielle du Québec* is \$6.

9. The rate payable for the publication of documents, notices and announcements in Part 1 is \$1.15 per agate line.

The costs shall be paid by the person or authority requesting the publication or, where the publication is requested by the Government, by the person or authority issuing the document, notice or announcement.

10. The rate payable for publishing a document in Part 2 is \$0.75 per agate line. A minimum rate of \$165 is applied, however, in the case of a publication of fewer than 220 agate lines.

The costs shall be paid by

(1) in the case of an Act, Proclamation or Order in Council for the coming into force of an Act, the Minister responsible for the application of the Act concerned;

(2) the person or authority adopting or making regulations or other statutory instruments or, where they are made by the Government, the Minister recommending they be adopted or made;

(3) the person or authority recommending the adoption or making of an Order in Council, Conseil du trésor decision or Minister's order, in the case of Orders in Council, Conseil du trésor decisions or Minister's orders;

(4) the court or tribunal adopting rules of practice, in the case of rules of practice of a court or tribunal; or

(5) in all other cases, the person or authority issuing the document.

If the costs may be paid by more than one person or authority, they shall be paid by the issuer of the document.

11. The amounts set forth in sections 6 to 10 shall be indexed on 1 January 2005 and on 1 January of each year thereafter on the basis of the rate of increase in the general Consumer Price Index for Canada for the period ending on 30 September of the preceding year, as determined by Statistics Canada.

The rates and prices thus indexed that are less than \$35 shall be reduced to the nearest cent if they contain a fraction of a cent less than 0.5¢; they shall be increased to the nearest cent if they contain a fraction of a cent equal to or greater than 0.5¢.

The rates and prices thus indexed that are equal to or greater than \$35 shall be reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Québec Official Publisher shall publish the result of the annual indexing in the *Gazette officielle du Québec*.

12. The Québec Official Publisher shall send the *Gazette officielle du Québec* free of charge to the public bodies, public servants and other persons listed in Schedule I.”

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

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Gouvernement du Québec

O.C. 271-2004, 24 March 2004

An Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2)

Program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region

WHEREAS the Government and the regional county municipalities (RCMs) in the Côte-Nord administrative region have, within the framework of the government policy on regional development, agreed to increase the contribution of public intramunicipal lands to the revitalization, consolidation and economic development of the region and the local populations;

WHEREAS one of the main measures proposed consists in delegating the management of public intramunicipal lands and forest resources thereon to the RCMs in the Côte-Nord region;

WHEREAS sections 17.13 to 17.16 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2), section 17.14 being amended by section 51 of chapter 16 of the Statutes of 2003, authorize the Minister of Natural Resources, Wildlife

and Parks, with the approval of the Government, to prepare programs for the development of lands or forest resources in the domain of the State that are under the Minister's authority in order to encourage regional development;

WHEREAS the third paragraph of section 17.14 of the Act authorizes the Minister, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, to entrust the management of any land in the domain of the State that is under the Minister's authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person; such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS that paragraph provides that the program shall identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or among those of Divisions I and II of Chapter II of Title I of the Forest Act (R.S.Q., c. F-4.1), amended by chapter 25 of the Statutes of 2002 and chapter 16 of the Statutes of 2003, as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that chapter or of Division II of Chapter IV of Title I or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs, where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph of section 17.14 of the Act, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the domain of the State or in sections 171, 171.1 of the Forest Act and section 172 of that Act, amended by section 45 of chapter 16 of the Statutes of 2003, those that may be exercised by the municipality by means of regulations;

WHEREAS articles 14.12 and 14.12.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) authorize every municipality that participates in a program prepared by the Minister of Natural Resources, Wildlife and Parks to assume the responsibilities under the program as concerns not only public intramunicipal lands but also certain forest resources in the domain of the State;

WHEREAS it is expedient to approve the program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources, Wildlife and Parks and that the planning segment of the program be managed by the Minister in cooperation with the other government departments and bodies concerned;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the Program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region, annexed to this Order in Council, be approved;

THAT the administration of the Program be entrusted to the Minister of Natural Resources, Wildlife and Parks, on the understanding that the planning segment be managed by the Minister in cooperation with the other government departments and bodies concerned.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region

An Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs
(R.S.Q., c. M-25.2, ss. 17.13 to 17.16)

1. OBJECT OF THE PROGRAM

To encourage regional development through development of public intramunicipal lands in the Côte-Nord administrative region by entrusting the management of the lands and their forest resources to the regional county municipalities (RCMs) in that administrative region.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates a different meaning,

2.1 "territorial management agreement" means an instrument of delegation having multi-sector scope whereby the Government entrusts, subject to certain conditions, management powers and responsibilities to an RCM;

2.2 “Minister” means the Minister of Natural Resources, Wildlife and Parks;

2.3 “Ministers” means the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks;

2.4 “Program” means this Program, established under Division II.2 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2);

2.5 “Attraction pole”: part of public territory parcelled in a non-traditional manner that is eligible territory under the program on the same basis as public intramunicipal territory. It is determined from the transposition of the area of such territory existing in Municipalité régionale de comté de Manicougan et de La Haute-Côte-Nord (some five kilometres north of the St. Lawrence Gulf, which is the equivalent in depth of three colonization lots). The pole has its anchor within the urbanization perimeters of the villages that have public equipment and infrastructures. The “attraction poles” are delimited in a single block for the purpose of facilitating their management. Other criteria were also considered, including intensive use by the population, the presence of development potentials and the presence of a road or trail network giving access to the resources. Geographical delimitation relies on physical limits (watercourses, lakes, hydroelectric lines, etc.).

Where this document refers to “public intramunicipal lands” or “public intramunicipal territory”, the reference may be to those lands or territory or to the “attraction poles”.

3. ELIGIBILITY CONDITIONS

To be eligible under the Program, an RCM in the Côte-Nord administrative region must

3.1 have obtained a resolution from the Conseil régional de développement de la Côte-Nord recognizing that the delegation of certain management powers and responsibilities over certain portions of public intramunicipal land within the limits of the RCM is, in the collective interest, a new management approach conducive to increasing the contribution of the land concerned to regional and local development, and that the delegation proposal is consistent with the regional strategic plan of the Conseil régional de développement de la Côte-Nord;

3.2 have passed a resolution stating that it accepts all the terms, undertakings, obligations, conditions and modalities set out in the Program;

3.3 have created, by by-law, a development fund under articles 688.7 to 688.9 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

3.4 have created, by resolution, a multi-resource committee to advise the RCM and that is representative of all interests associated with the preservation of natural habitats and the development and use of the land under the delegation. The votes on the committee must be apportioned in a balanced manner so as to avoid special interests or groups controlling the committee’s decisions.

4. APPLICATION

4.1 The public intramunicipal lands over which the powers and responsibilities delegated under the Program may be exercised are all the lots, parts of lots and every other part of the domain of the State, including buildings, improvements and movables situated thereon as well as certain forest resources thereon, situated in the Côte-Nord administrative region and located within the limits of the municipalized territory of the region that are under the authority of the Minister.

4.2 The following are expressly excluded from that application:

(1) waters corresponding to the bed of lakes and watercourses up to the normal high-water mark, including hydraulic forces;

(2) lands in the domain of the State that have been submerged or are submersible as a result of the construction and maintenance of a dam or any works related to the dam and necessary for its operation;

(3) any right-of-way of a road or highway under the management of the Minister of Transport, including but not limited to its infrastructures and all works necessary or incidental to their layout and management;

(4) any other land identified by the Minister;

(5) lands situated within management units under timber supply and forest management agreements or forest management agreements on the signing of the territorial management agreement, including lands located in such areas in respect of which a sugar bush permit, summer resort leases or any other right could be issued;

(6) lands on which exclusive public utility proposals have been planned for the short term by the Government of Québec; and

(7) lands on which the Minister or the Government of Québec has granted rights in favour of the Government of Canada or any of its departments or bodies.

The ecological reserves and habitats of threatened or vulnerable species of flora that have been designated or are to be designated, under the authority of the Minister of the Environment, and that are situated on the lots delegated to the RCMs in the Côte-Nord region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs. Powers of surveillance, signalization and education concerning ecological reserves may be delegated to the RCMs by means of a rider to the territorial management agreements.

The exceptional forest ecosystems that have been classified or are to be classified, under the authority of the Minister of Natural Resources, Wildlife and Parks and that are situated on the lots delegated to the RCMs in the Côte-Nord region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs.

4.3 For *Municipalité régionale de comté de La Haute-Côte-Nord*, the public intramunicipal lands concerning which the Government is in land claims negotiation with the Essipit Community and the Betsiamites Community, identified in Schedule II to the territorial management agreement, are included in the territory to which the Program applies, although the powers described in paragraphs 2, 4, 6, 7 and 13 of section 5.2 and in paragraphs 1, 2, 3 and 6 of section 5.3 of this Program may not be exercised by the RCMs, except with the consent of the Essipit or Betsiamites community.

For the RCMs of *La Haute-Côte-Nord* and *Manicouagan*, the lands identified as “heritage sites” in the proposed Agreement-in-Principle of General Nature Between the First Nations of Mamuitun and Nutashkuan and the Government of Québec and the Government of Canada situated on the delegated lots are included in the territory to which this Program applies, although the modalities are subject to the requirements of section 5.1.1 of this Program. For the heritage sites, the regulation in force may, if necessary, be amended in accordance with the proposed Agreement-in-Principle of General Nature Between the First Nations of Mamuitun and Nutashkuan and the Government of Québec and the Government of Canada and with the treaty to come.

4.4 Where land under the responsibility of an RCM is required for purposes of public utility or public interest or for any other purpose pursuant to an Order in Council, or where land has been mistakenly identified as forming part of public intramunicipal lands, the Minister may, following the sending of a notice, withdraw the land from the application of the Program.

Such a withdrawal by the Minister may give rise to payment of fair compensation for improvements made to the land by the RCM at its expense, without the assistance of any other governmental financial assistance program since the date of the signing of the territorial management agreement, and for damage actually sustained, without other compensation or indemnity for loss of profit or anticipated revenue.

4.5 It is currently known that the Essipit and Betsiamites Innu are in land claims negotiations with the governments of Québec and Canada. Within the scope of the negotiation, lands will be transferred to them in full ownership. The current hypothesis of lands in full ownership is illustrated in Schedule II to the territorial management agreement of *Municipalité régionale de comté de La Haute-Côte-Nord*. It is understood that any public intramunicipal land within those limits that is delegated to the RCM and that devolves to Essipit or Betsiamites on the conclusion of the land claims negotiations will be recovered by the Ministers without compensation for any improvements made by the RCM.

Those lands are preliminarily defined and may undergo change during the negotiations. Should the conclusion of negotiations with the Essipit Innu and the Betsiamites Innu result in the Ministers recovering public intramunicipal lands delegated to the RCM that are not shown on the map in Schedule II, the recovery will be subject to payment of fair compensation for any improvements made to the land by the RCM, without the assistance of any government financial support program, since the date of the signing of this agreement, and for damage actually sustained, without other compensation or indemnity whatsoever and, in particular, without compensation or indemnity for loss of profit or anticipated revenue.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Ministers may delegate to an RCM the powers and responsibilities relating to land planning and management and forest management referred to in sections 5.1, 5.2 and 5.3. The delegation is subject to the terms and conditions set out in sections 6.1, 6.2 and 7.

The powers and responsibilities so delegated to the RCM must be exercised over all the lands identified by the Minister in a list annexed to the territorial management agreement.

In addition to those lands, the Minister may, following transmission of a notice, subject any other public intramunicipal land under the Minister’s authority to the delegation.

5.1 Planning

In matters of planning, the Minister shall delegate to the RCM the responsibility for preparing an integrated territorial development plan, having a minimum five-year perspective, for the public lands (public intramunicipal lands and their natural resources) to which the territorial management agreement signed by the RCM applies. The plan must be prepared by the RCM within the time fixed by the Minister and public consultations must be held by the RCM to take into account the concerns of the population and the users of the land and its resources. The RCM must forward its plan to the Minister for an opinion before any consultation is held. The RCM must review the integrated territorial development plan, modify it when appropriate, ensure it is adhered to and integrate it into its development plan.

5.1.1 The integrated territorial development plan must

(1) identify land uses, without modifying the territorial units and sites identified by the Government in the public land use plan (PATP);

(2) contain harmonization modalities and framework land use integration rules;

(3) take into account the government land development policies and the special concerns of the government transmitted during preparation of the plan; and

(4) take into account the regional strategic plan of the Conseil régional de développement de la Côte-Nord;

(5) for *Municipalité régionale de comté de La Haute-Côte-Nord*, take into account the land claims negotiations between the Essipit and Bestiamites Innu and the Government concerning the territory identified on the map in Schedule II to the territorial management agreement. As indicated in section 4.3 of this Program, certain powers and responsibilities delegated to the RCM may not be exercised on the public intramunicipal lands identified on the map in Schedule II to the territorial management agreement, except with the consent of the Essipit or Betsiamites community. The RCM must prepare its plan taking into account the restrictions that apply on those lands, in particular as regards the issue of land and forestry rights and all development proposals;

(6) for the RCMs of *La Haute-Côte-Nord* and *Manicouagan* as regards the heritage sites identified in the proposed Agreement-in-Principle of General Nature Between the First Nations of Mamuitun and Nutashkuan and the Government of Québec and the Government of Canada and presented as a schedule to the territorial management agreements concerned, the RCMs undertake to consult the Betsiamites Innu while preparing the integrated development plan and on any later development proposal on those lands.

The RCMs concerned must also, if necessary, review their plan according to the conclusion of a treaty between the Essipit and Bestiamites Innu and the Government.

5.2 Land management

For the purposes of the Program, the Minister shall entrust public intramunicipal land management to an RCM exercising the powers and responsibilities under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and its regulations. Accordingly, the RCM is to

(1) manage land rights already issued other than water-power resource leases. For that purpose, the RCM must manage and respect rights granted until they expire, renew rights and revoke them if the holder does not comply with the obligations;

(2) grant and manage new land rights other than water-power resource leases, renew and monitor the rights, modify them with the consent of the parties involved and revoke them if the holder fails to comply with the obligations;

(3) manage buildings, improvements and movables situated on the lands under the delegation and, as required, dispose of them in accordance with the applicable regulatory provisions;

(4) sell lands, grant rights by emphyteutic contract and transfer land by gratuitous title for public utility in accordance with the applicable regulatory provisions. The RCM must first obtain the Minister's consent before granting those rights;

(5) correct the alienations carried out by the RCM;

(6) grant servitudes and any other right;

(7) grant temporary occupation licences and visitor's licences;

(8) collect and withhold all revenues, including fees relating to the management of the lands under the delegation;

(9) renounce, for a cadastral renovation, the Minister's right of ownership in favour of the occupant of the land, in accordance with section 40.1 of the Act respecting the lands in the domain of the State and in accordance with the criteria established in that respect by the Minister;

(10) correct any deed of alienation granted by the RCM and waive or amend, in accordance with sections 35.1 and 40 of the Act respecting the lands in the domain of the State, any restrictive clauses in a deed of alienation granted by the RCM or amend the purposes stipulated in the deed;

(11) acquire by mutual consent (gift, purchase, exchange), for the benefit of the domain of the State, lands, buildings, improvements and movables in private ownership. The RCM must first obtain the Minister's consent before making such a transaction;

(12) publish a declaration stating that land forms part of the domain of the State, in accordance with section 19 of the Act respecting the lands in the domain of the State;

(13) authorize the construction of roads other than forest and mining roads, in accordance with section 55 of the Act respecting the lands in the domain of the State;

(14) control the use and occupation of the territory

— by dealing with unlawful occupations and uses, including illicit dumps and illegal barriers, under the Act respecting the lands in the domain of the State, in accordance with formal rules and terms that respect the principle retained by the Government to the effect that no privilege may be granted to a person unlawfully occupying or using land in the domain of the State; and

— by dealing with precarious occupation pursuant to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State made under the Act respecting the lands in the domain of the State by Order in Council 233-89 dated 22 February 1989, amended by Order in Council 90-2003 dated 29 January 2003;

(15) institute on its own behalf any penal proceeding for an offence committed on the land under the management delegation and provided for in a provision of the Act respecting the lands in the domain of the State and its regulations or in any by-law adopted by the RCM pursuant to section 6;

(16) exercise any recourse and any power assigned to the Minister by sections 60 to 66 of the Act respecting the lands in the domain of the State; and

(17) have the boundary between the domain of the State and the private domain determined and sign the related documents as the owner in the case of cadastral operations, boundary marking or a motion for judicial recognition of the right of ownership in lands in the domain of the State under the management delegation. Any land survey must be carried out by the RCM in accordance with the Minister's instructions issued pursuant to section 17 of the Act respecting the lands in the domain of the State.

The Minister of Natural Resources, Wildlife and Parks shall continue to exercise the management powers and responsibilities regarding mining rights and hydraulic power. However, the issue of titles to mine mineral substances is governed by the special modalities of consultation between the Minister of Natural Resources, Wildlife and Parks and the RCMs as regards land use. Those modalities are set out in an administrative agreement accompanying the territorial management agreements.

5.3 Forest management

For the purposes of the Program, the Ministers shall entrust forest management on public intramunicipal lands to an RCM which must exercise the powers and responsibilities of forest management defined in Divisions I, II, III and IV of Chapter II and Division II of Chapter IV of Title I and Title VI of the Forest Act (R.S.Q., c. F-4.1) in relation to the forests in the domain of the State and applicable to the forest reserves, described as follows, to the extent provided for by law:

(1) the granting of forest management permits in the following classes:

— for the harvest of firewood for domestic or commercial purposes;

— for sugar bush management for acericultural purposes;

— for a wildlife, recreational or agricultural development project;

— for the harvest of a specified volume of shrubs or half-shrubs, or of branches from shrubs or half-shrubs, to supply a wood processing plant;

— for the supply of wood processing plants, to a holder of a forest management contract entitled thereto under Division II of Chapter IV of Title I of the Forest Act;

(2) the management of forest reserves, respecting the annual allowable cut, and the marketing of timber harvested on the territory under the territorial management agreement;

(3) the making of forest management contracts. The RCM must require holders of forest management contracts to prepare forest management plans in the form and having the content, with the necessary modifications, set out in sections 52, 53 and 59.1 of the Forest Act;

(4) the overseeing of the preparation of the general forest management plans required of a holder of a forest management contract, and in particular

— the determination of the annual allowable cut on the territory of any forest management contract granted by the delegatee and the areas intended for forest production according to the method and basis of calculation described in the forest management manual published by the Ministers; and

— the assigning of forest protection and forest development objectives to the territory under any forest management contract, after consultation with the departments concerned and the regional authorities.

The annual allowable cut, forest yields and protection and development objectives are assigned to the territory under a forest management contract to be included in the general plan relating thereto and taken into account in preparing forest management strategies;

(5) the approval of the general forest management plans and annual management plans prepared by the holders of forest management contracts;

(6) the granting of management permits for the construction or improvement of forest roads and the issuance of authorizations regarding the width of the right-of-way and the destination of the timber harvested in connection with the construction or improvement of roads other than forest roads;

(7) the possibility of restricting or prohibiting access to forest roads for reasons of public interest, particularly in the case of fire, during the thaw period, or for safety reasons;

(8) the application of standards of forest management, in accordance with the Regulation respecting management standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 and its subsequent amendments, or the prescribing of standards different from those prescribed by regulation, or that depart from such standards, in accordance with sections 25.2 to 25.3.1 of the Forest Act;

(9) the collection of fees payable by holders of authorizations, permits or rights issued by the RCMs;

(10) the overseeing and monitoring of forest management, in accordance with the Forest Act and its regulations. The RCM must inform the Ministers of any offence it is aware of against the Forest Act and its regulations and forward in that regard a substantiated file to the Minister containing technical exhibits and documentation describing the offence (maps, area measurements and tree counts);

(11) the overseeing of the scaling of timber harvested, in accordance with the regulatory standards determined by the Government. The RCM must also use the computer scaling procedure to transmit the data to the Ministère des Ressources naturelles, de la Faune et des Parcs;

(12) the verification of data and information in the annual reports filed by the holders of forest management contracts, in accordance with sections 70.1 to 70.4 of the Forest Act; and

(13) the holding of the public consultations required pursuant to the consultation policy prepared in accordance with section 211 of the Forest Act, applicable to the territory under the territorial management agreement or the territory of forest management contracts, that deal with matters falling within the scope of the delegated responsibilities.

The Ministers shall continue to assume the powers and responsibilities that have not been delegated under the agreement.

In the exercise of its powers and responsibilities, the RCM undertakes to

(1) adopt no provision that would add restrictions facilitating the use of the resource at the local level to the detriment of proposals showing greater potential for employment and future development;

(2) adhere to the forest protection organizations recognized by the Ministers and assume their protection costs. The RCM's contributions to the organizations are applicable to the territory for which the RCM has not made a forest management contract. Where it makes such a forest management contract, the RCM must require the holder to adhere to the forest protection organizations and to pay the holder's share of the protection costs;

(3) prepare, for approval by the Ministers and for any territory or part thereof managed by the RCM, a forest management plan that includes calculation of forest production and a program of forest management activities;

(4) consult the Société de la faune et des parcs du Québec, the Ministère de l'Environnement and the Ministère des Ressources naturelles, de la Faune et des Parcs on forest protection and forest development objectives assignable to the lands under the territorial management agreement and on the forest management plans prepared by the holders of forest management contracts, according to the terms and conditions agreed on by the parties; and

(5) forward the forest management contracts once signed and any later amendments to the Ministère des Ressources naturelles, de la Faune et des Parcs for registration. Where the RCM makes a forest management contract with a holder, direct that the holder's contribution be paid directly into the forestry fund on the basis of the volume authorized under the annual management permit. The RCM also undertakes to communicate to the Ministers the volume authorized under the management permit of each forest management contract holder on 1 April, 1 July, 1 October and 1 January.

The RCM agrees to the Ministers clarifying, where needed, the scope of the powers and responsibilities relating to forest management.

6. REGULATORY POWERS

For the purposes of the Program, the Ministers shall determine that an RCM may exercise, through by-laws adopted under subparagraph 5 of article 14.12 of the Municipal Code of Québec (R.S.Q., c. C-27.1) and subject to the conditions set out in section 6.1, the powers provided for in subparagraphs 3 and 7 to 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the domain of the State and, subject to the conditions set out in section 6.2, the powers provided for in sections 171, 171.1 and 172.

6.1 Conditions for the exercise of regulatory powers in respect of land

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister for approval, so that the Minister may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. The Minister must, within 90 days following the reception of the resolution from the RCM, give his or her opinion on the proposed by-law. More particularly, the RCM must adhere to the following principles:

- (1) ensure that public intramunicipal lands remain accessible to the population, in particular by allowing unrestricted access;
- (2) ensure public access to the waters in the domain of the State is maintained;
- (3) set fee rates on the basis of market value; and

(4) grant no privilege to a person illegally occupying or using land in the domain of the State otherwise than to regularize precarious occupation meeting the criteria for title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State made under the Act respecting the lands in the domain of the State by Order in Council 233-89 dated 22 February 1989, amended by Order in Council 90-2003 dated 29 January 2003.

In addition, any regulation regarding administration fees may concern only the cases already provided for in the regulation made under the Act respecting the lands in the domain of the State.

6.2 Conditions of exercise of the regulatory powers in respect of forests

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Ministers for approval, so that they may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. More particularly, the RCM's by-laws must pursue the objectives pursued by government regulation and contain standards that are equivalent or more stringent.

7. GENERAL TERMS AND CONDITIONS

7.1 An RCM entrusted by the Minister under this Program with the management of public intramunicipal lands must, for each of the following elements, comply with the terms and conditions attached:

Access to the domain of the State: the RCM must maintain access to the domain of the State and public access to the waters in the domain of the State;

Alienation of land: the consent of the Minister for the alienation of land may be transmitted within the framework of the integrated development plan described in section 5.1, or by a specific notice in the case of proposals not provided for in that plan;

Land survey: any land survey on public lands or affecting boundaries on public lands, including boundary marking, in particular such marking required for an alienation, must be carried out in accordance with section 17 of the Act respecting the lands in the domain of the State and with the Minister's instructions;

Native peoples: respect government aims and policies concerning Native affairs and consult the Minister when dealing with a Native file;

Multi-resource committee: the RCM must ensure the representation required under section 3.4 is maintained on the committee. The RCM must request the committee give written opinions on the following matters: the integrated territorial development plan the RCM is responsible for preparing, the use of development funds and the taking into consideration of the integrated territorial development plan in relation to any other development plan;

Land management costs and fees: all the costs and fees related to land management are borne by the RCM, the acquirer, the applicant or the holder of the right, as the case may be. Costs or fees payable for land survey on lands in the domain of the State, for cadastral immatriculation and boundary marking and for the publication of rights for any transaction effected by the RCM are included in land management costs and fees;

Land rights granted by the State: respect, until their expiry, rights granted by the State as provided in the title issued, renew the rights unless the holders of the right are in default and ensure that, in the exercise of the powers and responsibilities delegated under the Program, the exercise of a right granted or to be granted by the State is in no way restricted;

Land rights related to vacation sites: respect the development objectives for vacation sites set out in the "Guide de développement de la villégiature sur les terres du domaine public" prepared in April 1994 and in the "Plan régional de développement de la villégiature de la Côte-Nord" prepared in June 1993, or in any replacement document;

State and content of public intramunicipal lands: in the exercise of delegated powers and responsibilities, the RCM accepts lands as they are described, designated or surveyed at the time the territorial management agreement is signed; no guarantee is given by the Minister as to their state and content;

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must ensure that rights to be granted and lands to be alienated in the territory concerned will be granted and alienated in a manner that is fair for all persons concerned and consistent with the specific principles and objectives defined in the territorial management agreement.

7.2 The RCM undertakes to furnish the following reports:

(1) an annual report on activities, to be submitted on 31 March in the form furnished by the department;

(2) an annual financial report, to be submitted on 31 March in the form furnished by the department; and

(3) a five-year assessment report on results obtained, in particular as regards impacts, six (6) months before each five-year term expires. The assessment is to be based on anticipated results which are to be identified jointly with the department. The RCM and the department shall agree in the first year of application of the territorial management agreement on the manner in which the five-year assessment report is to be produced. The RCM must inform the population of the main points in the report, in the manner the RCM considers appropriate.

7.3 The administration and management of the public intramunicipal lands and forest resources under delegation are the responsibility of the RCM, without financial compensation from the Government.

7.4 The RCM shall collect and withhold the revenues from the management of the public intramunicipal lands and forest resources under delegation, beginning on the date on which the territorial management agreement is signed. The RCM shall pay the revenues into the development fund provided for in the territorial management agreement. The RCM may also require administration costs to be withdrawn before their deposit into the development fund or withdrawn from the development fund after payment of total revenues. However, any sum collected by or owing to the Government on the day on which the territorial management agreement is signed shall remain the property of the Government, without adjustment.

7.5 The Ministers shall register alienations of land and grants of rights in land made by the RCM in the Terrier or in any other register they designate, and shall issue written attestations of the information contained therein; the RCM shall collect all payable fees and costs, including accrued interest, and remit the whole to the Ministers in accordance with the terms and procedure defined in the territorial management agreement. Where the Ministers have implemented a formal mechanism enabling the RCM to register land rights directly in the official register, the Minister shall contact the RCM to adjust the terms and procedure to that effect in the territorial management agreement.

7.6 The Ministers shall register the forest management contracts made by the RCM in the forest registry.

7.7 An RCM exercising powers and responsibilities under this Program acts on its own behalf.

Subject to the special provisions contained in section 6, the RCM must respect the Act respecting the lands in the domain of the State and the Forest Act, as well as their regulations.

8. FINAL

8.1 The territorial management agreement has a five-year renewable term.

The Ministers re-assume sole responsibility for the management of the public intramunicipal lands and their forest resources they have delegated, upon the expiry of the land and forest management delegation.

In addition, the Ministers may terminate the delegation if the RCM fails to comply with the conditions and provisions governing the exercise of the delegation.

8.2 Upon the Ministers re-assuming responsibility for the management of the public intramunicipal lands and their forest resources that were under their delegation, the RCM must send to the Ministers such information as they may require including land and forest resource management books and records maintained by the RCM. The RCM must also hand over to the Ministers all records previously entrusted to it by them.

8.3 Any contestation from a holder of a right granted by the RCM that is attributable to differences in the management practices of the RCM and those of the Ministers shall be brought to their attention.

8.4 In the exercise of the powers and responsibilities delegated to it, the RCM undertakes to comply with the following conditions:

(1) not develop or permit any development projects on public intramunicipal lands or public intramunicipal territory under a land claims negotiation and identified in Schedule II to the territorial management agreement of Municipalité régionale de comté de La Haute-Côte-Nord, except with the consent of the Essipit or Betsiamites community;

(2) respect forest management investments until the final cut, before converting land to another purpose. In a special situation, the Ministère des Ressources naturelles, de la Faune et des Parcs undertakes to discuss with the RCM and, if the context so permits and on the basis of an inventory prepared by the RCM, the Department will authorize land use conversion;

(3) apply the future governmental shoreline management recommendations following the tabling of the report of the expert committee under the specific agreement on the erosion of the Côte-Nord shoreline;

(4) take into account the strategic policy orientations appearing in the policy framework for a Québec strategy for protected areas, adopted in June 2000, and its subsequent amendments.

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Gouvernement du Québec

O.C. 273-2004, 24 March 2004

An Act to amend the Forest Act and other legislative provisions
(2001, c. 6)

Amendment to Order in Council 825-2001 dated 27 June 2001

WHEREAS Order in Council 825-2001 dated 27 June 2001 fixes 31 March 2004 as the date of coming into force of paragraph 4 of section 70, section 91 to the extent that it enacts section 104.1, and section 122 to the extent that it enacts subparagraph 3 of the first paragraph of section 186.7 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6);

WHEREAS that Order in Council fixes 1 April 2005 as the date of coming into force of sections 60, 77 and 130 of that Act;

WHEREAS the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, c. 16) postponed the date of filing and of coming into force of the forest management plans based on the new delimitation of management units for one year;

WHEREAS it is expedient to fix 31 March 2005 as the date of coming into force of paragraph 4 of section 70, section 91 to the extent that it enacts section 104.1 and section 122 to the extent that it enacts subparagraph 3 of the first paragraph of section 186.7 of the Act to amend the Forest Act and other legislative provisions and to fix 1 April 2006 as the date of coming into force of sections 60, 77 and 130 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and of the Minister for Forests, Wildlife and Parks: