

Gouvernement du Québec

O.C. 352-2003, 5 March 2003

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Wind energy and biomass energy

Regulation respecting wind energy and biomass energy

WHEREAS, under subparagraphs 2.1 and 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may, by regulation, determine for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1, and the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting wind energy and forest biomass energy was published in Part 2 of the *Gazette officielle du Québec* of 11 December 2002, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments on the draft Regulation were received;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting wind energy and biomass energy, attached to the Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation respecting wind energy
and biomass energy**

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpars. 2.1 and 2.2)

1. For the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) or for the purposes of the supply plan provided for in section 72 of the Act, and for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act,

(1) the block of wind energy related to the establishment of facilities for the assembly of wind turbines shall be produced in Québec from a total installed capacity of 1 000 megawatts, within the following timeframe:

- 200 megawatts, no later than 1 December 2006;
- 100 megawatts, no later than 1 December 2007;
- 150 megawatts, no later than 1 December 2008;
- 150 megawatts, no later than 1 December 2009;
- 150 megawatts, no later than 1 December 2010;
- 150 megawatts, no later than 1 December 2011;
- 100 megawatts, no later than 1 December 2012; and

(2) the block of energy produced in Québec from biomass shall be produced from an installed capacity of 100 megawatts, the biomass constituting at least 75% of the source of supply. A first portion of that block must be delivered as of 2005 and the rest of the block no later than 2010.

The block referred to in subparagraph 1 of the first paragraph is subject to a guarantee of hydroelectric power installed in Québec, in the form of a balancing agreement between the electric power distributor and another Québec supplier or Hydro-Québec, in its electricity production operations.

For the purposes of this Regulation, "biomass" means biodegradable residual materials rejected or not accepted following reclamation activities and intended for disposal in landfill sites or incinerators, recovered biodegradable residual materials for which other reclamation methods are not technically possible or in whose respect the costs related to the other reclamation methods are detrimental to the competitiveness of the promoter or the operator, and the residual forest biomass constituted of bark, sawdust, planing chips, primary, secondary and de-inking sludge, cooking liquors from pulp and paper mills, pruning or thinning residues and logging residues, branches and tree tops.

2. The electric power distributor must, no later than 12 May 2003, solicit public tenders for each block referred to in section 1.

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

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Gouvernement du Québec

O.C. 355-2003, 5 March 2003

An Act respecting the Ministère des Ressources naturelles
(R.S.Q., c. M-25.2)

Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Centre-du-Québec administrative region

WHEREAS the Government and the regional county municipalities (RCMs) of the Centre-du-Québec administrative region have, within the framework of the government policy on regional development, agreed to increase the contribution of public intramunicipal lands to the revitalization, consolidation and economic development of the region and the local populations;

WHEREAS one of the main measures proposed consists in delegating the management of intramunicipal public lands and certain forest resources thereon to the RCMs in the Centre-du-Québec region;

WHEREAS sections 17.13 to 17.16 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2) authorize the Minister, with the approval of the Government, to prepare programs for the development of lands in the domain of the State under the Minister's authority as well as the forest resources in the domain of the State, so as to encourage regional development;

WHEREAS the third paragraph of section 17.14 of that Act authorizes the Minister, 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, or entrust the management of the management permits for the harvest of firewood for domestic or commercial purposes, in a management unit, to a municipality; such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS that paragraph provides that the program shall identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), amended by chapter 68 of the Statutes of 2002, or among those of Divisions I and II of Chapter II of Title I of the Forest Act (R.S.Q., c. F-4.1), amended by chapter 6 of the Statutes of 2001 and chapters 25 and 68 of the Statutes of 2002, as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that chapter or of Division II of Chapter IV of Title I or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act respecting the Ministère des Ressources naturelles, where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph, 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 or in sections 171, 171.1, amended by section 19 of chapter 25 of the Statutes of 2002, and 172 of the Forest Act, those that may be exercised by the municipality by means of regulations;

WHEREAS articles 14.12 and 14.12.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1) authorize every municipality that participates in a program prepared by the Minister of Natural Resources to assume the responsibilities under the program as concerns not only public intramunicipal lands but also certain forest resources in the domain of the State;