

Gouvernement du Québec

**O.C. 466-2017, 10 May 2017**

An Act respecting the Ministère des Ressources naturelles et de la Faune  
(chapter M-25.2)

**Program for the awarding of lands in the domain of the State for the installation of wind turbines  
— Replacement**

Replacement of the Program for the awarding of lands in the domain of the State for the installation of wind turbines

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the Minister may, with the approval of the Government, 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, and its wildlife and wildlife habitats, in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the second paragraph of section 17.14 of the Act, the Minister may, for the purposes of such programs, apply to a person the Minister designates any measure necessary to foster the sustainable development, the integrated management, the conservation or the enhancement of natural resources and wildlife, including a measure granting rights other than those provided for in the Acts under the Minister's administration. The rights so granted may not, however, limit the rights previously granted on land in the domain of the State;

WHEREAS, under the first paragraph of section 17.15 of the Act, land, property, natural resources and wildlife the Minister included in a program may be exempted from the application of the Acts for which the Minister is responsible to the extent specified in the program;

WHEREAS the Government approved, by Order in Council 928-2005 dated 12 October 2005, the Program for the awarding of lands in the domain of the State for the installation of wind turbines;

WHEREAS the program was amended by Orders in Council 647-2007 dated 7 August 2007, 1177-2009 dated 11 November 2009 and 1246-2013 dated 27 November 2013;

WHEREAS The 2030 Energy Policy states that in its perspective of wind power development, the Gouvernement du Québec hopes that wind farms built in Québec can respond to business opportunities and export all of their electric power to North American markets;

WHEREAS it is expedient to replace the Program for the awarding of lands in the domain of the State for the installation of wind turbines to allow the implementation of wind power projects whose electric power would be exported to North American markets and wind power projects resulting from a contract to purchase electric power entered into by mutual agreement;

WHEREAS it is expedient to replace the program by a new program including the various amendments made to it, including technical and consequential amendments;

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

THAT the Program for the awarding of lands in the domain of the State for the installation of wind turbines, approved by Order in Council 928-2005 dated 12 October 2005 and amended by Orders in Council 647-2007 dated 7 August 2007, 1177-2009 dated 11 November 2009 and 1246-2013 dated 27 November 2013, be replaced by the Program for the awarding of lands in the domain of the State for the installation of wind turbines, attached to this Order in Council;

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

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Program for the awarding of lands in the domain of the State for the installation of wind turbines**

**DIVISION I  
DECLARATORY AND INTERPRETATIVE**

**1. PURPOSE OF THE PROGRAM**

The purpose of this Program is to make accessible and reserve lands in the domain of the State for the development of the wind industry and to provide a framework for the granting of land rights for the use of those lands for that purpose. More specifically, the aims of the Program are

(1) to allow the establishment of wind power facilities on lands in the domain of the State following a project resulting from

(a) tender solicitations by Hydro-Québec;

(b) tender solicitations by an electric power distributor outside Québec;

(c) a program to purchase electric power produced by wind turbines;

(d) contracts entered into by mutual agreement for the sale of electric power produced by wind turbines;

(2) to set the terms and conditions of the awarding of land rights for the installation of wind power facilities on lands in the domain of the State; and

(3) to fix the rent for land in the domain of the State for wind power facilities on the basis of market prices for comparable facilities.

## 2. DEFINITIONS

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

“electric power supplier” means any producer or trader supplying electric power; (*fournisseur d’électricité*)

“experimentation” means the production of electric power for scientific research purposes by wind power facilities that are not part of a commercial or industrial wind farm and are not intended to become part of such a farm; (*expérimentation*)

“land right” means a lease or other right on land in the domain of the State granted by the Minister of Energy and Natural Resources under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Program; (*droit foncier*)

“Minister” means the Minister of Energy and Natural Resources; (*Ministre*)

“Program” means this Program prepared under sections 17.13, 17.14 and 17.15 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2); (*programme*)

“self-generation” means natural or legal persons who, secondary to their core activities, produce electric power from wind power facilities intended entirely for their own use; (*autoproduction*)

“tender solicitation” means an invitation to tender by the submission of binding tenders or proposals by suppliers to negotiate certain elements of the tender. The expression includes calls for proposals and restricted calls for proposals; (*appel d’offres*)

“wind power facilities” means any work or appliance used to produce electric power by means of wind energy and to deliver the electric power, as well as any related work, appliance, facility or equipment, except for wind measurement instruments. (*installations éoliennes*)

## 3. TERRITORY OF APPLICATION

The Program applies to lands in the domain of the State under the authority of the Minister, including lands that have already been the subject of a delegation of management in favour of regional county municipalities (RCMs) or municipalities under a program relating to such a delegation of management of lands in the domain of the State.

An RCM or a municipality participating in a program of delegation of management of lands in the domain of the State that has signed a land management agreement or a management delegation agreement with the Minister as part of such a program may be authorized by the Minister to manage the provisions of the Program on those lands.

An RCM or a municipality so authorized must apply the terms and conditions of the Program in compliance with the analytical framework for the installation of wind turbines on lands in the domain of the State (Ministère des Ressources naturelles, 1st quarter 2014) and policy directions set out in the *Plan régional de développement du territoire public (PRDTP) – volet éolien* or the *Analyse territoriale – volet éolien* for the region concerned.

The terms and conditions provided for in the land management agreement or the management delegation agreement that are not inconsistent with those of the Program apply to its management by the RCM or the municipality.

## DIVISION II

### WIND POWER PROJECTS TO MEET AN ELECTRIC POWER DEMAND

## 4. LETTER OF INTENT

A person wishing to tender for a wind power facilities project located in whole or in part on lands in the domain of the State in response to a tender solicitation by Hydro-Québec or by an electric power distributor outside Québec, or with a program to purchase electric power produced by wind turbines must file an application with the Minister for a letter of intent describing the proposed land. The Minister may issue or refuse to issue such a letter of intent.

The letter of intent states that the Minister may award the applicant the land rights required for the installation of wind power facilities on the lands in the domain of the State described in the letter, subject to the signing of a contract for the sale of energy produced by wind turbines with the body that launched the tender solicitation or the purchase program, or with an electric power supplier that signed such a contract as part of such a tender solicitation or purchase program. The awarding of land rights remains subject to obtaining all the permits, certificates and authorizations required under an Act or a regulation then in force, and compliance with the conditions of the Program and the conditions to be specified by the Minister.

The Minister may issue a letter of intent to more than one applicant for the same land in the domain of the State as part of the same tender solicitation or the same program to purchase electric power produced by wind turbines. However, the Minister may not issue more than one letter of intent for the same land in the domain of the State for separate tender solicitations or electric power purchase programs.

#### 5. EFFECT OF THE LETTER OF INTENT

The Minister may refuse to grant any land right on land in the domain of the State in respect of which an application for a letter of intent was made so as to protect its potential for the installation of wind power facilities.

The Minister may reserve to the State, in accordance with section 304 of the Mining Act (chapter M-13.1), any land in the domain of the State in respect of which an application for a letter of intent was made.

The holder of a letter of intent may not transfer the entitlement to a third person without prior authorization from the Minister.

#### 6. DURATION OF VALIDITY OF THE LETTER OF INTENT

A letter of intent that awards land in the domain of the State is valid for 24 months. Subject to the payment of the required fees, the Minister may renew a letter of intent. However, the Minister may cancel a letter of intent following a 30-day notice to the holder.

Despite the first paragraph, a holder of a letter of intent issued in response to a tender solicitation or a program to purchase electric power produced by wind turbines must send to the Minister a written confirmation of the submission of the holder's bid within 30 days after the bid closing date set by the body that launched the tender solicitation or the purchase program. After the 30-day period, the letter of intent of a holder who does not provide such proof becomes null and void and without effect.

In addition, a holder of a letter of intent issued in response to a tender solicitation or a program to purchase electric power produced by wind turbines must send to the Minister, within 30 days following the public announcement of the bidders selected, written proof of selection. All other letters of intent issued in response to that tender solicitation or program to purchase electric power produced by wind turbines become null and void and without effect 30 days after the public announcement of the selection of projects by the body that launched the tender solicitation or the program to purchase electric power produced by wind turbines.

#### 7. MINIMUM PERIOD

A minimum period of 60 days of examination and analysis applies to an application for a letter of intent. The Minister may issue or refuse to issue a letter of intent before the expiry of the 60-day period.

#### 8. DOCUMENTS TO BE SUBMITTED

The application for a letter of intent must indicate for which tender solicitation or program to purchase electric power produced by wind turbines the installation of wind turbines is intended as well as the bid closing date and the date proposed for the public announcement of the projects selected. It must also indicate the name and particulars of the body that launched the tender solicitation or the program to purchase electric power produced by wind turbines and, if applicable, the electric power supplier that must file a bid in response to the tender solicitation and the date proposed for the putting into service of the wind power facilities.

The application must include a plan showing the location of the lands in the domain of the State concerned to a scale of 1:20 000 or greater and shape files. It must also specify the proposed number of wind turbines and the proposed location of the wind power facilities, the proposed megawatts (MW), the area of land to be occupied by each wind turbine, the access roads to the wind power facilities and the markets targeted for the sale of the energy produced.

It must also include a business plan for the wind power facilities installation project and any other document or information showing the impact in terms of sustainable development, in particular, the environmental, social and economic aspects (structure of the enterprise and partnership, financing plan, implementation deadline, economic benefits at the local and regional levels, investment, temporary and permanent employment per class, impact on the development of the wind sector in Québec, environmental impact, project acceptance by the community, etc.).

The Minister may require any other document or information the Minister considers necessary for the examination of the application.

#### 9. FEES PAYABLE FOR THE LETTER OF INTENT

Fees for opening a file are those provided for in section 1 of Schedule I to 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). The fees payable for the examination of an application for a letter of intent in respect of a group of wind power facilities located in the same sector or for a request by the applicant to modify a letter of intent or for a request to transfer entitlement are \$603.

The fees payable for the issue and renewal of a letter of intent are \$4,810.

### **DIVISION III RESERVED LAND AREA**

#### 10. APPLICATION FOR RESERVED LAND AREA

The holder of a letter of intent, who enters into a contract for the sale of energy produced by wind turbines following a tender solicitation by Hydro-Québec or an electric power distributor located outside Québec or with an electric power supplier who has signed an energy sale contract as part of such a tender solicitation or following a program to purchase electric power produced by wind turbines, must apply to the Minister to obtain a reserved land area applicable to the lands in the domain of the State described in the letter of intent as well as any other lands in the domain of the State required for the wind turbine installation project.

If more than one holder of a letter of intent for the same land in the domain of the State has signed a contract for the sale of electric power produced by wind turbines following a tender solicitation or has been selected following such a tender solicitation or a program to purchase electric power produced by wind turbines, the Minister reserves the right to issue a reserved land area only to the applicant whose project analysis shows the most positive impact in terms of sustainable development, in particular, the environmental, social and economic aspects. The assessment of the project impact particularly takes into account the information provided in the application for a letter of intent and for a reserved land area.

The holder of a letter of intent may also file an application for reserved land area applicable to lands in the domain of the State required for carrying out the wind turbine installation project in a new location.

The contractor who signed a contract entered into by mutual agreement for the sale of electric power produced by wind turbines may file with the Minister an application to obtain a reserved land area applicable to lands in the domain of the State required for carrying out the contractor's wind turbine installation project.

If more than one applicant has signed a contract entered into by mutual agreement for the sale of electric power produced by wind turbines for the same land in the domain of the State, the Minister reserves the right to issue a reserved land area only to the applicant whose project analysis shows the most positive impact in terms of sustainable development, in particular, the environmental, social and economic aspects. The assessment of the project impact particularly takes into account the information provided in the application for a reserved land area.

The Minister may issue or refuse to issue a reserved land area. The Minister may not award a reserved land area to more than one applicant for the same land in the domain of the State.

#### 11. DOCUMENTS TO BE SUBMITTED

The application for a reserved land area must indicate for which tender solicitation or program to purchase electric power produced by wind turbines the project is intended as well as the proposed date for putting into service the wind power facilities. If the application results from a contract entered into by mutual agreement, it must identify the contractor and specify the destination of the electric power. If the contractor is not an electric power distributor, but an electric power supplier, written proof of the contract between the supplier and such a distributor must also be provided to the Minister. In all cases, a copy of the electric power sale contract with the electric power distributor or written proof of the contract must be sent to the Minister by the applicant.

The application must include a plan showing the location of the lands in the domain of the State concerned to a scale of 1:20 000 or greater and shape files. It must also specify the proposed number of wind turbines, the proposed location of the wind power facilities, the proposed megawatts (MW), the area of land to be occupied by each wind turbine and the access roads.

It must also include a business plan for the wind turbine installation project and any other document or information showing the impact in terms of sustainable development, in particular, the environmental, social and economic aspects (structure of the enterprise and partnership, financing plan, implementation deadline, economic benefits at the local and regional levels, investment, temporary and permanent employment per class, impact on the development of the wind sector in Québec, environmental impact, project acceptance by the community, etc.).

The Minister may require any other document or information the Minister considers necessary for the examination of the application.

## 12. EFFECT OF RESERVED LAND AREA

The reserved land area indicates that the Minister may award the holder the land rights required to install wind power facilities on lands in the domain of the State described therein, subject to obtaining all the permits, certificates and authorizations required under an Act or a regulation then in force, and compliance with the conditions of the Program and the conditions to be specified by the Minister.

The Minister may refuse to grant a land right on land in the domain of the State that is a reserved land area so as to protect its wind power potential until the land rights required for the installation of all the wind power facilities in the project have been granted.

The Minister may reserve to the State, in accordance with section 304 of the Mining Act, any land in the domain of the State that is a reserved land area.

The lands in a reserved land area are subject to registration in the register known as the “Register of the domain of the State”, referred to in section 26 of the Act respecting the lands in the domain of the State.

The holder of a reserved land area may not transfer the entitlement to a third person without prior authorization from the Minister.

## 13. RATE AND DURATION OF VALIDITY OF THE RESERVED LAND AREA

The annual rate for the reserved land area is \$11/ha payable within 30 days of the issue of the letter confirming the reserved land area. That rate is not refundable.

If an application for a reserved land area follows a letter of intent, no fees are payable for opening the file and examining the application. The fees for issuing the reserved land area are \$603.

If the application for a reserved land area does not follow a letter of intent, the fees for opening the file are those provided for in section 1 of Schedule I to 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). The fees for the examination of the application are \$603 and the fees for issuing the reserved land area are \$4,810.

In all cases, the fees for a modification or transfer of a reserved land area are \$603.

The reserved land area must be renewed annually and kept in force until the land rights required for the installation of the entire wind power facilities in the project have been granted in full. On the annual renewal, the surface of the reserved land area may be reduced at the request of the holder according to the progress in the land rights granted.

Failure to pay the rate for the reserved land area releases the Minister from all obligations relating to the granting of land rights for the installation of the entire wind power facilities in the project.

If no wind power facility has been installed within one year after the date of its putting into service proposed in the contract for the sale of energy produced by wind turbines, the reserved land area becomes null and void and without effect. However, the Minister may renew such a reserved land area following a substantiated request by its holder.

The Minister may, at any time, cancel a reserved land area following a 30-day notice.

## DIVISION IV AWARDING OF LAND RIGHTS

### 14. AWARDING METHOD

The Minister may award the holder of a reserved land area the land rights required for the installation of wind power facilities, by lease or otherwise. The land rights are subject to the Act respecting the exportation of electric power (chapter E-23).

### 15. ELIGIBILITY

To obtain a land right under the Program, the holder of a reserved land area must be a legal person.

### 16. DOCUMENTS TO BE SUBMITTED

The holder of a reserved land area must send to the Minister a written application for land rights on land in the domain of the State for the installation of wind power facilities.

The application must include a plan showing the location of the proposed site to a scale of 1:20 000 or greater, shape files, a development map showing the location of the proposed equipment and access roads, a project timetable, as well as any other document or information that the Minister may consider appropriate to require for examination of the application.

To obtain the land rights, the applicant must hold all the authorizations required by government authorities, including, but not limited to, the authorizations of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques and municipal permits and certificates.

The Minister may issue to the applicant an offer of land rights, on condition that all the authorizations, permits, certificates and other required documents be obtained.

On the awarding of the land rights, the applicant must have the land surveyed in accordance with the directions of the Minister, at the applicant's expense.

#### 17. TERM OF THE LAND RIGHTS AWARDED

The term of the land rights awarded for the installation of wind power facilities may exceed by one year the term of the contract for the sale of energy produced by wind turbines. That term is calculated from the first day of the month following its signature.

In the event that the contract for the sale of energy produced by wind turbines ends before the proposed term, the land rights awarded will end on the date indicated in a written notice from the Minister. The holder of the land rights must inform the Minister of the end of the contract within 30 days following the end.

The Minister may renew such land rights for one-year periods following a substantiated request by their holder.

#### 18. RENEWAL

Land rights awarded may be renewed subject to the conditions of the Program and any applicable regulation then in force.

#### 19. SPECIAL CLAUSES

The Minister is authorized to include any special clause in land rights contracts that is conducive to the pursuit of the Program's objectives, in particular, any accession clause or any clause regarding the renunciation of the benefit of accession and any clause authorizing the Minister to acquire the wind power facilities at the end of the term.

#### 20. REVOCATION

The land rights may be revoked if the holder has not completed the installation of the wind power facilities in accordance with the development plan within a period of 24 months following the signing of the contract relating to the granting of the land rights. The Minister reserves the right to extend that period.

Any land right obtained on the basis of erroneous or fraudulent information provided by the applicant may be revoked by the Minister.

### DIVISION V

#### OTHER WIND POWER FACILITIES

##### 21. AWARDING METHOD

Despite Divisions II, III and IV of the Program, the Minister may award land rights according to 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) for the installation of wind power facilities that do not result from a project listed in paragraph 1 of section 1 of the Program, but only in the following cases:

- (1) wind power facilities intended for experimentation;
- (2) wind power facilities intended for self-generation;
- (3) wind power facilities of a maximum production capacity of 3 MW (one project of this type authorized per applicant);
- (4) wind power facilities for the development or consolidation of an existing wind farm to a maximum of 10% of the power installed or proposed at the coming into force of the Program, subject to the condition that the applicant has a purchase contract for the supplementary energy;
- (5) wind measurement instruments.

Except for the wind power facilities specified in this section, the Minister may not grant land rights for wind power facilities that do not result from a project listed in paragraph 1 of section 1 of the Program.

### DIVISION VI

#### RENT FOR WIND POWER FACILITIES

##### 22. RENT FOR WIND POWER FACILITIES

The annual rent for the leasing of land in the domain of the State for the installation of a wind turbine is calculated on the basis of the production capacity of the wind turbine at a rate of \$5,777 per MW.

### DIVISION VII

#### TRANSITIONAL AND FINAL

##### 23. REGULATORY PROVISIONS

The regulatory provisions made under the Act respecting the lands in the domain of the State, to the extent that they are consistent with the Program, remain applicable to the terms and conditions of the awarding of land rights for the installation of wind power facilities as part of the Program. The provisions of the Program do not exempt lessees of lands in the domain of the State from complying with the regulations and Acts in force, including the Act respecting the exportation of electric power.

## 24. EXCLUSIONS

The Program does not apply to the authorizations and land rights that follow agreements entered into between the government, its mandataries and third persons for the installation of wind power facilities before the coming into force of the Program or to the placing at the disposal of Hydro-Québec of lands in the domain of the State under section 32 of the Hydro-Québec Act (chapter H-5).

## 25. INDEXATION

As of 1 April 2018, all the rents, fees and rates determined by the Program are to be adjusted and rounded off to the nearest dollar on 1 April each year based on the change in the average Consumer Price Index for the period of 1 January to 31 December of the preceding year using the index established for the whole of Québec by Statistics Canada.

## 26. REPLACEMENT

The Program replaces 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 Orders in Council 647-2007 dated 7 August 2007, 1177-2009 dated 11 November 2009 and 1246-2013 dated 27 November 2013. The authorizations and rights granted under the previous Program continue to apply in accordance with the rents and rates provided for therein until their expiry.

## 27. COMING INTO FORCE

The Program comes into force on the date of its publication in the *Gazette officielle du Québec*.

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**M.O., 2017****Order number AM 2017-003 of the Minister of Forests, Wildlife and Parks dated 4 May 2017**

An Act respecting the conservation and development of wildlife (chapter C-61.1)

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING subparagraph 2 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides in particular that the Minister may make regulations limiting the number of licences for a zone, territory or place the Minister specifies;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under subparagraph 2 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING the making of the Regulation respecting hunting (chapter C-61.1, r. 12), which provides among other things the number of hunting licences available per year for each area or part thereof;

CONSIDERING that it is expedient to amend certain numbers of licences;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting is hereby made;

Québec, on May 4, 2017

LUC BLANCHETTE,  
*Minister of Forests,  
Wildlife and Parks*

**Regulation to amend the Regulation respecting hunting**

An Act respecting the conservation and development of wildlife (chapter C-61.1, s. 163, 1<sup>st</sup> par., subpar. 2)

**1.** Schedule II to the Regulation respecting hunting is amended:

(1) by replacing paragraph i. of section 1 by the following:

“1. For hunting white-tailed deer, female or male with antlers less than 7 cm, all areas except Area 20:

i. in area

Area	Number of licences
1	0
2 except the western part shown on the plan in Schedule IX	0
the western part of Area 2 shown on the plan in Schedule IX	0
3 except the western part shown on the plan in Schedule X	0
the western part of Area 3 shown on the plan in Schedule X, excluding the territory referred to in Schedule CCI	950