

The award shall give reasons and shall be signed by all the members. If an arbitrator refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though it had been signed by all the arbitrators.

29. In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, determine the reimbursement or payment to which a party is entitled and, where applicable, rule on the amount that the client acknowledged owing and that the client sent with the application for arbitration.

30. The expenses incurred by the parties for the holding of the arbitration shall be paid by each of them.

31. In its award, the council of arbitration may rule on the arbitration expenses, namely the expenses incurred by the Order for the arbitration. However, the total amount of the expenses must not exceed 15% of the amount in dispute.

32. Where the account in dispute is upheld in whole or in part or where a reimbursement is granted, the council of arbitration may also add interest and an indemnity in accordance with articles 1618 and 1619 of the Civil Code, calculated from the date of the application for conciliation.

33. The arbitration award is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

34. An arbitration award shall be filed with the secretary of the Order by the council of arbitration. A copy of the arbitration award shall be sent to the parties or to their advocates within ten days after its filing.

35. The arbitration record shall be filed with the secretary of the Order. The record shall include the applications for conciliation and arbitration of accounts, the documents tabled by the parties and the award; the arbitration record shall be kept for at least one year, but no longer than five years.

Upon request, the secretary shall return to a party the documents it filed with the record.

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

SCHEDULE I

(s. 9)

APPLICATION FOR ARBITRATION OF ACCOUNT

I, the undersigned, _____
(name of client)

(domicile)

Declare that :

1. _____ is claiming from me
(name of geologist)
(or refuses to reimburse me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists.

4. I declare that I have received and have taken cognizance of the above-mentioned Regulation.

5. I agree to abide by the procedure provided for in the Regulation and, where required, to pay to _____
(name of geologist) the amount of the arbitration award.

Signature

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Gouvernement du Québec

O.C. 28-2004, 14 January 2004

An Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs
(R.S.Q., c. M-25.2)

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, de la Faune et des Parcs (R.S.Q., c. M-25.2), amended by chapter 8 of the Statutes of 2003, the Minister may, with the approval of the Government, prepare programs for the development of lands or forest resources in the domain of the State that are under the Minister's authority 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, in addition to exercising in respect of a forest in the domain of the State that is covered by a program all the powers devolving on the Minister under the Forest Act (R.S.Q., c. F-4.1), apply any measure the Minister considers necessary for the purpose of fostering sustainable forest development, including a measure granting, for that purpose, any right other than a right under that Act to a legal person the Minister designates;

WHEREAS, under the first paragraph of section 17.15 of the Act, the Minister may, to the extent specified in a program, exempt land and property made subject by the Minister to a program from the application of all or part of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), or exempt a forest in the domain of the State made subject by the Minister to a program from the application of all or part of the Forest Act;

WHEREAS, on 16 December 2002, the Minister of Natural Resources announced a moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms;

WHEREAS the Regulation respecting wind energy and biomass energy was made by Order in Council 352-2003 dated 5 March 2003 under the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01);

WHEREAS the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, made by Order in Council 231-89 dated 22 February 1989, as amended, provides that the lease of such land must be awarded to the first applicant;

WHEREAS it is expedient to approve the program allowing the Minister of Natural Resources, Wildlife and Parks to award land rights on lands in the domain of the State to the bidders retained after the solicitation of public tenders under the Regulation respecting wind energy and biomass energy for the purpose of the establishment of wind farms;

WHEREAS it is expedient to lift the moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms;

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

THAT 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, be approved;

THAT the administration of the program be entrusted to the Minister of Natural Resources, Wildlife and Parks.

ANDRÉ DICAIRE,
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 PROVISIONS

1. PURPOSE OF THE PROGRAM

The purpose of the 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

— to permit the establishment of wind farms on lands in the domain of the State to encourage regional development;

— to award land rights for the installation of wind power facilities to bidders retained after the tender solicitation under the Regulation respecting wind energy and biomass energy made by Order in Council 352-2003 dated 5 March 2003; and

— to fix the rent for land in the domain of the State for any other wind power facility on the basis of market prices for comparable installations.

2. DEFINITIONS

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

“bidder retained” means a bidder who has entered into a contract for the sale of wind energy with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) after a tender solicitation under the Regulation respecting wind energy and biomass energy made by Order in Council 352-2003 dated 5 March 2003; (*soumissionnaire retenu*)

“land right” means a lease or other right on land in the domain of the State granted by the Minister of Natural Resources, Wildlife and Parks under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or this Program; (*droit foncier*)

“letter of intent” means a document by which the Minister undertakes to award for the benefit of an applicant the land rights required for the applicant to install wind power facilities on land in the domain of the State in compliance with the special conditions set out in this Program; (*letter d’intention*)

“market rent” means the amount of rent derived from an analysis of rents usually paid for comparable spaces; (*loyer paritaire*)

“Minister” means the Minister of Natural Resources, Wildlife and Parks; (*Ministre*)

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

“wind power facilities” means any work, appliance or equipment used to generate electric power by means of wind energy and to deliver the electric power, as well as any related work, appliance, facility or equipment; (*installations éoliennes*)

3. TERRITORY OF APPLICATION

The Program applies to lands in the domain of the State, with the exception of lands that have already been the subject of a delegation of management in favour of regional county municipalities or municipalities under a program relating to such a delegation, except if the territory management agreement signed between the parties expressly provides for the application of this Program or if an application to that effect is made by the municipality and approved by the Minister.

DIVISION II

PROTECTION OF LAND AREAS WITH WIND POWER POTENTIAL

4. LETTER OF INTENT

A person wishing to tender in connection with a tender solicitation under the Regulation respecting wind energy and biomass energy for a wind power facilities project located in whole or in part on land in the domain of the State must obtain from the Minister a letter of intent describing the land concerned.

The letter of intent shall state that the Minister may grant the applicant the land rights required for the installation of wind power facilities on the land in the domain of the State described in the letter, subject to a contract for the sale of wind energy being entered into with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l’énergie after the tender solicitation under the Regulation respecting wind energy and biomass energy, and subject to all permits and certificates required under an Act or a regulation then in force being obtained and compliance with the requirements of section 11 of the Program and the conditions to be later specified by the Minister for the installation of such facilities.

The Minister may, at his or her discretion, issue or refuse to issue such a letter of intent.

5. EFFECT OF THE LETTER OF INTENT

The Minister may refuse to grant any land right on land in the domain of the State that has been the subject of a request for a letter of intent so as to protect the potential for the installation of wind power facilities after tender solicitation under the Regulation respecting wind energy and biomass energy.

Land in the domain of the State in respect of which a letter of intent has been requested may not be the subject of a request for use for a wind power facilities project under the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State made by Order in Council 231-89 dated 22 February 1989, as amended.

On the date on which tenders under the Regulation respecting wind energy and biomass energy are submitted, a letter of intent for land in the domain of the State ceases to have effect if no tender has been submitted in respect of the land.

The entering into of contracts for the sale of wind energy with the electric power distributor referred to in section 74.1 of the Act respecting the Régie de l’énergie after tender solicitation under the Regulation respecting wind energy and biomass energy terminates all letters of intent issued under the Program that are not related to the contracts for the sale of wind energy.

Land that has been the subject of a letter of intent is withdrawn by the Minister from staking, map designation, mining exploration or mining, in accordance with section 304 of the Mining Act (R.S.Q., c. M-13.1), so that no mining right may be granted on the land.

6. MINIMUM PERIOD

A minimum period of 60 days of examination and analysis applies to a request for a letter of intent. The Minister may, at his or her discretion, issue or refuse to issue a letter of intent before the expiry of the 60-day period. Requests made before the coming into force of the Program are valid only from the coming into force of the Program and the complete filing of the request.

7. DOCUMENTS TO BE SUBMITTED

The request 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, the number of projected wind turbines, the area of land to be occupied by each wind turbine and the access roads, as well as any other document or information that the Minister may consider appropriate to require for examination of the request.

8. FEES PAYABLE

The fees payable for the examination of a request for a letter of intent are \$200 per assembly of wind power facilities in the same sector.

DIVISION III

AWARDING OF LANDS IN THE DOMAIN OF THE STATE TO BIDDERS RETAINED

9. AWARDING METHOD

The Minister may, at his or her discretion, award the land rights required for the installation of wind power facilities to the bidders retained, by lease or otherwise.

10. ELIGIBILITY

The Minister may grant to a bidder retained a land right in respect of land in the domain of the State for the installation of wind power facilities for the purposes of electric power generation. To obtain a land right under the Program, the bidder retained must be a legal person.

11. DOCUMENTS TO BE SUBMITTED

The bidder retained must send to the Minister a written request for land rights on land in the domain of the State on which wind power facilities are to be installed.

The request must include a plan showing the location of the projected site to a scale of 1:20 000 or greater, a development plan including the location of projected equipment and access roads, a work schedule, as well as any other document or information that the Minister may consider appropriate to require for examination of the request.

To obtain the land rights, the bidder retained must hold all the authorizations required by government authorities, including, in particular, certificates of authorization of the Ministère de l'Environnement and municipal permits and certificates.

The Minister may issue to the bidder retained an offer of land rights, conditional on all permits, certificates and other required documents being obtained.

On the granting of the land rights, the bidder retained must have the land surveyed at his or her expense in accordance with the directions of the Minister.

12. TERM OF THE LAND RIGHTS GRANTED

The Minister may grant land rights for a maximum term equivalent to the term of the contract for the purchase of electric power, plus one year, subject to compliance with the conditions stipulated in the lease, except on notice to the contrary from the Minister.

In the event that the contract for the purchase of electric power between the bidder retained and the electric power distributor ends before the scheduled term, the lease granting land rights also ends on written notice from the Minister.

13. RENEWAL

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

14. ALLOCATION OF TIMBER VOLUMES

Where the installation of wind power facilities takes place in an area subject to a timber supply and forest management agreement or any other forest management agreement or contract under the Forest Act (R.S.Q., c. F-4.1), the commercial timber harvested in the area must be sent to the wood processing plants holding the forestry rights for those areas.

15. 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.

16. REVOCATION

The land rights may be revoked if the bidder retained 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 furnished by the bidder retained may be revoked by the Minister.

DIVISION IV

AWARDING OF LANDS IN THE DOMAIN OF THE STATE FOR OTHER WIND POWER FACILITIES

17. AWARDING METHOD

The Minister may award land rights on lands in the domain of the State for the installation of wind power facilities that are not related to tender solicitation under the Regulation respecting wind energy and biomass energy, in particular in the cases of wind power facilities to be used for research and experimental purposes, own-account consumption purposes or for the purpose of selling electric power to Hydro-Québec Production or for other purposes. Such land rights are awarded according to the provisions of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State.

DIVISION V

RENT FOR WIND POWER FACILITIES

18. LEASE PRICE

The leasing of land in the domain of the State for the installation of wind power facilities, whether or not a consequence of tender solicitation under the Regulation respecting wind energy and biomass energy, is subject to a market-based rent determined by the Minister. The rent is determined on the basis of the market rents for comparable installations in the region concerned.

The rent is payable yearly on the signing of the lease and on each anniversary date of the lease. Despite the term of the lease, the amount of the rent is revised every five years after the signing of the lease on the basis of prevailing market rent.

DIVISION VI

TRANSITIONAL AND FINAL

19. 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 lands in the domain of the State awarded for the purposes of wind energy generation within the framework of this 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.

20. EXCLUSIONS

The Program does not apply to the authorizations and land rights required to install wind measuring instruments or to 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.

21. MORATORIUM

The moratorium on the lease and sale of lands in the domain of the State for the establishment of wind farms, announced by the Minister of Natural Resources on 16 December 2002, is lifted as of the coming into force of the Program.

22. COMING INTO FORCE

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

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Gouvernement du Québec

O.C. 29-2004, 14 January 2004

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade — Amendments

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under paragraph 3 of section 97 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, determine the standards and conditions the lessee must observe regarding the construction and location of buildings and structures and the maximum value of such improvements or structures;

WHEREAS, under paragraph 9 of section 162 of the Act, the Government may make regulations determining the conditions that must be fulfilled by the holder of a licence and the obligations with which the holder of a licence must comply;