

## Regulations and other Acts

Gouvernement du Québec

### O.C. 1239-2020, 18 November 2020

Highway Safety Code  
(chapter C-24.2)

#### Licences — Amendment

Regulation to amend the Regulation respecting licences

WHEREAS, under paragraph 6 of section 619 of the Highway Safety Code (chapter C-24.2), the Government may by regulation prescribe, according to the nature, class or category of a licence, the documents and information which must be produced with an application for the issue or renewal of such a licence or the payment of amounts under section 93.1 as well as any other condition or formality for obtaining or renewing that licence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2020 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting licences

Highway Safety Code  
(chapter C-24.2, s. 619, par. 6)

1. The Regulation respecting licences (chapter C-24.2, r. 34) is amended in section 8.1 by adding the following paragraph at the end:

“To obtain that licence, a person must:

(1) if he holds a class 1, 2, 3, 4A, 4B, 4C or 5 probationary licence or driver’s licence, have fewer than 4 demerit points in his file and not have been subject to a penalty under section 185 or 191.2 of the Highway Safety Code or to a cancellation on any grounds provided for in section 180 of the Code for a minimum of 2 years;

(2) if he does not hold a class 1, 2, 3, 4A, 4B, 4C or 5 probationary licence or driver’s licence, not have demerit points in his file and not have been subject to a penalty under section 185 or 191.2 of the Highway Safety Code or to a cancellation on any grounds provided for in section 180 of the Code for a minimum of 2 years.”

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

104728

Gouvernement du Québec

### O.C. 1255-2020, 25 November 2020

Approval of a program to delegate the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State to regional county municipalities and local municipalities whose territory is not included in the territory of a regional county municipality

WHEREAS, under order in council 858-2009 dated 23 June 2009, the government approved the Program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM;

WHEREAS, under order in council 859-2009 dated 23 June 2009, the government authorized the Minister of Natural Resources and Wildlife to sign, for and on behalf of the Government, an agreement with regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM under which each of them was to exercise the responsibilities as regards the management of the mining of sand and gravel on the lands in the domain of the State;

WHEREAS on 8 September 2020 the Minister of Energy and Natural Resources, the Minister of Municipal Affairs and Housing, the Union des municipalités du Québec and the Fédération québécoise des municipalités signed an agreement in principle concerning the delegation of land management and the management of sand and gravel extraction on lands in the domain of the State;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the Minister of Energy and Natural Resources, with the approval of the government, may prepare programs for the development of lands that are under the Minister's authority, as well as natural resources in the domain of the State, in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the first paragraph of section 17.22 of the said Act, the Minister may, by agreement, delegate to a municipality part of the management of land areas in the domain of the State, including the mineral resources in those areas;

WHEREAS under the first paragraph of the said section, delegation may include the exercise of regulatory powers assigned to the Minister under the Acts under the responsibility of the Minister or assigned to the Government under the Act respecting the lands in the domain of the State (chapter T-8.1) but only, in the latter case, to the extent and in the manner provided for in a program prepared under section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

WHEREAS it is expedient for the government to approve the program to delegate certain land rights and the management of sand and gravel extraction on lands in the domain of the State to regional county municipalities and to local municipalities whose territory is not included in the territory of a regional county municipality;

WHEREAS it is expedient for the program to replace the program approved by order in council 858-2009 dated 23 June 2009 and the agreement approved by order in council 859-2009 dated 23 June 2009, provided that the delegation agreements signed under the said program or the said agreement continue to apply until they expire or until a new delegation agreement drawn up under the program attached to the ministerial recommendation in this order is signed, whichever occurs first;

WHEREAS, under section 14.11 of the Municipal Code of Québec (chapter C-27.1), every municipality may, in particular, enter into an agreement referred to in Subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

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

THAT the program to delegate the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State to regional county municipalities and local municipalities whose territory is not included in the territory of a regional county municipality, attached hereto, be approved;

THAT the program replace the program approved by order in council 858-2009 dated 23 June 2009 and the agreement approved by order in council 859-2009 dated 23 June 2009, provided that the delegation agreements signed under the said program or the said agreement continue to apply until they expire or until a new delegation agreement drawn up under the program attached to the ministerial recommendation in this order is signed, whichever occurs first.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

**PROGRAM TO DELEGATE THE MANAGEMENT OF CERTAIN LAND RIGHTS AND THE MANAGEMENT OF SAND AND GRAVEL EXTRACTION ON LANDS IN THE DOMAIN OF THE STATE TO REGIONAL COUNTY MUNICIPALITIES (RCMs) AND LOCAL MUNICIPALITIES WHOSE TERRITORY IS NOT INCLUDED IN THE TERRITORY OF AN RCM**

**1. DEFINITIONS**

The words and expressions listed below have the meaning indicated, for the purposes of this program, unless the context indicates otherwise:

(1) "Delegation agreement" means an act of delegation by which the Minister entrusts powers and responsibilities for the management of certain land rights and the management of sand and gravel extraction, on certain conditions, to a regional county municipality pursuant to the program;

(2) "Minister" means the Minister of Energy and Natural Resources;

(3) "Delegatee" means a regional county municipality (RCM) or a local municipality whose territory is not included in the territory of a RCM that has adhered to the program and signed a management delegation agreement under the program;

(4) “Program” means the present Program, drawn up pursuant to Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

## 2. OBJECTIVES OF THE PROGRAM

The purpose of the Program is to promote the development of lands in the domain of the State in partnership with municipalities through a process to delegate powers and responsibilities connected to the management of certain land rights and to the management of sand and gravel extraction on lands in the domain of the State to the Delegates.

The implementation of the Program is intended to

(1) allow Delegates to help develop lands in the domain of the State by exercising powers and responsibilities for the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State;

(2) give Delegates some of the levers for economic development that result from public land development;

(3) bring citizens closer to the delivery of the public services involved in the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State.

## 3. ELIGIBILITY FOR THE PROGRAM

To benefit from the delegation of powers and responsibilities for the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State, a Delegatee must have adopted a resolution authorizing its representative to sign a delegation agreement in accordance with the Program and to accept all the clauses in the agreement.

## 4. PUBLIC LAND TO WHICH THE PROGRAM APPLIES

The Program applies to lands in the domain of the State under the authority of the Minister.

The following are excluded from the application of the Program:

(1) water property corresponding to the beds of lakes and watercourses up to the natural high-water mark, including hydraulic power;

(2) land in the domain of the State that is submerged following the construction and operation of a dam or any works associated with the dam and required for its operation;

(3) the right of way of roads and autoroutes under the management of the Minister of Transport, including their infrastructures and all works useful for their layout and management;

(4) any land, including the buildings, improvements, equipment and movable property on the land, that is needed for the activities of the Ministère de l'Énergie et des Ressources naturelles (MERN) or other departments or mandatary public bodies;

(5) land on which public utility projects of an exclusive nature are planned in the short term by the Québec government;

(6) land on which the Minister or the Québec government has granted rights to the Government of Canada or to one of its departments or bodies;

(7) land on which management has been delegated to a municipality under another delegation Program;

(8) any other land listed by the Minister in a schedule to the delegation agreement.

The Minister may, after giving thirty (30) days prior notice to the Delegatee, withdraw portions of the public land to which the Program applies when required. The powers and responsibilities entrusted by the Minister to the Delegatee over the land concerned are thereby recovered by the Minister.

## 5. CREATION OF A MANAGEMENT AND DEVELOPMENT FUND

The Delegatee must establish a fund in accordance with section 126 of the Municipal Powers Act (chapter C-47.1) to provide financial support for activities to manage and develop its public land to which the Program applies, unless such a fund already exists. If the Delegatee chooses to use a fund established under another delegation program, it must keep separate accounts for the income and expenditure under each program.

## 6. DELEGATED POWERS AND RESPONSIBILITIES

### 6.1 LAND MANAGEMENT

For land management, within the scope of the terms and conditions for the exercise of delegation set out in clause 8 of the Program, the Minister entrusts the following powers and responsibilities to the Delegatee:

(1) managing leases for cottages, leases for rough shelters in the forest, and leases for complementary or accessory purposes connected to a main use for cottage development, in accordance with section 35.1 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) and, for that purpose, granting new leases and managing them along with previously-granted leases (transfer, amendment, renewal, non-renewal, withdrawal from or revocation of the lease if the lessee fails to fulfill his or her obligations);

(2) managing camping, except on land leased by the Minister for the operation of a campsite and on land used for an outfitting operation, a controlled zone or a wildlife sanctuary established under the Act respecting the conservation and development of wildlife (c. C-61.1);

(3) selling land for cottage development, subject to prior authorization from the Minister;

(4) collecting and managing revenue from the management of land for cottage development, rough shelters, and complementary or accessory purposes connected to a main use for cottage development and camping;

(5) controlling occupancy and use of land in the domain of the State, through the inspection of the rights granted, surveillance of the land and the identification of unlawful occupancy, and cooperating with the Minister for the recourses provided for in sections 60 to 62.1 of the Act respecting the lands in the domain of the State (chapter T-8.1); the Delegatee is responsible for lease revocations and, in accordance with section 14.12.1 of the Municipal Code of Québec (chapter C-27.1), for penal proceedings for offences relating to cottage leases, leases for rough shelters in the forest, leases for complementary or accessory purposes connected to a main use for cottage development, and camping activities;

(6) making cottage sites available;

(7) providing customer service;

(8) entering and updating land rights in the Register of the domain of the State or any other register designated by the Minister;

(9) exercising the regulatory powers for camping set out in subparagraphs 3 and 7 of the first paragraph of section 71 of the Act respecting lands in the domain of the State.

### 6.1.1. EXCLUSIONS

The Minister continues to exercise the powers and responsibilities for land management that are not delegated, and in particular those listed below and, before granting the rights concerned, undertakes to inform the Delegatee of

(1) the granting and management of all other land rights;

(2) the placing of land at the disposal of Hydro-Québec;

(3) transfers of authority and administration to a minister or a public body of the Québec government;

(4) transfers of administration and any other right to the Government of Canada or one of its departments or bodies.

### 6.2 MANAGEMENT OF SAND AND GRAVEL EXTRACTION

For the management of sand and gravel extraction, within the scope of the terms and conditions for the exercise of delegation set out in clause 8 of the Program, the Minister entrusts the following powers and responsibilities to the Delegatee:

(1) granting, renewing, extending and revoking leases to extract sand and gravel and authorizations to extract sand and gravel, and requiring persons to make the declarations and obtain the licences, permits or authorizations required under any law, in particular under section 22 of the Environment Quality Act (chapter Q-2);

(2) inspecting and monitoring the extraction of sand and gravel;

(3) collecting rents and royalties;

(4) restoring sand pits and gravel pits for non-exclusive use once the resource is exhausted or they are closed by the Minister;

(5) entering operating leases and authorizations to extract sand and gravel in the public register of real and immovable mining rights for Québec or any other register designated by the Minister;

(6) generally or specially authorizing any person to act as an inspector with the powers listed in section 251 of the Mining Act (chapter M-13.1);

(7) providing customer service.

Notwithstanding the exclusion specified in paragraph 7 of clause 4 of the Program, the delegated powers and responsibilities for the management of sand and gravel extraction also apply to land in the domain of the State whose management has been delegated to a Delegatee or municipality under another program.

#### 6.2.1. EXCLUSIONS

The Minister continues to exercise the management powers and responsibilities that are not delegated under the Program, and in particular

(1) the powers provided for in sections 142.0.1 and 142.0.2 of the Mining Act;

(2) the power to grant and manage all other mining rights.

#### 7. MANAGEMENT PRINCIPLES

In managing its delegated powers and responsibilities, the Delegatee must respect the following principles:

(1) the versatile and multi-resource use of public land;

(2) ongoing public use of the lands in the domain of the State in terms of general access (including to water property) and their status as a collective heritage;

(3) ongoing access to wildlife activities;

(4) the ongoing integrity of public land;

(5) preservation of the natural environment and biological diversity;

(6) the sustainability of land and water property;

(7) fairness and transparency in the rules used to manage and allocate rights over land in the domain of the State;

(8) a refusal to grant a privilege to a person unlawfully occupying or using land in the domain of the State;

(9) high-quality customer services;

(10) sustainable development, in particular

—by maintaining the socio-economic value of public land or creating added value on a permanent basis for the benefit of current and future generations;

—by conserving biological diversity, maintaining and improving the productivity of forest ecosystems, conserving soils and water, and maintaining the contribution of forest ecosystems to the main ecological cycles.

#### 8. TERMS AND CONDITIONS FOR THE EXERCISE OF DELEGATION

The Delegatee, in exercising delegated powers and responsibilities for the management of certain land rights and the management of sand and gravel extraction on lands in the domain of the State, undertakes, for each of the following elements, to comply with the related terms and conditions:

(1) access to the domain of the State: maintain access to lands in the domain of the State and public access to the water property of the State;

(2) alienation of land: obtain the Minister's agreement to alienate land in accordance with section 2 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State. For such an alienation, the market value is assessed by the Delegatee. For the alienation of land when the offer for sale was sent to the purchaser before the signing of the delegation agreement, the sale will be completed by the Minister who will collect all the revenue therefrom;

(3) surveying: ensure compliance with sections 17 and following of the Act respecting the lands in the domain of the State and with the instructions of the Surveyor-General of Québec for any surveying on, or affecting the boundaries of, lands in the domain of the State, including boundary determinations, in particular for the purposes of a sale;

(4) consultation: the Minister remains responsible for consulting government departments and bodies as required in connection with applications for land rights or the right to extract sand and gravel.

For this purpose:

—before a decision is made or new rights are granted, the Delegatee must file with the Minister the information and documents needed for the consultation of government departments and bodies, before the rights are granted and within the agreed time;

—the Minister will forward the results of the consultation in writing to the Delegatee, to allow the Delegatee to take into consideration the analysis by the Minister incorporating the opinions of the government departments and bodies with respect to the application.

The Delegatee remains responsible for consulting local and regional bodies other than government departments and bodies and the mandataries and Delegatees of government departments, as required.

(5) Indigenous peoples: the Minister remains responsible for the constitutional obligation to consult the Indigenous peoples and to accommodate them, if applicable. Prior to making a decision or granting new rights, the Delegatee must forward, at the Minister's request, all information relating to the granting, amendment, renewal or transfer of land rights and rights for the extraction of sand and gravel, before the rights are granted and within the agreed time. In addition, the Delegatee must file with the Minister any new element concerning land use, whether or not it requires the granting of a right. When requested by the Minister, the Delegatee must participate in the consultation that the Minister is required to organize for Indigenous communities and in the discussions concerning accommodation measures if such measures are necessary. The Minister will submit the results of the consultation of Indigenous communities to the Delegatee in writing, within the agreed time, so that the Delegatee can apply the Minister's decision resulting from the consultation. The Minister will inform the Indigenous community directly of the decision;

(6) communication: provide to the Minister, free of charge and in the prescribed form, all information or documents, including financial data, that the Delegatee holds and that the Minister may need to monitor the implementation of the delegation agreement or to assess the agreement or, where applicable, that must be entered into government land data systems, along with data on ore values and the royalties collected for sand and gravel under each lease;

(7) costs and fees relating to land management and the management of sand and gravel extraction: pay all costs and fees relating to delegated management, except the costs provided for in laws and regulations that are payable by the purchaser, the applicant or the beneficiary of a right. These costs and fees include, in particular, those payable for cadastral registration and boundary determinations, and those payable for the publication of rights following a transaction completed by the Delegatee. For leased land, the Minister pays for the cost of preparing and filing survey plans and documents where necessary;

(8) time taken to process and register rights to extract sand and gravel: respect the processing times specified in the guides and procedures supplied by the Minister to the Delegatee. Register the rights it manages in the public register of real and immovable mining rights for Québec or any other register designated by the Minister, and forward information to the Minister according to the Minister's instructions;

(9) files: keep, maintain and update all the books and files needed to ensure sound management of the powers and responsibilities delegated to it, in relation to which it has sole responsibility for the application of the Act respecting access to documents held by public bodies and the protection of personal information (chapter A-2.1). The documents must set out all transactions made, including decisions to grant or refuse to grant an application and decisions to renew, extend or revoke a right, and must enable the Minister to make the verifications the Minister deems appropriate. The Delegatee is responsible for safeguarding the documents and for the quality of the information they contain, including the files entrusted to it by the Minister;

(10) rights granted by the State: respect the rights granted by the State in accordance with the titles issued until their expiry, renew the rights unless the beneficiary of the right is in default, carry out renewals, non-renewals, transfers, discontinuances and amendments to leases and ensure, in exercising the powers and responsibilities delegated by the Program, not to limit in any way the exercise of a right that has been or will be granted by the State;

(11) granting of new land rights: comply with the guidelines in the public land use plan and the regional plan for public land development, or their equivalent, when granting new land rights for cottage development, rough shelters or leases for complementary or accessory purposes connected to a main use for cottage development. If there is no regional plan for public land development or its equivalent, the Delegatee must send to the Minister, for approval, all projects to make cottage sites or rough shelter sites available, along with any project not covered in the regional plan for public land development or its equivalent. The land rights granted must comply with the "Guide de développement de la villégiature sur les terres du domaine public", April 1994, as amended;

(12) revocation and non-renewal of land rights: revoke or not renew a cottage lease, rough shelter lease, or lease for complementary or accessory purposes connected to a main use for cottage development, if the holder of the right is in default;

(13) granting of new rights for sand and gravel extraction: respect the constraints on extraction, including ministerial orders to reserve mineral substances to the State or withdraw them from mining operations, and notices to temporarily suspend the granting of new mining rights appearing on the map of mining titles for the public register of real and immovable mining rights for Québec;

(14) provisional and final decisions relating to leases for sand and gravel extraction: send, to the Minister, a copy of all provisional and final decisions to revoke, refuse to renew or refuse to extend a lease. Also send to the

Minister a copy of all final decisions to refuse to grant a lease, reduce the area of land covered by a lease, or terminate a lease;

(15) final decisions concerning authorizations to extract sand and gravel in the event of a disaster: send to the Minister a copy of all final decisions to refuse to grant an extraction authorization to a person who does not hold a lease, pursuant to section 140 of the Mining Act, and decisions terminating such an authorization;

(16) management of camping: apply the specific conditions that apply to camping in the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, as amended. The Delegatee may, however, make and apply its own by-laws regarding the standards and conditions that allow camping on lands in the domain of the State and the circumstances in which camping may be prohibited, including the issue and pricing of camping permits. The by-laws made by the Delegatee, which will come into force in accordance with the rules prescribed by the municipal acts, must comply with subparagraphs 3 and 7 of the first paragraph of section 71 of the Act respecting the lands in the domain of the State and must be submitted for prior approval to the Minister so that the Minister may verify their compliance with the Act and government guidelines. The Minister must give his or her opinion on the proposed by-law within ninety (90) days after the by-law has been received. The Delegatee is responsible for judicial recourses resulting from the application of its by-laws on camping. Any amendment of a by-law on camping must be submitted for prior approval to the Minister so that the Minister may verify its compliance with the Act and government guidelines;

(17) registration and updating of land rights and rights for sand and gravel extraction: enter rights, in accordance with the Minister's instructions, in the Register of the domain of the State, the public register of real and immovable mining rights for Québec, and any other ministerial register;

(18) inspection under the Act respecting the lands in the domain of the State: inspect lands in the domain of the State, including for recourses under sections 60 to 62.1 of the Act respecting the lands in the domain of the State, to detect unlawful occupancy, ensure compliance with the rights granted, and maintain public access to land and water property of the State. After detecting a case of unlawful occupancy, post a notice of taking of possession of the building concerned when the identity of the owner is not known, and send the Minister a report under the terms and conditions agreed on by the parties for the implementation of the delegation agreement;

(19) proceedings under the Act respecting lands in the domain of the State and its regulations: institute penal proceedings for offences relating to cottage leases, leases for rough shelters in the forest, and leases for complementary or accessory purposes connected to a main use for cottage development or camping. The Delegatee is responsible for the costs of the proceedings. However, the Minister remains responsible for the recourses provided for in sections 60 to 62.1 of the Act respecting the lands in the domain of the State with respect to illegal occupations of land in the domain of the State, as well as agreements to relinquish the site, notices to quit and agreements to extend a deadline;

(20) inspections with respect to sand and gravel extraction: inspect sand and gravel extraction sites to ensure compliance with the applicable provisions of the Mining Act and the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2). For an offence concerning sand and gravel extraction, draw up a statement of offence and forward it to the Bureau des infractions et amendes at the Ministère de la Justice;

(21) making available of cottage sites: complete layout studies, plans showing sites, and the marking of sites on the ground. Random draws for cottage sites must be open to the entire population of legal age without restriction. Publication, registration and selection must be entrusted to the Minister, who will carry out those tasks in collaboration with the Société des établissements de plein air du Québec in order to take advantage of the electronic registration and random draw services offered by that body. The profits generated by registration for random draws will be kept by the Delegatee. The final allocation of land and the signing of leases will be conducted by the Delegatee;

(22) prices, rents and royalties: apply the prices, rents, fees and royalties stipulated in the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State and the Regulation respecting mineral substances other than petroleum, natural gas and brine. The Minister will be responsible for updating the prices, rents, fees and reference values in the regulations. Before making a change to the method used to establish rents, the Minister will consult all Delegatees;

(23) rules and procedures: when exercising delegated powers and responsibilities, comply with all applicable laws, including the Act respecting the lands in the domain of the State, the Mining Act and the Environment Quality Act (chapter Q-2) and the regulations made under them, including the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, the Regulation respecting the regularization

of certain kinds of occupancy of lands in the domain of the State (chapter T-8.1, r. 6), the Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2), the Regulation respecting mineral substances other than petroleum, natural gas and brine and the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1). Respect all guidelines, strategic aims, planning and development tools, directives, policies, guides, standards, outlines, procedures and instructions provided to Delegates by the Minister for the management of delegated activities and the granting of rights in compliance with government guidelines. The operating rules and administrative procedures adopted by the Delegatee must ensure that the rights to be granted are granted in a manner that is fair for all interested parties;

(24) restoration of extraction sites: once the resource is exhausted or after a sand and gravel extraction site for non-exclusive use is closed, and in compliance with the provisions of the Regulations respecting sand pits and quarries and the directives given by the Minister:

— the Delegatee must restore extraction sites for which an authorization from the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) was issued to the MERN pursuant to section 22 of the Environment Quality Act;

— the Minister and the Delegatee share responsibility for restoration based on the volumes extracted for extraction sites operated under an authorization from the MELCC obtained by the Minister pursuant to section 22 of the Environment Quality Act prior to the signing of an initial delegation agreement. They will also share responsibility in the same way for the restoration of extraction sites holding a vested right entered in the public register of real and immovable mining rights for Québec.

Notwithstanding the above, the Minister will confirm his or her decision to take responsibility for the restoration of extraction sites where the resource is exhausted within twenty-four (24) months following the signing of an initial delegation agreement;

(25) customer service: greet and inform customers about the laws, regulations, standards, procedures and terms and conditions for land management and the management of sand and gravel extraction, and of the way in which they are applied. However, the Minister undertakes to help Delegates take charge of the management and development of the public lands to which the Program applies, within the scope of their mandates, orientations and budgets.

Every complaint about a failure to apply the laws, regulations, standards, procedures and terms and conditions for land management and the management of sand and gravel extraction must be dealt with by the Delegatee concerned. The MERN will deal with complaints of this type at the second level, if necessary. The Delegatee must inform the MERN of the actions taken in response to the complaint, and provide all related documents. The Minister will continue to deal with complaints filed prior to the signing of the initial agreement.

(26) miscellaneous: apply specific management methods resulting from a governmental or ministerial decision or a regulatory amendment.

## 9. FINANCING AND USE OF THE MANAGEMENT AND DEVELOPMENT FUND

The Delegatee collects various amounts connected with its delegated powers and responsibilities (including rents, royalties, prices, and administrative and other fees) from the time at which it exercises them in operational terms and on the date agreed on by the parties following the signing of the delegation agreement.

The Delegatee retains all the administrative fees billed to customers for land management, in other words fees for lease management (grants, transfers, amendments), for sales of land and for assessments of market value, profits from registration for random draws, fees for filing an application, development fees for random draws, and fees for camping permits issued by regional county municipalities (RCMs) under their own by-laws.

When selling land that has already been surveyed at the Minister's expense, the Delegatee collects the survey fees applicable and pays the entire amount to the government.

The Delegatee retains 50% of the total of all other amounts collected and returns 50% to the government, in two instalments, under the terms and conditions determined in the implementation agreement. Beginning in fiscal year 2021-2022,

— the amount paid to the government may be adjusted to ensure that the amounts retained by the Delegatee for land management for the current year are at least equal to the amounts retained by the Delegatee for land management in the year 2020;

— the minimum amount retained annually by the Delegatee for land management will be adjusted each year based on the change in the consumer price index.



The government will pay to the Delegatee, and the Delegatee will retain, 50% of the amounts it collects that correspond to rents and royalties on leases with a renewal date on or later than the date on which the Delegatee takes charge of activities under the delegation agreement. However, any amount collected by or owed to the Québec government before the date on which the Delegatee takes charge of activities, will belong to the government, with no adjustment.

The amounts collected from penalties and judicial proceedings for unpaid rents or tariffs will be shared in equal shares by the two parties. However, the amounts collected as fines or following judicial proceedings for penal offences will be retained in their entirety by the Delegatee if it was responsible for the proceedings.

The Delegatee must pay all the amounts collected as provided above into the management and development fund. The amounts paid into the fund must be used for the following purposes:

—to remit 50% of the amounts collected to the government, except in the exceptional cases described above;

—to pay the management costs arising from activities delegated under the Program;

—to provide financial support for actions and activities to management and develop the domain of the State.

## 10. MONITORING

The Delegatee will, at its own expense, provide the Minister with audited financial information about delegated management in its annual financial report, specifying the use made of income from the management of delegated activities. The Delegatee must, at its own expense, provide information in connection with a request from the Minister, in particular in the event of an audit-based verification.

The Delegatee undertakes to provide the Minister, at its own expense, with a report on its activities up to 31 December, not later than the following 31 March, using the outline provided by the Minister. The report must, as a minimum, describe the activities implemented.

## 11. REGISTRATION

The Delegatee must enter in the Register of the domain of the State or in another register, as instructed by the Minister, all rights granted on the lands concerned.

## 12. LIABILITY

In no case do the actions taken by the Delegatee in the exercise of the powers and responsibilities delegated to it by the delegation agreement engage the liability of the Minister.

## 13. TERM AND RENEWAL

The delegation agreement has a term of five (5) years from the date on which it is signed, and may be tacitly renewed for the same term.

The by-law on camping approved by the Minister and adopted by the Delegatee under the regulatory powers set out in paragraph 9 of section 6.1 is renewed each time the agreement is renewed.

At any time, the parties may agree to amend or terminate the delegation agreement.

At any time, the Minister or the Delegatee may notify the other party of an intention to terminate the agreement, by sending one hundred and twenty (120) days prior written notice.

## 14. REVOCATION

If the Delegatee fails to comply with the conditions and provisions of the delegation agreement or contravenes the laws and regulations in force, the Minister may demand, in writing, that the Delegatee take the necessary steps to remedy its default within thirty (30) days. If the Delegatee fails to comply, the Minister may send a written notice to the Delegatee to recover some of the powers and responsibilities delegated in the delegation agreement or to revoke the agreement without compensation.

## 15. USE FOR PUBLIC UTILITY OR PUBLIC INTEREST PURPOSES

The Minister may, after sending a notice, recover the lands in the domain of the State it designates along with the powers and responsibilities entrusted to a Delegatee over the lands concerned, if the Minister needs the lands for public utility or public interest purposes or for any other purpose indicated in an order or considered necessary by the government or by the Minister, without compensation. However, if the land is recovered, fair compensation is payable only for any improvements made by the Delegatee at its own expense, with no support from a governmental program of financial assistance, after the date of signing of the delegation agreement, and for any harm actually suffered, without any compensation or indemnity for a loss of profit or of anticipated revenue.

## 16. SUBDELEGATION

As provided in section 14.18 of the Municipal Code of Québec, a Delegatee that has signed a delegation agreement under the Program may, with the authorization of the Minister, subdelegate to a municipality the exercise of the powers and responsibilities of the delegation agreement. The parties must sign an intermunicipal agreement provided for in sections 569 and following of the Municipal Code and send a copy to the Minister. The municipal resolutions and by-laws connected to the agreement may be adopted under sections 678 and following of the Municipal Code.

## 17. TAKING IN CHARGE BY THE MINISTER

When the Minister recovers powers and responsibilities for land management and the management of sand and gravel extraction on lands in the domain of the State that were previously delegated, the Delegatee must provide the Minister with all the information and documents that the Minister may require, including the updated books and files on the management of the land. The Delegatee must also provide the Minister with all the files entrusted to it by the Minister and all the files opened during the exercise of the delegation.

## 18. REPLACEMENT

This Program replaces the Program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM, approved by order in council 858-2009 dated 23 June 2009. This Program also replaces the agreement related to the transfer of responsibilities as regards the management of the mining of sand and gravel on the lands in the domain of the State, approved by order in council 859-2009 dated 23 June 2009. However, all delegation agreements signed under the said Program and the said agreement continue to apply until they expire or until a new delegation agreement is signed under this Program, whichever occurs first.

104731

## Notice

An Act respecting industrial accidents and occupational diseases  
(chapter A-3.001)

### Table of gross annual income from suitable employments for 2021

Notice is hereby given that the Commission des normes, de l'équité, de la santé et de la sécurité du travail, at its meeting of 19 November 2020, adopted the Regulation respecting the table of gross annual income from suitable employments for 2021.

In accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft regulation was published on page 1809 in the *Gazette officielle du Québec* of 2 July 2020 with a notice that it could be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

MANUELLE OUDAR,  
*Chair of the board of directors and chief executive officer of the Commission des normes, de l'équité, de la santé et de la sécurité du travail*

### Regulation respecting the table of gross annual income from suitable employments for 2021

An Act respecting industrial accidents and occupational diseases  
(chapter A-3.001, s. 50)

1. The table of gross annual income from suitable employments for the year 2021 is as follows:

Bracket	Lower limit	Higher limit
1.	from \$27,321	to less than \$28,000
2.	" \$28,000	" \$30,000
3.	" \$30,000	" \$33,000
4.	" \$33,000	" \$36,000
5.	" \$36,000	" \$39,000
6.	" \$39,000	" \$42,000
7.	" \$42,000	" \$45,000
8.	" \$45,000	" \$48,000
9.	" \$48,000	" \$51,000