

1984, chapter 19

**AN ACT RESPECTING THE LEASING OF WATER-
POWERS OF THE PÉRIBONCA RIVER TO THE
ALUMINUM COMPANY OF CANADA LIMITED**

Bill 70

Introduced by Mr Yves L. Duhaime, Minister of Energy and Resources

Introduced 11 April 1984

Passage in principle 7 June 1984

Passage 19 June 1984

Assented to 20 June 1984

Coming into force: by proclamation of the Government

Acts replaced:

Act respecting the leasing of part of the water-powers of the Peribonka river (1950, chapter 60)

Act to facilitate the industrial development of the Province and respecting Aluminum Company of Canada, Limited (1955-56, chapter 49)



CHAPTER 19

An Act respecting the leasing of water-powers of the Péribonca river to the Aluminum Company of Canada Limited

[Assented to 20 June 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Leasing of
water-
powers and
land

1. The Government is authorized to lease to the Aluminum Company of Canada Limited, on such conditions and according to such modalities as it deems consistent with the interests of Québec, and subject to the provisions of this Act:

(1) the water-powers of a section of the Péribonca river extending for a distance of approximately 56.3 kilometres upstream from the extension across the river of the dividing line of lots 19a, 19b and 20a, 20b of range III, on the plan and book of reference of the official cadastre of Jogues township;

(2) the water-powers situated between the maximum elevation of the Passe-Dangereuse reservoir and a point on the Péribonca river approximately 305 metres downstream from the mouth of the Petite-Shipshaw river, the said mouth being situated at approximately 12.07 kilometres below the main dam of the Passe-Dangereuse reservoir;

(3) the necessary land, in the riverbed and ashore, along the Péribonca river and its tributaries, and also along the Bonnard river, in the bed of the Lac Manouane reservoir, between the said reservoir and the last mentioned river, and elsewhere as may be required, for the operation of such water-powers and the maintenance, reconstruction and operation of the dams, channels, tunnels and all the other works erected for that purpose.

Operation,
maintenance
and repair

2. The company may operate, maintain and reconstruct the dams, channels, tunnels and all the other works erected for the operation of the water-powers contemplated in section 1.

- Approval of plans** The plans and specifications relating to the reconstruction of the dams, channels, tunnels and other works must receive prior approval by the Government.
- Term of lease** **3.** The term of the lease authorized under this Act will be fifty years from 1 January 1984.
- Extension** The term may be extended for an additional period of twenty-five years if the company gives notice to that effect within twelve months preceding 1 January 2033.
- Conditions** The modalities and conditions of the extension shall be established by mutual agreement within twelve months preceding 1 January 2034.
- Royalties** **4.** The company shall pay to the Government, for the operation of the water-powers and land contemplated in section 1, the following royalties:
- (1) from 1 January to 31 December 1984, \$0.1913 per 1 000 kilowatt-hours of electricity produced by the Chute-des-Passes, Chute-du-Diable and Chute-à-la-Savane hydro-electric plants;
- (2) from 1 January 1985 to 31 December 2033, the royalty provided for in subparagraph 1 as indexed annually according to such formula as may be prescribed in the lease authorized under this Act.
- Use of dams** The royalties described in the first paragraph also take the place of the use of the dam-storages of Lac Manouane and Passe-Dangereuse.
- Authorization required** **5.** The company shall not lend, sublet or alienate any rights or land leased under this Act unless it obtains prior authorization from the Government and, where such is the case, it complies with the conditions determined by the Government.
- Liability** **6.** The company shall be responsible for any damage caused to property forming part of the public domain or to third parties as a result of the works and operations contemplated by this Act.
- Ownership of works and improvements** **7.** The Government shall become the owner without compensation, from the end of the lease authorized under this Act, or the extension thereof, of the improvements and works that shall have been used for the operation of the water-powers contemplated in section 1; however, the Government may waive this right at any time before the expiry of the lease or of the extension thereof.
- 1950, c. 60,
1955-56, c.
49, replaced **8.** This Act replaces the Act respecting the leasing of part of the water-powers of the Peribonka river (1950, chapter 60) and the Act to facilitate the industrial development of the Province and respecting Aluminum Company of Canada, Limited (1955-56, chapter 49).

Exception

9. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

10. This Act comes into force on the date fixed by proclamation of the Government, but has effect from 1 January 1984.