

## Draft Regulations

### Draft Regulation

Forest Act  
(R.S.Q., c. F-4.1; 2004, c. 6)

#### Forestry fund — Contribution of holders of certain contracts and agreements — 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 the contribution of holders of certain contracts and agreements to the forestry fund, the text of which appears below, may be made on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to set a rate per cubic metre of timber applicable to the volume of timber acquired from the holder of a timber supply and forest management agreement by the holder of a wood processing plant operating permit under section 92.0.2 of the Forest Act (R.S.Q., c. F-4.1), amended by section 4 of chapter 6 of the Statutes of 2004. It also sets a rate per cubic metre of timber applicable to the volume of round timber indicated in the accreditation of the holder of a wood processing plant operating permit for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the permit holder's wood processing 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, under sections 92.0.3 and 92.0.11 of the Forest Act.

One of the effects of the draft Regulation on businesses, particularly on small and medium-sized businesses, will be to increase by approximately \$350,000 per year their possible contribution to the forestry fund insofar as they request the additional timber made available as holders of wood processing plant operating permits.

Further information on the draft Regulation may be obtained by contacting Daniel Saint-Onge, Direction de la coordination sectorielle, 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, fax: (418) 528-1278.

Any interested 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 the Minister of Natural Resources, Wildlife and Parks, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

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 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, 92.0.2, 92.0.11, 95.2.1,  
104.5 and 172, 1st par., subpars. 18.2 and 18.2.1;  
2004, c. 6, ss. 4, 5 and 11)

**1.** The title of the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund is replaced by the following:

“Regulation respecting contributions to the forestry fund”.

**2.** The following is inserted before section 1:

“**DIVISION I**  
CONTRIBUTION BASED ON THE ALLOCATED,  
AUTHORIZED OR AUXILIARY VOLUME OF  
TIMBER”.

**3.** The following is inserted after section 3:

\* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund, made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673), was last amended by the regulation made by Order in Council 270-2004 dated 24 March 2004 (2004, *G.O.* 2, 1145A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

**“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@mnrnp.gouv.qc.ca