

Regulations and other Acts

Gouvernement du Québec

O.C. 180-2010, 10 March 2010

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

Forest protection — Amendments

Regulation to amend the Forest Protection Regulation

WHEREAS, under the second paragraph of section 128 of the Forest Act (R.S.Q., c. F-4.1), the expenses incurred by the forest protection organization to extinguish fires are to be refunded to it by the Minister, in whole or in part, at the rate determined by regulation of the Government and upon the production of vouchers;

WHEREAS, under the second paragraph of section 147.4 of the Act, the expenses incurred by the forest protection organization to implement the plans for the protection of the forest against destructive insects and cryptogamic diseases are to be reimbursed in whole or in part by the Minister, upon the production of vouchers, at the rate determined by regulation of the Government;

WHEREAS, under subparagraph 11 of the first paragraph of section 172 of the Act, the Government may, by regulation, prescribe the rate of reimbursement of the expenses related to fire extinction contemplated in section 128 and to the plans contemplated in section 147.4;

WHEREAS the Government made the Forest Protection Regulation (R.R.Q., c. F-4.1, r.11);

WHEREAS the Regulation was amended by Order in Council 225-2007 dated 12 March 2007 to set new rates to apply as of 1 April 2007 to implement the measures announced on 20 October 2006 by the Government to improve the silvicultural investment strategy so as to support the forest industry;

WHEREAS the Regulation was amended by Order in Council 442-2009 dated 8 April 2009 to extend until 31 March 2010 the refund rate set by Order in Council 225-2007 dated 12 March 2007;

WHEREAS it is expedient to again amend the Regulation to extend by one year, until 31 March 2011, the period during which the refund rate is set at 100% for expenses related to fire extinction contemplated in section 128 and to the plans contemplated in section 147.4;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS, under sections 13 and 18 of the Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Forest Protection Regulation:

— the amendments in the Regulation attached to this Order in Council extend by one year the assistance measure; without that extension, the forest industry will have to pay part of the costs for the extinction of forest fires and the suppression of insect infestations during that period;

— since the forest industry is already greatly affected by the current financial crisis, any delay in the coming into force of the Regulation would expose the industry to additional expenses, which could lead to layoffs and plant closures in the regions;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Forest Protection Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Forest Protection Regulation

Forest Act
(R.S.Q., c. F-4.1, ss. 128, 2nd par., 147.4, 2nd par., and 172, 1st par., subpar. 11)

1. The Forest Protection Regulation (R.R.Q., c. F-4.1, r.11) is amended in section 1 by replacing “1 April 2007 to 31 March 2010” in the second paragraph by “1 April 2007 to 31 March 2011”.

2. Section 2 is amended by replacing “1 April 2007 to 31 March 2010” in the second paragraph by “1 April 2007 to 31 March 2011”.

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

9735

Gouvernement du Québec

O.C. 181-2010, 10 March 2010

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

Forestry fund — Contributions — Amendments

Regulation to amend the Regulation respecting contributions 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 holder of a timber supply and forest management agreement must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources and Wildlife a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, the contribution, paid into the forestry fund under section 73.5 of the Forest Act, is to 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 section 95.2.1 of the Forest Act, sections 73.4 and 73.5 of the Act apply to the holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement as if the permit holder were the holder of a timber supply and forest management agreement;

WHEREAS, under the second paragraph of section 92.0.2 of the Forest Act, a holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder must pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the holder of a wood processing plant operating permit from the agreement holder;

WHEREAS, under subparagraph 3 of the first paragraph of section 92.0.3 of the Forest Act, the Minister may, if considered expedient by the Minister, accredit 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 holder’s plant where a volume of timber is made available following a person’s waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;

WHEREAS, under the second paragraph of section 92.0.11 of the Forest Act, in such a case, the holder of a wood processing plant operating permit must also pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation;

WHEREAS, under subparagraphs 18.2 and 18.2.1 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, set the rate referred to in the second paragraph of section 73.4 and in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;