

Draft Regulations

Draft Regulation

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

Forest royalties — 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 forest royalties, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to encourage holders of timber supply and forest management agreements to hold certification or to resort to certified silvicultural enterprises for the carrying out of non-commercial silvicultural treatments and to certified tree markers for the carrying out of marking work in partial cuts.

The carrying out of non-commercial silvicultural treatments by certified enterprises will improve the conditions of employment of workers and the enterprises' code of practice and will favour the retention of workers. Likewise, resorting to certified tree markers will favour judicious marking decisions, which as a result will make it possible to reach the expected yield, to preserve vigorous standing trees and to properly apply the development strategy.

The draft Regulation is also intended to allow the updating of the value of silvicultural treatments during the year so as to take into account the greater fluctuation in fuel prices.

In that context, the draft Regulation provides that non-commercial silvicultural treatments will have to be carried out by a silvicultural enterprise holding a certificate of qualification issued by the Bureau de normalisation du Québec under the certification program for the management practices of silvicultural enterprises. Tree marking will also have to be carried out by a person holding a certificate of conformity, issued by the BNQ, under the certification program to recognize the skills required for the trade of tree marker. A certificate holder will therefore be eligible for a credit applicable to the payment of dues.

Lastly, the draft Regulation sets the date on which the value of silvicultural treatments is to be fixed and provides for a mechanism to adjust during the year the unit rate used to determine the amount of dues to be paid in exchange for timber harvested and the value of silvicultural treatments. The draft Regulation also revokes the definition of the word "parcel" since its use has become obsolete.

The draft Regulation will have no impact on the public and little impact on enterprises and their employees.

Further information on the draft Regulation may be obtained by contacting Jean-Pierre Adam, Direction du développement et de la coordination, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8666, extension 4375; fax: 418 644-8133; e-mail: jean-pierre.adam@mrrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Savard, Associate Deputy Minister for Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

NATHALIE NORMANDEAU,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting forest royalties*

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 1 and 3)

1. The Regulation respecting forest royalties is amended by replacing section 2 by the following:

"2. In order to determine a unit rate fixed by the Minister under the first paragraph of section 72 of the Forest Act (R.S.Q., c. F-4.1), the stumpage value of standing timber shall be calculated on 1 April of

* 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 56-2008 dated 31 January 2008 (2008, *G.O.* 2, 622). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

each year in each forest tariffing zone, by species or group of species and quality of timber, according to the parity technique applicable in property assessment, by comparing the timber to similar timber for which the selling price is known. The value is expressed in dollars per cubic metre.

The unit rates are adjusted every 3 months according to the rate of increase in forest product price indexes.

The Minister of Natural Resources and Wildlife is to publish the reference unit rates for the stumpage value of standing timber and the results of the quarterly adjustment in Part 1 of the *Gazette officielle du Québec* and may also ensure wider publicity by any other means.”.

2. The heading of subdivision 1 of Division II is replaced by the following:

“§1. *Silvicultural treatments and other activities to protect or develop forest resources admitted as payment of dues*”.

3. The following sections are inserted after the heading of subdivision 1 of Division II:

10.1. For the purposes of this Division, a forest management sector is a part of the forest area measuring a maximum of 250 ha to which a silvicultural treatment is applied in a given year.

10.2. The value of the silvicultural treatments mentioned in Schedule II, which are accepted by the Minister and admitted as payment of dues, is attributed to the agreement holder provided that the marking work was carried out by a person holding a certificate of conformity or the apprenticeship card for the trade of tree marker issued by the Bureau de normalisation du Québec under the certification program BNQ 9800-911 “Reconnaissance des compétences – Métier de materleur en milieu forestier”.

For the purposes of the first paragraph, a person holding the apprenticeship card for the trade of tree marker must be supervised by a person holding a certificate of qualification of tree marker and recognized as a journeyman under that certification program.

10.3. The value of non-commercial silvicultural treatments, which are accepted by the Minister and admitted as payment of dues, is attributed to the agreement holder provided that the work was carried out by an enterprise holding a certificate of qualification or the apprenticeship card for the trade of tree marker issued by the Bureau de normalisation du Québec under the certification program “Pratiques de gestion des entreprises sylvicoles”.

“Non-commercial silvicultural treatments” means site preparation, planting, reinforcement planting in naturally regenerated stands, enrichment planting, mechanical release treatment, precommercial thinning, pruning, pine seeding, fertilization and forest drainage.”.

4. Section 11.4 is amended

(1) by replacing “annually” in the first paragraph by “on 1 April of each year”;

(2) by adding the following paragraphs after the fourth paragraph:

“Those values are adjusted every 3 months according to the rate of increase in a fuel price index.

The Minister of Natural Resources and Wildlife is to publish the value of silvicultural treatments and other forest development activities and the results of the quarterly adjustment in Part 1 of the *Gazette officielle du Québec* and may also ensure wider publicity by any other means.”.

5. Section 14 is revoked.

6. Schedule II attached to this Regulation is added after Schedule I.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 10.3, introduced by section 3, which will come into force on 1 September 2010.

SCHEDULE II

(s.10.2)

**SILVICULTURAL TREATMENTS REQUIRING THE CARRYING OUT OF MARKING WORK BY
A PERSON HOLDING A CERTIFICATE OF QUALIFICATION OR THE APPRENTICESHIP CARD
FOR THE TRADE OF TREE MARKER**

	White cedar	Poplar	White birch	Birch	Oak	Intermediary tolerant hardwood	Pine	Maple	Hemlock	Tolerant hardwood	Mixed white birch-softwood	Mixed poplar-softwood	Mixed red maple-softwood	Mixed softwood-birch (H)	Mixed softwood-intermediary tolerant hardwood (H)	Mixed softwood-maple (H)	Mixed softwood-tolerant hardwood (H)	
Silvicultural treatments																		
Selection cutting	X							X	X	X							X	X
Selection and sanitation cutting	X							X	X	X							X	X
Preselection cutting								X	X	X							X	X
Preselection and sanitation cutting								X	X	X							X	X
Selection cutting for maple sap and wood production								X										
Selection cutting by patches				X	X	X								X	X			
Selection cutting and sanitation by patches				X	X	X								X	X			
Selection and regeneration cutting by parquets				X	X	X								X	X			
Selection cutting for single tree and group of trees				X	X	X								X	X			
Selection cutting and sanitation for single tree and group of trees				X	X	X								X	X			
Selective thinning				X	X	X								X	X			
Spreading commercial thinning				X										X				
Commercial thinning		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commercial thinning for other purposes		X	X								X	X	X	X	X			
Progressive seed cutting			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Improvement cutting	X																	