

Gouvernement du Québec

O.C. 1158-2009, 4 November 2009

Professional Code
(R.S.Q., c. C-26)

**Certified management accountants
— Compulsory continuing education for Québec
certified management accountants who hold
a public accountancy permit
— Correction**

Correction to the English text of the Order in Council concerning the Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit

WHEREAS, by Order in Council 648-2009 dated 4 June 2009, the Government approved the Regulation respecting mandatory continuing education for Quebec chartered accountants who practice public accountancy, adopted by the board of directors of the Ordre professionnel des comptables agréés du Québec under the second paragraph of section 187.10.2 of the Professional Code (R.S.Q., c. C-26) amended by section 22 of chapter 35 of the Statutes of 2009;

WHEREAS the English text of that Order in Council, published on page 1839 of Part 2 of the *Gazette officielle du Québec* of 17 June 2009, is not consistent with the French text published on the same date on page 2679 of Part 2 of the *Gazette officielle du Québec*;

WHEREAS it is expedient to correct the English text of that Order in Council so that it be consistent with the French text;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the English text of Order in Council 648-2009 dated 4 June 2009, Order in Council concerning the Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit, be corrected as provided for in the schedule to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Correction to the Order in Council
concerning the Regulation concerning
compulsory continuing education for
Québec certified management accountants
who hold a public accountancy permit**

Professional Code
(R.S.Q., c. C-26, s. 187.10.2, 2nd par.; 2008, c. 11, s. 1)

1. The words “Regulation concerning compulsory continuing education for Québec certified management accountants who hold a public accountancy permit” are replaced wherever they appear in the English text of Order in Council 648-2009 made by the Government on 4 June 2009 by “Regulation respecting mandatory continuing education for Québec chartered accountants who practice public accountancy”.

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Gouvernement du Québec

O.C. 1163-2009, 4 November 2009

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 land and forest management on intramunicipal public land to regional county municipalities and municipalities not forming part of a regional county municipality

WHEREAS section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2) 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 his authority in order to encourage regional development or implement any other governmental policy;

WHEREAS the third paragraph of section 17.14 of the Act provides that the Minister may, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, 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 the fourth paragraph of section 17.14 of the Act provides that 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 (R.S.Q., c. T-8.1) or in sections 171, 171.1 and 172 of the Forest Act (R.S.Q., c. F-4.1), those that may be exercised by the municipality by means of regulations;

WHEREAS, under the first paragraph of section 17.16 of the Act respecting the Ministère des Ressources naturelles et de la Faune, the Government may, on the conditions it determines, entrust the direction and implementation of a program to the minister it designates;

WHEREAS, since 1996, the Government has approved programs to delegate the management of intramunicipal public land to regional county municipalities;

WHEREAS on 20 June 2001, the Government, by Order in Council 773-2001, approved a program to delegate the management of intramunicipal public land to the regional county municipalities in the Outaouais administrative region and, by Order in Council 775-2001, approved an 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 on 18 December 2002, by Order in Council 1515-2002, amended by Order in Council 830-2004 dated 1 September 2004, the Government approved a program for the delegation of the land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides;

WHEREAS on 5 March 2003, by Order in Council 355-2003, amended by Order in Council 831-2004 dated 1 September 2004, the Government approved a program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region;

WHEREAS on 31 March 2003, by Order in Council 484-2003, the Government approved a program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region;

WHEREAS on 24 March, 2004, by Order in Council 271-2004, the Government approved a program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region;

WHEREAS on 28 June 2006, by Order in Council 655-2006, the Government approved a program for the delegation of the land and forest management of intramunicipal public lands in favour of the regional county municipalities in the administrative region of Saguenay-Lac-Saint-Jean and Ville de Saguenay;

WHEREAS on 25 June 2008, by Order in Council 721-2008, the Government approved a 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 and Wildlife has signed land management agreements with 26 regional county municipalities in relation to the said programs;

WHEREAS the said land management agreements have been extended to allow the drafting of a general program applicable to all regional county municipalities in order to streamline the regulatory and administrative measures;

WHEREAS it is expedient for the Government to approve the Program for the delegation of land and forest management on intramunicipal public land to regional county municipalities and municipalities not forming part of a regional county municipality to replace the previously approved programs;

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 and the Minister for Natural Resources and Wildlife:

THAT the Program for the delegation of land and forest management on intramunicipal public land to regional county municipalities and municipalities not forming part of a regional county municipality, 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 exécutif

PROGRAM FOR THE DELEGATION OF
LAND AND FOREST MANAGEMENT ON
INTRAMUNICIPAL PUBLIC LAND TO
REGIONAL COUNTY MUNICIPALITIES AND
MUNICIPALITIES NOT FORMING PART OF
A REGIONAL COUNTY MUNICIPALITY

1. PURPOSE OF THE PROGRAM

The object of the program is to promote regional development based on the development of intramunicipal public lands by entrusting management of the lands and their forest resources to regional county municipalities (RCMs) following the signing of a land management agreement designed to

— establish, in collaboration with other partners in the community, a partnership between the Government and the RCM concerned to enhance the contribution made by intramunicipal public land to the revitalization, consolidation and socio-economic development of regions and local communities;

— to develop, in an optimum and integrated manner, the possibilities of the land, in keeping with local and regional concerns and needs and the Government's objectives for the management and development of public land, including

– the multi-purpose and multi-resource use of public land and the natural resources it supports;

– the safeguarding of the public nature of lands in the domain of the State as regards general access, including access to bodies of water and for wildlife activities, and of its status as a public heritage;

– the refusal of privileges for persons illegally occupying or using land in the domain of the State;

– the safeguarding of the integrity of public land;

– the preservation of the natural environment and biological diversity;

– the ongoing viability of land, natural resources and bodies of water;

– the primacy and ongoing viability of agricultural activities in agricultural zones;

– fair financial compensation for the use of public property;

– equity and transparency in management rules, in particular concerning the alienation of land in the domain of the State, and in the allocation of rights in public land and the forest resources it supports;

– sustainable development:

– the safeguarding of the socio-economic and environmental value of public land and its resources or the creation of added value on a permanent basis to meet the needs of the present without compromising the ability of future generations to meet their own needs;

– sustainable forest management, compliance with the allowable cut and conservation of the forest environment.

2. DEFINITIONS

For the purposes of this program, the following words and expressions have the meaning given, unless otherwise indicated by context:

2.1 “Land management agreement”: a multi-sectoral instrument of delegation in which the Minister entrusts an RCM, on certain conditions, with powers and responsibilities for land and forest planning, management and regulation under this program;

2.2 “Agreement”: a specific agreement concerning the management and development of intramunicipal public land signed by the Government and the regional development council or regional council for joint action and development, today known as the regional conference of elected officers (CRÉ), in the administrative region concerned, if applicable;

2.3 “Minister”: the Minister of Natural Resources and Wildlife;

2.4 “Regional county municipality” or “RCM”: a regional county municipality constituted under the Act respecting municipal territorial organization (R.S.Q., c. O-9) that has joined the program and signed a land management agreement. To streamline the text and despite this definition, municipalities that do not form part of an RCM are also designated hereinafter by the abbreviation “RCM”;

2.5 “Integrated land management plan”: a plan covering a specified area (land and natural resources) including guidelines for the development of the delegated area for management or intervention purposes; an integrated land management plan determines uses for the land under delegated management; it includes the general forest management plan and five-year forest management plan, and any other development plan;

2.6 “Program”: this program, drawn up under Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2) concerning regional development and other governmental policies;

2.7 “Intramunicipal public lands”: all lots, parts of lots and other subdivisions of lands in the domain of the State, including any buildings, improvements and movable property located thereon, which lie within the boundaries of a local municipality;

2.8 “Intramunicipal public land”: intramunicipal public lands and the natural resources they support.

3. ELIGIBILITY CONDITIONS

To be eligible for the program, an RCM must have

3.1 obtained a resolution of the CRÉ that recognizes that the delegation of certain powers and responsibilities relating to the management of certain portions of the intramunicipal public land located within the boundaries of the RCM is, in the public interest, a management method that can increase the contribution made by the land to regional and local development and that the delegation project is consistent with the CRÉ’s five-year plan;

3.2 adopted a resolution in which it states that it has joined the program and accepted all the terms, undertakings, obligations and conditions of the program and which authorizes its representative to sign a land management agreement under the program;

3.3 created a development fund under section 126 of the Municipal Powers Act (R.S.Q., c. C-47.1). If the RCM chooses to use a fund created under another delegation program, it must present separate accounts for the revenues and expenditures under each program;

3.4 created, by resolution, a multi-resource committee to advise the RCM and represent all the interests connected with the preservation of the natural environment and the development and use of the land under delegated management. In addition, the votes among the committee members must be balanced to ensure that specific interests or groups do not control the committee’s decisions. The RCM must ensure that the committee’s membership remains representative at all times.

4. AREA UNDER DELEGATED MANAGEMENT

4.1 The intramunicipal public lands over which the powers and responsibilities delegated under this program may be exercised are the lands and forests in the domain of the State located within the boundaries of the local municipalities forming part of an RCM and that are under the authority of the Minister;

The area over which the powers and responsibilities delegated to the RCM may be exercised is defined in the land management agreement. The area may also include any other public land located outside the intramunicipal public land that has the same characteristics as the intramunicipal public lands and has been determined by the Minister;

4.2 The following elements are excluded from the area under delegated management:

(1) aquatic areas consisting of the beds of lakes and watercourses up to the natural high-water mark, and including water power;

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

(3) every right of way for a road or highway under the management of the Minister of Transport, including related infrastructures and all works needed for their management;

(4) land located within forest management units subject to a timber supply and forest management agreement or forest management agreement when the land management agreement is signed, including lands that may be subject to a sugar bush permit, cottage lease or any other right;

(5) all land, including the buildings, improvements, equipment and movable property located on the land, that is determined as being necessary to the activities of the Ministère des Ressources naturelles et de la Faune or another mandatory government department or body, in particular land used for forest production and experimentation such as seed orchards, nurseries, seed stands, arboreta and progeny test fields;

(6) land on which public utility projects of an exclusive nature are planned over the short term by the Gouvernement du Québec;

(7) land on which the Minister or the Gouvernement du Québec have granted rights to the Government of Canada or one of its departments or agencies;

(8) any other land determined by the Minister;

(9) exceptional forest ecosystems that have been or are expected to be classified under the authority of the Minister;

(10) ecological reserves and the habitats of threatened or vulnerable species of flora that have been or are expected to be designated under the authority of the Minister of Sustainable Development, Environment and Parks.

4.3 When land whose management has been delegated to an RCM is required for a public utility or public interest purpose, or for any other purpose mentioned in an order or considered necessary by the Minister, or when land has been erroneously designated as intramunicipal public land, the Minister may, after sending a notice, remove the land from the application of the program.

On land subject to claims by or negotiations with Native persons, or subject to Native concerns made known through consultations with the community concerned, the Minister may suspend the RCM's power to grant rights by sending it a notice to that effect. The Minister may end delegated management over such land and resume exercise of the powers and responsibilities delegated to the RCM.

Such an action by the Minister may give rise to the payment of fair compensation for the improvements made to the land by the RCM at its own expense, without development assistance funding or any other government financial support, and for the actual damage sustained, without any other compensation or indemnity for loss of profit or anticipated revenue.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of this program, the Minister may delegate to an RCM, under the prescribed terms and conditions, the powers and responsibilities relating to land planning, management and regulation described in points 5.1 to 7.

The powers and responsibilities delegated to the RCM will be exercised with regard to all the land designated by the Minister in a list appended to the land management agreement.

In addition to such land, the Minister may, after sending a notice, delegate the management of any other public intramunicipal land under the Minister's authority.

5.1 Land planning

The Minister delegates to the RCM responsibility for preparing, over a minimum timeframe of five years, an integrated land management plan for the intramunicipal public land (intramunicipal public lands and the natural

resources they contain) referred to in the land management agreement signed by the RCM. The RCM must comply with the time limit set by the Minister and hold public consultations to take into account the concerns of the population and of land and resource users. The RCM must forward its plan to the Minister to obtain the Minister's opinion before adopting it. The RCM revises its plan, amends it as needed and monitors its implementation.

The Minister may, if the RCM is unable to achieve a consensus on the way to produce a plan, intervene in order to facilitate the search for a joint solution and allow the plan to be adopted. If required, the Minister may impose an arbitration mechanism.

5.1.1 The plan must, in all cases,

(1) determine land uses in compliance with the government guidelines concerning the allocation of public land, and indicate ways to harmonize land uses and the main rules for integrating land uses;

(2) take into account any other guidelines for land use planning and the specific concerns of the Government, as forwarded during the plan preparation process, and more specifically:

– take into account zones with constraints of natural origin,

– take into account the need to maintain the functionality of the major highway system and safety along highways;

(3) take into account the five-year plan of the CRÉ in the region;

(4) take into account the regional guidelines set out in the regional plan for integrated land and natural resource development;

(5) ensure that the integrated land management plan does not limit or prohibit access to land for wildlife-related activities, in particular activities specified in agreements concerning hunting, fishing and trapping activities for subsistence, ritual or social purposes signed by the Minister and the First Nation affected by the signing of the land management agreement.

The RCM may not grant land or forest rights before receiving notice from the Minister accepting the integrated land management plan.

The Minister retains responsibility for coordinating the governmental process for allocating public land, including the production of the public land allocation plan.

5.2 Land management

The Minister delegates the management of intramunicipal public lands to the RCM, which must then exercise the powers and responsibilities specified in the Act respecting lands in the domain of the State (R.S.Q., c. T-8.1) and the regulations under it, and must specifically

(1) manage previously granted land rights other than leases to exploit water power. For this purpose, the RCM must manage and comply with the rights granted until their expiry, renew them, monitor them, amend them with the consent of the parties, and revoke them if the holder of a right fails to respect the related obligations;

(2) grant and manage new land rights other than leases to exploit water power, renew them, monitor them, amend them with the consent of the parties, and revoke them if the holder of a right fails to respect the related obligations;

(3) manage buildings, improvements and movable property located on the land under delegated management and, if needed, dispose of them in accordance with the regulations;

(4) sell land, grant rights under an emphyteutic contract, and transfer land free of charge for public utility purposes in accordance with the regulations. However, the RCM must obtain the prior agreement of the Minister before completing such a transaction;

(5) grant servitudes and other rights;

(6) collect and keep revenue, including fees from the management of the land under delegated management;

(7) acquire by mutual agreement (gift, purchase, exchange), for the domain of the State, land, buildings, improvements and movable property under private ownership. However, the RCM must obtain the prior agreement of the Minister before completing such a transaction;

(8) control land use and occupation:

– by dealing with cases of illegal land use or occupation, including illicit dumps and barriers, in compliance with the Act respecting lands in the domain of the State and according to formal rules and terms and conditions that respect the principle adopted by the Government, namely that no privilege may be granted to a person who illegally uses or occupies lands in the domain of the State;

– by dealing with cases of precarious occupation in accordance with the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State, made by Order in Council 233-89 dated 22 February 1989, as amended, made under the Act respecting lands in the domain of the State;

(9) grant temporary occupation licences and visitor's licences in accordance with section 50 of the Act respecting lands in the domain of the State;

(10) during a cadastral renovation, renounce the Minister's right of ownership in favour of the occupant, in accordance with sections 40.1 and following of the Act respecting lands in the domain of the State and according to the criteria defined by the Minister;

(11) correct any deed of alienation granted by the RCM, and waive or amend, in accordance with section 35.1 or 40 of the Act respecting lands in the domain of the State, the restrictive clauses contained in a deed of alienation granted by the RCM or amend it for the stated purposes;

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

(13) authorize the construction or improvement of roads other than a forest or mining road in accordance with sections 55 and following of the Act respecting lands in the domain of the State, but without delegating management as provided for in section 58.1;

(14) institute penal proceedings in its own name for an offence committed on land under delegated management and covered by a provision of the Act respecting lands in the domain of the State and the regulations under it, or by the regulations adopted by the RCM in accordance with the regulatory power provided for in point 6;

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

(16) cause the boundary between the domain of the State and land under private ownership to be determined as required and at its own expense and, during cadastral and boundary determination operations or any motion for judicial recognition of a right of ownership over land in the domain of the State under delegated management, sign documents as the owner of the land. The RCM must follow the survey instructions issued by the Surveyor-General of Québec in accordance with sections 17 and following of the Act respecting lands in the domain of the State;

(17) apply, as required, on land under delegated management, 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, amended by Order in Council 647-2007 dated 7 August 2007 and as further amended, according to the terms and conditions set out in the program.

The powers and responsibilities delegated above do not authorize the delegatee to complete a transaction with the departments or agencies of the Government of Canada or other mandataries.

5.3 Forest management

The Minister delegates forest management on intra-municipal public land to the RCM, which must then exercise the forest management powers and responsibilities specified in the Forest Act (R.S.Q., c. F-4.1), as amended, concerning forests in the domain of the State and applicable to forest reserves, with regard to:

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

– 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 a wood processing plant to the holder of a forest management contract who is entitled thereto pursuant to Division II of Chapter IV of Title I of the Forest Act.

(2) the management of forest reserves, respecting the annual allowable cut with sustainable yields as determined by the Chief Forester;

(3) the sale of timber;

(4) the signing of forest management contracts;

(5) the preparation of a general forest management plan with the form and content agreed on with the Minister, concerning in particular

– the contribution of the RCM to the calculation of the annual allowable cut with sustainable yields for the land concerned, according to the instructions provided by and hypotheses agreed on with the Chief Forester. The annual allowable cut will be calculated under the supervision of the Chief Forester and will be used to draw up the general forest management plan;

– the definition of forest protection and development objectives, for the areas covered by a forest management contract, following agreement with the Ministère des Ressources naturelles et de la Faune;

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

(7) the issue of authorizations regarding the width of the right of way and the destination of the timber harvested when a road other than a forest road is constructed or improved;

(8) the possibility of restricting or prohibiting access to a forest road for reasons of public interest, especially during a forest fire or spring thaw, or for reasons of safety;

(9) the application of forest management standards 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 definition of standards that differ from those prescribed by government regulation, or that provide exemptions from such standards, in accordance with the provisions of sections 25.2 to 25.3.1 of the Forest Act;

(10) the collection of the fees payable by the holders of authorizations, permits or rights issued by the RCM, according to the regulations applicable;

(11) the supervision and control of forest management work in accordance with the Forest Act and the regulations under it. The RCM informs the Minister of any offence under the Forest Act and the regulations in force that it observes, and forwards to the Minister a substantiated file for that purpose including the technical documents needed to describe the offence (maps, surface measurements, tree counts, etc.);

(12) the supervision of the scaling of harvested timber in accordance with the standards determined by regulation by the Government. The RCM must forward the data, compiled and approved by a forest engineer, to the Ministère des Ressources naturelles et de la Faune, which is responsible for entering the data in its computerized timber scaling system (Mesuboïs);

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

(14) the organization of the public consultations required by the consultation policy provided for in section 211 of the Forest Act and relevant to the area covered by the land management agreement or the area covered by a forest management contract, concerning matters relating to the delegated responsibilities.

The Minister continues to hold the powers and responsibilities that are not delegated under the land management agreement.

5.4 Procedure for the exercise of forest management responsibilities

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

(1) adopt no provision that adds restrictions to promote the use of resources at the local level to the detriment of projects presenting better employment and development prospects for the future;

(2) join the forest protection organizations recognized by the Minister and pay its share of protection costs. The contributions paid to such organizations by the RCM are applicable to areas in which the RCM has not signed a forest management contract. When it signs a management contract, the RCM must require the contract holder to join the organizations and to pay its share of protection costs;

(3) draw up and submit to the Minister and the Chief Forester a general forest management plan, including a five-year plan of forest management activities for each forested area. The documents will be verified by the Chief Forester who will forward recommendations to the Minister before the documents are approved by the Minister;

(4) the RCM must draw up its general forest management plan and five-year plan within six months after receiving the annual allowable cut calculation. Notwithstanding this time limit, the general forest management plan ends at the end of the five-year period covered by the land management agreement;

(5) integrate into the general forest management plan the protection and development objectives for resources in the forest environment that are selected by the Minister for the forest management units concerned. The objectives may be modulated in response to local conditions on agreement with the Ministère des Ressources naturelles et

de la Faune. The RCM may also identify other protection and development objectives for the forest environment that may be assigned to the area covered and the general forest management plan;

(6) forward forest management contracts to the Minister for registration as soon as they are signed or following any later change. When the RCM signs a forest management contract with a holder other than a municipality or Native band council, the holder must pay a contribution directly to the forestry fund based on the volume of timber authorized in the annual management permit. The RCM also undertakes to communicate to the Minister the volume of timber authorized in the management permit of each holder of a forest management contract on January 1, April 1, July 1 and October 1;

(7) forward to the Minister and the Chief Forester, after approval, the general forest management plan if any change is made to that plan, at the request of the Minister.

The Minister may, if required, specify the scope of the powers and responsibilities delegated in the area of forest management.

6. REGULATORY POWERS

6.1 Land management

The regulations that the RCM may make in the area of land management pertain to the matters mentioned in subparagraphs 3, 7, 8, 9, 10 and 11 of the first paragraph of section 71 of the Act respecting lands in the domain of the State.

6.1.1 Conditions for the exercise of regulatory powers in the area of land management

The regulations made by the RCM come into force in accordance with the rules prescribed by the Municipal Code of Québec (R.S.Q., c. C-27.1), and must first be submitted to the Minister for approval to allow the Minister to verify that they are consistent with the principles and objectives of the Government and that regional coherency is assured.

The Minister must, within ninety (90) days of receiving a resolution of the RCM, give an opinion on the proposed regulation.

More specifically, the RCM must respect the following principles:

(1) ensure that the intramunicipal public lands remain accessible to the public, in particular by ensuring free passage;

(2) maintain public access to water bodies in the domain of the State;

(3) charge fees based on market value;

(4) grant no privileges to persons who illegally occupy or use land in the domain of the State, except to regularize a precarious occupation that qualifies for a title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State.

In addition, regulations concerning administration costs must apply only to the cases currently provided for in regulations made under the Act respecting lands in the domain of the State.

6.2 Forest management

The regulations that the RCM may make in the area of forest management pertain to the matters mentioned in sections 171 and 171.1 and in subparagraphs 3.1, 5.1, 6 and 9.1 of the first paragraph of section 172 of the Forest Act.

6.2.1 Conditions for the exercise of regulatory powers in the area of forest management

The regulations made by the RCM come into force in accordance with the rules prescribed by the Municipal Code of Québec, and must first be submitted to the Minister for approval to allow the Minister to verify that they are consistent with the principles, provincial guidelines and objectives of the Government and that regional coherency is assured. More specifically, the RCM must pursue the same objectives as those set out in the regulations made by the Government.

The Minister must, within ninety (90) days of receiving a resolution of the RCM, give an opinion on the proposed regulation.

7. GENERAL TERMS AND CONDITIONS

7.1 An RCM to which the Minister delegates the management of intramunicipal public lands under this program must, for each of the following elements, respect the stated terms and conditions:

Access to the domain of the State: the RCM must maintain access to land in the domain of the State and public access to water bodies in the domain of the State;

Sale of land: the Minister's consent to the sale of land may be forwarded either as part of the integrated land management plan for the area mentioned in point 5.1, or in a specific notice for projects not included in that plan;

Surveys: all surveys of lands in the domain of the State or affecting their boundaries, including boundary determinations, in particular involving a sale of land, must be carried out in accordance with the instructions of the Surveyor-General of Québec, as provided for in sections 17 and following of the Act respecting lands in the domain of the State;

Native persons: the land and forest rights granted by the RCM must comply with the governmental guidelines in the field of Native rights, in particular those that require the Government to consult Native communities when necessary and to accommodate them if applicable. As a result, the RCM undertakes to forward to the Minister all information relating to planning for land in the domain of the State whose management is delegated and relating to the granting of land or forest rights. The RCM also undertakes to forward any new element relating to land planning and land use, whether or not it requires the granting of a right, that does not appear in the integrated land management plan. These documents will enable the Minister to organize consultations of Native communities according to the guidelines in force. The Minister will make the results of the consultations of Native communities known to the RCM, which must apply the Minister's decisions;

Multi-resource committee: the RCM must ensure that it maintains the representation specified in point 3.4. It must ask the committee for written opinions on the following topics: the integrated land management plan that it is responsible for drawing up, the use of development funding, and the consideration given to the plan in every development plan;

Communication: provide the Minister, free of charge and in the prescribed form, with all the information or documents that the RCM holds and that the Minister may require to monitor the implementation of the land management agreement, to assess it or, if necessary, to enter it into a government land information database;

Land management costs and fees: all land management costs and fees are paid, as the case may be, by the RCM, the purchaser, the applicant or the right holder. Such costs and fees include, in particular, those charged for surveys of land in the domain of the State, cadastral immatriculation and boundary determinations, and the publication of rights for every transaction completed by the RCM;

Land rights granted by the State: the RCM must respect all rights granted by the State in accordance with the titles issued until their expiry, renew them unless the holder of the right is in default, carry out renewals, transfers, relinquishments and amendments of rights,

and ensure, in exercising the powers and responsibilities delegated under the program, that it does not limit in any way the exercise of a right that has been or will be granted by the State;

Land rights granted for vacation purposes: comply with the guidelines set out in the recreation and tourism section of the current regional plans for public land development, or in any document that replaces them. All land rights granted must comply with the objectives set out in the *Guide de développement de la villégiature sur les terres du domaine public* (April 1994), as amended;

Land rights for wind farms: comply with the guidelines set out in the *Cadre d'analyse pour l'implantation d'installations éoliennes sur les terres du domaine de l'État*. If applicable, comply with the wind energy section of the current regional plans for public land development or the territorial analysis, or in any document that replaces them;

State and surface area of intramunicipal public lands: in exercising delegated powers and responsibilities, the RCM must accept the land as bounded, designated or surveyed when the land management agreement is signed; the Minister gives no guarantee as to the state or surface area of such lands;

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must ensure that rights will be granted and land will be sold within the area covered in a fair manner for all interested parties and in compliance with the specific principles and objectives defined in the land management agreement;

Client service: the RCM must receive clients, provide them with information and deal with their complaints.

7.2 The RCM undertakes to provide the Minister with the following reports, free of charge:

(1) a report on its activities up to 31 December, forwarded no later than 31 March each year, using the outline supplied by the Minister;

(2) a financial statement up to 31 December, forwarded no later than 31 March each year, using the outline supplied by the Minister;

(3) a five-year assessment report, forwarded six (6) months before the expiry of each period of five (5) years, using the outline supplied by the Minister. The RCM must release the highlights of the report to the public in the manner it considers appropriate.

The Minister reserves the right, after giving the RCM thirty (30) days prior notice, to verify the application of the land management agreement.

7.3 The administration and management of intramunicipal public lands and forest resources whose management is delegated is performed by the RCM in return for financial compensation from the Government corresponding to 100% of the revenues derived from delegated activities. No other financial compensation from the Government is provided for.

7.4 The RCM collects and keeps the revenue generated by the management of the intramunicipal public lands and forest resources under delegated management, from the date on which the land management agreement is signed. The RCM must pay the revenue into the development fund provided for in the land management agreement. The RCM may also charge administration costs, either subtracted from the revenue before it is deposited in the development fund or drawn from the development fund after all the revenue has been deposited. However, every amount collected by or owing to the Gouvernement du Québec on the day on which the land management agreement is signed remains the property of the Government, and is not compensated.

7.5 The Minister enters in the Register of the domain of the State, and in any other register the Minister designates, the rights granted by the RCM on the lands concerned. The terms and conditions for forwarding the information will be provided to the RCM at a later date. After establishing a formal system for registering land rights, the Minister communicates with the RCM to adjust the relevant terms and conditions set out in the land management agreement.

7.6 The Minister records in the public register of the Minister responsible for the administration of the Forest Act the forest management contracts granted by the RCM, to make them effective.

7.7 An RCM exercising powers and responsibilities under this program acts in its own name.

7.8 Subject to the specific provisions of point 6, the RCM must comply with the Act respecting lands in the domain of the State and the Forest Act, as amended, and the regulations made under them. It must also, if applicable, comply with any agreement that has been or will be signed by the Government, a government department or body with an Native community.

8. FINAL PROVISIONS

8.1 Every land management agreement has a term of ten (10) years, except if decided otherwise by the Minister. The agreement may be renewed for the same term on the conditions agreed on by the parties.

At any time, the parties may, by joint agreement, make changes to or terminate the land management agreement. In addition, the Minister or the RCM must inform the other party of their intention not to renew the agreement by forwarding a notice no later than sixty (60) days before the expiry of the agreement.

The Minister recovers sole responsibility for the management of the intramunicipal public lands and forest resources whose management is delegated upon termination of the delegation of land and forest management.

The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions for exercising delegated management.

8.2 When the Minister recovers responsibility for the management of intramunicipal public lands and their forest resources following a delegation, the RCM must forward to the Minister all the information required by the Minister including, in particular, the updated books and files it kept for the management of the land and forest resources. It must also forward to the Minister all the files provided by the Minister and those it opened while exercising delegated management.

8.3 In exercising delegated powers and responsibilities, the RCM undertakes to comply with the following conditions:

(1) respect, if applicable, the investments made for forest management until the final cut, before changing the use allocated to a piece of land. In specific circumstances, the Minister undertakes to discuss with the RCM and, on the basis of the inventory prepared by RCM, to authorize a conversion on certain conditions;

(2) take into account the strategic guidelines that form the framework of the *Stratégie québécoise sur les aires protégées*;

(3) take into account the orientations contained in the report of the MRN-MAPAQ committee on acericulture, entitled *Contribution du territoire public québécois au développement de l'acériculture* (April 2000), and in the report on the contribution made by land in the domain of the State to the development of the blueberry industry (September 2002).

9. THIS PROGRAM REPLACES

— the Program to delegate the management of intramunicipal public land to the regional county municipalities in the Outaouais administrative region, approved by Order in Council 773-2001 dated 20 June 2001;

— the 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, approved by Order in Council 775-2001 dated 20 June 2001;

— the Program for the delegation of the land and forest management of intramunicipal lands in the domain of the State to the regional county municipalities in the administrative region of Laurentides, approved by Order in Council 1515-2002 dated 18 December 2002 and amended by Order in Council 830-2004 dated 1 September 2004;

— the Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region, approved by Order in Council 355-2003 dated 5 March 2003 and amended by Order in Council 831-2004 dated 1 September 2004;

— the Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region, approved by Order in Council 484-2003 dated 31 March 2003;

— the Program to delegate land and forest management on public intramunicipal lands to regional county municipalities in the Côte-Nord administrative region, approved by Order in Council 271-2004 dated 24 March 2004;

— the Program for the delegation of the land and forest management of intramunicipal public lands in favour of the regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and Ville de Saguenay, approved by Order in Council 655-2006 dated 28 June 2006;

— 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, approved by Order in Council 721-2008 dated 25 June 2008. However, land management agreements signed under this program remain in effect until their expiry.