

Gouvernement du Québec

O.C. 438-2003, 21 March 2003

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

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

Regulation to amend the 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), 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 the 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 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, 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 establishes 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, by Order in Council 328-2002 dated 20 March 2002, the Government made the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund;

WHEREAS it is expedient to amend that Regulation in order to fix, for the 2003-2004 fiscal year, the rate per cubic meter of timber on which the contribution to the forestry fund is based;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the 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 12 February 2003 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 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 to amend 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 to amend the 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,
1st. par., subpar. 18.2)

1. The following is substituted for section 2 of the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund :

“2. The rate per cubic metre of timber on which the holder’s contribution is based shall be \$0.57 for the 2003-2004 fiscal year, that is, \$0.1425 quarterly.”

2. This Regulation comes into force on 1 April 2003.

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Gouvernement du Québec

O.C. 439-2003, 21 March 2003

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

Forest management — Standards for forests in the domain of the State — Amendments

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State

WHEREAS, under the first paragraph of section 171 of the Forest Act (R.S.Q., c. F-4.1), the Government, by regulation, may prescribe standards of forest management on the matters mentioned therein ;

WHEREAS the Regulation respecting standards of forest management for forests in the domain of the State was made by Order in Council 496-96 dated 24 April 1996 ;

WHEREAS it is expedient to amend the Regulation to progressively implement block cutting and ensure protection for tall forest regeneration ;

WHEREAS, in accordance with sections 10 to 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS it is expedient to make the Regulation with amendments ;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date 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 that section, the reason justifying such coming into force must be published with the regulation ;

WHEREAS the Government is of the opinion that it is urgent for the Regulation to come into force on 1 April 2003 since the annual management permits will be issued on that date and it is essential that provisions for block cutting be in force at the same time as the new permits so as not to compromise the implementation of that type of cutting for the 2003-2004 year of operation ;

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

THAT the Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund was made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673).