

**“DIVISION II**  
**CONTRIBUTION BASED ON THE VOLUME OF**  
**TIMBER ACQUIRED FROM ANOTHER**  
**AGREEMENT HOLDER OR BASED ON THE**  
**VOLUME OF ROUND TIMBER INDICATED**  
**IN AN ACCREDITATION**

**3.1.** A holder of a wood processing plant operating permit that acquires timber from an agreement holder authorized to send the timber to the permit holder shall pay a contribution to the forestry fund.

**3.2.** A holder of a wood processing plant operating permit, accredited by the Minister to enable the permit holder to obtain a management permit in a management unit to supply the permit holder’s plant, in particular, where a volume of timber is made available following a person’s waiver of the right provided for in a reservation agreement or by reason of the failure by that person to exercise that right in a previous year, shall pay a contribution to the forestry fund.

**3.3.** The rate per cubic metre of timber used to establish the contribution prescribed in sections 3.1 and 3.2 payable by holders of wood processing plant operating permits is set at \$0.69.

**3.4.** The volume of timber to which the contribution rate set in section 3.3 is to be applied is determined on the date on which the holder of a wood processing plant operating permit acquires timber from an agreement holder authorized to send the timber to the permit holder, and on the date on which the Minister accredits the holder of a wood processing plant operating permit to enable the permit holder to obtain a management permit in a management unit to supply the permit holder’s plant, in particular, where a volume of timber is made available following a person’s waiver of the right provided for in a reservation agreement or by reason of the failure by that person to exercise that right in a previous year.

The volume of timber referred to in the first paragraph is the volume acquired from the agreement holder by the holder of a wood processing plant operating permit, and the volume of round timber indicated in the accreditation.”.

**4.** The following is inserted before section 4:

**“DIVISION III**  
**FINAL”.**

**5.** Section 4 is amended by inserting “or when a holder of a wood processing plant operating permit is billed by the Minister following an acquisition of timber from an agreement holder or if the permit holder is granted an accreditation, as provided in sections 3.1 and 3.2” at the end of the first paragraph.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6648

**Draft Regulation**

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

**Operating permits for wood processing plants**  
**— Various regulatory provisions in penal matters**  
**made under the Act**  
**— 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 operating permits for wood processing plants and various regulatory provisions in penal matters made under the Forest Act, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting operating permits for wood processing plants to reflect the amendments made to section 165 of the Forest Act by section 43 of chapter 16 of the Statutes of 2003 concerning the validity period of operating permits for wood processing plants. It also clarifies the conditions to be met by holders of operating permits for wood processing plants, in particular when they apply for a permit renewal.

The draft Regulation modifies the fines provided for in the Regulation respecting operating permits for wood processing plants and in certain other regulations made under the Forest Act. The fines are determined on the basis of the seriousness of the offence. The draft Regulation determines, pursuant to subparagraph 19 of the first paragraph of section 172 of the Forest Act, replaced by paragraph 7 of section 119 of chapter 6 of the Statutes of 2001, which of the fines provided for in the new section 186.9 of the Forest Act apply in the case of a person contravening a regulatory provision.

The draft Regulation has no significant impact on the public or on enterprises, apart from an increase in the amount of certain fines.

Further information on the draft Regulation may be obtained by contacting Pierre Cornellier, Bureau du sous-ministre associé aux Forêts, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: (418) 627-8658 extension 4003; fax: (418) 646-3387; e-mail: pierre.cornellier@mrrnp.gouv.qc.ca

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 Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources Wildlife and Parks</i>
--	---

## Regulation to amend the Regulation respecting operating permits for wood processing plants and various regulatory provisions in penal matters made under the Forest Act

Forest Act  
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 17 and 19, s. 186.9; 2001, c. 6, s. 119)

**1.** The Regulation respecting operating permits for wood processing plants<sup>1</sup> is amended by replacing section 3 by the following:

“**3.** The holder of an operating permit for a wood processing plant may renew the permit on 1 April of the year it expires on the following conditions:

(1) the plant covered by the permit renewal application has installations capable of processing wood;

(2) the conditions appearing on the permit for which the renewal application is made have been complied with;

(3) a certified copy of the part of the register referred to in section 5 for the period referred to in the second paragraph of that section has been sent to the Minister, together with the information referred to in section 169 of the Forest Act, where applicable, not later than 1 February preceding the permit expiry date; and

(4) the fees determined in section 4 have been sent to the Minister not later than 1 February preceding the permit expiry date.”.

<sup>1</sup> The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 (1988, *G.O.* 2, 2351), was last amended by the regulation made by Order in Council 861-2003 dated 20 August 2003 (2003, *G.O.* 2, 2725). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

**2.** Section 5 is amended by adding the following after the first paragraph:

“The holder must send to the Minister, not later than 1 February of each year, a certified copy of the part of the register covering the period provided for in the second paragraph of section 168 of the Forest Act.”.

**3.** Section 6 is replaced by the following:

“**6.** Every holder of an operating permit for a wood processing plant who contravenes any provision of section 5 is guilty of an offence and is liable to the fine provided for in paragraph 3 of section 186.9 of the Forest Act.”.

**4.** Section 7 is revoked.

## Regulation respecting the inventory of tree plants for non-ornamental purposes<sup>2</sup>

**5.** The Regulation respecting the inventory of tree plants for non-ornamental purposes is amended by replacing section 3 by the following:

“**3.** Every producer of tree plants for non-ornamental purposes who contravenes any provision of section 2 is guilty of an offence and is liable to the fine provided for in paragraph 2 of section 186.9 of the Forest Act (R.S.Q., c. F-4.1).”.

## Regulation respecting the scaling of timber harvested in forests in the domain of the State<sup>3</sup>

**6.** The Regulation respecting the scaling of timber harvested in forests in the domain of the State is amended in section 19,

(1) by replacing “Any” and “punishable under section 181” in the first paragraph respectively by “Every” and “and is liable to the fine provided for in paragraph 3 of section 186.9”;

<sup>2</sup> The Regulation respecting the inventory of tree plants for non-ornamental purposes was made by Order in Council 201-88 dated 10 February 1988 (1988, *G.O.* 2, 1276). It has not been amended since.

<sup>3</sup> The Regulation respecting the scaling of timber harvested in forests in the domain of the State was made by Order in Council 1266-99 dated 17 November 1999 (1999, *G.O.* 2, 4392). It was amended by Order in Council 862-2003 dated 20 August 2003 (2003, *G.O.* 2, 2726).

(2) by replacing “Any” and “punishable under section 181 of the Forest Act” in the second paragraph respectively by “Every” and “and is liable to the same fine.”.

**7.** Section 20 is amended by replacing “Any” and “punishable under section 181” respectively by “Every” and “and is liable to the fine provided for in paragraph 3 of section 186.9”.

**8.** Section 21 is amended

(1) by replacing “Any” and “punishable under section 181” in the first paragraph respectively by “Every” and “and is liable to the fine provided for in paragraph 3 of section 186.9”;

(2) by replacing “any” and “punishable under section 181 of the Forest Act” in the second paragraph respectively by “every” and “and is liable to the fine provided for in that paragraph”.

### **Regulation respecting sugar bush management in forests in the domain of the State<sup>4</sup>**

**9.** The Regulation respecting sugar bush management in forests in the domain of the State is amended by replacing section 6 by the following :

“6. Every holder of a sugar bush management permit who contravenes any provision of sections 2 to 4 is guilty of an offence and is liable to the fine provided for in paragraph 3 of section 186.9 of the Forest Act.”.

### **Regulation respecting forest management plans and reports<sup>5</sup>**

**10.** The Regulation respecting forest management plans and reports is amended by replacing section 16 by the following :

“16. Every agreement holder who contravenes any provision of sections 2, 4 to 6, 8, 11, 14 or 15 is guilty of an offence and is liable to the fine provided for in paragraph 3 of section 186.9 of the Forest Act.”.

**11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6647

<sup>4</sup> The Regulation respecting sugar bush management in forests in the domain of the State was made by Order in Council 732-2004 dated 28 July 2004 (2004, *G.O.* 2, 2466).

<sup>5</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 last amended by the regulation made by Order in Council 192-2002 dated 28 February 2002 (2002, *G.O.* 2, 1575). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.