

Regulations and other acts

Gouvernement du Québec

O.C. 192-2002, 28 February 2002

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

Forest royalties Forest management plans and reports — Amendments

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

WHEREAS under section 5 of the Forest Act (R.S.Q., c. F-4.1), no one may hold a forest permit unless he pays the dues prescribed by the Minister;

WHEREAS under section 172 of the Act, as amended by section 119 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), the Government may, by regulation,

— determine, for each species, group of species and quality of timber or, where applicable, for each area of land, the unit rate or the rules of calculation of the unit rate at which the Minister is to determine, for any class of forest management permit, the dues payable by the permit holder;

— establish forest tariffing zones for the establishment of the unit rates at which the amounts of dues are to be determined by the Minister;

— establish rules for calculating the value of silviculture treatments and other activities as well as contributions to the financing of the treatments or activities admitted as payment of prescribed dues and establish the conditions governing the granting of credits applicable to the payment of dues referred to in the fourth paragraph of section 73.1, including the information, reports or other documents to be prepared or submitted;

— prescribe the form and content of the progress report on silvicultural treatments or other forest management activities submitted to the Minister under section 73.2;

— prescribe the form and content of a general forest management plan, of a five-year forest management plan, of an annual forest management plan, of updatings of a general forest management plan and the form and content of the progress reports an agreement holder is required to submit to the Minister and the times at which the plans and reports are to be submitted;

— establish the rules of calculation of the stumpage value to which the unit rate of the dues prescribed by the Minister for the carrying out of a timber supply and forest management agreement corresponds;

— prescribe a schedule for the payment of the dues payable under the Act;

WHEREAS the Government made the Regulation respecting forest royalties by Order in Council 372-87 dated 18 March 1987;

WHEREAS the Government made the Regulation respecting forest management plans and reports by Order in Council 418-89 dated 22 March 1989;

WHEREAS it is expedient to further amend those Regulations;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 10 October 2001, with notice that on the expiry of 45 days from that publication, it could be made by the Government;

WHEREAS it is expedient to make that Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting forest royalties and the Regulation respecting forest management plans and reports, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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 royalties¹ 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)” before section 1; 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 and second paragraphs 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 \$400 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, for 2002, at \$50, \$45, \$40, \$35 or \$30 per hectare according to the location of the sugar bush in one of the following forest tariffing zones:

ZONE 1 (\$50 per hectare)

1. Région administrative 05 Estrie
2. Région administrative 12 Chaudière-Appalaches, except L'Islet and Montmagny regional county municipalities.
3. Région administrative 16 La Montérégie
4. Région administrative 17 Centre-du-Québec

ZONE 2 (\$45 per hectare)

1. Région administrative 01 Bas Saint-Laurent, except La Matapédia and Matane regional county municipalities
2. La Jacques-Cartier and Portneuf regional county municipalities
3. Région administrative 04 Mauricie, except Le Haut-Saint-Maurice regional county municipality
4. La Vallée-de-la Gatineau, Les Collines-de-l'Outaouais and Papineau regional county municipalities
5. L'Islet and Montmagny regional county municipalities
6. Régions administratives 14 Lanaudière and 15 les Laurentides

¹ 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, 2001, updated to 1 September 2001.

ZONE 3 (\$40 per hectare)

1. Charlevoix, Charlevoix-Est and La Côte-de-Beaupré regional county municipalities
2. Municipalité régionale de comté Pontiac

ZONE 4 (\$35 per hectare)

1. La Matapédia and Matane regional county municipalities
2. Municipalité régionale de comté Avignon
3. Municipalité régionale de comté Témiscamingue

ZONE 5 (\$30 per hectare)

1. All other territories of Québec not included in zones 1 to 4.

The administrative regions are those determined by the Government by Décret 2000-87 dated 22 December 1987, as it reads at the time of its application.

As of 2003, the unit rate applicable to the holder of a sugar bush management permit for acericultural purposes is fixed to the amounts per hectare according to the location of the sugar bush in one of the following forest tariffing zones :

ZONE 1 (\$65 per hectare)

1. Région administrative 05 Estrie
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

ZONE 2 (\$50 per hectare)

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

ZONE 3 (\$50 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 (\$45 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 (\$35 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 of Québec 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 it reads at the time of its application.

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 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 m³ for any species or group of species.

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 \$/m³ where it contains a fraction less than 0,03 \$/m³; it shall be rounded off to the nearest fraction of 0,05 \$/m³ where it contains a fraction equal to or greater than 0,03 \$/m³ but less than 0,08 \$/m³; and it shall be increased to the nearest fraction of 0,10 \$/m³ where it contains a fraction equal to or greater than 0,08 \$/m³.

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 a wood processing plant operating permit for energy production or metallurgical purposes where the permit holder harvests timber under a management permit for the supply of a wood processing plant.

§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 and second paragraphs 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. These costs are payable by the agreement holder and are not admitted as payment of dues.

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 related to the activities referred to in the second paragraph of section 11 that were paid over and above 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 reports² 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 :

“**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: Silvicultural treatments and other forest management activities

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

— a list of the silvicultural 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 silvicultural 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 silvicultural 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 silvicultural treatments or other forest management activities carried out by the agreement holder 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 silvicultural treatments and other forest management activities have been carried out in that sector.

² 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 dated 713-92 dated 12 May 1992 (1992, G.O. 2, 2734) and 1594-95 dated 6 December 1995 (1995, G.O. 2, 3574).

(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 1 April 2000, except sections 4 and 8 introduced by section 5 of this Regulation which come 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. 205-2002, 6 March 2002

Animal Health Protection Act
(R.S.Q., c. P-42)

Cattle
— **Identification**

Regulation respecting the identification of cattle

WHEREAS under section 22.1 of the Animal Health Protection Act (R.S.Q., c. P-42), enacted by section 14 of Chapter 40 of the Statutes 2000, the Government may, by regulation, to ensure animal traceability, establish an identification system for any species or category of animal it determines, require animals to be identified subject to the conditions and according to the rules or procedure it fixes, prescribe the obligations of owners or custodians of animals or of any other person it determines and determine the applicable fees payable;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the identification of cattle was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001, with notice that it may be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make that Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation respecting the identification of cattle, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the identification of cattle

Animal Health Protection Act
(R.S.Q., c. P-42, s. 22.1; 2000, c. 40, s. 14)

DIVISION I

SCOPE

1. An identification system is introduced for all animals of the *Bos taurus* or *Bos indicus* species kept or raised in Québec.

2. The animal identification system that the Minister of Agriculture, Fisheries and Food or, where applicable, the managing agency administrators shall comprise the following information:

(1) the name and address of the farm of origin of the animal;

(2) the name and address of the owners or, where applicable, of the successive custodians of the animal;

(3) the registration number of the farm if it is registered under the provisions of Division VII.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14);

(4) the species to which the animal belongs;

(5) the category to which the animal belongs;

(6) the animal's identification, including that recognized under another identification system established by a government in Canada or by the appropriate authority of the country of origin of the animal;

(7) the date of issue of the tags;

(8) the date of identification of the animal;

(9) the animal's sex;