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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

**Bill 57**

(2010, chapter 3)

## **Sustainable Forest Development Act**

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**Passed in principle 1 December 2009**  
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**Assented to 1 April 2010**

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## EXPLANATORY NOTES

*This Act establishes a forest regime designed, above all, to implement sustainable forest development, in particular through ecosystem-based development aimed at ensuring the sustainability of the forest patrimony. To that end, the Act fosters integrated and regionalized management of forest resources and forest land, and includes provisions specific to Native communities.*

*The Act allows the Minister of Natural Resources and Wildlife to draw up a consultation policy in order to foster the participation of persons and bodies affected by the priorities for sustainable forest development and forest management. It also empowers the Minister to draw up a sustainable forest development strategy that is to form the basis of any sustainable forest development instrument set up by the State, the regional bodies, the Native communities or the users of the forest.*

*The Act establishes the rules applicable to the forests in the domain of the State, among others, the rules relating to their division and, more particularly, to their division into development units. It maintains the rules set out in the Forest Act concerning experimental forests, teaching and research forests, forest stations, biological refuges and exceptional forest ecosystems. It establishes specific rules intended to increase timber production. In addition, it introduces a chapter on sustainable forest development standards and sets out the rules governing multi-purpose roads, in particular by abolishing the concept of forest road.*

*The Act continues the position of chief forester, specifies the chief forester's functions within the framework of the new forest regime, and redefines the concept of allowable cut. It determines the Minister's responsibilities in sustainable forest development and forest management, particularly as regards forest planning for development units, forest operations and their follow-up and monitoring, timber scaling, and the granting of forestry rights, including forestry permits and timber supply guarantees, which replace timber supply and forest management agreements.*

*The Act establishes within the Ministère des Ressources naturelles et de la Faune a timber marketing board known as the Bureau de mise en marché des bois. The timber marketing board is*

*given various functions, including functions relating to the sale of timber and other forest products from the domain of the State on the open market and the assessment of the market value of timber offered for sale to holders of timber supply guarantees.*

*The Act maintains the substance of the rules relating to private forests set out in the Forest Act, particularly the rules applicable to certified forest producers, regional agencies for private forest development and forest protection organizations. It also re-introduces the provisions governing the operation of wood processing plants, except those requiring authorization for a plant's construction.*

*In addition, the Act sets out provisions concerning the inspections and verifications to be carried out to enforce it, seizures of timber, administrative, civil and penal penalties, the regulatory powers of the Minister and the Government, and reporting requirements.*

*The Act contains provisions amending various Acts to ensure they are consistent with the new provisions or to integrate new elements that foster integrated and regionalized land and resource management, for instance, the creation of regional land and natural resource commissions and local integrated land and resource management panels, the establishment of a sustainable forest development fund and the creation of local forests.*

*Lastly, the Act contains transitional provisions to create a bridge between the forest regime it proposes and the forestry regime provided for in the Forest Act, and allows the Government, under certain conditions, to enact by regulation transitional measures to ensure the application of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.*

**LEGISLATION REPLACED BY THIS ACT:**

– Forest Act (R.S.Q., chapter F-4.1).

**LEGISLATION AMENDED BY THIS ACT:**

– Act respecting land use planning and development (R.S.Q., chapter A-19.1);

- Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Taxation Act (R.S.Q., chapter I-3);
- Cullers Act (R.S.Q., chapter M-12.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);
- Fire Safety Act (R.S.Q., chapter S-3.4);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2).

**REGULATIONS REPEALED BY THIS ACT:**

- Regulation respecting forest management plans and reports (R.R.Q., chapter F-4.1, r. 9);
- Regulation respecting contributions to the forestry fund (R.R.Q., chapter F-4.1, r. 2).



## **Bill 57**

### **SUSTAINABLE FOREST DEVELOPMENT ACT**

AS forests cover an enormous area and constitute a social wealth of inestimable value for present and future generations;

AS forests have helped forge Québec's identity and must continue to be a source of pride;

AS it is important to promote a forest culture in Québec by raising public awareness so that the public may contribute to sustainable forest development and forest management;

AS forests play a crucial role in maintaining ecological processes and the ecological balance at local, national and global levels, in particular by helping to counter climate change, protect land and water ecosystems and preserve biodiversity;

AS forests also serve to meet many socio-economic needs;

AS it is important to sustain the viability of forest communities, in particular by increasing and developing forest products and services, promoting the use of wood, developing an innovative, productive and competitive industry and ensuring the perpetuity of forests in keeping with the principle of sustainable development;

AS it is expedient to establish a forest management model that is based on new approaches to forest development and that takes into account the impact of climate change on the forest, the interests, values and needs of Native communities and the regions of Québec, as well as the economic, ecological and social potential of the forest and all the products derived from it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **TITLE I**

##### **GENERAL PROVISIONS**

#### **CHAPTER I**

##### **OBJECT, SCOPE AND OTHER PROVISIONS**

**1.** This Act establishes a forest regime designed to

- (1) implement sustainable forest development, in particular through ecosystem-based development;
- (2) ensure integrated and regionalized resource and land management based on clear, consistent objectives, measurable results and the accountability of managers and users of the forest;
- (3) determine how responsibilities under the forest regime are shared between the State, regional bodies, Native communities and users of the forest;
- (4) follow up and monitor forest operations in the domain of the State;
- (5) govern the sale of timber and other forest products on the open market at a price reflecting their market value, and the supply of timber to wood processing plants;
- (6) regulate the development of private forests; and
- (7) govern forest protection activities.

**2.** Sustainable forest development must contribute, in particular, to

- (1) the preservation of biological diversity;
- (2) the maintenance and improvement of the condition and productivity of forest ecosystems;
- (3) the conservation of soil and water;
- (4) the maintenance of forest ecosystem contributions to major ecological cycles;
- (5) the maintenance of the many socio-economic benefits society derives from forests; and
- (6) the consideration, in making development choices, of the values and needs expressed by the populations concerned.

**3.** This Act applies to the forests in the domain of the State and forests belonging to private owners or held under a title of ownership by a Native landholding corporation to which the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) applies, to the extent provided for in this Act.

**4.** For the purposes of this Act,

(1) “forest development activity” means an activity related to timber felling and harvesting, the operation of a sugar bush, the construction, improvement, repair, maintenance or closure of infrastructures, the carrying



out of silvicultural treatments, including reforestation and the use of fire, fire protection, the suppression of insect epidemics, cryptogamic diseases and competing vegetation, and all similar activities that tangibly affect forest resources;

(2) “ecosystem-based development” means development that consists in ensuring the preservation of the biodiversity and viability of ecosystems by reducing the differences between developed and natural forests;

(3) “wood-processing plant” means a set of facilities for processing rough or partially processed timber.

**5.** In order to promote sustainable forest development, the month of May of each year is declared “Tree and Forest Month”.

## **CHAPTER II**

### **PROVISIONS SPECIFIC TO NATIVE COMMUNITIES**

**6.** Taking account of the interests, values and needs of the Native communities present on forest lands is an integral part of sustainable forest development.

**7.** The Minister must consult Native communities specifically to ensure that sustainable forest development and forest management take into account, and accommodate if necessary, their interests, values and needs.

The Minister must ensure that the consultation policy drawn up under section 9 includes a procedure that is specific to Native communities, established in a spirit of collaboration with those communities.

**8.** The Government is authorized to enter into agreements with any Native community represented by its band council to enable the members of the community to carry out and follow up on certain forest development activities, and to support sustainable forest development.

## **CHAPTER III**

### **CONSULTATION POLICY**

**9.** The Minister draws up, makes public and keeps up to date a consultation policy that fosters the participation of persons and bodies affected by the priorities for sustainable forest development and forest management.

Before the policy is published, the Minister consults the Native communities and the general public. The same applies to any change in the policy.

The Minister sees that the consultation policy is implemented and establishes a Forestry Partners Panel under it. The Minister appoints the panel members and sets its operating rules.

**10.** The consultation policy sets out, among other things, its objects, a consultation process adjusted to its objects or to the persons or bodies consulted, and a consultation procedure specific to Native communities.

## **CHAPTER IV**

### **SUSTAINABLE FOREST DEVELOPMENT STRATEGY**

**11.** In collaboration with the Minister of Sustainable Development, Environment and Parks, the Minister of Agriculture, Fisheries and Food and the ministers or public bodies concerned, the Minister draws up a sustainable forest development strategy. The Minister makes the strategy public, implements it and keeps it up to date.

Before the policy is published, the Minister consults the Native communities and the general public. The same applies to any change in the policy.

**12.** The strategy sets out the approach chosen and the sustainable development policy directions and objectives applicable to forest lands, in particular with regard to ecosystem-based development.

The strategy also defines the mechanisms and means required for its implementation, follow-up and evaluation.

The strategy is to form the basis of any sustainable forest development instrument set up by the State, the regional bodies, the Native communities and the users of the forest.

## **TITLE II**

### **FORESTS IN THE DOMAIN OF THE STATE**

#### **CHAPTER I**

##### **DIVISION OF FOREST LANDS**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**13.** The forests in the domain of the State are divided into development units that, among other things, define areas for the production of forest resources or an increase in that production.

The forests in the domain of the State may also be divided into local forests by the Minister under the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). Such a division of the forest may be made either inside or outside of development units.

The forests in the domain of the State that are not divided into development units or local forests are established as residual forests. These are forests in which a reliable supply of timber cannot be harvested for wood processing plants without compromising sustainable development.

**14.** The forests in the domain of the State may also, under this Act, be constituted as experimental forests, teaching and research forests, forest stations, biological refuges or exceptional forest ecosystems.

## **DIVISION II**

### **DEVELOPMENT UNITS**

**15.** The Minister divides into development units the forests in the domain of the State that are located south of a boundary line the Minister determines.

**16.** Development units are land units in which allowable cuts are calculated and forest operations are planned and carried out in keeping with sustainable forest development objectives.

**17.** The Minister may, exceptionally, redefine the northern boundary line and the boundaries of the development units. When changes are being made, the territory of each administrative region of Québec, the biophysical features present and the different uses of the areas must be taken into consideration.

Changes and the date on which they come into force are made public.

Changes to the northern boundary line and the new perimeter of the units must be drawn on maps posted on the department's website.

## **DIVISION III**

### **FORESTS ESTABLISHED FOR EXPERIMENTAL PURPOSES OR FOR TEACHING AND RESEARCH**

#### **§1. — *Experimental forests***

**18.** The Minister may establish experimental forests to promote the advancement of forestry.

Only forest development activities related to research and experimentation are allowed in those forests.

**19.** The Minister may authorize a person to carry on the forest development activities referred to in section 18 on the conditions determined by the Minister.

The conditions may depart from the forest development standards prescribed by government regulation if the Minister considers it justified for research or experimental purposes.

§2. — *Teaching and research forests*

**20.** The Minister may establish teaching and research forests to promote field instruction and applied research in forestry and sustainable forest development.

Only forest development activities carried out for teaching and research purposes are allowed in those forests.

**21.** The Minister may, on the conditions determined by the Minister, entrust the management of a teaching and research forest to a non-profit organization dedicated to teaching or research.

The organization carries on authorized forest development activities subject to the conditions set out in the management agreement. The conditions may depart from the forest development standards prescribed by government regulation if the Minister considers it justified for research purposes.

If forest development activities include the harvesting of timber that may be used by a wood processing plant, the destination to which the timber is sent must be approved by the Minister.

#### **DIVISION IV**

#### **FOREST STATIONS**

**22.** With the authorization of the Government, the Minister may establish forest stations with a view to concentrating in a single location activities related to experimentation, teaching and research and other compatible activities that foster the development and enhancement of a forest station.

**23.** Forest stations are set up by the Minister who ensures that all the activities carried on in a forest station are compatible with its mission.

**24.** The Minister may, on the conditions determined by the Minister, entrust a legal person with the mandate to carry out all or some of the forest development activities of a forest station in order to foster the development and enhancement of the station.

Before carrying out the forest development activities authorized by the Minister under the mandate, the mandatary must submit a development plan to the Minister for approval.

**25.** The Minister may allow the mandatary to sell for the mandatary's own account any timber harvested in carrying out the forest development activities authorized by the Minister under the mandate.

The mandate may include special provisions concerning the sale and destination of the timber, the activity reports the mandatary must submit to the Minister or any other provision to ensure the carrying out of the mandate.

**26.** Experimentation, teaching and research activities carried out at a forest station, including related forest development activities, are governed by the applicable provisions in Division III as if the forest station were an experimental forest or a teaching and research forest.

## **DIVISION V**

### **BIOLOGICAL REFUGES**

**27.** The Minister may designate forest areas as biological refuges in order to protect certain mature or overmature forests that are representative of Québec's forest heritage and foster the maintenance of the biological diversity of those forests.

To that end, the Minister draws the boundaries of biological refuges in the forests in the domain of the State, and manages the refuges so as to ensure their continued protection.

The biological refuges are defined and shown on the land use plan provided for in the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

**28.** The Minister may make any change the Minister deems necessary to correct an error, inaccuracy or other incongruity that occurred in establishing the boundaries of a biological refuge.

The Minister may also change the boundaries of a biological refuge or revoke its status if it is no longer characterized by the biodiversity that initially warranted its protection. However, if the refuge is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01), the Minister must first obtain the approval of the minister responsible for keeping that register.

**29.** The Minister keeps the list of designated biological refuges up to date.

The list is published on the department's website and contains the following information:

- (1) the number assigned to the biological refuge;
- (2) the number of the development unit in which the biological refuge is located; and
- (3) the geographical coordinates and the area of the biological refuge.

The geographical boundaries of a biological refuge must also be shown on maps posted on the department's website.

**30.** Forest development activities are prohibited in a biological refuge.

The Minister may nevertheless authorize a forest development activity, on the conditions the Minister determines, if the Minister considers it expedient and if the activity is not likely to have an adverse effect on the maintenance of biological diversity. If the refuge is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act, however, the Minister must first consult the minister responsible for keeping that register to obtain an opinion on the impact of the proposed activity.

## DIVISION VI

### EXCEPTIONAL FOREST ECOSYSTEMS

**31.** Forest ecosystems that are of special interest for the conservation of biological diversity, because of their scarcity or age, for instance, may be classified as exceptional forest ecosystems.

The boundaries of exceptional forest ecosystems are defined by the Minister, in agreement with the Minister of Sustainable Development, Environment and Parks.

**32.** The Minister has a notice of classification published in the *Gazette officielle du Québec* and on the department's website.

The perimeter of the exceptional forest ecosystem must be defined and shown on the land use plan provided for in the Act respecting the lands in the domain of the State.

**33.** The Minister may, subject to the same conditions, extend the boundaries of an exceptional forest ecosystem or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site.

**34.** All forest development activities are prohibited in an exceptional forest ecosystem.

However, the Minister may, on the conditions determined by the Minister and after consulting the Minister of Sustainable Development, Environment and Parks, authorize a forest development activity if the Minister considers it expedient and if, in the Minister's opinion, the activity is not likely to have an adverse effect on the conservation of biological diversity.

**35.** If the Minister is of the opinion that the exercise of a mining right referred to in section 8 of the Mining Act (R.S.Q., chapter M-13.1) within the boundaries of an exceptional forest ecosystem may have an adverse effect on the conservation of biological diversity, the Minister may order that all work

cease and either enter into an agreement with the holder of the mining right providing for the abandonment of the right according to the procedure set out in that Act, or expropriate the right in accordance with the Expropriation Act (R.S.Q., chapter E-24).

## CHAPTER II

### INCREASING TIMBER PRODUCTION

**36.** The Minister sets criteria for identifying areas of high forestry potential where increased timber production may be seriously considered.

**37.** The Minister sends a map showing the location of those areas to the regional conferences of elected officers, which will consult the regions, and to the Native communities concerned.

After the necessary consultations have been carried out, the regional conferences of elected officers and the Native communities concerned propose to the Minister the areas, from among those referred to in section 38, in which they would like to see timber production given priority. These proposals are taken into account in the regional and local consultation process leading to the creation of integrated forest development plans.

## CHAPTER III

### FOREST DEVELOPMENT STANDARDS

**38.** The Government may, by regulation, prescribe sustainable forest development standards for anyone carrying on a forest development activity in a forest in the domain of the State. The main object of the standards is to ensure the preservation or renewal of the forest cover, the protection of the forest environment, the conciliation of forest development activities with the activities pursued by Native people and other users of the forest, and the compatibility of forest development activities with the use of land in the domain of the State under the land use plan provided for in the Act respecting the lands in the domain of the State.

Among other things, the standards may cover

(1) the area, location and spatial organization of forest operations and the residual forest areas after those operations;

(2) the protection of lakes, watercourses, riparian areas and wetlands;

(3) the protection of soil and water quality;

(4) the installation and use of piling, lopping, sawing and transfer areas;

(5) the location, construction, improvement, repair, maintenance and decommissioning of roads;

(6) the site of forest camps, sugar bush buildings and equipment and other infrastructures;

(7) the regulation of forest development activities in order to protect various resources, sites or land units;

(8) the forest development activities affecting wildlife protection, management and utilization activities in controlled territories within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(9) the application of silvicultural treatments, including marking activities; and

(10) the protection of forest regeneration.

The Government may also determine, by regulation, the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 245, the one to which an offender is liable for a given offence.

**39.** The Minister may designate a river as a salmon river.

All forest development activities are prohibited in the riparian zone, determined by government regulation, of a salmon river or part of a salmon river, unless prior authorization is obtained from the Minister.

**40.** The Minister may, for all or part of the forest, impose on persons or bodies subject to a development plan forest development standards different from those prescribed by government regulation, when existing government standards do not provide adequate protection for all the resources of the forest due to the characteristics of the forest and the nature of the project to be carried out. The Minister may also, at the request of a Native community or on the Minister's own initiative after consulting the Native community, impose different forest development standards to facilitate the conciliation of forest development activities with the domestic, ritual or social activities pursued by the community, or to implement an agreement that the Government or a minister enters into with the community.

The Minister may also authorize a departure from the regulatory standards if it is shown that the substitute measures proposed by persons or bodies subject to a development plan offer equivalent or superior protection for forest resources and the forest environment.

The Minister defines, in the plan, the forest development standards imposed or authorized and specifies the places where they are applicable, any regulatory standards they replace, and the mechanisms for ensuring their application. The Minister specifies, in the plan, from among the fines prescribed in section 246, the one to which an offender is liable for a given offence.



## CHAPTER IV

### MULTI-PURPOSE ROADS

**41.** A person who intends to carry out work for the construction, improvement or decommissioning of a multi-purpose road must be authorized by the Minister on the conditions determined by the Minister, unless the work is authorized under a forestry permit or a contract or agreement entered into under this Act.

A multi-purpose road is a road in the forest, other than a mining road, built or used to give access to the forest and its many resources.

**42.** Any person may use a multi-purpose road provided the person complies with the standards prescribed by government regulation in the interests of public safety and road integrity.

However, the Minister may, in the public interest, restrict access to a multi-purpose road on the conditions determined by the Minister, or prohibit access to such a road.

**43.** No claim for damages may be made by a person using a multi-purpose road on account of a defect in the construction, improvement, repair or maintenance of the road.

**44.** The Government may, by regulation,

(1) prescribe standards for public safety and road integrity with which persons using a multi-purpose road must comply; and

(2) determine the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

## CHAPTER V

### CHIEF FORESTER

**45.** The position of chief forester is established within the department. The chief forester exercises the functions outlined in this chapter in keeping with the principle of sustainable development and in the independent manner provided for in this Act.

The Government appoints a chief forester from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of three members appointed by the Government.

The chief forester holds the position of associate deputy minister, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), for a five-year term.

**46.** The functions of the chief forester, in keeping with the policy directions and objectives of the sustainable forest development strategy, consist in

(1) establishing the methods, means and tools required to calculate allowable cuts in the forests in the domain of the State;

(2) determining the forest data and ecological data required to carry out the analyses used to determine allowable cuts;

(3) preparing, publishing and keeping up to date a sustainable forest development manual to be used for determining allowable cuts;

(4) on the request of the Minister, providing the support needed to establish forest development strategies as part of the forest planning process;

(5) determining allowable cuts for forest development units and local forests, given the regional and local sustainable forest development objectives;

(6) reviewing allowable cuts every five years and, if necessary, updating them;

(7) at the Minister's request, changing the allowable cuts assigned to an area, if circumstances are such that sustainable forest development could be compromised without an immediate change or if, on the basis of the same considerations as were used to determine them, allowable cuts may be revised upwards;

(8) making allowable cuts, their date of coming into force and the grounds for their determination public; and

(9) analyzing the sustainable forest development results achieved in the forests in the domain of the State and sending the analysis to the Minister at the time and subject to the conditions set by the Minister.

The date of coming into force of the allowable cuts determined or revised by the chief forester corresponds to the date of coming into force of the tactical plans for integrated forest development. The date of coming into force of the allowable cuts changed by the chief forester under subparagraph 7 of the first paragraph is set by the Minister, but may not be prior to 1 April following the year the change was applied for.

**47.** The chief forester is also responsible for advising the Minister on policy and planning in forestry research and development, on the northern boundary line and the boundaries of development units and local forests, on

the activities to be carried out to optimize forest development strategies and on any other matter that, in the opinion of the chief forester, requires government action or attention.

The Minister may entrust any forestry mandate to the chief forester and ask the chief forester for advice on any matter related to private forests or the forests in the domain of the State.

The advisory opinions of the chief forester must be available to the public.

**48.** The allowable cuts determined by the chief forester with regard to forest development activities carried out before 1 April 2018 are annual allowable cuts. They correspond, for a given development unit or local forest, to the maximum volume of timber of a particular species or group of species that may be harvested annually, in perpetuity, without diminishing the productive capacity of the forest, while at the same time taking into account certain sustainable forest development objectives having to do, for instance, with the natural dynamics of forests, including their composition and age structure, and diversified forest use.

The allowable cuts determined by the chief forester with regard to forest development activities carried out after 31 March 2018 correspond, for a given development unit or local forest, to the maximum volume of timber of a particular species or group of species that may be harvested annually, while at the same time ensuring the renewal and evolution of the forest on the basis of the applicable sustainable forest development objectives, including those having to do with

- (1) the sustainability of forests;
- (2) the impact of climate change on forests;
- (3) the natural dynamics of forests, including their composition, age structure and tree distribution pattern;
- (4) the maintenance and improvement of the productive capacity of forests;  
and
- (5) the diversified use of forests.

**49.** A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) must provide the chief forester with the information and documents the latter requests and that are necessary to exercise the functions of office.

**50.** The chief forester may carry out any investigations the chief forester considers necessary for the exercise of the functions of office.

For the purposes of an investigation, the chief forester is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

No judicial proceedings may be brought against the chief forester for acting in good faith in the exercise of the functions of office.

**51.** The chief forester must, within three months following the end of each fiscal period, send an activity report to the Minister.

The report must be attached to the department's annual management report.

## **CHAPTER VI**

### **SUSTAINABLE FOREST DEVELOPMENT AND FOREST MANAGEMENT**

#### **DIVISION I**

##### **RESPONSIBILITIES OF THE MINISTER**

**52.** The Minister is responsible for the sustainable development of the forests in the domain of the State and for their management, and more particularly for forest planning, the carrying out, follow-up and monitoring of forest operations, timber scaling and the granting of forestry rights.

The Minister exercises ministerial responsibilities and powers under this Act in conformity with the sustainable forest development strategy and the allowable cut, subject to the provisions applicable to special development plans.

#### **DIVISION II**

##### **FOREST PLANNING IN DEVELOPMENT UNITS**

###### *§1. — General provision*

**53.** Development units are subject to forest planning so that forest operations may be organized and carried out within their boundaries. Such planning is part of a regional and local consultation process leading to the creation of integrated forest development plans and special forest development plans.

These plans are founded on ecosystem-based development and take into account any efficiency targets and objectives the Minister sets for forest operations.

§2. — *Integrated forest development plans*

**54.** The Minister draws up a tactical plan and an operational plan for integrated forest development for each development unit, in collaboration with the local integrated land and resource management panel set up for the unit under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1). When drawing up the plans, the Minister may also retain the services of forest planning experts.

The tactical plan contains, among other things, the allowable cuts assigned to the unit, the sustainable forest development objectives, the forest development strategies adopted to ensure that allowable cuts are respected and objectives are achieved, and the location of the main infrastructures and the areas of increased timber production. This plan covers a five-year period.

The operational plan basically sets out the forest operations zones in which timber harvesting or other forest development activities are planned under the tactical plan. It also contains the harmonization measures adopted by the Minister. The operational plan is updated from time to time, to allow for, among other things, the gradual addition of new zones in which forest operations may be carried out.

The Minister prepares, keeps up to date and makes public a manual for the preparation of plans, and a guide that the Minister follows to prepare silvicultural prescriptions.

**55.** The local integrated land and resource management panel is set up in order to ensure that the interests and concerns of the persons and bodies affected by planned forest development objectives are taken into account, to define local sustainable forest development objectives and to agree on measures to harmonize the use of resources.

The composition and operation of a panel, including its dispute resolution mechanisms, are the responsibility of the regional bodies that established the panel. Those bodies must, however, invite the following persons or bodies, or their representatives, to sit on the panel:

- (1) the Native communities, represented by their band council;
- (2) the regional county municipalities and, if applicable, the metropolitan community;
- (3) the holders of a timber supply guarantee;
- (4) the persons or bodies that manage controlled zones;
- (5) the persons or bodies authorized to organize activities, provide services or carry on a business in a wildlife sanctuary;

- (6) the holders of an outfitter's licence;
- (7) the holders of a sugar bush management permit for acericultural purposes;
- (8) the lessees of land for agricultural purposes;
- (9) the holders of trapping licences who hold a lease of exclusive trapping rights; and
- (10) the regional environmental councils.

A list of the participants on the panel, once the panel's composition has been established, must be sent to the Minister. The Minister may then invite any persons or bodies not on the list to sit on the panel, if the Minister judges that their presence is needed to ensure integrated management of the resources and land.

**56.** For the purpose of preparing the operational plan, the Minister works with panel participants who so request and who demonstrate a specific interest in order to ensure that that interest is taken more fully into account. To that end, the Minister may take the proposals of such participants into consideration.

However, holders of a timber supply guarantee need not make a request and their specific interest is presumed in so far as the plan concerns a development unit located in a region to which their guarantee applies. To optimize operational conditions with regard to forest development activities, holders of a timber supply guarantee may present proposals to the Minister concerning forest operations zones to be included in the plan.

Before a public consultation on the operational plan is held, the draft plan is sent to the local integrated land and resource management panel to ensure that its contents are compatible with the interests and concerns of all panel participants.

**57.** Integrated forest development plans must be the object of a public consultation held by the regional bodies that established the local integrated land and resource management panel. The conduct of the public consultation, its duration, and the documents that must accompany the plans during the consultation are defined by the Minister in a manual which the Minister makes public.

The regional bodies responsible for establishing the local integrated land and resource management panel must prepare and send to the Minister, within the time determined by the Minister, a report summarizing the comments obtained in the course of the consultation and propose any solutions it deems appropriate in the case of a divergence in points of view.

**58.** Throughout the process leading to the drafting of the plans, the Minister sees that forest planning is founded on ecosystem-based development and on integrated and regionalized land and resource management. During this process, the Minister

(1) establishes a timetable for the formulation of the plans;

(2) ensures that the policy directions and objectives set out in the regional plan for integrated land and resource development drawn up by a regional commission under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire are taken into account in preparing the tactical and operational plans, to the extent provided for in the plan implementation agreement entered into with the regional conference of elected officers to which the regional commission concerned reports;

(3) participates in the proceedings of local integrated land and resource management panels and takes account, in preparing the plans, of the local objectives and the harmonization measures agreed upon by those panels;

(4) rules when there is a disagreement on a local integrated land and resource management panel, if the applicable dispute resolution mechanisms fail;

(5) establishes a timetable for the public consultation referred to in section 57 and takes account, in preparing the plans, of the comments sent in by persons and bodies in the course of the consultation;

(6) consults the Native communities affected by forest planning so as to be aware of their concerns relating to the possible effects of the planned activities on their domestic, ritual or social activities, and accommodates those concerns, if necessary;

(7) adjusts the plans, if necessary, before setting the date on which they are to come into force;

(8) establishes the silvicultural prescriptions applicable to the forest operations zones contained in the operational plan, on the basis, among other things, of the harmonization measures adopted by the Minister; and

(9) makes the plans public on their coming into force.

**59.** Changes to the integrated forest development plans, including updates to the operational plan, must be established and finalized under the rules applicable to the initial plans.

However, updates and changes to the operational plan are subject to the public consultation process only if

(1) they add a new forest operations zone or a new infrastructure;

(2) they substantially change a forest operations zone, an infrastructure or a forest development standard already identified on the plan.

§3. — *Special development plans*

**60.** If substantial damage to timber stands in a forest area is caused by a natural disturbance or human influence, or if a forest area is required for hydroelectric or wind power development and designated for that purpose by order of the Government, the Minister may, with the participation of the local integrated land and resource management panel concerned, prepare a special development plan to ensure that the timber is salvaged and that the appropriate silvicultural treatments are applied, and administer the plan for the period and on the conditions specified in it.

The plan may set out conditions that depart from the forest development standards prescribed by government regulation if the departure is necessary to salvage the timber, and may provide that the allowable cut be exceeded if the Minister considers it necessary so as not to lose timber that could be salvaged.

A person or body to which the Minister has entrusted or delegated forest development activities on land covered by a special plan must comply with the plan. To the extent specified in it, the plan replaces any development plan that was applicable on that land.

The Minister may grant financial assistance for the implementation of a special plan to a person or body that is to carry out the forest development activities described in the plan and that applies for assistance in writing.

**61.** Special development plans and changes to them must be established and finalized under the rules applicable to integrated forest development plans.

However, a special plan is not subject to the public consultation process if the Minister considers that there is an urgent need for its application, particularly if the plan is considered necessary in order to avoid a deterioration or loss of timber.

### **DIVISION III**

#### **FOREST OPERATIONS**

**62.** Planned forest development activities must be carried out by the Minister or by forest development enterprises that hold a certificate recognized by the Minister or that are registered in a program to obtain such a certificate. Some of those activities may be entrusted to the holder of a timber supply guarantee in accordance with section 64 if the holder of the timber supply guarantee holds a certificate recognized by the Minister or is enrolled in a program to obtain such a certificate.



**63.** The services of forest development enterprises are obtained in accordance with the Act respecting contracting by public bodies (2006, chapter 29), including services that may be provided by a cooperative under the Cooperatives Act (R.S.Q., chapter C-67.2). To this end, the terms of a contract that a public body may enter into with an entity mentioned in section 1 of the Act respecting contracting by public bodies also apply to such a cooperative.

In addition to the forest development activities to be carried out, the services requested may relate to the planning or management of such activities or to timber transportation.

**64.** In forest operations zones where the timber is not primarily intended for sale on the open market, the Minister entrusts, by agreement, the harvesting of all or part of the guaranteed volumes of timber to a holder of a timber supply guarantee who, within the time periods determined by the Minister, expresses to the Minister an interest in harvesting those volumes. If two or more guarantee holders express an interest in harvesting the guaranteed volumes of timber in the forest operations zones concerned, they must decide amongst themselves which of them will carry out the harvest and sign the agreement.

However, the Minister may refuse to enter into an agreement if the guarantee holder has failed to comply with the conditions of a forest development plan, a prior harvest agreement, the standards applicable to forest development activities or any other obligation imposed under this Act and the regulations.

In addition to the harvest proper, the agreement may cover related activities. The agreement defines the forest operations zones, sets the conditions the guarantee holder must comply with in carrying out forest development activities and other commitments, and determines the penalties applicable if the guarantee holder fails to meet those commitments. The agreement also sets out, if applicable, mechanisms ensuring harvest integration and timber transportation and the manner in which decisions are to be made and disputes settled on harvest integration and timber transportation, and on the allocation of their costs.

The information in the agreement must be available to the public.

## **DIVISION IV**

### **FOLLOW-UP AND MONITORING**

#### *§1. — General provision*

**65.** The Minister supervises forest operations, particularly those carried out under forest contracts and agreements, checks the quality of the forest development work and determines whether the objectives set within the framework of the forest planning process have been achieved.

The Minister ensures compliance with the harmonization measures, forest development standards and other provisions of this Act and the regulations, and, if the persons or bodies carrying out forest development activities fail to comply, requires them to take the corrective measures the Minister considers necessary, or takes them at their expense if they refuse to do so.

§2. — *Report, inspection and order*

**66.** The Minister may require any person or body carrying out forest development activities in the forests in the domain of the State to submit a report concerning those activities to the Minister, on the date or dates the Minister sets. The information in the report must be available to the public.

The elements that the report is to contain are determined and defined in an instruction manual prepared and kept up to date by the Minister. The manual is made public and, at their request, is given to the persons or bodies required to make the report.

**67.** The Minister may, for the purposes of this division, authorize a person to carry out an inspection and verify the data and information in the activity report.

To that end, the person may

(1) enter at any reasonable time an establishment where the person has reasonable cause to believe that data and information necessary for the follow-up and monitoring of forest operations are to be found;

(2) examine and make copies of the books, records, accounts, files and other documents containing data or information that is or was used to prepare the activity report; and

(3) require any information relating to the forest development activities that the person or body carried out, and any related document.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

**68.** The Minister may make an order upon observing that forest development activities are carried out unlawfully or in violation of a condition set in a forestry permit, a forest development plan, a contract, an agreement or a standard provided for in or prescribed under this Act.

The order requires the offender to cease the unlawful activities immediately or within a specified time or, if applicable, to submit to the conditions set out in the forestry permit or comply with the development plan or the legal, regulatory or contractual provisions applicable. The order may also require the offender to suspend all or part of a forest development activity determined

by the Minister, for the period and on the conditions set by the Minister. The order must include reasons and be served on the offender. It takes effect on the date on which it is served.

If the offender refuses or neglects to comply with the order, the Minister may, in addition to any other recourse, apply to the Superior Court for an injunction ordering the offender to comply.

### §3. — *Areas of increased timber production*

**69.** The Minister keeps up to date and makes public a list of areas in which timber production has been increased.

The list includes the following information:

(1) the geographical coordinates and area of the increased timber production area; and

(2) a summary description of the increased production activities carried out there.

The geographical boundaries of an area of increased timber production must also be shown on maps posted on the department's website.

## **DIVISION V**

### **SCALING**

**70.** The Minister is responsible for scaling timber in the forests in the domain of the State.

The Minister may require any person or body authorized to harvest timber in the forests in the domain of the State to scale the timber according to one of the methods determined by government regulation. The scaling method is chosen by the Minister after consulting the person or body concerned.

The person or body must follow the instructions for the scaling method selected set out in the manual prepared for that purpose by the timber marketing board established under section 119.

**71.** The Minister may, for the purposes of this Act, authorize a person to verify the application of the scaling standards for timber harvested in the forests in the domain of the State.

In carrying out the functions of office, the person may intercept, on a road in the forest, a road vehicle used to transport timber and require the driver to stop the vehicle so that the documents relating to timber transportation that the driver must have in his or her possession may be verified. For that purpose, the person may

- (1) establish checkpoints in a forest;
- (2) require that the driver submit the documents and all related information for examination; and
- (3) require that the driver or any person accompanying the driver provide reasonable assistance during the verification.

The driver of the vehicle and any person accompanying the driver must comply immediately with what is required of them.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

**72.** The Government may, by regulation,

- (1) determine the scaling standards for timber harvested in the forests in the domain of the State, in particular, the scaling methods and the standards applicable to timber transportation, to the transmission of scaling or inventory data, to the verification of data and to corrections to scaling, including the assistance that the person or body required to scale the timber must provide to the Minister;

- (2) set the fees payable by the person or body required to scale the timber for the loss of scaling, inventory or transportation forms that were in the possession of the person or body, and vary the fees depending on the type or number of forms lost; and

- (3) determine the provisions of a regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

## **DIVISION VI**

### **FORESTRY RIGHTS**

#### *§1. — Forestry permits*

##### *i. — General provisions*

**73.** A forestry permit is required to carry out the following forest development activities in the forests in the domain of the State:

- (1) the harvest of firewood for domestic or commercial purposes;
- (2) the operation of a sugar bush;
- (3) activities required for public utility works;

- (4) activities carried out by a holder of mining rights in exercising those rights;
- (5) activities required to create wildlife, recreational or agricultural development projects;
- (6) the harvest of shrubs for the supply of wood processing plants;
- (7) activities carried out as part of an experimental or research project; and
- (8) any other activity determined by the Minister.

The harvest of firewood for the exclusive use of an outfitting operation, a controlled zone or a wildlife sanctuary within the meaning of Divisions II, III and IV of Chapter IV of the Act respecting the conservation and development of wildlife is regarded as the harvest of firewood for domestic purposes.

**74.** The Minister may issue a permit authorizing the holder to carry out the forest development activities specified on the permit on the conditions determined by the Minister.

However, no forestry permit may be issued to a person who owes dues payable under this Act.

**75.** The permit holder must

- (1) pay required dues according to the terms determined by regulation of the Minister;
- (2) satisfy the conditions specified on the permit and those determined by regulation of the Minister, and comply with the standards applicable to the holder's forest development activities; and
- (3) if the holder entrusts the work authorized by the permit to a third person, inform the person in writing of the prescriptions of the permit and the requirements of this Act and the regulations relating to the forest development activities to be carried out.

**76.** If not otherwise set by regulation of the Minister, the amount of the dues payable is based on the rates applicable to the timber that may be harvested under the permit, which are set by the timber marketing board.

Interest is charged on any unpaid balance of dues payable from the thirtieth day following the date of billing, at the rate determined for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31). Interest is capitalized monthly.

**77.** The term of a permit, other than a sugar bush management permit, is set by the Minister. It may not exceed 12 months.

**78.** A permit is transferable only in the cases and on the conditions determined by regulation of the Minister.

**79.** The Minister may suspend or cancel a permit if

- (1) the holder has not paid the required dues;
  - (2) the holder no longer satisfies the conditions imposed for obtaining the permit;
  - (3) the holder does not satisfy the conditions specified on the permit or comply with the standards applicable to the holder's forest development activities;
  - (4) the holder has not submitted the activity report required by the Minister;
- or
- (5) the holder is convicted of an offence under this Act or the regulations.

Before making such a decision, the Minister must notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the holder at least 10 days to submit observations and remedy the failure.

The suspension or cancellation of a permit has effect from the date the permit holder is notified of the Minister's decision.

ii. — *Special provisions regarding sugar bushes*

**80.** In addition to the provisions applicable to all forestry permits, a sugar bush management permit is governed in particular by the following provisions.

**81.** The term of a sugar bush management permit ends on 31 December of the fifth year after its issue.

**82.** If a sugar bush for which a permit has been issued or the other resources on the same forest land have been affected by a natural disturbance or human interference, the Minister may modify the permit to protect the sugar bush or the other resources concerned.

The Minister may also, for the same purposes, impose forest development standards on the permit holder or standards for tapping maple trees or carrying out other work that are different from those prescribed by regulation, when the latter do not provide adequate protection for the sugar bush or forest resources affected.

These new standards, the areas where they are applicable and any regulatory standards for which they are substituted must be set out in the modified

permit. The Minister must also specify in the permit, from among the fines prescribed in section 246, the one to which an offender is liable for a given offence.

**83.** The Minister may, on the application of a permit holder, increase the area covered by the permit, if the holder

(1) has operated the sugar bush at 90% or more of its tapping capacity for at least two years; and

(2) has built the roads and buildings described and located in the permit application.

The permit holder must, within three years of the increase, operate any part of the sugar bush added to the area covered by the permit at 90% or more of its tapping capacity. If the permit holder fails to meet that requirement, the Minister may remove from the part added to the sugar bush a part corresponding to the unused tapping capacity.

**84.** The Minister may exclude from a sugar bush any area that has been classified as an exceptional forest ecosystem, if the Minister considers that the operation of the sugar bush is liable to have an adverse effect on the maintenance of biological diversity. In such a case, after giving the permit holder an opportunity to submit observations, the Government compensates the permit holder for the loss suffered, in the amount considered fair by the Government on the basis of the value of the property and infrastructures used to operate the sugar bush.

**85.** A permit holder is entitled to the renewal of the permit if the holder

(1) has paid the dues for the permit and the administrative fees payable for the examination of the renewal application;

(2) satisfies the conditions specified on the permit and those determined by regulation of the Minister, and complies with the standards applicable to the holder's forest development activities;

(3) has submitted an activity report, if required; and

(4) has operated the sugar bush at an average of at least 50% of its tapping capacity during the term of the permit.

However, the Minister may include in the renewed permit any condition the Minister considers advisable. The Minister may also refuse to renew the permit for public utility purposes.

**86.** In addition to the cases of suspension or cancellation under section 79, the Minister may, on the same conditions as those set out in that section, suspend or cancel a permit if the holder has failed to operate the sugar bush for at least three consecutive years.

iii. — *Regulatory power*

**87.** The Minister may, by regulation, according to the categories of forestry permit,

(1) determine the content of a permit, the conditions for its issue and the cases in and conditions under which it may be transferred;

(2) determine, for permits other than a sugar bush management permit, the conditions for the modification or renewal of the permit;

(3) determine standards for tapping maple trees or otherwise managing a sugar bush;

(4) set the dues to be paid by a given permit holder and the terms of payment;

(5) set the administrative fees payable for the examination of applications; and

(6) determine the provisions of a regulation the violation of which is an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

§2. — *Timber supply guarantees*

i. — *Granting of timber supply guarantees and establishment of register*

**88.** The Minister may, on the conditions the Minister determines, grant a timber supply guarantee to a person or body that operates or plans to operate a wood processing plant, if the allowable cut is sufficient, if the volumes of timber available on the open market are large enough to assess the market value of timber from the forests in the domain of the State, and if the Minister is of the opinion that it is in the public interest and in keeping with the principle of sustainable development.

The Minister may also, on the same conditions, ask the timber market board to sell timber supply guarantees on the open market.

A person or body acquiring a plant that operates or operated under a timber supply guarantee, or the right to operate such a plant, is entitled to a guarantee only if the annual royalty, the amount from sales of the timber, and the assessments payable by the guarantee holder to the forest protection organizations certified by the Minister have been paid in full.

The third paragraph does not apply if the guarantee holder has made an assignment of property or is subject to a receiving order under the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3).



**89.** The Minister enters timber supply guarantees in a public register that the Minister establishes and keeps up to date.

The Minister publishes a notice of each entry in the *Gazette officielle du Québec*, setting out in the notice the guarantee registration number, the name of the guarantee holder and the annual volumes of timber guaranteed for each species or group of species for each region concerned.

The guarantee takes effect on the date of its registration.

ii. — *Nature of the right granted by a timber supply guarantee*

**90.** A timber supply guarantee entitles the holder to purchase, each year, a volume of timber from forests in the domain of the State in one or more specific regions to supply the wood processing plant for which the guarantee was granted, on condition that the holder performs the obligations set out in this Act and the guarantee.

The annual volumes of timber that may be purchased by the holder are specified in the timber supply guarantee by species or group of species for each of the regions concerned.

**91.** The annual volumes of timber guaranteed are residual volumes determined by the Minister, taking into account

(1) the timber requirements of the wood processing plant; and

(2) other available sources of supply such as timber from private forests and local forests, chips, sawdust, shavings, recycled wood fibres and timber from outside Québec.

For the purposes of subparagraph 2 of the first paragraph and, in particular, to assess the available timber from private forests that may be sold in a particular region, the Minister, before granting a timber supply guarantee, consults the boards of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) or the organizations designated under section 50 of that Act. The consultation pertains, among other things, to the volumes of timber the Minister intends to guarantee.

**92.** The holder of a timber supply guarantee may, after so informing the Minister and in the manner specified by the Minister, send timber purchased during the year which, under the guarantee, was intended for the guarantee holder's wood processing plant to other processing plants operating under a timber guarantee; the sum of the volumes of timber that may be sent to other processing plants during a given year may not exceed the volume of timber determined by government regulation.

The sum of the volumes of timber from other wood processing plants operating under a timber supply guarantee that are sent to the processing plant specified in the holder's guarantee during a given year may not exceed the volume of timber determined by government regulation. Additional volumes of timber equal to the volumes of timber that the holder may have sent to other processing plants under the first paragraph may be added to that volume.

Volumes of timber whose destination was changed under section 93 are excluded in calculating volumes of timber under this section.

**93.** The Minister may, as an exceptional measure, allow part of the guaranteed volumes of timber purchased by the holder in the course of a year to be allocated to a processing plant other than the plant specified in the timber supply guarantee, in particular if the Minister considers it necessary to do so to avoid a deterioration or loss of timber or to ensure the optimal use of the timber.

The Minister may also, on the request of a guarantee holder, authorize the holder to send part of the guaranteed volumes of timber purchased in the course of a year to a wood processing plant other than the plant specified in the guarantee to make up for an inadequate supply for that processing plant resulting from the economic context, if the Minister considers that transferring the timber will prevent the temporary closure or reduce the duration of the closure of the processing plant. The Minister may also, on the request of guarantee holders, authorize exchanges of timber between two wood processing plants to reduce timber transportation costs. In making a decision, the Minister must take into account the impact the decision will have on the local and regional economy and on the marketing of timber from private forests.

**94.** A timber supply guarantee is not transferable.

iii. — *Annual royalty and market price for guaranteed timber*

**95.** The holder of a timber supply guarantee must pay the Minister an annual royalty based on the rate set by the timber marketing board. The royalty is payable on 1 April of each year or according to the terms and schedule determined by regulation of the Minister.

**96.** The timber purchased by a guarantee holder is payable at the rates set by the timber marketing board and according to the terms and schedule determined by regulation of the Minister.

**97.** Interest is charged on any unpaid balance of amounts payable from the thirtieth day following the date of billing, at the rate determined for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu. Interest is capitalized monthly.

iv. — *Waiver of right to guaranteed volumes of timber*

**98.** The holder of a timber supply guarantee may, in the course of a year, waive all or part of its right to guaranteed volumes of timber for the year.

**99.** A timber supply guarantee does not entitle its holder to reject timber affected by a natural disturbance or human interference otherwise than by a waiver.

**100.** The Minister may, after consulting the holder of a timber supply guarantee, establish a calendar of the dates on which the holder is to decide whether or not to purchase a specified part of the annual volumes of timber guaranteed.

A holder who, when required to decide whether or not to purchase the specified part of the annual volumes, refuses, neglects or fails to do so is deemed, after being informed by the Minister of the consequences of the refusal, neglect or failure, to have waived the right to those volumes of timber for the year.

The notice sent by the Minister must state that the holder has 10 days to remedy the situation.

**101.** Volumes of timber to which a guarantee holder waived or is deemed to have waived the right may not be claimed by the holder in subsequent years.

**102.** Volumes of timber to which a guarantee holder waived or is deemed to have waived the right may be sold by the timber marketing board or allocated to one or more other wood processing plants at the rates set by the timber marketing board, as the Minister may direct.

v. — *Special provision regarding natural disturbances and human interference and constraints restricting or prohibiting access to forest resources*

**103.** The holder of a timber supply guarantee may not claim an indemnity or compensation from the Government if, in the course of a year, the holder was not able to acquire all the guaranteed annual volumes of timber owing to a natural disturbance or human interference or to a decision of the Minister restricting or prohibiting in the public interest access to or travel in the forest.

In the latter case, however, the volumes of timber must be offered to the holder entitled to it as soon as they become available, if the holder continues to operate the plant benefiting from the guarantee. If there is more than one guarantee holder entitled to the volumes of timber, they are allocated in proportion to the volumes initially withheld.

vi. — *Term, renewal and revision of a timber supply guarantee*

**104.** A timber supply guarantee is granted for a five-year period.

Unless otherwise specified by the guarantee holder, it is renewed for the same period every five years if the holder has performed the obligations set out in this Act and the guarantee.

**105.** If the Minister considers it expedient following the five-year review of allowable cuts and after giving the guarantee holder an opportunity to submit observations, the Minister may revise the conditions of the guarantee, including the guaranteed annual volumes of timber and the forest from which the timber may be purchased.

The Minister, exercising ministerial discretion, takes into account

- (1) the requirements of the wood processing plant;
- (2) other available sources of supply such as timber from private forests and local forests, chips, sawdust, shavings, recycled wood fibres and timber from outside Québec;
- (3) the volumes of timber, by origin, used by the plant in the last five years;
- (4) the allowable cuts assigned to the development units;
- (5) the minimum volumes of timber required on the open market to assess the market value of timber from the forests in the domain of the State; and
- (6) the volumes of timber the Minister considers necessary for the carrying out of socio-economic development projects in the regions and communities.

For the purposes of subparagraph 2 of the second paragraph and, in particular, to assess the available timber from private forests that may be sold in a particular region, the Minister consults the boards of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products or the organizations designated under section 50 of that Act during the revision process. The consultation pertains, among other things, to the volumes of timber the Minister intends to guarantee.

**106.** The Minister may also, after giving the holder of a timber supply guarantee an opportunity to submit observations, revise, in the course of the year, the guaranteed annual volumes of timber for the species or group of species concerned and change the forest from which the timber may be purchased, when the allowable cut assigned to a development unit in a region covered by the guarantee is changed by the chief forester in accordance with subparagraph 7 of the first paragraph of section 46. The changes apply only once the new allowable cut is in force, that is, after 31 March of the following year.

The same applies when changes occur in the requirements of the guarantee holder's wood processing plant, for instance following a change in the controlling interest of the legal person or partnership holding the guarantee, the permanent discontinuance of part of the plant's operations, a change in the processing plant's vocation or a restructuring of the enterprise.

For the purposes of the first paragraph, the Minister, exercising ministerial discretion, takes into account the elements set out in subparagraphs 4 and 5 of the second paragraph of section 105. If the Minister revises the volumes because of an increase in the allowable cut, the Minister also takes into account the sources of supply mentioned in subparagraph 2 of the second paragraph of section 105 and consults the bodies mentioned in the third paragraph of section 105.

**107.** Following a reduction in the allowable cut assigned to a development unit in a region covered by several timber supply guarantees, the Minister may take into account the impact on regional or local economic activity of the apportionment among the guarantee holders of the reduction in guaranteed annual volumes for the species or group of species concerned, and vary the reduction in consequence.

**108.** A timber supply guarantee may at all times be modified by the Minister with the consent of the guarantee holder.

vii. — *Cancellation, suspension and termination of a timber supply guarantee*

**109.** The Minister may cancel a timber supply guarantee

(1) if the guarantee holder fails to perform the obligations set out in this Act or the guarantee;

(2) if the guarantee holder fails to pay the annual royalty or the amount obtained from the sale of guaranteed timber that is payable; or

(3) if the guarantee holder's wood processing plant ceased operations at least six months earlier.

The Minister must give the guarantee holder in default prior notice of the Minister's intention to cancel the guarantee, unless the holder remedies the failure before the expiry of the time specified in the notice.

Moreover, in the case described in subparagraph 3 of the first paragraph, the prior notice must state that the guarantee holder has 60 days to submit a business plan for resuming operations to the Minister. If the holder submits a business plan within the 60-day period, the Minister may not cancel the guarantee before the expiry of 30 days after the plan is submitted.

The resumption of a wood processing plant's operations for a continuous period of less than one month does not interrupt the six-month period referred to in subparagraph 3 of the first paragraph.

**110.** The Minister may suspend, under the same conditions and for the period determined by the Minister, the rights granted by the timber supply guarantee

(1) in any of the cases described in subparagraphs 1 and 2 of the first paragraph of section 109; or

(2) if the guarantee holder fails to join the forest protection organizations certified by the Minister or fails to pay the assessment set by those organizations.

During such a suspension, the Minister may take all the necessary measures with respect to the guaranteed volumes of timber made available.

**111.** The Minister enters a reference to the notices given under sections 109 and 110 in the public register.

**112.** The Minister terminates a timber supply guarantee without prior notice

(1) if the guarantee holder's wood processing plant discontinues its operations permanently; or

(2) if the guarantee holder has made an assignment of property or has been the subject of a receiving order under the Bankruptcy and Insolvency Act or, in the case of a legal person, has been dissolved or has been the subject of a winding-up order.

**113.** The Minister terminates a timber supply guarantee at the request of the guarantee holder.

In such a case, the holder is entitled to the reimbursement of the part of the annual royalty corresponding to the overpayment. The amount is determined on the basis of the remaining volumes of timber that the holder was entitled to purchase before the end of the year.

**114.** If the Minister terminates a timber supply guarantee, the Minister may, for the time remaining before the next five-year review of allowable cuts, either allow the timber under the guarantee to be sold by the timber marketing board or allocate the timber to one or more other wood processing plants at the rates set by the timber marketing board.

viii. — *Regulatory power*

**115.** The Government may, by regulation,

(1) determine, for the purposes of the first paragraph of section 92, the volume of timber that may be sent to other processing plants operating under a timber supply guarantee, in the course of a given year;

(2) determine, for the purposes of the second paragraph of section 92, the volume of timber that may be sent from other wood processing plants operating under a timber supply guarantee to a processing plant specified in the holder's guarantee, in the course of a given year; and

(3) determine the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

**116.** The Minister may, by regulation, determine the terms and schedule according to which the annual royalty and the amount obtained from the sale of guaranteed timber are payable by the holder of a timber supply guarantee.

## CHAPTER VII

### PROCESSING OF TIMBER

**117.** All timber harvested in the forests in the domain of the State must be completely processed in Québec.

Timber is completely processed when it has undergone all the manufacturing treatments and processes and has passed through all the necessary phases to render it suitable for its intended final use.

**118.** The Government may, on the conditions it determines, authorize the shipment outside Québec of incompletely processed timber from the forests in the domain of the State if it appears to be contrary to the public interest to do otherwise.

## TITLE III

### TIMBER MARKETING

**119.** A timber marketing board known as the Bureau de mise en marché des bois is established within the department. The timber marketing board exercises the functions conferred on it by this Title, with a view to fostering sustainable development and an open market.

A performance and accountability agreement must be entered into by the Minister, the deputy minister and the director of the timber marketing board specifying, among other things, the responsibilities of each within the framework of the timber marketing board's mission.

**120.** The timber marketing board has the following functions:

(1) to prepare a manual setting out the rules applicable to the marketing of timber and other forest products;

(2) to determine the minimum volumes of timber from forests in the domain of the State that are required on the open market to assess the market value of timber;

(3) to identify the forest operations zones from which timber is to be sold on the open market;

(4) to carry out marketing operations for timber and other forest products from the forests in the domain of the State;

(5) to establish a register of buyers eligible to bid on the open market and determine registration fees and conditions, as well as cases of exclusion from the register;

(6) where required, to set the opening bid, the reserve price and the minimum bid for the sale of timber or forest products, taking account, among other things, of benchmark data on the cost and performance of forest development activities, whose efficiency is determined according to the site and the operating conditions;

(7) to sell timber and other forest products from the forests in the domain of the State on the open market and enter into sales contracts on the conditions the board determines;

(8) at the Minister's request, to sell timber supply guarantees on the open market in order to assess their market value;

(9) at the request of a board of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products or an organization designated under section 50 of that Act, to sell on the open market products from private forests subject to the joint plan administered by the board of producers or the organization, if the plan allows it;

(10) to compile the forest, biophysical, financial and economic data required to assess both the market value of timber and other forest products from the forests in the domain of the State and the cost and value of forest development activities, as well as the cost of forest protection activities;

(11) to assess the cost and value of forest development activities and the cost of forest protection activities;

(12) to assess, for each species or group of species, based on quality, size and zone, the market value of timber offered for sale to holders of timber supply guarantees, according to the methods and frequency determined by government regulation, and to set the applicable rates on the basis of that assessment;

(13) to assess the annual royalty the holder of a timber supply guarantee must pay according to the method determined by government regulation and set the applicable rate on the basis of that assessment;



(14) to assess, if required by the Minister, the market value of other forest products from the forests in the domain of the State;

(15) to enter, in a manual that it keeps up to date, the instructions applicable to each scaling method determined by government regulation and covering, for instance, the different scaling and sampling techniques and the content and style of the various application forms and other types of forms relating to timber scaling, timber inventories and timber transportation;

(16) to establish the rules relating to timber sampling in the forests in the domain of the State, carry out the sampling, compile the data, and identify, based on the sampling, the conversion factors with which to determine volumes of timber, using data gathered from weighing and measuring felled timber;

(17) to submit invoices for timber and other forest products from the forests in the domain of the State and collect revenue from their sale;

(18) to prevent and detect collusion and initiate complaints of collusion where it has reasonable grounds to believe that persons or bodies have acted in collusion; and

(19) to carry out any other mandate related to a matter falling within its purview that the Minister entrusts to it.

The marketing manual, the value of forest development activities, the rates applicable to the sale of guaranteed volumes of timber and to the annual royalty to be paid by the holder of a timber supply guarantee, the instruction manual for scaling timber and the conversion factors are made public by the timber marketing board.

**121.** A further function of the timber marketing board is to advise the Minister on the planning and development of markets for timber and other forest products.

The Minister may also ask the timber marketing board for an opinion on any matter related to its functions, regarding either the forests in the domain of the State or private forests.

The advisory opinions of the timber marketing board must be available to the public.

**122.** The timber marketing board may require that holders of timber supply guarantees or enterprises carrying on forest development activities in the forests in the domain of the State provide it with the forest, biophysical, financial or economic data required for the exercise of its functions. The guarantee holders or enterprises concerned must provide the required data.

**123.** A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information must provide the timber marketing board with the information and documents the board requires to exercise its functions.

**124.** The timber marketing board may carry out any investigations it considers necessary for the exercise of its functions.

For the purposes of an investigation, the timber marketing board is vested with the powers and immunity provided for in the Act respecting public inquiry commissions, except the power to order imprisonment.

No judicial proceedings may be brought against the timber marketing board for acting in good faith in the exercise of its functions.

**125.** The department's annual management report must contain a separate section on the management of the timber marketing board.

**126.** The Government may, by regulation,

(1) determine the methods and frequency according to which the timber marketing board must assess the market value of timber offered to holders of timber supply guarantees; and

(2) determine the method according to which the timber marketing board must assess the annual royalty to be paid by the holder of a timber supply guarantee.

## **TITLE IV**

### **FORESTS IN THE PRIVATE DOMAIN**

#### **CHAPTER I**

##### **APPLICATION**

**127.** This Title applies to forests belonging to private owners or held under a title of ownership by a Native landholding corporation governed by the Act respecting the land regime in the James Bay and New Québec territories and intended for forest production.

#### **CHAPTER II**

##### **PLANS AND PROGRAMS**

**128.** The Minister may develop programs to foster the sustainable development of private forests, and grant financial assistance to a person or body for that purpose, in particular to regional agencies for private forest development and joint management bodies, on the conditions determined by the Minister.

**129.** A person or body that obtains financial assistance without entitlement, fails to comply with the applicable terms or uses the proceeds of such assistance for purposes other than those for which it was granted forfeits the assistance by operation of law and must return the amounts received, unless the Minister decides otherwise.

Any amount not remitted to the Minister under the first paragraph bears interest, at the rate set for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu, from the thirtieth day following the date of the Minister's claim. Interest is capitalized monthly.

### CHAPTER III

#### FOREST PRODUCERS

**130.** A certified forest producer is a person or body that

(1) owns a parcel of land or a group of parcels of land that may constitute a unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and whose total forest area is not less than four hectares;

(2) has a forest development plan for that area that is certified by a forest engineer as being consistent with the by-laws of the regional agency for private forest development that has jurisdiction in the area; and

(3) registers the total forest area of the unit of assessment, and any modification that affects it or changes its size, with the Minister or with any person or body designated for that purpose by the Minister.

The Minister or the person or body having effected the registration issues to the certified forest producer, upon payment of the dues payable and the administrative fees prescribed by government regulation, a certificate attesting to the forest area in question. The period covered by the certificate must correspond to that covered by the forest development plan, which cannot exceed 10 years.

However, a certificate may be refused the owner of a private forest consisting of a single block of 800 hectares or more if the owner fails to join a forest fire protection organization certified by the Minister or fails to pay the assessment set by the organization. The Minister may revoke a certificate for the same reasons.

**131.** A certified forest producer may receive a reimbursement of part of the property taxes paid for the immovables included in a unit of assessment, the forest area of which has been registered under section 130, if the forest producer

(1) has a forest producer's certificate for the forest area in question;

(2) applies for the reimbursement in accordance with section 220.3 of the Act respecting municipal taxation;

(3) has a report that was prepared by a forest engineer, stating the eligible protection or development expenses that are applicable to the last calendar year, if the producer is a natural person, or, otherwise, to the last fiscal year of the producer and that represent an amount equal to or greater than the amount of property taxes paid for which an application for reimbursement may be made under section 220.3 of the Act respecting municipal taxation; and

(4) is not already receiving a reimbursement of property taxes for that forest area.

## CHAPTER IV

### REGIONAL AGENCIES FOR PRIVATE FOREST DEVELOPMENT

#### DIVISION I

##### ESTABLISHMENT AND ORGANIZATION

**132.** For the purposes of this division, the Minister may certify organizations of forest producers responsible for providing their members with private forest development services or forest product marketing services.

**133.** One or more municipalities may associate with organizations certified under section 132 and holders of a wood processing plant operating permit to apply to the Minister for the creation of a regional agency for private forest development in their territories.

In the territory of a regional county municipality, the initiative for founding an association belongs to the regional county municipality; however, a local municipality whose territory is included in that of a regional county municipality that belongs to such an association may join the association.

**134.** The association's application must include

(1) the name of the agency to be established;

(2) a description of the territory of the agency;

(3) a list of the members of the association, including their capacity;

(4) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the agency's first board of directors; and

(5) the designation of the person who will chair the agency's board of directors.

The application must be accompanied by the by-laws that will govern the new agency.

**135.** The Minister may grant the application and establish an agency, after ascertaining that the by-laws are consistent with section 141 and approving their substance.

The Minister gives notice of the establishment in the *Gazette officielle du Québec*.

The members of the founding association and the members of the board of directors proposed for the agency in the application, including the chair, become the members and the members and chair of the board of the agency, without further formality and without ratification. In a similar manner, the by-laws proposed for the agency in the application become the by-laws of the agency.

**136.** An agency is a non-profit legal person.

**137.** An agency has its head office in its territory, at the place it determines. Notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.

**138.** Subject to any conditions governing admission that may be prescribed by an agency's by-laws, the municipalities whose territory is included in that of the agency, organizations certified under section 132 and holders of a wood processing plant operating permit may become members of the agency.

The right to vote at the general assembly is limited to the representatives of the categories of members mentioned above; each category has the same number of votes.

**139.** An agency may, in its by-laws, create a category of associate members who do not vote and do not participate in the administration of the agency, and determine the conditions governing their admission and their rights and obligations.

**140.** The board of directors of an agency is composed of representatives of each category of members mentioned in section 138 and of persons appointed by the Minister for the time determined by the Minister; each of the four groups has the same number of votes.

**141.** The by-laws of an agency must

(1) prescribe, subject to the conditions set in section 138, the manner of designating the representatives of each category of members at the general assembly, the conditions to be satisfied by each representative, the number of representatives, their term of office, and the number of votes that may be cast by each representative;

(2) prescribe, subject to the conditions set in section 140, the manner of designating the members of the board of directors other than those appointed by the Minister, the conditions to be satisfied by each board member, the number of board members, their term of office, and the number of votes that may be cast by each board member;

(3) determine the rules of ethics and professional conduct applicable to the members of the board of directors; the rules must include mechanisms for their implementation, including any applicable penalties;

(4) determine the minimum amount of liability insurance the agency must take out to cover any liability incurred by its officers and other representatives as a result of errors or negligence in the exercise of their functions;

(5) establish a decision-making process and a conflict resolution mechanism for the board of directors; and

(6) ensure that every person or body that satisfies the conditions governing admission is permitted to join the agency.

Any amendment to the agency's by-laws must be approved by the Minister after ratification by the general assembly.

**142.** In order to standardize the rules of ethics and professional conduct applicable to board members, the Minister may request all, or one or more, agencies to make the amendments the Minister determines to their by-laws. The Minister may also require that an agency make the amendments the Minister determines to the provisions of its by-laws that deal with the quorum for board meetings if the Minister considers that the by-laws no longer facilitate the holding of meetings.

An agency to which the request is made must enact the amending by-law. The by-law comes into force on the date it is enacted by the board and need not be ratified by the general assembly.

The Minister may enact the amending by-law if the agency fails to do so within the time specified by the Minister. The by-law then comes into force as soon as the chair of the agency is notified.

**143.** An agency must hold a general assembly at least once a year.

The general assembly adopts the annual activity report, approves the financial statements for the preceding fiscal year and, if necessary, elects directors. In addition, the general assembly appoints an auditor for the current fiscal year and examines any other question on the agenda.

**144.** The Minister may change the name of an agency that applies for such a change.

The Minister gives notice of the change in the *Gazette officielle du Québec*.

**145.** On an application by an agency and a municipality, the Minister may extend the boundaries of the territory of the agency in order to include the territory of the municipality.

The Minister gives notice of the extension in the *Gazette officielle du Québec*.

In the territory of a regional county municipality, the initiative for filing the application belongs to the regional county municipality.

**146.** On an application by interested agencies whose territories are adjacent, the Minister may join their territories and form a new agency. The application must include

(1) the name of the new agency;

(2) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the new agency's first board of directors; and

(3) the designation of the person who will chair the board of directors of the new agency.

The application must be accompanied by the by-laws that will govern the new agency.

The Minister gives notice of the creation of the new agency in the *Gazette officielle du Québec*.

The agencies whose territories are joined cease to exist and their members, rights and obligations become members, rights and obligations of the new agency.

**147.** On an application by an agency, the Minister may divide the territory of the agency and create new agencies. The application must include

- (1) the names of the new agencies;
- (2) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the first boards of directors of the new agencies;
- (3) the designation of the persons who will chair the boards of directors of the new agencies; and
- (4) a plan for the allocation of the rights and obligations of the agency whose territory is divided.

The application must be accompanied by the by-laws that will govern the new agencies.

The Minister gives notice of the creation of the new agencies in the *Gazette officielle du Québec*.

The agency whose territory was divided ceases to exist and its rights and obligations become rights and obligations of the new agencies in accordance with the allocation plan.

**148.** The members of the board of directors, including the chair, proposed in the application that gave rise to a new agency resulting from an amalgamation or division of territory become, without further formality and without ratification, the members and the chair of the board of directors of the new agency. In a similar manner, the by-laws proposed for the new agency become the by-laws of the new agency.

The protection and development plan of a former agency remains in force in the territory to which it applied until it is amended or replaced by the new agency having jurisdiction in that territory.

## **DIVISION II**

### **OBJECTS**

**149.** The objects of an agency are to guide and promote the development of the private forests in its territory in keeping with the principle of sustainable forest development, in particular through

- (1) the preparation of a protection and development plan; and
- (2) the provision of financial and technical support for protection or development.

To that end, the agency encourages concerted action among the persons and bodies involved in those activities.



**150.** The protection and development plan includes a survey of forest capability in the territory of the agency and sets out production objectives and recommended management methods, in particular management methods capable of ensuring a sustainable supply of timber. The plan must also include a five-year program outlining the forest protection and development activities fostered by the agency and state the means selected to achieve the objectives.

The plan comes into force in the territory of a regional county municipality if it is consistent with the objectives of the regional county municipality's land use planning and development plan, within the meaning of the Act respecting land use planning and development (R.S.Q., chapter A-19.1). The plan is available for consultation at the agency's head office or any other place determined by the agency. Any person or body may obtain a copy of all or part of the plan from the agency by paying the necessary fees.

For the purposes of this section and sections 151 to 156, the following are regarded as regional county municipalities:

(1) Ville de Gatineau; and

(2) until the coming into force of the metropolitan land use and development plan applicable in their territory, Ville de Laval, Ville de Mirabel, Ville de Montréal, Ville de Québec, Ville de Longueuil and Ville de Lévis and, from the coming into force of their metropolitan land use and development plan, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec.

**151.** The agency sends a copy of its protection and development plan to the Minister and to every regional county municipality whose territory is included in that of the agency.

**152.** Within 90 days after receiving the agency's plan, the council of the regional county municipality concerned must give the agency its opinion on whether or not the plan is consistent with the objectives of its land use planning and development plan.

The secretary-treasurer serves on the agency, within the time provided for in the first paragraph, a certified copy of the resolution stating this opinion.

If the council of the regional county municipality fails to send its opinion to the agency within the time provided for in the first paragraph, the agency's plan is deemed to be consistent with the objectives of the land use planning and development plan.

The agency's plan is also deemed to be consistent with those objectives from the date on which the regional county municipality, in accordance with the first paragraph, issues an opinion to that effect.

**153.** An opinion to the effect that the agency's plan is not consistent with the objectives of a land use planning and development plan must include reasons and may contain suggestions by the regional county municipality for ensuring that consistency.

The agency must, within 90 days after receiving the opinion, amend its protection and development plan to ensure that it is consistent with the objectives of the land use planning and development plan.

**154.** At the request of the Minister, the agency must revise its protection and development plan, following the same procedure as when preparing its initial plan.

The agency may revise its plan on its own initiative, following the same procedure.

**155.** The agency must, within 90 days after the coming into force of a land use planning and development plan that is applicable in its territory, review its protection and development plan so as to ensure that it is consistent with the objectives of the land use planning and development plan.

**156.** If a land use planning and development plan applicable in the territory of a regional county municipality is amended, the agency must, within 90 days after receiving a request from a regional county municipality, amend its protection and development plan to ensure that it is consistent with the objectives of the amended land use planning and development plan. The request may contain suggestions for ensuring that consistency.

**157.** The agency determines, by by-law, the form and content of the forest development plan that a certified forest producer must have. A plan applicable to a forest area consisting of a single block of 800 hectares or more must include, among other things, a calculation of the annual allowable cut.

**158.** The agency may, within the framework of its programs and subject to the conditions it determines, participate financially in the implementation of its protection and development plan and in particular in

(1) the preparation of forest development plans and the carrying out of forest development work; and

(2) the carrying out of training and information activities.

However, financial participation in forest development work is restricted to forest areas registered under section 130, regardless of the eligibility of a person or a body for an agency program.

The agency may also give prizes or awards for excellence in the protection and development of private forests.

**159.** Every financial participation program of the agency must set out the eligibility requirements and the nature of the participation and the scales, limits and conditions involved.

**160.** The agency may, in addition,

(1) receive gifts, legacies, grants or other contributions, provided that any conditions attached are compatible with the exercise of its powers and duties;

(2) establish and administer any fund required for the exercise of its powers and duties; and

(3) monitor the work carried out under a financial participation program.

**161.** The agency may, under an agreement and subject to the conditions set out in the agreement, delegate certain of its powers and duties to another person or body.

### DIVISION III

#### FINANCIAL PROVISIONS AND REPORTS

**162.** A holder of a wood processing plant operating permit who acquires a volume of timber from the territory of an agency must pay a contribution to the agency. The contribution is established annually by the agency on the basis of a rate per cubic metre of timber set by government regulation and applied to the volume of private-forest timber purchases made by the permit holder in the course of a year.

**163.** A holder of a wood processing plant operating permit must declare, according to the formula and conditions determined by by-law of the agency, the volume of private-forest timber purchased in the course of the period preceding the declaration. The holder must file the declaration according to the schedule set by government regulation and pay the contribution in accordance with that schedule and the volume of timber declared.

**164.** An agency must obtain the authorization of the Minister to

(1) grant a loan or a guarantee for total or partial repayment of a financial commitment;

(2) make an investment in exchange for royalties, a share of the profits, or any other form of compensation;

(3) acquire assets of an enterprise; or

(4) make any other financial commitment that the Minister may determine by regulation.

The Minister may subject the authorization to conditions.

**165.** The fiscal year of an agency ends on 31 March.

**166.** An agency may not, in a fiscal year, make payments or assume obligations in excess of the sums at its disposal for that fiscal year.

This section does not prevent an agency from making a commitment for a term that exceeds one fiscal year.

**167.** The Minister may require an agency to file reports on its financial situation on the dates and in the form the Minister determines.

The Minister may also require an agency to provide any information concerning the application of this chapter.

**168.** An agency must send its financial statements and annual report for the preceding fiscal year to the Minister, at the time the Minister determines.

These documents must contain the information required by the Minister and be accompanied by the auditor's report.

The agency must publish its financial statements and annual report.

## CHAPTER V

### FORESTRY FUNDING PROGRAM

**169.** The Government establishes by regulation a forestry funding program to encourage the creation, maintenance and development of forest production units, and prescribes for that purpose any measure necessary for its establishment and implementation. The regulation may

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, with the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria for determining the persons or categories of persons who may benefit from the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program; and

(4) determine the financial commitments made under the program that may be insured under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) together with the extent and duration of coverage.

**170.** Financial assistance under the forestry funding program is granted by La Financière agricole du Québec. The program may provide for

(1) loans; and

(2) guarantees for total or partial repayment of financial commitments, furnished by the Fonds d'assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance.

**171.** The Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1), except section 19, applies, with the necessary modifications, to the forestry funding program.

**172.** Not later than 30 June each year, La Financière agricole du Québec must send the Minister a report on the administration of the forestry funding program for the preceding fiscal year. The report must be attached to the department's annual management report.

La Financière agricole du Québec must also provide the Minister, at any time, with any information on its activities that the Minister may require under this Act.

## CHAPTER VI REGULATORY POWERS

**173.** The Government may, by regulation,

(1) set the fees payable for the issue, modification or renewal of a forest producer's certificate;

(2) set the administrative fees payable for the examination of applications and the issue of copies of a certificate;

(3) limit the total fees a person must pay in the course of a given year;

(4) provide that the fees payable or the fees paid to a person or body designated by the Minister to register forest areas may be kept by the person or body;

(5) define the content of the report described in paragraph 3 of section 131 and specify, for the purposes of that paragraph, the eligible protection or development expenses, prescribing exclusions, ceilings and deductions;

(6) establish rules for the calculation and substantiation of eligible development expenses, and authorize carry-forwards of those expenses;

(7) according to criteria it determines, set the rate per cubic metre of timber on the basis of which the contribution provided for in section 162 is established, and prescribe how and when the contribution is to be paid; and

(8) determine how and when the declaration required under section 163 is to be filed with the agency.

**TITLE V****OPERATION OF WOOD PROCESSING PLANTS****CHAPTER I****OPERATING PERMITS**

**174.** An operating permit is required to operate a wood processing plant of a category provided for by government regulation.

The permit authorizes its holder to consume annually a volume of timber in keeping with the class of timber consumption specified on the permit.

**175.** An operating permit is issued on payment of the fees and on the conditions determined by government regulation.

The permit specifies the category of plant and the class of annual timber consumption authorized by government regulation for the various species or groups of species.

The permit is valid until 31 March of the year following the year of issue, and may be renewed annually on the conditions and on payment of the fees prescribed by government regulation.

**176.** A permit holder must

(1) comply with the requirements on the permit and satisfy the conditions determined by government regulation;

(2) give the Minister written notice of any act or transaction that brings about a change in the controlling interest of a wood processing plant or of the legal person operating it, within 60 days after the date of the act or transaction;

(3) keep a register according to the conditions determined by government regulation;

(4) send the Minister, each year, a certified copy of the part of the register covering the period corresponding to the calendar year if the permit holder is a natural person, and to the last complete fiscal year in all other cases; and

(5) send the Minister, together with the certified copy of the register, any information the Minister may request as being of use in the administration of this Act.

**177.** The Minister may require a permit holder who uses unprocessed timber as raw material and any person in the trade of unprocessed timber to declare under oath the source of the timber and to provide, if the timber comes from the forests in the domain of the State, any information required to prove that the dues on the timber or the amount from sales of guaranteed timber have been paid.

If the information required is not provided, the Minister may cause the timber to be seized and take measures for its disposal under Title VII of this Act.

**178.** The Minister may suspend or cancel a wood processing plant operating permit if the holder

(1) fails to comply with this Title; or

(2) fails to file, with the regional agency for private forest development that has jurisdiction in the territory, the declaration required under section 163, gives false or misleading information in the declaration or fails to pay the required contribution to the agency concerned.

Before making such a decision, the Minister must notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder at least 10 days to submit observations and remedy the failure.

The suspension or cancellation of a permit has effect from the date on which the permit holder is notified of the Minister's decision.

## CHAPTER II

### VERIFICATION

**179.** The Minister may, for the administration of this Title, authorize a person to verify the data in the register kept by a permit holder and any other information the Minister is entitled to request. The authorized person may, to that end,

(1) have access, at any reasonable time, to any establishment where the authorized person has reasonable cause to believe that information necessary for the verification is kept;

(2) examine and make copies of books, registers, plans, accounts, records and other documents relating to the activities governed by this Act and require any information or document relating to those activities; and

(3) require the permit holder or any other person on the premises to give reasonable assistance in carrying out the verification.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

### CHAPTER III

#### REGULATORY POWERS

**180.** The Government may, by regulation,

- (1) establish categories of wood processing plants and classes of authorized annual timber consumption for the various species or groups of species;
- (2) define the content of a wood processing plant operating permit and the conditions governing its issue and renewal;
- (3) determine the conditions on which a wood processing plant may be operated;
- (4) set the fees payable for the issue and renewal of a wood processing plant operating permit and determine the conditions of payment;
- (5) set the administrative fees for the examination of applications;
- (6) define the content of the register that must be kept by permit holders and determine how certified copies of the register are to be sent; and
- (7) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

### TITLE VI

#### FOREST PROTECTION

#### CHAPTER I

##### FOREST FIRES

#### DIVISION I

##### CERTIFIED ORGANIZATION

**181.** The Minister may certify, for an area defined by the Minister, an organization responsible for protecting forests against fires and for suppressing forest fires.

The organization may make by-laws on membership dues and the funding of its activities. The by-laws and any amendments to them must be approved by the Minister.

**182.** A forest protection organization must prepare and send to the Minister for approval a framework plan for the prevention and suppression of forest fires. Any change to the plan must also be approved by the Minister.



The framework plan must define the intensive protection zone and state, among other things, the number of people, the equipment and the means the organization intends to use to prevent and suppress forest fires. It must be kept up to date until a new plan is required by the Minister.

If the organization fails to send its framework plan to the Minister within the time specified by the Minister, the Minister establishes the plan at the organization's or its membership's expense.

**183.** The holder of a timber supply guarantee must be a member of the forest protection organization certified by the Minister for the regions covered by the guarantee and included in the intensive protection zone defined in the framework plan.

The same rule applies to the manager of a local forest and to any other delegate for the area covered by a management delegation agreement and included in the intensive protection zone defined in the framework plan, and to the owner of a private forest consisting of a single block of 800 hectares or more, for the portion of the forest included in such a zone.

The Minister is an *ex officio* member of every certified forest protection organization.

**184.** The forest protection organization must assume the expenses incurred to prevent and suppress forest fires in the intensive protection zone.

However, the expenses incurred by the organization for forest fire suppression operations are reimbursed on presentation of vouchers in the manner provided for by government regulation. The expenses are paid out of the consolidated revenue fund.

**185.** If a fire starts in a private forest whose owner is not a member of the forest protection organization responsible for the area concerned, a representative of that organization is authorized to enter the forest and take the measures necessary to fight the fire.

The organization may claim the expenses it incurred in fighting the fire from the forest owner.

**186.** The Minister or the forest protection organization may make special agreements to protect the forests in areas situated outside an intensive protection zone, in particular with regard to forest fire prevention and suppression expenses.

**187.** A representative of a forest protection organization may requisition any equipment needed to fight a forest fire, regardless of who owns it.

The organization must grant the owner of the requisitioned equipment fair and reasonable compensation as determined by the Minister.

## DIVISION II

### POWERS OF THE MINISTER

**188.** The Minister sets the amount of the compensation a forest protection organization must grant the owner of requisitioned equipment, as well as the indemnities payable to persons the organization must recruit to fight a forest fire.

**189.** When of the opinion that weather conditions require it, the Minister may prohibit or restrict access to and travel in a forest and prescribe any other measures to reduce the risk of fire.

## DIVISION III

### FIRE PREVENTION

**190.** From 1 April to 15 November, a fire permit is required to make a fire in or near a forest, except in the cases provided for by government regulation.

Fire permits are issued by the forest protection organization on the conditions determined by government regulation. On issuing a fire permit, the organization may determine the precautionary measures to be taken according to the particular circumstances of each application.

**191.** When operating in a forest, railway operators must comply with the forest fire prevention and suppression rules applicable to the operation of a railway in the forest and prescribed by Transport Canada, except insofar as such rules are prescribed by government regulation.

**192.** Persons or bodies that carry on work or cause work to be carried on in a forest, other than forest development activities carried on under a plan drawn up or approved by the Minister, must inform the forest protection organization operating in the area concerned of their intention and obtain from the organization a forest protection plan, if the organization considers it expedient. If the work is to be carried on outside an intensive protection zone, the costs incurred to determine the necessity of obtaining a plan and, where applicable, those relating to the preparation of the plan are to be assumed by the person or body that carries on the work or causes it to be carried on in the forest.

The plan must be submitted to the Minister for approval. The costs of the surveillance operations provided for in the plan are assumed by the person or body that carries on the work in the forest.

**193.** A person who uses fire as a silvicultural treatment must comply with any instructions in that regard given by the forest protection organization and which have the prior approval of the Minister.

**194.** The expenses incurred to suppress a fire that breaks out during a railway operation referred to in section 191 or during work referred to in section 192 are entirely assumed by the person or body that is carrying on the operation or the work unless the person or body proves that the fire was not the fault of the person or body or their employees.

#### **DIVISION IV**

##### **REGULATORY POWERS**

**195.** The Government may, by regulation,

(1) determine the reimbursement mechanisms for expenses incurred in forest fire suppression operations;

(2) determine the cases in which a fire permit under section 190 is not required or is not issued;

(3) determine the conditions a fire permit holder must satisfy when making a fire in or near a forest;

(4) prescribe safety standards for the prevention and suppression of forest fires; and

(5) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

#### **CHAPTER II**

##### **DESTRUCTIVE INSECTS AND CRYPTOGAMIC DISEASES**

#### **DIVISION I**

##### **CERTIFIED ORGANIZATION**

**196.** The Minister may certify, for an area defined by the Minister, an organization responsible for protecting forests against destructive insects and cryptogamic diseases and for preparing and implementing action plans against such insects and diseases.

The organization may make by-laws on membership dues and the funding of its activities. The by-laws and any amendments to them must be approved by the Minister.

**197.** A forest protection organization must prepare and send to the Minister for approval a framework plan for the preparation and implementation of action plans against destructive insects and cryptogamic diseases. Any change to the plan must also be approved by the Minister.

The framework plan must define the protected area and state, among other things, the number of people, the equipment and the means the organization intends to use to implement the action plans. It must be kept up to date until a new plan is required by the Minister.

If the organization fails to send its framework plan to the Minister within the time set by the Minister, the Minister establishes the plan at the organization's or its membership's expense.

**198.** The holder of a timber supply guarantee must be a member of the forest protection organization certified by the Minister for the regions covered by the guarantee and included in the protected area defined in the framework plan.

The same rule applies to the manager of a local forest or any other delegate for the area covered by a management delegation agreement and included in the protected area defined in the framework plan.

The Minister is an *ex officio* member of every certified forest protection organization.

**199.** If an epidemic of destructive insects or a cryptogamic disease occurs or is about to occur in a forest in the domain of the State, the Minister requests the forest protection organization to prepare an action plan for the area in question.

The action plan must be approved by the Minister, and implemented and made public by the forest protection organization.

**200.** The forest protection organization must assume the expenses incurred to implement the action plans against destructive insects and cryptogamic diseases in the protected area defined in the framework plan.

However, the organization is reimbursed for these expenses on presentation of vouchers, in the manner provided for by government regulation.

**201.** If the Minister is of the opinion that an epidemic of destructive insects or a cryptogamic disease affecting a private forest threatens to spread to a neighbouring forest in the domain of the State and could result in major economic losses, the Minister requires the forest protection organization to draw up an action plan for the area concerned and sees that it is implemented.

The Minister may claim a reimbursement for the costs of such action from the forest owner concerned.

**202.** The sums required to pay the expenses described in section 200 and, if applicable, in section 201, are taken out of the appropriations granted annually by Parliament.

However, the sums required to pay the expenses resulting from unforeseen and urgent measures are taken out of the consolidated revenue fund to the extent determined by the Government, if the balance of the appropriations granted is insufficient.

## **DIVISION II**

### **PHYTOSANITARY TESTS**

**203.** The production, sale and transport of tree seedlings for non-ornamental purposes is subject to random phytosanitary tests.

**204.** The Minister designates inspectors responsible for carrying out phytosanitary tests and issuing, if applicable, certificates attesting that a given lot of tree seedlings examined by the inspector does not risk becoming the source of an epidemic.

**205.** An inspector carrying out the functions of office may enter premises where tree seedlings intended for non-ornamental uses are kept, at any reasonable time, or order any vehicle carrying such seedlings to be stopped for inspection or analysis of the seedlings.

If the inspector finds that the seedlings are affected by a disease or insects that may cause an epidemic, the inspector may seize the plants, forbid their sale or use, or order them to be treated or destroyed.

On request, the inspector must introduce himself or herself and produce a certificate of authority signed by the Minister.

**206.** A person who possesses a tree seedling intended for non-ornamental uses that is affected by a disease or insects that may cause an epidemic must notify an inspector without delay.

**207.** A producer of tree seedlings intended for non-ornamental uses must submit a detailed inventory of the seedlings to the Minister each year, in the form and under the conditions determined by government regulation. The producer must also provide the expected dates on which the plants will be removed and shipped.

**208.** An inspector may not be prosecuted for acts performed in good faith while carrying out the functions of office.

**209.** If a treatment is necessary to prevent an epidemic, the expenses incurred to apply it are assumed by the producer of the tree seedlings.

**DIVISION III****REGULATORY POWERS**

**210.** The Government may, by regulation,

(1) determine the reimbursement mechanisms for expenses incurred to implement action plans against destructive insects and cryptogamic diseases;

(2) determine the content of the seedling inventory that a producer must send the Minister under section 207, how and when it must be sent and the cases, under the regulation, in which a producer is not required to send it; and

(3) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

**TITLE VII****SEIZURE, CONFISCATION AND DISPOSAL OF TIMBER****CHAPTER I****INSPECTION AND VERIFICATION**

**211.** A public servant responsible for enforcing this Act may, when inspecting or verifying land in the domain of the State, seize timber found there, provided there are reasonable grounds for believing the timber to have been cut in violation of this Act or a regulation enacted under this Act.

In addition, the public servant may seize any timber that is mixed in with timber the public servant believes to have been illegally cut, if it is impossible or very difficult to distinguish one from the other.

**212.** A public servant who seizes timber must draw up minutes of the seizure setting out, in particular,

(1) the grounds for the seizure;

(2) the place where the timber was seized;

(3) the date and time of the seizure;

(4) the quantity and description of the seized timber;

(5) the name of the person from whom the timber was seized or of the person responsible for the premises, or the fact that there was no one on the premises;

(6) any information that may help identify the persons who may have an interest in the timber; and

(7) the name and title of the seizer.

**213.** The public servant must remit a duplicate of the minutes of the seizure to the person from whom timber is seized or the person responsible for the premises. If there is no one on the premises, the public servant must post a notice in plain sight on the premises of the seizure, stating that a seizure has been made and specifying where the duplicate of the minutes of the seizure has been filed.

**214.** The public servant has custody of the seized timber until it is introduced as evidence, at which time the clerk of the court becomes its custodian.

The custodian may detain the seized timber or cause it to be detained in such a manner as to ensure its preservation.

**215.** If the timber is susceptible to rapid deterioration or depreciation, a judge may authorize its sale on an application by the public servant. In such cases, at least one clear day's notice must be served on the person from whom the timber was seized and on the persons who claim to be entitled to the seized timber.

The timber seized may also be sold with authorization from a judge, except in the case described in the second paragraph of section 211, if the public servant shows that more than seven days have elapsed since a notice was posted on the premises under section 213 and that, since that time, no person has laid claim to the seized timber.

The sale is made by an authorized representative of the Minister on the conditions determined by the judge. The proceeds of the sale are deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).

**216.** Subject to sections 218 and 220, the seized timber or the proceeds from its sale may be retained for 120 days from the date of the seizure unless proceedings are instituted.

However, the public servant may apply to a judge for an extension of the retention period of up to 90 days, or to obtain any additional extension in accordance with the procedure set out in article 133 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).

**217.** On application by a person claiming entitlement to the seized timber or to the proceeds of its sale, a judge must order that the timber or proceeds be released to the applicant if the judge is convinced that the person is entitled to the timber or proceeds and that the course of justice will not be hindered by the release.

Five clear days' notice must be served on the public servant or, if applicable, on the prosecutor, on the defendant and on the person from whom the timber was seized if that person is not the applicant.

The release order is enforceable at the expiry of a 30-day period; however, the parties may waive this period.

**218.** The timber seized or the proceeds of its sale must be released to the person from whom the timber was seized or to a person entitled to the timber or proceeds

(1) as soon as the public servant, after verification, reaches the opinion that no offence was committed under this Act or the regulations;

(2) as soon as the public servant is notified that no proceedings will be instituted in relation to the seized timber or that the timber will not be introduced as evidence;

(3) at the expiry of the retention period; or

(4) when a release order becomes enforceable.

**219.** The powers conferred on a judge under this division may be exercised by a judge who is competent to issue a search warrant in the judicial district where the seizure is to be made or in the district where the offence has been committed.

**220.** If the owner or possessor of the seized timber is unknown or cannot be found, the seized timber or the proceeds of its sale are turned over to the Minister of Revenue or the Minister of Finance depending on whether the timber or the proceeds of its sale are involved, 90 days after the date of the seizure; a statement describing the timber or the proceeds of its sale and giving, if applicable, the name and the last known address of the interested party must be sent to the Minister of Revenue at that time.

The provisions of the Public Curator Act (R.S.Q., chapter C-81) pertaining to unclaimed property apply to the timber or the proceeds of sale turned over to the Minister of Revenue or the Minister of Finance.

## CHAPTER II

### SEARCHES

**221.** A search made with a view to seizing timber is governed by the Code of Penal Procedure, with the proviso that, despite article 132 of the Code, the retention period for the seized timber or the proceeds of its sale is 120 days following the date of seizure.



### CHAPTER III

#### REPORT OF SEIZURE

**222.** A public servant who makes a seizure in the course of an inspection, verification or search must, without delay, file a written report of the seizure with the Minister.

### CHAPTER IV

#### CONFISCATION AND DISPOSAL OF TIMBER

**223.** Timber cut in violation of this Act or the regulations and seized under this Title is confiscated by the Minister if the offender pleads guilty to or is found guilty of the offence.

The Minister may take all the measures necessary to dispose of the timber.

### TITLE VIII

#### REPORTING

**224.** The Minister must prepare a five-year sustainable forest development review containing the following information:

(1) a report on the implementation of the consultation policy and more specifically on the separate consultation procedure established for Native communities;

(2) the sustainable forest development results achieved, including a report on the implementation of the sustainable forest development strategy;

(3) an analysis of the sustainable forest development results achieved in the forests in the domain of the State, prepared by the chief forester under subparagraph 9 of the first paragraph of section 46;

(4) a report on the carrying out of this Act and recommendations on the advisability of maintaining it in force or amending it; and

(5) any other information of public interest concerning the objects of this Act.

The review covering the period between 1 April 2013 and 31 March 2018 is tabled in the National Assembly during the year 2019, and subsequent reviews are tabled in the National Assembly every five years after that.

The competent committee of the National Assembly examines the review.

**225.** A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information as well as the holders of timber supply guarantees and the signatories of a management delegation agreement described in section 17.22 of the Act respecting the Ministère des Ressources naturelles et de la Faune must provide the Minister with the information and documents the Minister considers necessary to prepare the review.

## TITLE IX

### PENALTIES

#### CHAPTER I

##### CIVIL REMEDIES

**226.** The court may, besides awarding damages for damage caused to a biological refuge or an exceptional forest ecosystem, order the person responsible to pay punitive damages.

#### CHAPTER II

##### PENAL PROVISIONS

**227.** A person who, without holding a forestry permit or other authorization under this Act, cuts, displaces, removes or harvests timber on lands in the domain of the State, or who damages trees or taps a maple tree on those lands, is guilty of an offence and is liable to a fine of

(1) \$5 to \$450 for each tree in respect of which an offence is committed;  
or

(2) \$200 to \$5,000 if the offence involves shrubs or forest biomass.

**228.** A person authorized to cut timber under this Act who cuts timber outside the cutting areas identified on the forestry permit, forest operations contract or agreement or the applicable forest development plan is guilty of an offence and is liable to a fine of \$4,000 to \$50,000 for each hectare or part of a hectare cut outside the perimeter of the area where cutting was authorized.

**229.** A person authorized to cut timber under this Act who harvests timber in excess of the volume authorized or harvests timber from a species or group of species the person is not authorized to harvest is guilty of an offence and is liable to a fine of \$40 to \$200 for each cubic metre of timber harvested in excess of the authorized volume or harvested without authorization.

**230.** The holder of a forestry permit or a timber supply guarantee who ships or allows to be shipped timber the holder is authorized to harvest under this Act to a destination other than the processing plant or plants specified in

the permit or guarantee is guilty of an offence and is liable to a fine of \$40 to \$200 for each cubic metre of timber shipped to that destination, unless authorized to do so under this Act.

**231.** A person authorized under this Act to carry out a forest development activity on the lands in the domain of the State who fails to respect a condition set out in this Act or a standard or condition required under the person's forestry permit, forest operations contract or agreement or the applicable forest development plan is guilty of an offence and is liable to a fine of \$200 to \$10,000 in all cases for which no other penalty is provided.

**232.** A person who contravenes the second paragraph of section 39 is guilty of an offence and is liable to a fine of \$10 to \$450 for each tree the person cut or failed to cut in violation of the applicable standard.

**233.** The following persons are guilty of an offence and are liable to a fine of \$500 to \$10,000:

(1) persons who carry out work for the construction, improvement or decommissioning of a multi-purpose road without being authorized to do so under this Act or fail to respect a condition determined by the Minister when authorized to carry out such work under the first paragraph of section 41;

(2) persons who destroy or damage a multi-purpose road on lands in the domain of the State; and

(3) persons who fail to comply with a restriction or prohibition concerning access to a multi-purpose road imposed by the Minister under the second paragraph of section 42.

**234.** A person who fails to submit to the Minister the annual activity report required under section 66 is guilty of an offence and is liable to a minimum fine of \$1,000.

**235.** A person who fails to comply with an order made by the Minister under section 68 or who neglects to follow up on the order is guilty of an offence and is liable to a fine of \$500 to \$5,000.

**236.** The holder of a forestry permit who contravenes paragraph 3 of section 75 is guilty of an offence and is liable to a fine of \$500.

**237.** A person who ships outside Québec incompletely processed timber from Québec's public domain without authorization in the form of an order made under section 118, or who contravenes a provision of the order, is guilty of an offence and is liable to a fine of \$2,450 to \$6,075 in the case of a natural person and \$7,300 to \$18,225 in the case of a legal person, and, for a subsequent offence, to a fine of \$12,150 to \$60,700 in the case of a natural person and \$36,425 to \$182,100 in the case of a legal person.

**238.** The following persons are guilty of an offence and are liable to a fine of \$200 to \$1,000:

(1) persons who operate a wood processing plant without holding a permit under section 174 or who contravene a provision of the permit; and

(2) holders of a wood processing plant operating permit who fail to comply with the obligations imposed under paragraphs 2 to 5 of section 176.

**239.** The following persons are guilty of an offence and are liable to a fine of \$500 to \$50,000:

(1) persons who fail to comply with a restriction or prohibition concerning access to or travel in a forest imposed by the Minister under section 189 or who contravene a measure prescribed by the Minister under that section;

(2) persons who make a fire in or near a forest without holding a permit under section 190 issued by the forest fire protection organization, if such a permit is required;

(3) holders of a permit mentioned in paragraph 2 who fail to comply with the precautionary measures the forest fire protection organization identified when it issued the permit;

(4) persons described in section 192 who fail to notify the forest fire protection organization of their intention to carry on work or cause work to be carried on in the forest, or who fail to obtain from the organization the forest protection plan mentioned in that section, if it is required; and

(5) persons who use fire as a silvicultural treatment and fail to comply with the instructions the forest fire protection organization may give them.

**240.** The following persons are guilty of an offence and are liable to a fine of \$200 to \$5,000:

(1) persons who offer for sale, sell or transport tree seedlings intended for non-ornamental purposes or use the seedlings without holding the certificate provided for in section 204;

(2) persons who own, offer for sale, sell or use a tree seedling affected by a disease or insects that may cause an epidemic; and

(3) persons who contravene section 206.

**241.** A person who, without the authorization of the public servant who has custody of seized timber, uses, removes or allows to be removed timber seized during an inspection, verification or search is guilty of an offence and is liable to a fine of \$1,000 to \$10,000.

**242.** A person required to submit a document or information to the Minister under this Act who submits a document or information comprising elements the person knows to be false or misleading is guilty of an offence and is liable to a fine of \$5,000 to \$25,000.

A person who makes false or misleading declarations or false representations in order to obtain a forestry permit or a wood processing plant operating permit is also guilty of an offence and is liable to a fine of \$500 to \$25,000.

**243.** A person who, in respect of anyone appointed to carry out an inspection or verification under this Act, a public servant responsible for the application of the law under Title VII or a representative of a forest protection organization when acting in the exercise of their functions,

(1) hinders their work or refuses to comply with an order given by them or to provide reasonable assistance, or

(2) refuses to submit the information or documents they may require or submits information or documents the person knows to be false or misleading

is guilty of an offence and is liable to a fine of \$500 to \$5,000.

**244.** A person who contravenes a regulatory provision the violation of which constitutes an offence under a regulation made under section 44, 72, 87, 115, 180, 195 or 210 is liable, as specified in the regulation, to a fine of

(1) \$200 to \$1,000;

(2) \$500 to \$2,000; or

(3) \$1,000 to \$5,000.

**245.** A person who contravenes a regulatory provision the violation of which constitutes an offence under a regulation made under section 38 is liable, as specified in the regulation, to a fine of

(1) \$10 to \$450 for each tree in respect of which an offence is committed;

(2) \$40 to \$200 for each cubic metre of timber the offender fails to salvage, in violation of the applicable standard;

(3) \$1,000 to \$5,000 for each hectare or part of a hectare in respect of which an offence is committed; or

(4) \$1,000 to \$40,000 if the fine cannot be calculated per tree, cubic metre of timber or hectare, given the forest development standard involved.

**246.** A person subject to a development plan who fails to comply with a standard whose application is imposed or authorized by the Minister under section 40 or a holder of a forestry permit issued for the operation of a sugar

bush who fails to comply with a standard whose application is imposed by the Minister under section 82 is guilty of an offence and is liable, depending on the plan or the permit, to a fine of

- (1) \$20 to \$900 for each tree in respect of which an offence is committed;
- (2) \$80 to \$400 for each cubic metre of timber the offender fails to salvage, in violation of the applicable standard;
- (3) \$2,000 to \$10,000 for each hectare or part of a hectare in respect of which an offence is committed; or
- (4) \$2,000 to \$80,000 if the fine cannot be calculated per tree, cubic metre of timber or hectare, given the forest development standard involved.

**247.** If an offence under this chapter is committed in an exceptional forest ecosystem or in a biological refuge, the fines are doubled.

Fines under this chapter are also doubled in the case of a subsequent conviction, except fines under section 237.

**248.** A person convicted of an offence under this chapter may not be sentenced to a fine of less than \$300, despite the fines prescribed in the chapter.

**249.** In determining the amount of a fine, the court takes into account, in particular,

- (1) the gravity of the damage resulting from the commission of the offence;
- (2) the fragility of the forest environment or the resources affected by the commission of the offence; and
- (3) the monetary gain and other advantages the offender derived or could have derived from the commission of the offence.

**250.** In addition to any other penalty imposed, a judge may order that the offender, on the conditions and within the time set by the judge, repair the damage caused by or resulting from the commission of the offence, such as reforestation, cleaning or restoring the site concerned at the offender's expense, or taking any other corrective measure considered necessary.

No order may be made if the prosecutor has not forwarded prior notice of the application for an order to the defendant, unless the latter is before the judge.

**251.** An officer, director or representative of an enterprise or legal person who fails to take reasonable steps, given the circumstances, to prevent or forestall the commission of an offence, or who orders, authorizes, consents

to or takes part in an offence is guilty of the offence and is liable to the penalty prescribed for it, whether or not the enterprise or legal person has been prosecuted or convicted.

The same applies to a person who employs or retains the services of another person or of an enterprise to carry out activities governed by this Act.

**252.** A person who, by act or omission, assists another in committing an offence under this Act or the regulations or who advises, encourages or incites another person to commit it is a party to the offence and liable to the same penalty as the person who committed the offence, whether or not that person has been prosecuted or convicted.

**253.** The Minister may recover the costs of investigation from any person found guilty of an offence under this Act or the regulations.

The Minister prepares a statement of costs and presents it to a judge of the Court of Québec after giving the interested parties five days' notice of the date of presentation.

The judge taxes the costs, and the judge's decision may be appealed with leave of a judge of the Court of Appeal.

**254.** Subject to the second paragraph, all penal proceedings must be instituted within three years of the commission of the offence.

Penal proceedings instituted under section 242 must be instituted within two years from the date of the opening of the investigation leading to the proceedings. However, no penal proceedings may be instituted if more than five years have elapsed since the date of the offence.

A certificate from the Minister attesting to the date on which the investigation was opened constitutes, in the absence of evidence to the contrary, conclusive proof of that date.

## **TITLE X**

### **AMENDING PROVISIONS**

#### **ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

**255.** Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “preliminary provision of the Forest Act (chapter F-4.1)” in subparagraph 8 of the first paragraph by “Sustainable Forest Development Act (2010, chapter 3) and the sustainable forest development strategy drawn up by the Minister of Natural Resources and Wildlife under that Act”.

**256.** Section 149 of the Act is amended

(1) by replacing “forest road or a mining road” in subparagraph 6 of the first paragraph by “road in the forest or a mining road”;

(2) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) authorizes, in accordance with the Sustainable Forest Development Act (2010, chapter 3), the construction of a main multi-purpose road provided for in a forest development plan; or”.

**257.** Section 150 of the Act is amended by striking out the third paragraph.**ACT RESPECTING FARM-LOAN INSURANCE AND FORESTRY-  
LOAN INSURANCE**

**258.** Section 1 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is amended by replacing “section 124.37 of the Forest Act (chapter F-4.1)” in paragraph *d* by “section 169 of the Sustainable Forest Development Act (2010, chapter 3)”.

**259.** Section 4 of the Act is amended by replacing “section 124.37 of the Forest Act (chapter F-4.1)” in the first paragraph by “section 169 of the Sustainable Forest Development Act (2010, chapter 3)”.

**260.** Section 25.1 of the Act is amended by replacing “section 124.37 of the Forest Act (chapter F-4.1)” in the third paragraph by “section 169 of the Sustainable Forest Development Act (2010, chapter 3)”.

**CITIES AND TOWNS ACT**

**261.** Section 29.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced by the following section:

**“29.13.** Every municipality may enter into an agreement under subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) or Division I.1 of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1).”

**262.** Section 29.14 of the Act is amended

(1) by striking out “participates in a program or” in the first paragraph and by replacing “the program or agreement” in that paragraph by “the agreement”;

(2) by replacing subparagraphs 4 and 5 of the second paragraph by the following subparagraphs:



“(4) accept delegated powers for the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas;

“(5) adopt a by-law for the purpose of exercising a regulatory power under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Sustainable Forest Development Act (2010, chapter 3).”

**263.** Section 29.14.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“**29.14.1.** Every municipality that enters into an agreement under section 29.13 may, to the extent provided for by the agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the agreement.”

**264.** Section 29.14.2 of the Act is amended by replacing “section 25.1 of the Forest Act (chapter F-4.1) to the extent provided for by the program or agreement” by “section 68 of the Sustainable Forest Development Act (2010, chapter 3) to the extent provided for by the agreement”.

**265.** Section 29.17 of the Act is amended

- (1) by replacing “the program” in the first paragraph by “the agreement”;
- (2) by replacing “the program” in the second paragraph by “the agreement”.

**266.** Section 29.18 of the Act is amended

(1) by replacing “of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1)” in the first paragraph by “of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas”;

(2) by replacing “of forest resources in the domain of the State or a forest management contract” in the third paragraph by “of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas”.

## HIGHWAY SAFETY CODE

**267.** Section 519.65 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing paragraph 2.1 by the following paragraph:

“(2.1) Sustainable Forest Development Act (2010, chapter 3);”.

## LABOUR CODE

**268.** Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing paragraph *o* by the following paragraph:

“(o) “logging operator”: the holder of a timber supply guarantee granted under the Sustainable Forest Development Act (2010, chapter 3) or a forest producer supplying a wood processing plant from a private forest;”

**269.** Section 8 of the Code is amended by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**270.** Section 111.0.16 of the Code is amended by replacing “section 125 of the Forest Act (chapter F-4.1)” in paragraph 5.2 by “section 181 of the Sustainable Forest Development Act (2010, chapter 3)”.

**271.** Schedule I to the Code is amended by striking out paragraph 13.

## MUNICIPAL CODE OF QUÉBEC

**272.** Article 14.11 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is replaced by the following article:

“**14.11.** Every municipality may enter into an agreement under subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) or Division I.1 of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1).”

**273.** Article 14.12 of the Code is amended

(1) by striking out “participates in a program or” in the first paragraph and by replacing “the program or agreement” in that paragraph by “the agreement”;

(2) by replacing subparagraphs 4 and 5 of the second paragraph by the following subparagraphs:

“(4) accept delegated powers for the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas;

“(5) adopt a by-law for the purpose of exercising a regulatory power under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Sustainable Forest Development Act (2010, chapter 3).”

**274.** Article 14.12.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“**14.12.1.** Every municipality that enters into an agreement under section 14.11 may, to the extent provided for by the agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the agreement.”

**275.** Article 14.12.2 of the Code is amended by replacing “section 25.1 of the Forest Act (chapter F-4.1) to the extent provided for by the program or agreement” by “section 68 of the Sustainable Forest Development Act (2010, chapter 3) to the extent provided for by the agreement”.

**276.** Article 14.15 of the Code is amended

- (1) by replacing “the program” in the first paragraph by “the agreement”;
- (2) by replacing “the program” in the second paragraph by “the agreement”.

**277.** Article 14.16 of the Code is amended

(1) by replacing “of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1)” in the first paragraph by “of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas”;

(2) by replacing “of forest resources in the domain of the State or a forest management contract” in the third paragraph by “of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas”.

#### MUNICIPAL POWERS ACT

**278.** Section 66 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following paragraph after the first paragraph:

“A local municipality may however enter into an agreement with the department or body managing the public roads over which it does not have jurisdiction to see to the maintenance and repair of those in its territory. The municipality is authorized for that purpose to enter into an agreement with any person on the sharing of the cost of the work or the work itself.”

**279.** Section 126 of the Act is amended by replacing “land or forest resources in the domain of the State” in the first paragraph by “land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas”.

## NATURAL HERITAGE CONSERVATION ACT

**280.** Section 34 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01) is amended by replacing subparagraph *b* of subparagraph 1 of the first paragraph by the following subparagraph:

“(b) forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3);”.

**281.** Section 46 of the Act is amended by replacing subparagraph *a* of paragraph 1 by the following subparagraph:

“(a) forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3);”.

## ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

**282.** Section 36.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by replacing “Forest Act (chapter F-4.1)” by “Sustainable Forest Development Act (2010, chapter 3)”.

## FORESTRY CREDIT ACT

**283.** Section 1 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing paragraph *m* by the following paragraph:

“(m) “permit holder” means the holder of a forestry permit for the operation of a sugar bush issued under the Sustainable Forest Development Act (2010, chapter 3);”.

## ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

**284.** Section 1 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended

(1) by replacing the definition of “permit holder” by the following definition:

““**permit holder**” means the holder of a forestry permit for the operation of a sugar bush issued under the Sustainable Forest Development Act (2010, chapter 3);”;

(2) by replacing the definition of “manager” by the following definition:

““**manager**” means a person entrusted with part of the management of a forest in the domain of the State under a management delegation agreement described in section 17.22 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);”.

**285.** Section 14 of the Act is amended by replacing “forest roads” in subparagraph 4 of the first paragraph by “roads in the forest”.

#### ACT RESPECTING MUNICIPAL TAXATION

**286.** Section 63 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) land forming the object of a claim or a forest in the domain of the State;”.

**287.** Section 220.2 of the Act is amended by replacing “section 120 of the Forest Act (chapter F-4.1)” by “section 130 of the Sustainable Forest Development Act (2010, chapter 3)”.

**288.** Section 220.3 of the Act is amended

(1) by replacing “in respect of the immovables included in an assessment unit mentioned in the report referred to in section 122 of the Forest Act (chapter F-4.1) for a municipal or school fiscal period” in the first paragraph by “for a municipal or school fiscal period in respect of the immovables included in an assessment unit, the forested area of which has been registered under section 130 of the Sustainable Forest Development Act (2010, chapter 3)”;

(2) by replacing “section 123 of the Forest Act” in the third paragraph by “section 131 of the Sustainable Forest Development Act”.

**289.** Section 236 of the Act is amended by replacing paragraph 12 by the following paragraph:

“(12) an activity for which a forest producer’s certificate is issued under section 130 of the Sustainable Forest Development Act (2010, chapter 3);”.

#### TAXATION ACT

**290.** Section 726.30 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “Forest Act (chapter F-4.1)” in the definition of “eligibility period” by “Sustainable Forest Development Act (2010, chapter 3)”.

**291.** Section 726.33 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**292.** Section 726.34 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**293.** Section 726.35 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**294.** Section 726.36 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the portion before paragraph *a* by “Sustainable Forest Development Act (2010, chapter 3)”.

**295.** Section 1089 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the fourth paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**296.** Section 1090 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in the fourth paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

#### CULLERS ACT

**297.** Section 2 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing “Forest Act (chapter F-4.1)” in the second paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

**298.** Section 19 of the Act is amended by replacing “Forest Act (chapter F-4.1)” in paragraph 4 by “Sustainable Forest Development Act (2010, chapter 3)”.

#### MINING ACT

**299.** Section 32 of the Mining Act (R.S.Q., chapter M-13.1) is amended by replacing “by the Minister under section 24.4 of the Forest Act (chapter F-4.1)” in paragraph 5 by “under the Sustainable Forest Development Act (2010, chapter 3)”.

**300.** Section 155 of the Act is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

“(2) a road in the forest, if it is constructed or used for forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3) and if the work is authorized or provided for in a contract or an agreement signed or entered into under that Act;”.

**301.** Section 213 of the Act is amended

(1) by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”;

(2) by replacing “of the strip of woodland referred to in section 27 of the Forest Act” in the third paragraph by “of a strip of woodland established for the protection of lakes, watercourses, riparian areas and wetlands by government regulation under section 38 of the Sustainable Forest Development Act” and by replacing “the Forest Act” by “that Act”;

(3) by replacing “in accordance with section 24.4 of the Forest Act” in the sixth paragraph by “under the Sustainable Forest Development Act”.

**302.** Section 213.1 of the Act is replaced by the following section:

**“213.1.** The holder of mining rights who obtains an authorization under section 213 shall scale the harvested timber in accordance with section 70 of the Sustainable Forest Development Act (2010, chapter 3) and pay the same duties as those applicable to the holder of a forestry permit issued under subparagraph 4 of the first paragraph of section 73 of that Act.”

**303.** Section 244 of the Act is amended by replacing “rights in forest land pursuant to the Forest Act (chapter F-4.1)” by “forestry rights provided for in the Sustainable Forest Development Act (2010, chapter 3)”.

**304.** Section 247.1 of the Act is repealed.

**305.** Section 304 of the Act is amended

(1) by replacing “performance of the following work” in subparagraph 1 of the first paragraph by “following” and by replacing the sixth dash of that subparagraph by the following dash:

“– classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (2010, chapter 3) or designation of biological refuges under that same Act;”;

(2) by replacing “by the Minister” in subparagraph 1.1 of the first paragraph by “under the Sustainable Forest Development Act”;

(3) by replacing “section 24.12 of the Forest Act” in the fifth paragraph by “section 29 of the Sustainable Forest Development Act”.

#### ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

**306.** Section 15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by replacing “Sections 187 to 206 of the Forest Act (chapter F-4.1)” by “Sections 211 to 223 of the Sustainable Forest Development Act (2010, chapter 3)”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,  
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

**307.** The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is amended by inserting the following heading before section 21.5:

“§1. — *General provisions*”.

**308.** The Act is amended by inserting the following subdivision after section 21.17:

“§2. — *Regional land and natural resource commissions and local integrated land and resource management panels*

“**21.17.1.** To support its role in carrying out the responsibilities the Minister of Natural Resources and Wildlife may entrust it with under an Act or a specific agreement entered into under the fourth paragraph of section 21.7, a regional conference of elected officers shall create, on its own initiative or at the request of the Minister of Natural Resources and Wildlife, a regional land and natural resource commission.

The regional conference of elected officers determines the composition and operation of the commission, providing for the participation of the Native communities present in the territory it represents and a representative of the Minister of Natural Resources and Wildlife. It also finances the commission's activities.

For the same purposes, the regional conference of elected officers establishes local integrated land and resource management panels and coordinates their work. It may entrust that responsibility to a regional land and natural resource commission or, exceptionally, ask the Minister of Natural Resources and Wildlife to entrust it to a regional county municipality that is selected jointly by that Minister and the regional conference of elected officers. A regional county municipality to which the Minister entrusts that responsibility has all the powers necessary to carry it out.

“**21.17.2.** The principal mandate of a regional land and natural resource commission is to prepare a regional plan for integrated land and resource development in conformity with the policy directions of the Government and the Minister of Natural Resources and Wildlife and any policy direction drawn up by another minister concerned in the matter.

The plan determines regional policy directions, objectives and targets for the conservation and development of wildlife, the forests and the regional land area. The plan may also include regional policy directions, objectives and targets as regards energy, mines or any other subject dealt with in a specific agreement entered into under the fourth paragraph of section 21.7.



The plan is approved by the regional conference of elected officers concerned. It is implemented under a specific agreement between the Ministère des Ressources naturelles et de la Faune, a department or body concerned and the regional conference of elected officers.

The plan and the implementation agreement are made public by the regional conference of elected officers.

**“21.17.3.** The regional land and natural resource commission must, as part of its mandate and to promote regional consultation,

(1) establish a regional integrated land and resource management panel and see to its operation; and

(2) establish a public consultation process and a conflict resolution mechanism.

The regional land and natural resource commission may exercise any other function specified in an Act or in an agreement entered into under the fourth paragraph of section 21.7.”

#### ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

**309.** Section 11.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is replaced by the following section:

**“11.2.** In pursuing this mission, the Minister shall establish an environmental management system that may be developed jointly with other departments and bodies concerned.”

**310.** Section 11.3 of the Act is amended by replacing “in the lands” by “or restrict or prohibit access to the forest on lands”.

**311.** Section 12 of the Act is amended

(1) by striking out paragraph 16.4;

(2) by replacing “Forest Act (chapter F-4.1)” in paragraph 16.5 by “Sustainable Forest Development Act (2010, chapter 3)”.

**312.** Division II.0.1 of the Act, comprising sections 17.1.1 to 17.1.10, is repealed.

**313.** The Act is amended by inserting the following subdivision after section 17.12.11:

“§3. — *Sustainable forest development fund*

“**17.12.12.** A sustainable forest development fund is established to finance activities relating to sustainable forest development and its management, to increased timber production, to forest research and to other activities relating to forest education and awareness and the protection, development or processing of forest resources.

“**17.12.13.** The Government determines the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

“**17.12.14.** The fund is to be made up of the following sums:

(1) the sums paid into the fund by the Minister out of the appropriations allocated for that purpose by Parliament;

(2) the sums paid into the fund under section 17.12.15;

(3) the income generated by administrative fees paid for the examination of applications for forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act (2010, chapter 3) or for the examination of applications for a forest producer’s certificate issued under that Act, including the fees paid for copies of those certificates;

(4) the sums collected for the sale of the property and services it financed;

(5) the fines collected for offences under the Sustainable Forest Development Act or a regulation enacted under that Act;

(6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 65 of the Sustainable Forest Development Act in taking the corrective action required of people or bodies carrying out forest development activities;

(7) the sums collected for the sale of timber confiscated by the Minister under section 223 of the Sustainable Forest Development Act and, once the offender has pleaded guilty to or is found guilty of the offence, the proceeds of the sale of the timber deposited with the Ministère des Finances under section 215 of that Act;

(8) the damages, including any punitive damages awarded by the court under section 226 of the Sustainable Forest Development Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular if the person responsible for the damage cut timber illegally;

(9) the sums paid into the fund by the Minister of Finance as borrowings from the financing fund established by the Act respecting the Ministère des Finances (chapter M-24.01);

(10) the sums paid into the fund by the Minister of Finance as advances taken out of the consolidated revenue fund;

(11) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund; and

(12) the revenues generated by the investment of the sums making up the fund.

**“17.12.15.** For the purpose of financing the activities described in Chapter VI of Title II of the Sustainable Forest Development Act (2010, chapter 3) and those relating to increased timber production, and in order to establish a reserve, the Government may authorize the payment of part of the following sums into the fund:

(1) the proceeds of the sale of timber and other forest products in the domain of the State; and

(2) the sums from the dues payable by forestry permit holders and holders of a wood processing plant operating permit issued under the Sustainable Forest Development Act.

**“17.12.16.** The management of the sums making up the fund is entrusted to the Minister of Finance. The sums are paid to the order of that Minister and deposited with the financial institutions designated by that Minister.

The Minister keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that those commitments and the payments arising from them do not exceed and are consistent with the available balances.

**“17.12.17.** The Minister may, as the fund manager, borrow from the Minister of Finance sums taken out of the financing fund established by the Act respecting the Ministère des Finances (chapter M-24.01).

**“17.12.18.** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the sustainable forest development fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions determined by that minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the sustainable forest development fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

**“17.12.19.** Any surplus accumulated by the fund, except the sums referred to in paragraph 2 of section 17.12.14, are, in the proportion determined by the Government, paid into the consolidated revenue fund on the dates and to the extent the Government determines.

**“17.12.20.** The sums required for the remuneration of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to fund-related activities, and the expenses pertaining to their employee benefits and other conditions of employment, are paid out of the fund.

**“17.12.21.** Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the fund, with the necessary modifications.

**“17.12.22.** The fiscal year of the fund ends on 31 March.

**“17.12.23.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the State that has become *res judicata*.”

**314.** The Act is amended by striking out “AND OTHER GOVERNMENTAL POLICIES” in the heading of Division II.2.

**315.** The Act is amended by inserting the following heading before section 17.13:

“§1. — *Program*”.

**316.** Section 17.13 of the Act is amended by striking out “or forest resources in the domain of the State” and by inserting “, as well as natural resources in the domain of the State, and its wildlife and wildlife habitats,” after “authority”.

**317.** Section 17.14 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

“The Minister may, for the same purposes, apply to a person the Minister designates any measure necessary to foster the sustainable development, the integrated management, the conservation or the enhancement of natural resources and wildlife, including a measure granting rights other than those provided for in the Acts under the Minister’s administration. The rights so granted may not, however, limit the rights previously granted on land in the domain of the State.”;

(2) by striking out the third, fourth and fifth paragraphs.

**318.** Section 17.15 of the Act is replaced by the following section:

“**17.15.** Land, property, natural resources and wildlife the Minister included in a program may be exempted from the application of the Acts for which the Minister is responsible to the extent specified in the program.

The Minister may also exempt them from a program in order to include them in another program or to again subject them to the applicable Acts.”

**319.** Section 17.16 of the Act is repealed.

**320.** The Act is amended by adding the following subdivisions after section 17.18:

“§2. — *Local forests*

“**17.19.** The Minister shall establish and make public a policy on the basis of which the Minister may divide land areas into local forests in order to foster socio-economic development projects in a particular region or community. The policy must define, among other things, the criteria for selecting land areas and dividing them into local forests.

Before the policy is published, the Minister consults Native communities and the rest of the population. Before the division into local forests is carried out, the Minister also consults the ministers, regional bodies and Native communities concerned.

The division into local forests is made public. The perimeter of the forests is drawn on maps posted on the department’s website.

“**17.20.** The Minister may change the division into local forests. The Minister first consults the same groups as for the initial division and makes the change and the date of its coming into force public.

“**17.21.** The management of land areas divided into local forests may be delegated by the Minister under subdivision 3.

“§3. — *Management delegation*

“**17.22.** The Minister may, by agreement, delegate to a Native band council, a municipality, a legal person or another body part of the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas. Management is delegated, among other things, for the planning, carrying out, following-up and monitoring of operations and, in the case of a municipality, the exercise of regulatory powers.

The Minister may also delegate to the same groups, by agreement, the management of a program the Minister develops under paragraph 3 of section 12 or section 17.13, to the extent and on the terms specified in the program.

**“17.23.** The delegation agreement must include

- (1) the land area covered by the delegation;
- (2) the powers delegated and the responsibilities and obligations that the delegate must meet;
- (3) the marketing conditions, if applicable, of the natural resources developed and the rules applicable to the income generated by their sale, including the part of the income that the delegate may keep and the purposes for which it may be used;
- (4) the objectives and targets to be attained, including effectiveness and efficiency objectives and targets, and the data or information to be provided;
- (5) the specific rules relating to the contracts the delegate may grant;
- (6) the reports required on the achievement of objectives and targets;
- (7) the manner in which the Minister is to oversee the delegate’s management and intervene if the objectives and targets are not attained; and
- (8) the penalties applicable if the obligations under the agreement are not met or a legislative or regulatory provision is not complied with.

The agreement must also provide that the exercise of powers by a delegate is not binding on the Government.

**“17.24.** The Minister makes the delegation agreement public.”

#### ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

**321.** Section 59 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing “section 120 of the Forest Act (chapter F-4.1)” in the third paragraph by “section 130 of the Sustainable Forest Development Act (2010, chapter 3)”.

#### PESTICIDES ACT

**322.** Section 5 of the Pesticides Act (R.S.Q., chapter P-9.3) is amended by replacing “Forest Act (chapter F-4.1)” by “Sustainable Forest Development Act (2010, chapter 3)”.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND  
AND AGRICULTURAL ACTIVITIES

**323.** Section 97 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by striking out the second paragraph.

ENVIRONMENT QUALITY ACT

**324.** Section 144 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing “before approving or finalizing them, the general forest management plans for the forests in the domain of the State situated” by “before finalizing them, the tactical plans for integrated forest development drawn up by the Minister that cover forests in the domain of the State situated”.

**325.** Section 178 of the Act is amended by replacing “before approving or finalizing them, the general forest management plans for the forests in the domain of the State situated” by “before finalizing them, the tactical plans for integrated forest development drawn up by the Minister that cover forests in the domain of the State situated”.

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND  
NEW QUÉBEC TERRITORIES

**326.** Section 58 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by replacing “forest management permit from the Minister responsible for the administration of the Forest Act (chapter F-4.1)” in the second paragraph by “forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (2010, chapter 3)”.

**327.** Section 90 of the Act is amended by replacing the second paragraph by the following paragraph:

“The integrated forest development plans drawn up for Category II lands by the Minister of Natural Resources and Wildlife under the Sustainable Forest Development Act (2010, chapter 3) must take hunting, fishing and trapping activities into account.”

**328.** Section 191.40 of the Act is amended by replacing “forest management permit from the Minister responsible for the administration of the Forest Act (chapter F-4.1)” in the second paragraph by “forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (2010, chapter 3)”.

## FIRE SAFETY ACT

**329.** Section 1 of the Fire Safety Act (R.S.Q., chapter S-3.4) is amended by replacing “Forest Act (chapter F-4.1)” in the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.

## ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

**330.** Section 18 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is amended by adding the following subparagraph at the end of the second paragraph:

“(7) carry out forest development activities in accordance with a mandate given it for that purpose by the Minister of Natural Resources and Wildlife, in particular at a forest station established under the Sustainable Forest Development Act (2010, chapter 3).”

## ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

**331.** Section 17.1 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by replacing “forest management activity within the meaning of section 3 of the Forest Act (chapter F-4.1)” by “forest development activity within the meaning of the Sustainable Forest Development Act (2010, chapter 3)”.

**332.** Section 55 of the Act is replaced by the following section:

“**55.** No person may build or improve a road on land in the domain of the State other than a road in the forest or a mining road without prior authorization in writing from the Minister, obtained on the conditions the Minister determines.”

**333.** Section 58.1 of the Act is repealed.

**334.** Section 71 of the Act is amended by replacing “forest or mining roads” in subparagraph 9 of the first paragraph by “roads in the forest and mining roads”.

## ACT RESPECTING OFF-HIGHWAY VEHICLES

**335.** Section 8 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing “Forest Act (chapter F-4.1)” in subparagraph 1 of the first paragraph by “Sustainable Forest Development Act (2010, chapter 3)”.



**TITLE XI****TRANSITIONAL PROVISIONS****CHAPTER I****TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS AND FOREST MANAGEMENT AGREEMENTS****DIVISION I****CANCELLATION OF AGREEMENTS**

**336.** As of 1 April 2013, all timber supply and forest management agreements and all forest management agreements granted under sections 36 and 84.1 of the Forest Act (R.S.Q., chapter F-4.1) and in force on that date are cancelled.

However, those agreements continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

(1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;

(2) applying the corrective programs established by the Minister;

(3) scaling harvested timber according to the scaling instructions provided by the Minister; and

(4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

**337.** The cancellation of the agreements does not give agreement holders the right to an indemnity, except as regards the infrastructures, such as roads, bridges and forest camps, established by them under a plan approved by the Minister.

The Government grants agreement holders an indemnity deemed fair and equitable for the infrastructure expenses for which no subsidies or credits were granted, after giving them the opportunity to submit observations.

The indemnity is based on the net value of the infrastructures after depreciation, according to the book value entered in the accounting records of the enterprise and the vouchers submitted. The indemnity may be paid to an agreement holder in a lump sum or be credited to the purchase of volumes of timber from forests in the domain of the State or be paid in any other manner determined by the Government.

## DIVISION II

### PROVISIONS GIVING ENTITLEMENT TO A TIMBER SUPPLY GUARANTEE

**338.** The holder of a timber supply and forest management agreement is entitled to a timber supply guarantee governed by the provisions of subdivision 2 of Division VI of Chapter VI of Title II if the holder applies for it in writing before 1 January 2012 and pays the required annual royalty before 1 April 2013.

**339.** The guaranteed annual volumes of timber to which an agreement holder is entitled are set by the Minister, who applies sections 77 to 77.2 of the Forest Act.

**340.** The Minister sets guaranteed annual volumes of timber for each agreement holder by reducing by a percentage the Minister determines the part of the volumes that exceeds

(1) 100,000 cubic metres for species from the fir, spruce, jack pine, larch (FSPL) group; and

(2) 25,000 cubic metres for all other species or groups of species.

The volumes of timber referred to in this section are those to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled.

The percentage by which the volumes are reduced may vary from one agreement holder to another depending on the species or groups of species concerned, the volumes of timber to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled and the regions from which the timber comes.

The Minister makes public the reduction rates used to set the guaranteed annual volumes of timber to which each agreement holder is entitled.

**341.** Once the sum of the reduced volumes allocated to all agreement holders has been calculated, a sufficient quantity of timber must remain

(1) for the timber marketing board to market timber from the forests in the domain of the State and determine its market value; and

(2) for carrying out socio-economic development projects in the regions and communities.

**342.** The Minister specifies in the timber supply guarantee the guaranteed annual volumes of timber, by species or group of species, to which an agreement holder is entitled in each of the regions the Minister identifies and determines the conditions governing the application of the timber supply guarantee.

In determining the region or regions to be included in the guarantee, the Minister, with economic considerations in mind, takes into account the location over the years of the agreement holder's sources of supply.

**343.** The Minister enters the timber supply guarantees in the public register mentioned in section 89 and publishes a notice of each entry in the *Gazette officielle du Québec* in accordance with that section.

The guarantees take effect on 1 April 2013.

### **DIVISION III**

#### **PROVISIONS GIVING ENTITLEMENT TO A MANAGEMENT DELEGATION AGREEMENT IN LOCAL FORESTS**

**344.** The holder of a forest management agreement is entitled to be given the management of a land area identified as a local forest by 1 April 2013 and, for that purpose, to enter into an agreement under which the management of that land area is delegated to the agreement holder in accordance with subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2), if the agreement holder applies for it in writing before 1 April 2011.

**345.** A land area is identified as a local forest in accordance with subdivision 2 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

During the process leading to the identification of a local forest, the Minister consults the agreement holder to determine the holder's interest in the different places the holder would like to see identified as a local forest. The Minister makes a decision, taking into account how close the area is to the territory of the municipality or the Native community concerned.

**346.** In the management delegation agreement, the Minister must try to maintain, as far as possible, a timber harvesting potential of a volume nearing that to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled.

### **CHAPTER II**

#### **FOREST MANAGEMENT CONTRACTS**

**347.** As of 1 April 2013, the forest management contracts signed under section 102 of the Forest Act and in force on that date are cancelled.

However, those contracts continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

- (1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;
- (2) applying the corrective programs established by the Minister;
- (3) scaling harvested timber according to the scaling instructions provided by the Minister; and
- (4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

**348.** The cancellation of the forest management contracts does not give the holder the right to an indemnity.

However, a contract holder may, before 1 January 2012, request the Minister to give the holder, by 1 April 2013, the management of the management area specified in the contract and, for that purpose, to enter into an agreement delegating the management of that area to the holder in accordance with subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune. The request must be dealt with in preference to any other request made before or after that date by a person or a body other than the contract holder.

### CHAPTER III

#### OTHER AGREEMENTS

**349.** Auxiliary timber supply guarantee agreements entered into under section 95.1 of the Forest Act and in force on 1 April 2013 are cancelled on that date.

The same applies to reservation agreements entered into under section 170.1 of that Act.

However, both types of agreement continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

- (1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;
- (2) applying the corrective programs established by the Minister;
- (3) scaling harvested timber according to the scaling instructions provided by the Minister; and
- (4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

The cancellation of the agreements does not give the right to an indemnity.

## CHAPTER IV

### MANAGEMENT PERMITS AND WOOD PROCESSING PLANT OPERATING PERMITS

**350.** Pending applications for management permits or wood processing plant operating permits made before 1 April 2013 under the Forest Act for activities to be carried out after 31 March 2013 are continued and decided in accordance with this Act.

**351.** Sugar bush management permits issued under section 13 of the Forest Act and in force on 1 April 2013 are deemed to be forestry permits for the operation of a sugar bush issued under this Act and the holders of those permits are, as of that date, governed by the provisions provided for that purpose in this Act.

**352.** Wood processing plant operating permits issued under section 165 of the Forest Act and in force on 1 April 2013 are deemed to be wood processing plant operating permits issued under this Act and the holders of those permits are, as of that date, governed by the provisions provided for that purpose in this Act.

The register that the permit holder was required to keep, mentioned in section 168 of the Forest Act, is deemed to be the register a permit holder must keep under this Act.

**353.** Proceedings for the cancellation or suspension of a sugar bush management permit or a wood processing plant operating permit are continued under this Act.

## CHAPTER V

### TERRITORIAL LIMIT, MANAGEMENT UNITS AND TERRITORIES IDENTIFIED FOR PARTICULAR PURPOSES

**354.** The territorial limit determined by the Minister under the Forest Act and south of which forest lands are divided into management units, and the boundaries of those units established by the Minister under that Act constitute the northern boundary and the development units for the purposes of this Act.

**355.** Experimental forests, teaching and research forests and forest stations established under the Forest Act are deemed to have been established under this Act.

The same applies to exceptional forest ecosystems classified by the Minister of Natural Resources and Wildlife under the Forest Act and to biological refuges designated by that Minister under that Act.

All activities authorized in those land areas before 1 April 2013 are, depending on what is covered in the authorizations, continued after that date and governed, as of that date, by the provisions provided for that purpose in this Act.

## CHAPTER VI

### OTHER TRANSITIONAL PROVISIONS

**356.** Regional agencies for private forest development established under Division I of Chapter III of Title II of the Forest Act are deemed to be regional agencies for private forest development established under this Act.

The same applies to the forest protection organizations certified by the Minister of Natural Resources and Wildlife under sections 125 and 146 of the Forest Act, which are deemed to have been certified under this Act.

All acts performed and documents prepared or issued by the bodies referred to in the first and second paragraphs in accordance with the Forest Act remain valid and are governed, as of 1 April 2013, by the provisions provided for that purpose in this Act.

**357.** Forest producer's certificates issued under section 120 of the Forest Act are deemed to have been issued under this Act.

Procedures for the cancellation of a forest producer's certificate are continued under this Act.

**358.** Orders made by the Minister of Natural Resources and Wildlife under section 25.1 of the Forest Act are deemed to have been made under this Act.

**359.** The forestry fund established under section 170.2 of the Forest Act is terminated on 31 March 2013.

The sums accumulated in the fund are transferred on 1 April 2013 to the sustainable forest development fund established under the Act respecting the Ministère des Ressources naturelles et de la Faune.

If the sums transferred to the sustainable forest development fund are not sufficient to start up the fund, sums taken out of the consolidated revenue fund may be paid into the fund to the extent determined by the Government.

**360.** The chief forester in office on 1 April 2013 continues in office on the same terms, for the unexpired portion of the term of office, until replaced or reappointed.

**361.** The persons designated or authorized by the Minister of Natural Resources and Wildlife to exercise a function under the Forest Act are deemed to have been designated or authorized by that Minister under this Act to exercise the corresponding function under this Act.

The acts performed and the documents prepared or issued by those persons in accordance with the Forest Act remain valid and are governed, as of 1 April 2013, by the provisions provided for that purpose in this Act.

**362.** The Regulation respecting forest management plans and reports (R.R.Q., chapter F-4.1, r. 9) and the Regulation respecting contributions to the forestry fund (R.R.Q., chapter F-4.1, r. 2) are repealed.

Other regulations made under the Forest Act are deemed to have been made under this Act. They continue to apply, insofar as they are consistent with this Act, until they are repealed or replaced by a regulation made under this Act.

**363.** The Regulation respecting sugar bush management in forests in the domain of the State (R.R.Q., chapter F-4.1, r. 3) is, as of 1 April 2013, deemed to have been made by the Minister of Natural Resources and Wildlife under this Act.

The same applies to the Regulation respecting forest royalties (R.R.Q., chapter F-4.1, r. 12) as regards the parts that remain applicable under this Act.

**364.** Unless the context indicates otherwise, in any other Act or any regulation, ordinance, order in council, order, policy, program, contract or other document, any reference to the Forest Act or any of its provisions is deemed to be a reference to this Act or the corresponding provision of this Act.

**365.** Any proceeding instituted under the Forest Act is continued in accordance with that Act.

**366.** To ensure the application of this Act, the Government may, by regulation, before 1 April 2013, prescribe any other transitional provision that is consistent with those provided in this Act.

The Government may also, by regulation, after 1 January 2013, prescribe transitional provisions that are different from those in this Act to ensure the application of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, entered into on 7 February 2002 and approved by Order in Council 289-2002 dated 20 March 2002, and subsequent amendments to it.

The Government and the Crees of Québec may also enter into an agreement on measures for adapting the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec to the forest regime established by this Act in conformity with the principles set out in the Agreement and after considering the recommendations made by the Cree-Québec Forestry Board created under the Agreement.

A draft regulation made under the second paragraph must be submitted to the Cree community and to the Cree-Québec Forestry Board for an opinion at least 45 days before the regulation is made. In addition, it may be made only if the Government and the Crees of Québec fail to agree on transitional measures during negotiations undertaken to amend the Agreement.

## **TITLE XII**

### **FINAL PROVISIONS**

**367.** The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

**368.** The Minister may designate from among the public servants the persons to be entrusted with the enforcement of this Act.

The Minister may also, in writing and on the conditions the Minister determines, generally or specially delegate the exercise of the powers conferred on the Minister under this Act or a special Act under the Minister's administration that deals with forest matters to a member of the personnel of the department or to the incumbent of a position. If the Minister delegates a power in the exercise of which the Minister is required by law to hold consultations with other ministers, the delegate must hold the necessary consultations with the departments concerned and, if no agreement is reached, so inform the Minister.

**369.** To facilitate the implementation of provisions relating to the preparation of operational plans for integrated forest development, the Minister establishes a provisional advisory committee composed of representatives of the following members:

- (1) the Minister of Natural Resources and Wildlife;
- (2) the holders of timber supply and forest management agreements, forest management agreements, and forest management contracts; and
- (3) any other person whose presence the Minister considers necessary.

The committee may advise the Minister on ways to

- (1) foster an economic environment conducive to the operation of wood processing plants; and



(2) optimize operational conditions for forest development activities, in particular those affecting the cost of timber.

The advisory opinions of the committee are made public.

The committee's mandate ends no later than 31 March 2012.

**370.** This Act governs forest development activities carried out after 31 March 2013.

**371.** This Act replaces the Forest Act (R.S.Q., chapter F-4.1).

**372.** The provisions of this Act come into force on 1 April 2010, except

(1) sections 5, 13 to 35, 38 to 44, 60 to 87, 115 to 118, 126 to 306, 310 to 335, 362 and 371, which come into force on 1 April 2013 or on any earlier date or dates set by the Government;

(2) the second paragraph of section 366, which comes into force on the date of coming into force of the regulation made for the application of that paragraph.

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