

THAT these amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains also be published in the English edition of the *Gazette officielle du Québec*.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 718-2008, 25 June 2008**

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

Agreement respecting the transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region

WHEREAS, under the Forest Act (R.S.Q., c. F-4.1), the Minister of Natural Resources and Wildlife holds the powers and responsibilities in the field of forest management;

WHEREAS, under section 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), a municipality 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;

WHEREAS section 10.8 of the Code provides that such agreement prevails over any inconsistent provision of any general law or special Act or of any regulation thereunder;

WHEREAS, by Order in Council 1176-99 dated 13 October 1999, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities of the Bas-Saint-Laurent region, on an experimental basis, of responsibilities in the field of public forest management;

WHEREAS the regional county municipalities of the Bas-Saint-Laurent administrative region wish to keep certain powers and responsibilities in the field of forest management so that they may apply specific rules that will be better adapted to the characteristics of the region and prevent unfairness in the remuneration of forest workers;

WHEREAS it is expedient to authorize the Minister of Natural Resources and Wildlife to sign a new agreement respecting the transfer of responsibilities in the field of forest management to the regional county municipalities of the Bas-Saint-Laurent administrative region;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife and the Minister of Municipal Affairs and Regions:

THAT the Minister of Natural Resources and Wildlife be authorized to sign for and on behalf of the Government an agreement with each regional county municipality of the Bas-Saint-Laurent administrative region under which each will be entrusted with the following responsibilities for the management of forests in the domain of the State, as defined in the territorial scope of the future territorial management agreement:

(1) the issue of forest management permits for public utility works;

(2) the determining of the forest management activities and silvicultural treatments admitted as payment of dues under section 73.1 of the Forest Act;

(3) the determining of their value according to the rules of calculation determined by regulation of the Government under section 73.3 of the Forest Act;

THAT the agreement have a five-year term, subject to renewal.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 721-2008, 25 June 2008**

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

Approval of the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region

WHEREAS the Minister of Natural Resources entered into a specific agreement in 1999 on the management and development of the intramunicipal public territory of Bas-Saint-Laurent with the Conseil régional de concertation et de développement du Bas-Saint-Laurent;

WHEREAS, by Order in Council 1175-99 dated 13 October 1999, the Government approved the Program for the delegation of the management of intramunicipal lands in the domain of the State to regional county municipalities in the administrative region of Bas-Saint-Laurent;

WHEREAS, by Order in Council 1176-99 dated 13 October 1999, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities of the Bas-Saint-Laurent region, on an experimental basis, of responsibilities in the field of public forest management;

WHEREAS, since 1999, the Minister of Natural Resources and Wildlife has signed territorial management agreements with seven regional county municipalities of the Bas-Saint-Laurent administrative region to entrust them, for and on behalf of the Government, with the powers and responsibilities regarding planning, land and forest management, and land use regulations;

WHEREAS the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2) was amended by chapter 6 of the Statutes of 2001, in particular to allow delegation in the field of forest management;

WHEREAS section 17.13 of the Act provides that the Minister may, with the approval of the Government, 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 section 17.14 of the Act provides that the Minister may, for the purposes of such programs, 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;

WHEREAS it is expedient for that purpose to approve the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region;

WHEREAS it is expedient to entrust the administration of the Program to the Minister of Natural Resources and Wildlife;

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

THAT the Program for the delegation of the land and forest management of intramunicipal public territory to regional county municipalities in the Bas-Saint-Laurent administrative region, attached to this Order in Council, be approved;

THAT the administration of the Program be entrusted to the Minister of Natural Resources and Wildlife.

GÉRARD BIBEAU,  
*Clerk of the Conseil executive*

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PROGRAM FOR THE DELEGATION OF THE LAND AND FOREST MANAGEMENT OF INTRAMUNICIPAL PUBLIC TERRITORY TO REGIONAL COUNTY MUNICIPALITIES IN THE BAS-SAINT-LAURENT ADMINISTRATIVE REGION

1. OBJECTIVE OF THE PROGRAM

To promote regional development by developing intramunicipal public lands in the Bas-Saint-Laurent administrative region and by entrusting their management and that of their forest resources to the regional county municipalities (RCMs) in that region.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

2.1 "Program" means this Program, prepared under Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), as amended;

2.2 "territorial management agreement" means a multisectoral act of delegation whereby the Minister entrusts powers and responsibilities in the field of land and forest management to an RCM under this Program, on certain conditions;

2.3 "agreement" means the specific agreement between the Government and the Conférence régionale des élus (CRE) du Bas-Saint-Laurent on the management and development of the Bas-Saint-Laurent intramunicipal public territory;

2.4 "Minister" means the Minister of Natural Resources and Wildlife;

2.5 “regional county municipality” or “RCM” means a regional county municipality in the Bas-Saint-Laurent region constituted under the Act respecting land use planning and development (R.S.Q., c. A-19.1), participating in the Program and signatory of a territorial management agreement;

2.6 “intramunicipal public lands” means the lots, parts of lots and any other part of the domain of the State, including buildings, improvements and movable property, located in the Bas-Saint-Laurent region within the limits of the municipal territory of the region;

2.7 “intramunicipal public territory” means intramunicipal public lands and their natural resources.

### 3. CONDITIONS OF ELIGIBILITY

To be eligible for the Program, a regional county municipality in the administrative region of Bas-Saint-Laurent must

3.1 adopt a resolution whereby the municipality states its participation in the Program and its acceptance of all the terms, conditions, commitments and obligations under the Program;

3.2 establish, by by-law, a development fund under section 126 of the Municipal Powers Act (R.S.Q., c. C-47.1); and

3.3 create, by resolution, a multiresource committee to advise the RCM that represents all interests related to the preservation of natural environments and to the development and use of the territory covered by the delegation. Furthermore, the voting powers within the committee must be apportioned fairly to prevent the committee’s decision from being directed by particular interests or groups.

### 4. TERRITORIAL SCOPE

4.1 The territory on which the powers and responsibilities delegated under this Program are to be exercised is the intramunicipal public territory under the Minister’s jurisdiction. The intramunicipal public territory is shown on the “Terres publiques intramunicipales déléguées” map for the Bas-Saint-Laurent region dated February 1999, as amended.

4.2 In addition to the lands referred to in section 4.1, the lands in the domain of the State exempt from timber supply and forest management agreements, in an unorganized territory, which constitute a small area of lands in the Picard unorganized territory, and those of the former Parke forest educative centre, except for the area used for the arboretum of the Ministère des Ressources naturelles et de la Faune.

4.3 The following are expressly excluded from the territory covered:

(1) the water domain, that is, the beds of lakes and rivers up to the normal high water mark, including the water powers;

(2) lands in the domain of the State flooded following the construction and maintenance of a dam or any work related to the dam or required for its operation;

(3) any right-of-way of a route or highway under the management of the Minister of Transport, including its infrastructure and all the works useful for its development or management;

(4) any other land determined by the Minister;

(5) lands within forest management units covered by timber supply and forest management contracts or forest management contracts at the time the territorial management agreement is signed;

(6) any land, including buildings, improvements, equipment and movable property, determined by the Minister as necessary for the activities of the Ministère des Ressources naturelles et de la Faune or other mandatory departments or public bodies, in particular land used for production purposes or to experiment on the forest resource, such as seed orchards, nurseries, seed-collection stands, arboretums, progeny testing, etc.;

(7) lands on which exclusive public utility works are planned in the short-term by the Gouvernement du Québec;

(8) lands on which the Minister or the Gouvernement du Québec granted rights in favour of the Government of Canada, or one of its departments or bodies; and

(9) the land currently covered by a management agreement with the Cégep de Rimouski for teaching and research purposes.

Ecological reserves and habitats of threatened or vulnerable plant species that are or will be designated, under the authority of the Minister of Sustainable Development, Environment and Parks and located on lots delegated to the RCMs in the Bas-Saint-Laurent region, are included in the calculation of the territory covered, even if no power or responsibility is delegated to the RCMs in their respect. Supervision, signalling and educational powers in respect of ecological reserves may be delegated to the RCMs by a rider to the territorial management agreements.

Exceptional forest ecosystems that are or will be classified, under the authority of the Minister and located on lots delegated to the RCMs in the Bas-Saint-Laurent region, are included in the calculation of the territory covered, even if no power or responsibility is delegated to the RCMs in their respect.

4.4 Where land under the responsibility of an RCM is required for public use or interest or for any other purpose determined by order or deemed useful by the Minister, or where land was incorrectly identified as included in intramunicipal public lands, the Minister may, after notification, exclude that land from the Program.

Such exclusion by the Minister could lead to a fair compensation for any improvement made on that land by the RCM, at its own expense, without assistance from the development fund or any government financial assistance program since the signing of the territorial management agreement, as well as for any actual damage, without further compensation or indemnity for any loss of expected profits or income.

4.5 The Minister may prohibit an RCM from issuing rights on lands that are the subject of claims by or negotiations with Natives or Native concerns known following consultations with the community concerned; the Minister may then recover the powers and responsibilities entrusted to the RCM by the Minister on those lands, by sending a notice to that effect to the RCM.

## 5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Minister may delegate to an RCM the powers and responsibilities with respect to land and forest planning, management and regulation referred to in sections 5.1, 5.2 and 5.3. That delegation is subject to the terms and conditions provided for in sections 6.1, 6.2 and 7.

The powers and responsibilities so delegated to the RCM are to be exercised on all the lands designated by the Minister in a list attached to the territorial management agreement, as amended.

In addition to those lands, the Minister may, after notification, delegate the management of any other intramunicipal public land under the Minister's jurisdiction.

### 5.1 Planning

With respect to planning, the Minister delegates to the RCM the responsibility for planning the integrated development of the public intramunicipal territory covered by the territorial management agreement signed by the RCM for at least five years. To that end, the RCM must comply with the deadline fixed by the Minister and hold public consultations to take into account the concerns of the population and users of the territory and resources. The RCM must forward its planning to the Minister for the Minister's opinion before submitting it to any other consultation. The RCM is to review the planning, make any necessary changes, ensure follow-up and include it in its land use planning and development plan.

The Minister may intervene to help find a concerted solution that would lead to the adoption of the said planning should the RCM be unable to reach a consensus on the carrying out of the planning. If need be, the Minister may impose an arbitration procedure.

#### 5.1.1 The planning must

- (1) determine the territory's uses, in compliance with the Government's guidelines in the public land use plan;
- (2) take into account the Government's other territory development guidelines and its special concerns communicated during the preparation of the said planning;
- (3) take into account the regional strategic plan of the CRE du Bas-Saint-Laurent; and
- (4) indicate the general rules, terms and conditions for harmonizing and integrating the uses of the territory.

### 5.2 Land management

For the purposes of the Program, the Minister entrusts the management of intramunicipal public lands to an RCM that exercises the following 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:

- (1) manage the land rights already granted other than leases for the development of water resources. To that end, the RCM is to manage and respect the rights granted until they expire, renew them, ensure their follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet his or her obligations;

(2) grant and manage new land rights other than leases for the utilization of water powers, renew them, ensure their follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet obligations;

(3) manage the buildings, improvements and movable property located on the lands covered by the delegation and, if need be, dispose of them according to the regulatory provisions;

(4) sell land, grant rights under emphyteutic contracts, transfer land gratuitously for public utilities in accordance with the regulations. However, the RCM must obtain the Minister's consent prior to entering into such a transaction;

(5) grant servitudes and any other right;

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

(7) collect and keep all income, including expenses arising from the management of lands covered by the delegation;

(8) renounce the right of ownership of the Minister in favour of the occupant of the land in the course of a cadastral renovation in accordance with sections 40.1 et seq. of the Act respecting the lands in the domain of the State and according to the criteria established by the Minister for such a renunciation;

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

(10) acquire by mutual agreement (gift, purchase, trade), for the benefit of the domain of the State, lands, buildings, improvements and movable property from the private domain. However, the RCM must obtain the Minister's consent prior to entering into such a transaction;

(11) 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;

(12) authorize the construction of roads other than forest and mining roads in accordance with sections 55 et seq. of the Act respecting the lands in the domain of the State;

(13) control the use and occupation of the territory

— by treating situations of illegal occupation and use, including in particular illegal dumping sites and gates within the meaning of the Act respecting the lands in the domain of the State, according to strict rules and methods in keeping with the Government's position that no privilege may be granted to anyone who illegally occupies or uses land in the domain of the State;

— by treating situations of precarious occupation according 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, as amended;

(14) institute penal proceedings in its own name for an offence committed on the territory covered by the management delegation and provided for in the Act respecting the lands in the domain of the State and its regulations, or in the by-laws adopted by the RCM in accordance with section 6;

(15) exercise all the recourses and powers conferred upon the Minister under sections 60 to 66 of the Act respecting the lands in the domain of the State;

(16) if need be, cause the limit between the domain of the State and private domain to be determined and the signature of the owner to be affixed to the documents pertaining to cadastral operations, boundary marking or any motion for the judicial recognition of the right over property concerning the lands in the domain of the State covered by the management delegation, in accordance with land survey instructions issued by the Minister, as provided for in sections 17 et seq. of the Act respecting the lands in the domain of the State; and

(17) apply, on the territory whose management is delegated, the Program for the awarding of lands in the domain of the State for the installation of wind turbines, approved by Order in Council 928-2005 dated 12 October 2005 and amended by Order in Council 647-2007 dated 7 August 2007, in accordance with the terms and conditions provided therein.

The Minister continues to assume the powers and responsibilities respecting the management of mining rights and water powers. However, the issue of mining titles for mineral substances is governed by a special consultation procedure between the Minister and the RCM on the use of the territory. That procedure is specified in the territorial management agreement.

### 5.3 Forest management

For the purposes of the Program, the Minister entrusts the forest management of the intramunicipal public territory to the RCM which must exercise the following powers and responsibilities under the Forest Act (R.S.Q., c. F-4.1), as amended, for the management of forests in the domain of the State, applicable to forest reserves and described below, to the extent provided by the Act:

(1) the granting 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;

— for a wildlife, recreational or agricultural development project;

— for the harvest of a volume of shrubs and half-shrubs or only their branches to supply a wood processing plant;

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

(2) the management of forest reserves, in keeping with the annual allowable cut determined by the chief forester, and the sale of timber;

(3) the conclusion of forest management agreements;

(4) the preparation of the general forest management plan in the form and tenor agreed with the Minister, in particular

— the contribution of the RCM to the calculation of the annual allowable cut on the territory covered, according to the instructions of and assumptions agreed on with the chief forester. That calculation will be made under the supervision of the chief forester and will be used to prepare the general forest management plan;

— the assignment, to the territory of any forest management contract, of objectives for the protection and development of the forest environment, after agreement with the Ministère des Ressources naturelles et de la Faune;

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

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

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

(8) the application of standards of forest management, in accordance with the Regulation respecting standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996, as amended, or the imposition of standards that differ from those prescribed by government 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 dues payable by holders of authorizations, permits or rights issued by the RCM in accordance with the applicable regulations;

(10) the monitoring and supervision of forest management activities, in accordance with the Forest Act and the regulations thereunder. The RCM must notify the Minister of any offence against the Forest Act or the regulations in force and forward the relevant file, including the technical documents needed to describe the offence (maps, area measurements, tree count);

(11) the monitoring of the scaling of timber harvested, in accordance with the standards determined by regulation. The RCM must forward the data compiled and approved by a forest engineer to the Ministère des Ressources naturelles et de la Faune, which will enter the data in its computerized scaling system (Mesuboïs);

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

(13) the holding of public consultations as required by the consultation policy provided for in section 211 of the Forest Act and applicable to the territory of the territorial management agreement or to the territory of any forest management contract on matters within the jurisdiction of delegated responsibilities.

### 5.4 Special terms and conditions for forest management

The Minister continues to assume the powers and responsibilities which are not delegated by the territorial management agreement.

The RCM, in exercising delegated powers and responsibilities, undertakes to

(1) adopt no provision that adds 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;

(2) become a member of forest protection organizations recognized by the Minister and pay its share of the protection costs. The RCM's contributions to the organizations are applicable to the territory where the RCM has not entered into a forest management agreement. If such a contract has been entered into, the RCM must require the contract holder to become a member of the organizations and pay its share of protection costs;

(3) prepare and submit to the Minister and the chief forester a general forest management plan including a five-year program of the forest management activities for all or part of a territory managed under the direct authority of the RCM. Those documents will be verified by the chief forester who will send his or her recommendations to the Minister before the latter's approval. The RCM is to make its general forest management plan and five-year program within six months following receipt of the calculation of the allowable cut. Despite the six-month period, the general plan will end at the expiry of the five-year period covered by the territorial management agreement;

(4) integrate into the general forest management plan the objectives concerning the protection and development of forest environment resources retained by the Minister for the forest management units. Those objectives may be adjusted according to local conditions, after agreement with the Minister. The RCM may also set other objectives for the protection and development of forest environment resources that may be assigned to the territory covered and to the general management plan;

(5) send forest management contracts to the Minister as soon as they are signed or amended so they can be recorded. When the RCM enters into a forest management contract with a contract holder other than a municipality or a Native band council, the contract holder must pay its contribution directly to the forest fund in relation to the volume authorized by the annual management permit. The RCM also undertakes to inform the Minister of the volume authorized under the management permit of each contract holder of forest management contracts on 1 January, 1 April, 1 July and 1 October;

(6) forward to the Minister and the chief forester, after approval, the general forest management plan amended by the RCM at the Minister's request; and

(7) implement, on lands whose management is delegated, the management plans prepared by the Ministère des Ressources naturelles et de la Faune on white-tailed deer yards.

The RCM agrees that the Minister may, if need be, specify the scope of the powers and responsibilities in forest management.

## 6. REGULATORY POWERS

For the purposes of the Program, the Minister determines that an RCM may exercise, by means of by-laws made under subparagraph 5 of the second paragraph of section 14.12 of the Municipal Code of Québec (R.S.Q., c. C-27.1) and according to the conditions set out in section 6.1, the powers referred to 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, according to the conditions set out in section 6.2, the powers referred to in sections 171, 171.1 and 172 of the Forest Act.

### 6.1 Conditions applicable to regulatory powers in land management

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles and objectives and their regional consistency. The Minister must, within 90 days following receipt of the resolution of the RCM, give his or her opinion on the proposed by-law. More specifically, the RCM must comply with the following principles:

(1) keep the intramunicipal public lands open to the public, in particular by allowing the free movement of persons;

(2) preserve public access to the waters in the domain of the State;

(3) impose a tariff based on the market value; and

(4) grant no privilege to a person who illegally occupies or uses land in the domain of the State, except to regularize a precarious situation eligible for a title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State.

By-laws respecting administration expenses must pertain only to the cases already provided for in the regulations made under the Act respecting the lands in the domain of the State.

## 6.2 Conditions applicable to regulatory powers in forest management

With regard to forests, the RCM may adopt and apply its own by-laws to determine the rules for calculating the value of silvicultural treatments, other forest management activities and contributions to the financing of those treatments and activities admitted as payment of the prescribed dues, as well as conditions governing the granting of credits applicable to the payment of the dues referred to in section 73.1 of the Forest Act, including by-laws, reports and other required documents.

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister who may approve them, having ascertained that they are in keeping with the Government's principles, national guidelines and objectives and their regional consistency. The Minister must, within 90 days following receipt of the resolution of the RCM, give his or her opinion on the proposed by-law. More specifically, the RCM must pursue the same objectives as the regulations of the Government.

## 7. GENERAL TERMS AND CONDITIONS

7.1 An RCM entrusted with the management of intramunicipal public lands by the Minister under this Program, must, in respect of all the following items, comply with the corresponding terms and conditions:

**Access to the domain of the State:** the RCM is to maintain public access to the domain of the State and the water in the domain of the State;

**Alienation of land:** the Minister's agreement to land alienation may be transmitted either in the course of the integrated development planning referred to in section 5.1, or by a specific notice for projects not referred to in that planning;

**Land surveying:** any land surveying on lands in the domain of the State or affecting their limits, including boundary marking, in particular the surveying required for an alienation, shall be carried out in accordance with sections 17 et seq. of the Act respecting the lands in the domain of the State and with the instructions of the Minister;

**Native peoples:** the land and forest rights granted by the RCM must comply with government policies concerning Native peoples, in particular the policy requiring the Government to consult Native communities where required and to come to an arrangement with them, if need be. Consequently, the RCM undertakes to provide

the Minister with all the information concerning the planning affecting the delegated lands in the domain of the State and the issue of land or forest rights. It also undertakes to forward any new data concerning the planning and use of the territory, requiring the issue of rights or not, and not appearing on the development and use planning. Those documents will enable the Minister to consult Native communities in accordance with the policies in force. The Minister will make the results of the consultation known to the RCM, which will have to apply the Minister's decisions;

**Multiresource committee:** the RCM must see that the representation referred to in section 3.3 is preserved. It must request the committee's written advice on the following matters: the development and use planning for the territory for which the RCM is responsible, the use of the development fund and the compliance of every development plan with the development and use planning;

**Costs and expenses related to land management:** all the costs and expenses related to land management are to be charged, as the case may be, to the RCM, the acquirer, the applicant or the beneficiary of the right. Those costs and expenses include land surveying on land in the domain of the State, cadastral registration, boundary marking and the publication of rights for any transaction carried out by the RCM;

**Land rights granted by the State:** the RCM must respect the rights granted by the State in accordance with the titles issued until they expire, renew them unless the beneficiary of the right is at fault and make sure, in exercising the powers and responsibilities delegated under the Program, not to restrict in any way the exercise of a right granted or to be granted by the State;

**Land rights related to vacation:** land rights related to vacation must respect the vacation development objectives set out in the Guide de développement de la villégiature sur les terres du domaine public, April 1994, and the Plan régional de développement du territoire public du Bas-Saint-Laurent, volet récréotouristique.

**Land rights related to wind energy:** land rights related to wind energy must respect the Cadre d'analyse pour l'implantation d'installations éoliennes sur les terres du domaine de l'État and the Plan régional de développement du territoire public (PRDTP) – Volet éolien, région du Bas-Saint-Laurent and that of the Gaspésie region and the Municipalité régionale de comté de Matane;

**State and area of intramunicipal public lands:** in exercising delegated powers and responsibilities, the RCM accepts the lands as they are delimited, designated or



surveyed at the time the territorial management agreement is signed, without any guarantee by the Minister as to their state or area; and

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must provide fair granting of rights and alienation of land on the territory covered for all those concerned and recognize the special principles and objectives defined in the territorial management agreement.

7.2 The RCM is to provide the Minister with the following documents:

(1) a report of activities, transmitted to the Minister not later than 31 March of each year, in the form provided by the Minister;

(2) a financial report, transmitted to the Minister not later than 31 March of each year, in the form provided by the Minister; and

(3) a five-year assessment plan, transmitted 6 months before the expiry of each five-year term, in the form provided by the Minister. The assessment pertains to the results obtained in relation to the goals and objectives of the delegation, the RCM's management of the powers and responsibilities delegated to it in compliance with the principles set forth in the specific agreement and the rules stipulated in the agreement, and the attainment of the management and development objectives related to the delegation. The RCM is to make the highlights of the report public, using the means it deems most appropriate.

7.3 The intramunicipal public lands and forest resources covered by the delegation are administered and managed by the RCM without financial compensation from the Government.

7.4 The RCM collects and keeps the income from the management of the intramunicipal public lands and forest resources covered by the delegation, from the date the territorial management agreement is signed. The RCM must pay the income into the development fund provided for that purpose in the territorial management agreement. The RCM may also charge administrative expenses, which will be either subtracted from the amounts collected before being paid into the development fund, or taken from the development fund following payment of the total income. However, any amount collected by the Gouvernement du Québec or owed to it on the date on which the territorial management agreement is signed remains its property without adjustment.

7.5 The Minister enters into the Register of the domain of the State or in any other register designated by the Minister all rights granted by the RCM on the

lands in question and issues attestations in writing of the information entered in the Register. The procedure for transmitting that information will be indicated later to the RCM. When the Minister will have implemented a formal procedure to register land rights, the Minister will contact the RCM to adapt the relevant terms and conditions in the territorial management agreement.

7.6 In order to take effect, the forest management agreements granted by the RCM must be registered by the Minister in the public register referred to in section 38 of the Forest Act.

7.7 An RCM that exercises the powers and responsibilities provided for in the Program acts in its own name.

7.8 Subject to the special provisions of section 6, the RCM must comply with the Act respecting the lands in the domain of the State and the Forest Act, as amended, and their regulations.

## 8. FINAL

8.1 The territorial management agreement has a five-year term. It may be renewed.

When the land and forest management delegation expires, the Minister is again fully responsible for the management of the intramunicipal public lands and forest resources that the Minister 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 public lands and their forest resources the Minister had delegated, the RCM must send the Minister all the information required, in particular the up-to-date books and records kept by the RCM for managing the lands and forest resources. The RCM must also give the Minister all the records that the Minister entrusted to it.

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

8.4 In exercising the powers and responsibilities that are delegated to it, the RCM must meet the following conditions:

(1) where applicable, respect the investments that were granted with respect to forest management until the final cut, before converting land into another use;

(2) take into account the strategic directions appearing in the guidance framework for a Québec strategy on protected areas, adopted in June 2000, as amended; and

(3) take into account the directions appearing in the report of the Ministère des Ressources naturelles – Ministère de l'Agriculture, des Pêcheries et de l'Alimentation committee on sugar maple growing, entitled Contribution du territoire public québécois au développement de l'acériculture, April 2000.

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Gouvernement du Québec

## O.C. 724-2008, 25 June 2008

General and Vocational Colleges Act  
(R.S.Q., c. C-29)

### College Education Regulations — Amendments

Regulation to amend the College Education Regulations

WHEREAS, under section 18 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Government is to establish, by regulation, the College Education Regulations;

WHEREAS the Government made the College Education Regulations by Order in Council 1006-93 dated 14 July 1993;

WHEREAS it is expedient to amend the College Education Regulations;

WHEREAS, under section 18 of the General and Vocational Colleges Act, every draft regulation under that section is to be submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Conseil supérieur de l'éducation which gave its advice;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the College Education Regulations, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the College Education Regulations\*

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 18)

**1.** The College Education Regulations are amended by replacing the heading of Division II by the following:

### “DIVISION II ADMISSION”.

**2.** The following is inserted before section 2:

“§1. *Programs of studies leading to a Diploma of College Studies*”.

**3.** Section 2 is amended

(1) by replacing subparagraphs 4 and 5 of the second paragraph by the following:

“(4) Secondary IV Science and Technology or Technological and Scientific Applications; and

(5) Secondary IV History and Citizenship Education.”;

(2) by adding the following at the end:

“The Minister may also make particular remedial activities compulsory according to the credits that the holder of the Secondary School Diploma has obtained within the scope of any of the basic regulations referred to in the second paragraph.

\* The College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993 (1993, *G.O.* 2, 3995), were last amended by the regulation made by Order in Council 604-2007 dated 1 August 2007 (2007, *G.O.* 2, 2351). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.