



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 54

An Act respecting the Rapides des Cèdres storage dam

Introduction

**Introduced by
Madam Lise Bacon
Minister of Energy and Resources**



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EXPLANATORY NOTES

This bill establishes that the limit of the right of riparian ownership of the State bordering the lakes and rivers affected by the Rapides des Cèdres storage dam is the high water mark as altered by the rise in water level resulting from the operation of the dam, and transfers the right of ownership over the strip of land situated above the high water mark to the owner or occupant of the contiguous land.

The bill provides, however, that the strip of land will be subject to a real and perpetual floodwater servitude which precludes any recourse for damage caused by the operation of the dam, where it is operated in compliance with the applicable laws and regulations. It also allows the registration of the transfer of ownership and the servitude at the registry office of the registration divisions concerned.

Finally, the bill subjects the strip of land to the legislation applicable to lands under concession where the contiguous land is itself land under concession within the meaning of the Act respecting agricultural lands in the public domain.

Bill 54

An Act respecting the Rapides des Cèdres storage dam

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The limit of the right of riparian ownership of the Gouvernement du Québec bordering the lakes and watercourses affected by the Rapides des Cèdres storage dam is, from (*insert here the date of coming into force of this Act*), the high water mark as altered by the rise in water level resulting from the operation of the dam.

2. The right of ownership over the strip of land situated above the altered high water mark and forming part of the public domain on (*insert here the date of coming into force of this Act*) is transferred, from that date, to the owner of the contiguous land fronting it or to the owner's assigns, except in the cases provided for in section 3, where it is transferred to the occupant.

3. Where the strip of land referred to in section 2 is occupied on (*insert here the date of coming into force of this Act*) by a person other than the owner of the contiguous land or his assigns, the right of ownership is transferred to that person

(1) if he qualifies for the obtaining of a title under the Regulation respecting the alienation of agricultural lands in the public domain to certain occupants, approved by Order 5-90 (1990, G.O. 2, 56) or under the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain, approved by Order 233-89 (1989, G.O. 2, 1488), or

(2) if his occupancy in an owner's capacity has lasted ten years from (*insert here the date of the day preceding by ten years the date*

of the coming into force of this Act) and has been continuous, peaceful, public and unequivocal, which occupancy may include possession by the occupant's predecessors.

4. Sections 1 to 3 do not apply where the land contiguous to the strip of land forms part of the public domain on (*insert here the date of coming into force of this Act*).

5. The strip of land referred to in sections 2 and 3 is, however, subject to a real and perpetual floodwater servitude up to the 201.9-metre operation mark, by virtue of which no recourse may be exercised for damage caused by the operation of the dam whether by infiltration, erosion or otherwise, resulting from the action of water, ice, waves or wind, when the dam is operated in accordance with the applicable laws and regulations.

Moreover, no recourse may be exercised for any damage caused by an unforeseeable hydrological event resulting in a rise in water level above the operation mark.

6. Sections 2 and 3 do not entail the transfer of the right of ownership over the islands situated in the lakes and watercourses affected by the dam.

7. The Minister of Energy and Resources shall draw up the list of the lots referred to in sections 1, 2, 3 and 5 and send a copy to the registrar, along with a copy of this Act. These documents shall be registered by deposit and free of charge.

The registrar shall enter, opposite each lot mentioned in the list, the number under which the documents are registered as well as the transfer of ownership and the floodwater servitude established by this Act.

Notwithstanding article 2168 of the Civil Code of Lower Canada, any part of a lot affected by this Act is sufficiently described by the mention of the number of the lot of which it is part.

8. Where the land contiguous to the strip of land referred to in sections 2 and 3 is land under concession within the meaning of section 2 of the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1), the strip of land is deemed to form part of the concession fronting it and is subject to the provisions of section 5.

9. This Act comes into force on (*insert here the date of assent to this Act*).
