

Regulations and other Acts

Gouvernement du Québec

O.C. 433-2010, 19 May 2010

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

Forest royalties — Amendments

Regulation to amend the Regulation respecting forest royalties

WHEREAS, under subparagraph 1 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation, determine, for each species, group of species and quality of timber or, where applicable, for each area of land, the unit rate or the rules of calculation of the unit rate at which the Minister is to determine, for any class of forest management permit, the dues payable by the permit holder;

WHEREAS, under subparagraph 3 of the first paragraph of section 172 of the Act, the Government may, by regulation, establish rules for calculating the value of silvicultural treatments and other activities as well as contributions to the financing of the treatments or activities admitted as payment of prescribed dues and establish the conditions governing the granting of credits applicable to the payment of dues referred to in section 73.1 of the Act, including the information, reports or other documents to be prepared or submitted;

WHEREAS the Government made the Regulation respecting forest royalties (R.R.Q., c. F-4.1, r.12) by Order in Council 372-87 dated 18 March 1987;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting forest royalties, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 17 February 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting forest royalties, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting forest royalties

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

1. The Regulation respecting forest royalties (R.R.Q., c. F-4.1, r.12) is amended by replacing section 2 by the following:

“**2.** In order to determine a unit rate fixed by the Minister under the first paragraph of section 72 of the Forest Act (R.S.Q., c. F-4.1), the stumpage value of standing timber shall be calculated on 1 April of each year in each forest tariffing zone, by species or group of species and quality of timber, according to the parity technique applicable in property assessment, by comparing the timber to similar timber for which the selling price is known. The value is expressed in dollars per cubic metre.

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

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

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

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

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

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

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

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

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

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

4. Section 11.4 is amended

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

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

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

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

5. Section 14 is revoked.

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

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

SCHEDULE II
(s.10.2)

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

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