

Gouvernement du Québec

O.C. 328-2002, 20 March 2002

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

**Forestry fund
— Contribution of holders of certain contracts and agreements**

Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund

WHEREAS, under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), as amended by section 59 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), every timber supply and forest management agreement holder must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, such contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in his agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under subparagraph 18.2 of the first paragraph of section 172 of the Act, the Government may, by regulation, fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

WHEREAS, under section 176 of Chapter 6 of the Statutes of 2001, the provisions of sections 73.4 to 73.6 of the Forest Act concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after 26 June 2001;

WHEREAS, under section 95.2.1 of the Forest Act, enacted by section 82 of chapter 6 of the Statutes of 2001 and the second paragraph of section 184 of chapter 6 of the Statutes of 2001, sections 73.4 and 73.5 of the Forest Act apply to a holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement after 26 June 2001 as if the holder were the holder of a timber supply and forest management agreement;

WHEREAS, under sections 95.2.1 and 104.5 of the Forest Act, enacted by sections 82 and 91 of chapter 6 of the Statutes of 2001, the contribution paid to the Minister by the holder of an auxiliary timber supply guarantee agreement shall be established on the basis of the auxiliary volume specified in the agreement and whereas the rate on which the Minister shall establish the contribution to the forestry fund of a forest management agreement holder is applicable to the volume authorized under the holder's management permit;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2002 with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS the 20-day period has expired;

WHEREAS, under section 18 of that Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and that applicable under section 17 of that Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the same section, the reason justifying such a coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such a coming into force:

— the contribution to the forestry fund is used to finance activities related to forest management;

— it is essential, because of the importance of these activities and in order not to have a negative effect on the activities financed by the forestry fund, that a rate come into effect on 1 April 2002;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172,
par. 18.2; 2001, c. 6, ss. 59, 82, 91, 176 and 184)

- 1.** Holders of a timber supply and forest management agreement, of a forest management agreement, of a forest management contract or of an auxiliary timber supply guarantee agreement shall pay their contribution into the forestry fund within a fiscal year on 1 April, 1 July, 1 October and 1 January.
- 2.** The rate per cubic metre of timber on which the holder's contribution is based shall be \$2.09 for the 2002-2003 fiscal year, that is, \$0.5225 quarterly.
- 3.** The volume of timber to which the quarterly rate established in section 2 applies shall be determined on the contribution dates provided for in section 1.

The volume of timber under the first paragraph is the volume allotted to an agreement holder, the volume authorized under the management permit of a forest management contract holder or the auxiliary volume specified in an auxiliary timber supply guarantee agreement, as the case may be.

- 4.** The Minister shall send the holder an assessment notice on the dates provided for in section 1.

The holder of an agreement or a contract shall pay the required contribution within 30 days of the date indicated on the notice of assessment.

- 5.** This Regulation replaces the Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier made by Order in Council 1115-96 dated 4 September 1996.
- 6.** This Regulation comes into force on 1 April 2002.

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M.O., 2002

Order number AM 2002-003 of the Minister of Natural Resources respecting the value of silvicultural treatments admitted as payment of dues for the fiscal year 2002-2003 dated 19 March 2002

Forest Act
(R.S.Q., c. F-4.1, ss. 73.1 and 73.3; 2001, c.6)

- 1.** The silvicultural treatments described in Schedule I shall be admitted as payment of the dues prescribed by the Minister responsible for the administration of the Forest Act as determined by the production priority groups described in Schedule I.

The silvicultural treatments are realized on the forest area where the priority production has to be performed.

- 2.** The silvicultural treatments mentioned in Schedule II and their admissibility criterias are defined in the relative instructions to the application of the present Order.

- 3.** The values of such silvicultural treatments for the 2002-2003 fiscal year are those established in Schedule II.

- 4.** The values of the silvicultural treatments established in Schedule II do cover only the costs related to the execution of the treatments. Consequently, the costs not related to their execution, as described in the second paragraph of section 11 of the Regulation respecting forest royalties, edicted by Order in Council 192-2002 of February 28th 2002, are to be assumed by the beneficiary of the timber licence and are not admitted as payment of dues.

- 5.** This Minister's Order replaces Minister's Order 449 of the Minister of Natural Resources, published in Part 2 of the *Gazette officielle du Québec* of 28 March 2001.

- 6.** This Minister's Order of the Minister of Natural Resources comes into force on 1 April 2002.

Québec, 19 March 2002

FRANÇOIS GENDRON,
Minister of Natural Resources
