

15. A representative who acts in the capacity of trainer, instructor or facilitator in an activity is entitled, only once for this activity, to double the number of PDUs assigned to it.

16. 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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## Draft Regulation

Forest Act  
(R.S.Q., c. F-4.1; 2001, c. 6)

### Forest royalties

#### — Forest management plans and reports

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting forest royalties and the Regulation respecting forest management plans and report, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This draft Regulation amends the Regulation respecting forest royalties

— to fix a unit rate applicable to the holder of a management permit for the harvest of Canadian yew;

— to change the unit rates applicable to the holder of a sugar bush management permit for acericultural purposes so that the current average unit rate for the leasing of public sugar bushes progressively reaches the rate of private sugar bushes, to increase from 5 to 7 the number of forest tariffing zones applicable to such permit holder and to provide for the payment in two equal instalments of the annual leasing dues, that is, on 31 January and 31 July;

— to make certain amendments to the terms and conditions for payment and to the dates on which the prescribed dues are payable;

— to require the holder of a contract or agreement to produce, at the time of the filing of the annual report, documents evidencing the costs for the carrying out of silvicultural treatments and other activities to protect or develop forest resources that he carries out in forests in

the domain of the State and admitted as payment of dues or a financial report on those costs audited by an accountant not in the employ of the agreement holder;

— to introduce in the Regulation provisions respecting the progress report on silvicultural treatments and other forest management activities provided for in the Regulation respecting forest management plans and report by making certain amendments to its content, in particular the name of the regional county municipality where the activities were carried out, as well as a declaration from the agreement holder specifying whether or not he has concluded a written contract with a third person governing the application of the silvicultural treatments mentioned in the progress report and, where applicable, specifying the amount of the costs provided for in the contract related to activities not included in the cost for carrying out those silvicultural treatments;

— to prescribe that the value of activities to protect or develop forest resources carried out by a third person in a management unit, a public forest reserve or a private forest and provided for in a financing agreement corresponds to 100% of the value admissible as payment of dues where the third person that carries out the activities is a non-profit organization.

The Regulation respecting forest management plans and reports is also amended so as, in particular:

— to take into account the provisions of section 173 of Chapter 6 of the Statutes of 2001, introduced in the provisional regime applicable to timber supply and forest management agreements, relating to the content of annual reports;

— to include a sunset clause that specifies the dates on which the provisions respecting forest management plans and the annual report provided for in the Regulation will cease to have effect so that they correspond to the dates of coming into force of the new provisions of the Forest Act, enacted by Chapter 6 of the Statutes of 2001, concerning the content of plans and reports.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Mr. Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,  
*Minister of Natural Resources*

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## Regulation to amend the Regulation respecting forest royalties and the Regulation respecting forest management plans and reports

Forest Act  
(R.S.Q., c. F-4.1, s. 172, pars. 1 to 3.1 and 7 to 9;  
2001, c. 6, s. 119)

1. The Regulation respecting forest royalties<sup>1</sup> is amended

(1) by substituting “(R.S.Q., c. F-4.1, s. 172, pars. 1 to 3.1, 8 to 10 and 18.1)” for “(1986, c. 108, s. 172, pars. 1 to 3 and 8 to 10)”; and

(2) by adding the following before section 1, after the foregoing:

### “DIVISION I FOREST TARIFFING

§1. *Forest tariffing zones*”.

2. The following paragraph is added after the second paragraph of section 1:

“Those zones are established for the establishment of the unit rates on which the dues prescribed by the Minister are based, except for the unit rates applicable to the holder of a management permit for the harvest of a volume of bushes or shrubs or only their branches to supply a wood processing plant, for sugar bush management for acericultural purposes or for the harvest of firewood for domestic purposes fixed in section 3, in the first paragraph of section 4 and in section 5.”

3. The following is added after section 1:

“§2. *Unit rates*”.

4. Section 2 is amended

(1) by inserting the words “the first paragraph of” after the word “under” in the first paragraph;

(2) by deleting the third paragraph.

5. The following is substituted for sections 3 to 11:

“3. The unit rate applicable to the holder of a management permit for the harvest of a volume of bushes or shrubs or only their branches for the supply of a wood processing plant is fixed at \$450 per green metric ton, for the Canadian yew.

That rate shall be indexed on 1 April 2003 and thereafter on 1 April of each year, on the basis of the rate of increase in the general Consumer Price Index for Québec during the calendar year preceding the indexing. The index for one year shall be the average of the monthly indexes for Québec as published by Statistics Canada.

The rate thus increased shall be reduced to the nearest dollar if it contains a fraction of a dollar less than \$0.50; it shall be increased to the nearest dollar if it contains a fraction of a dollar equal to or greater than \$0.50.

The Minister of Natural Resources shall publish the result of the indexing in Part I of the *Gazette officielle du Québec*. He may also use any other means to ensure wider publicity.

4. The unit rate applicable to the holder of a sugar bush management permit for acericultural purposes is fixed, as of 2002, at \$75, \$60, \$55, \$50, \$40, \$35 or \$30 per hectare according to the location of the sugar bush in one of the following forest tariffing zones:

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#### ZONE 1 (\$75 per hectare)

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1. Région administrative 05 Estrie 5
  2. Région administrative 12 Chaudière-Appalaches, except Bellechasse, Les Etchemins, Montmagny and L'Islet regional county municipalities.
  3. Région administrative 16 La Montérégie
  4. Région administrative 17 Centre-du-Québec
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#### ZONE 2 (\$60 per hectare)

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1. Bellechasse, Les Etchemins, Montmagny and L'Islet regional county municipalities
2. Région administrative 03 La Capitale-Nationale, except Charlevoix and Charlevoix-Est regional county municipalities
3. Région administrative 04 Mauricie, except Mékinac and Le Haut-Saint-Maurice regional county municipalities
4. Région administrative 14 Lanaudière, except Municipalité régionale de comté Matawinie
5. Région administrative 15 Les Laurentides, except Municipalité régionale de comté Antoine-Labelle

<sup>1</sup> The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 (1987, *G.O.* 2, 1099), was last amended by the Regulation made by Order in Council 96-2001 dated 7 February 2001 (2001, *G.O.* 2, 1221). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

**ZONE 3** (\$55 per hectare)

1. Région administrative 01 Bas Saint-Laurent, except Matane, La Matapédia, La Mitis and Rimouski-Neigette regional county municipalities
2. Municipalité régionale de comté Mékinac
3. Municipalité régionale de comté Matawinie
4. Municipalité régionale de comté Antoine-Labelle

**ZONE 4** (50 \$ per hectare)

1. Matane, La Matapédia, La Mitis and Rimouski-Neigette regional county municipalities
2. Région administrative 07 Outaouais, except Municipalité régionale de comté Pontiac

**ZONE 5** (40 \$ per hectare)

1. Charlevoix and Charlevoix-Est regional county municipalities
2. Municipalité régionale de comté Le Haut-Saint-Maurice
3. Municipalité régionale de comté Pontiac
4. Municipalité régionale de comté Avignon

**ZONE 6** (35 \$ per hectare)

1. Municipalité régionale de comté Témiscamingue
2. Bonaventure and La Haute-Gaspésie regional county municipalities

**ZONE 7** (30 \$ per hectare)

1. All other territories not included in zones 1 to 6.

The administrative regions are those determined by the Government by Décret 2000-87 dated 22 December 1987, as amended.

The unit rate applicable to the holder of a sugar bush management permit for acericultural purposes is, for timber harvested while carrying out silvicultural work intended to favour the production of sap, the rate provided for in section 5 or 6, depending on whether the wood is intended for domestic heating or for another use.

Notwithstanding the foregoing, no dues are exigible from the permit holder where the timber harvested is used for personal purposes and in the context of acericultural activities.

5. The unit rate applicable to the holder of a forest management permit for the harvest of firewood for domestic purposes is fixed at \$1.15/ apparent m<sup>3</sup> for any species or group of species, regardless of the quality of the timber.

That rate shall be indexed on 1 April 2003 and thereafter on 1 April of each year, by applying to the \$1.15 amount the annual rates of increase in the general Consumer Price Index for Québec for the period beginning on 1 January 2002 and ending on 31 December of the year preceding the indexing year. The index for one year shall be the average of the monthly indexes for Québec as published by Statistics Canada.

The rate thus increased shall be reduced to the nearest fraction of 0,10 \$/m<sup>3</sup> where it contains a fraction less than 0,03 \$/m<sup>3</sup>; it shall be rounded off to the nearest fraction of 0,05 \$/m<sup>3</sup> where it contains a fraction equal to or greater than 0,03 \$/m<sup>3</sup> but less than 0,08 \$/m<sup>3</sup>; and it shall be increased to the nearest fraction of 0,10 \$/m<sup>3</sup> where it contains a fraction equal to or greater than 0,08 \$/m<sup>3</sup>.

The Minister of Natural Resources shall publish the result of the indexing in Part I of the *Gazette officielle du Québec*. He may also use any other means to ensure wider publicity.

6. The unit rate applicable to the holder of a forest management permit for the harvest of firewood for commercial purposes, for public utility works, for mining activities or for a wildlife, recreational or agricultural development project is the same as the rate applicable to the holder of a timber supply and forest management agreement and of a forest management permit to supply wood processing plants.

The foregoing also applies to the holder of a wood processing plant operating permit referred to in section 92.1 of the Forest Act or the holder of such permit authorizing him to process wood for energy or metal production purposes where the permit holder harvests timber under a management permit to supply wood processing plants.

**§3. Payment of dues**

7. The dues to be paid by the holder of a management permit referred to in section 3 are payable every year upon presentation of an invoice transmitted by the Minister.

8. The dues prescribed for the operation of a sugar bush to be paid by the holder of a management permit referred to in the first paragraph of section 4 are payable every year in two equal instalments, on 31 January and 31 July.

9. The dues to be paid by the holder of a management permit referred to in section 5 are payable upon issuance of the permit.

**10.** The dues to be paid by the holder of a management permit not referred to in sections 7 to 9 or the holder of a mining right who obtains an authorization under section 213 of the Mining Act (R.S.Q., c. M-13.1) are payable monthly, upon presentation of an invoice transmitted by the Minister, prepared on the basis of scaling or inventory data.

Notwithstanding the foregoing, except for dues that must be paid by the holder of a management permit to supply wood processing plants or those to be paid under section 14.3 of the Forest Act, in exchange for the timber harvested, by the holder of the permit referred to in that section, which remain governed by the provisions of the first paragraph, the dues referred to in that paragraph are payable upon request, upon issuance of the management permit or authorization, or upon presentation of an invoice transmitted by the Minister, where the permit or authorization allows the harvest of a volume of timber less than 500 cubic metres.

## **DIVISION II** VALUE ADMITTED AS PAYMENT OF DUES FOR CERTAIN ACTIVITIES AND PROGRESS REPORT ON FOREST MANAGEMENT ACTIVITIES

### *§1. Value of silvicultural treatments and other activities to protect or develop forest resources admitted as payment of dues*

**11.** The value of silvicultural treatments and other activities intended to promote the protection or development of forest resources carried out by an agreement holder in forests in the domain of the State and admitted as payment of the dues prescribed by the Minister, in accordance with section 73.1 of the Forest Act, shall correspond to the lesser of:

(1) the average unit cost for the carrying out of silvicultural treatments and other similar forest management activities carried out by the Minister under sections 65 and 96 of the Forest Act and calculated by the Minister each year; notwithstanding the foregoing, where the Minister has not, under the above-mentioned sections, carried out silvicultural treatments or other forest management activities similar to those admitted as payment of dues, the value of the silvicultural treatments and other forest resource protection and development activities admitted as such shall be established each year according to the cost approach applicable in matters of real estate assessment, by comparing those treatments and activities to similar treatments and management activities whose unit cost is known;

(2) the cost of carrying out those treatments and activities.

Costs related to management planning such as research of areas to be treated and inventories, costs related to monitoring, costs related to repair of road infrastructures providing access to the work sites, as well as any other cost not directly incurred for the carrying out of silvicultural treatments or other activities to protect or develop forest resources, shall not be considered as part of the cost of carrying out the silvicultural treatments and other activities to protect or develop forest resources.

Upon submitting the report referred to in section 70 of the Act, the agreement holder shall provide documents evidencing the cost of carrying out the silvicultural treatments and other activities to protect or develop forest resources, or a financial report related to those costs and audited by an accountant not employed by the agreement holder.

The admissible value shall be expressed in dollars per hectare, per thousand plants, per thousand microsites or per linear or cubic metre.

**12.** The admissible value of silvicultural treatments and other activities to protect or develop forest resources carried out by the agreement holder under an experimental protocol concluded pursuant to section 12 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2) may be increased up to 50% to taken into account the costs of the experiment.

A credit applicable to the payment of the prescribed dues, corresponding to no more than 75% of the admissible value so increased, may, after the conclusion of the experimental protocol, be granted to the agreement holder according to the nature, duration and cost of the project.

An additional credit corresponding to the balance of that value shall be granted to the agreement holder after he files the experimental report.

**13.** The value of the activities to protect or develop forest resources carried out by a third person in a forest management unit, a public forest reserve or a private forest and provided for in an agreement, in accordance with the fourth paragraph of section 73.1 of the Act, shall either be

(1) the unit cost determined by the Minister in accordance with subparagraph 1 of the first paragraph of section 11, if the activities are carried out in a forest in the domain of the State; or

(2) 80% of the sum of the costs for the carrying out of those activities and of the related technical costs, as established in the list of financial assistance rates for the

assistance program for the development of private forests elaborated under section 118 of the Act, where forest management activities are carried out in a private forest.

Notwithstanding the foregoing, where the unit cost of an activity has not been fixed by the Minister in accordance with subparagraph 1 of the first paragraph of section 11, or where the value of an activity may not be established using the list referred to in subparagraph 2 of the first paragraph, the value of the activity shall be fixed by the Minister according to the cost approach applicable in matters of real estate assessment, by comparing those activities to similar activities whose unit cost is known.

Ninety percent of the value established in the first or second paragraph or 100% of that value, where the third person carrying out the activities is a non-profit organization, is admissible as payment of the dues prescribed by the Minister.

A credit applicable to the payment of the dues prescribed, corresponding to no more than 75% of the admissible value fixed in accordance with the third paragraph, shall be granted to the agreement holder upon submission of proof of payment of the activities provided for in the agreement.

An additional credit corresponding to the balance of that value shall be granted to the agreement holder following the presentation, by the third person having carried out the activities, of the annual report referred to in the fourth paragraph of section 73.1 of the Act that the third person must make public on that occasion.

## **§2. Progress report on silvicultural treatments and other forest management activities**

### **14. In this Subdivision,**

“parcel” means a subdivision of the forest management unit that makes it possible to locate, describe or record biophysical characteristics used as a basis for forest management; (*parcelle*)

“forest management sector” means a part of the forest area measuring a maximum of 250 hectares located within a parcel of the forest management unit and to which the same silvicultural treatment is applied in a given year. (*secteur d'intervention*)

**15.** The progress report on silvicultural treatments and other forest management activities approved by a forest engineer that an agreement holder may submit periodically to the Minister under section 73.2 of the Forest Act shall indicate

(1) the silvicultural treatments and other forest management activities that the latter has carried out in each of the forest management sectors, their area and the number of plants planted, as well as the cost for carrying them out and name of the person who carried them out;

(2) the regional county municipalities where the silvicultural treatments and other forest management activities have been carried out;

(3) a declaration by the agreement holder indicating whether or not he has concluded or not a written contract with a third person for the carrying out of the silvicultural treatments referred to in the progress report and, where applicable, indicating the number and duration of those contracts and the amount of the costs provided for in the contracts related to the activities referred to in the second paragraph of section 11 that are not part of the cost of carrying out those silvicultural treatments.

If several contracts cover the same management unit, the report shall be submitted by the person designated by all the agreement holders carrying on their activities in that unit, in accordance with the Act, and the declaration referred to in subparagraph 3 of the first paragraph shall be signed that person. The report shall contain the information in respect of all agreement holders and shall also describe the distribution among the agreement holders of the provisional credits corresponding to the admissible value of the silvicultural treatments and other forest management activities carried out on that unit.

**16.** For the purposes of the provisions of this Division in respect of forest management activities prior to 1 April 2005, a reference to the management unit is a reference to the common area.”

**6.** The Regulation respecting forest management plans and reports<sup>2</sup> is amended by substituting “(R.S.Q., c. F-4.1, s. 172, pars. 7 and 19)” for “(R.S.Q., c. F-4.1, s. 172, pars. 3.1, 7 and 19)” before section 1.

**7.** Section 6.1 is revoked.

**8.** Division V, comprising section 10, is revoked.

**9.** The following is substituted for section 11:

<sup>2</sup> The Regulation respecting forest management plans and reports, made by Order in Council 418-89 dated 22 March 1989 (1989, G.O. 2, 1553), was amended by the Regulations made by Orders in Council 713-92 dated 12 May 1992 (1992, G.O. 2, 2734) and 1594-95 dated 6 December 1995 (1995, G.O. 2, 3574).

“11. The annual report of activities referred to in section 70 of the Forest Act shall be submitted no later than 1 September of each year in the form and tenor determined in section 12. That report shall give an account of the forest management activities carried out by the agreement holder under his management permit during the 12 months preceding 1 April of the year where the report must be submitted.”

10. The following is substituted for paragraphs 1 and 2 of section 12:

“(1) Part I: Sylvicultural treatments and other forest management activities

This part contains the following items, by forest management sector:

— a list of the sylvicultural treatments and other forest management activities carried out by the agreement holder under his forest management permit during the year in question;

— the proportion of those treatments or activities provided for in the annual management plan that were completed during that year;

— the area of the territory where those treatments or activities were carried out and the number of plants planted on that territory;

— if several contracts cover the same common area, the distribution among the agreement holders of the credits admissible for the sylvicultural treatments and other forest management activities carried out on that area;

This part also contains, by forest management sector, the result of the evaluations referred to in section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), namely:

— an evaluation of the quality of the sylvicultural treatments and other forest management activities carried out by the agreement holder during the year in question;

— an evaluation of the state of the forest stands resulting from the sylvicultural treatments or other forest management activities carried out by the agreement holder during the year in question, in order to determine their ability to achieve the expected results;

— an evaluation of the volume of ligneous matter usable but not harvested and left on the management sector by the agreement holder, once all sylvicultural treatments and other forest management activities have been carried out in that sector.

(2) Part II: Destination of timber

This part states the volume of round timber, by the species or group of species specified in the agreement and by the quality of the timber, that the agreement holder has intended for the plant mentioned in the agreement during the year in question.”

11. The following is added after section 16:

“16.1. Sections 2 to 6 and 7 to 9 cease to have effect on 31 March 2004.

16.2. Sections 1 and 11 to 16 cease to have effect on 31 August 2006 and apply only in respect of forest management activities prior to 1 April 2005.”

12. 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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## Draft Regulation

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

### Limits to the expenses for a transfer of benefits between spouses

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”, the text of which appears below, may be made by an Order of the Minister upon the expiry of 45 days following this publication.

In accordance with sections 108 and 110 of the Supplemental Pension Plans Act, the member of a pension plan and the member’s spouse are entitled to receive a statement of the member’s benefits under the plan by making an application therefor in the course of a mediation carried out in anticipation of procedures related to