

NATIONAL ASSEMBLY
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AN ACT RESPECTING THE RAPIDES DES CÈDRES STORAGE DAM

Bill 54

Introduced by Madam Lise Bacon, Minister of Energy and Resources

Introduced 25 November 1992

Passage in principle 3 December 1992

Passage 15 December 1992

Assented to 18 December 1992

Coming into force: 18 December 1992

Act amended: None



CHAPTER 52

An Act respecting the Rapides des Cèdres storage dam

[Assented to 18 December 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Riparian
ownership

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 18 December 1992, the high water mark as altered by the rise in water level resulting from the operation of the dam.

Transfer

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 18 December 1992 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.

Transfer

3. Where the strip of land referred to in section 2 is occupied on 18 December 1992 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 18 December 1982 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 18 December 1992.
- 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 18 December 1992.