

DIVISION V
FINAL

10. This Regulation replaces the Forest Protection Regulation (chapter F-4.1, r. 11).

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

2458

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Scaling of timber harvested in forests in the domain of the State

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the scaling of timber harvested in forests in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter F-4.1, r. 6) to adapt it to the new forest regime which comes into force on 1 April 2013, to add to it the scaling methods developed in the last years and to adjust it to the needs and practices set up since its last amendment.

Further information on the draft Regulation may be obtained by contacting René Lemieux, Direction des évaluations économiques et des opérations financières, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8640, extension 4583; fax: 418 528-1278; email: rene.lemieux@mrn.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Savard, Acting Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

MARTINE OUELLET,
Minister of Natural Resources

Regulation respecting the scaling of timber harvested in forests in the domain of the State

Sustainable Forest Development Act
(chapter A-18.1, ss. 70 and 72)

DIVISION I
GENERAL

§1. Scope

1. This Regulation applies to every person or body authorized to harvest timber in the forests in the domain of the State and required by the Minister to scale the timber.

This Regulation does not apply to

(1) the holder of a forest management permit for the harvest of firewood for domestic purposes;

(2) any person or body referred to in the first paragraph that buys standing timber in inventory with the timber marketing board. Despite the foregoing, paragraphs 1 to 4, 6 and 7 of section 8 and sections 11, 12 and 30 apply to that person or body.

§2. Definitions

2. In this Regulation, unless the context indicates otherwise,

“culler” means any natural person who holds a licence issued under the Cullers Act (chapter M-12.1); (*mesureur de bois*)

“harvest” means cutting, lopping, hauling, removing and topping of timber; (*récolte*)

“harvest year” means the period between 1 April and 31 March of the following year; (*année de récolte*)

“lot” means spread timber, a pile of timber, scattered timber or pieces of timber; (*lot*)

“solid volume” means the actual volume of a piece of timber; (*volume solide*)

“volume table” means a table that makes it possible to determine the volume of a piece of timber, using one or more of its other known dimensions; (*tarif de cubage*)

“working day” means a juridical day excluding Saturdays and 24 and 31 December. (*jour ouvrable*)

DIVISION II

SCALING METHODS AND AUTHORIZATION OF THE METHOD

3. The application for authorization of the scaling method must be made on the form provided for that purpose by the Minister.

Where the beginning of harvest and transportation take place during the same month, the person or body referred to in the first paragraph of section 1 must be in possession of the scaling authorization before the beginning of harvested timber transportation.

Where the beginning of harvest and transportation do not take place during the same month, the person or body referred to in the first paragraph of section 1 must be in possession of the scaling authorization before the end of the month of the beginning of harvest or within the following 5 days, but always before the beginning of harvested timber transportation.

The authorization issued by the Minister indicates, in particular, the method that must be applied and the sampling parameters.

4. Scaling must be made according to species or group of species and quality, using one of the following methods:

(1) scaling by the piece, which consists in calculating the solid volume of each piece of sawn timber from its length and diameter;

(2) scaling of sawn and piled timber, which consists in calculating the solid volume of a pile of timber logs of the same class of length of 20 centimetres by measuring the diameter of cuts at one or both ends, adjusted if necessary according to the results obtained after sampling of a quantity of logs taken randomly and scaled according to the method provided for in subparagraph 1;

(3) scaling by apparent volume, which consists in calculating the apparent volume of piles of sawn and piled timber to be transformed into solid volume, from their height, width and length, using a piling factor set by the Minister or established on the basis of sampling taken randomly in all piles;

(4) scaling of unsawn timber, which consists in calculating the solid volume of unsawn and piled trunks from the measurement of the diameter of the widest cut on the trunks or part of the trunks and in establishing, by sampling, a stump volume table that makes it possible to calculate the average volume of the trunks based on their diameter;

(5) scaling chips, which consists in calculating the solid volume of a quantity of chips or comminuted timber by subtracting its mass in water from its mass in air;

(6) mass/volume scaling, which consists in calculating the solid volume of a quantity of timber from its total mass converted into a solid volume using the mass/volume conversion factor that may be set by the Minister or established by sampling representing the ratio between the total mass of the samples taken at random from the aggregate of the mass and the solid volume of those same samples, solid volume which will be determined according to one of the methods described in subparagraph 1, 2, 4 or 5;

(7) scaling after transportation without weighing, which consists in calculating the solid volume of a quantity of timber according to the predetermined volume of each load, from sampling applied on the aggregate of loads and whose samples are scaled according to one of the methods described in subparagraph 1, 2, 3 or 4, or from the complete scaling of the same quantity of timber, according to one of the same methods;

(8) mass scaling, which consists in calculating only the loading mass where forest biomass or other material of the same class may not be measured otherwise and must be calculated in metric tons.

If none of the methods provided for in the preceding paragraphs apply to scaling, the solid volume of timber must be calculated by multiplying the number of logs of the lot by the average volume estimated for log representing that lot.

5. All timber harvested in a harvest year must be scaled and the scaling data must be reported to the Minister not later than within 4 months after the end of that year or, where the land conditions do not allow for scaling to be carried out within that period, within 6 months after the end of the harvest year.

DIVISION III

SCALING SITES

6. Timber harvested in a forest in the domain of the State must be scaled in the cutting area before it is transported, or outside the cutting area after it is transported according to the terms of the authorization of the scaling method and in accordance with that method.

The scaling data must be entered on a scaling form complying with the model drawn up by the Minister for the scaling method chosen, which is numbered according to the sequence unit issued by the Minister.

During scaling, the data must be recorded directly on the completed scaling form.

Every scaling form must be duly completed, dated and signed by a culler.

DIVISION IV SCALING IN THE CUTTING AREA BEFORE TRANSPORTATION

7. A paper copy of the scaling forms must be deposited, for verification purposes, in a sealed container located where the timber was scaled or in any other place indicated by the Minister as soon as the forms are completed, dated and signed by the culler.

The deposit in the sealed container must take place on the day on which the completed form is printed.

8. Scaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which the timber was loaded is in possession of a transport voucher on which the following information appears:

- (1) the GPS coordinates of the timber loading point into the driver's vehicle, trailer or semi-trailer;
- (2) the source and destination of the timber;
- (3) the date and time of departure from the timber loading point;
- (4) the registration number of the vehicle and, where applicable, the trailer or semi-trailer;
- (5) the compilation unit number under which the timber was scaled, as indicated on the authorization of the scaling method;
- (6) the name of the person in charge of loading the timber;
- (7) the name of the driver of the vehicle.

9. During transportation, a copy of the transport voucher must be deposited at the place indicated in a sealed container.

10. The transport voucher, which must be handed over on arrival at the timber unloading point, must be completed by indicating the date and hour of arrival, by a person in charge who is present when the timber is received or by the driver of the road vehicle where no person in charge is present.

The original or, failing that, a copy of the voucher must be kept and filed in a register kept for that purpose by the timber recipient.

DIVISION V SCALING OUTSIDE THE CUTTING AREA AFTER TRANSPORTATION

11. Unscaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which the timber was loaded is in possession of a timber transportation authorization and loading registration form complying with the model drawn up for that purpose by the Minister and in which the following information appears:

- (1) the information referred to in paragraphs 1 to 4, 6 and 7 of section 8;
- (2) the compilation unit number under which timber will be declared, as indicated on the scaling authorization;
- (3) the species or group of species of the timber transported.

12. During transportation, a copy of the form referred to in section 11 must be deposited in a sealed container at the place indicated by the Minister. Despite the foregoing, no form may be deposited in the sealed container where, among the information referred to in section 11, the following data that are validated by a computer system, must appear in the automated timber transportation authorization and loading registration form:

- (1) the GPS coordinates of the timber loading point into the driver's vehicle, trailer or semi-trailer;
- (2) the date and time of departure from the timber loading point;
- (3) the compilation unit number;
- (4) the species or group of species of the timber transported.

In addition, to be exempted from the deposit of the form during transportation, for the same harvest operation, each load, on each cutting area, must have an automated form.

13. Every timber transportation authorization and loading registration form must be handed over on arrival at the timber unloading point and be completed indicating the date, hour of arrival and, where applicable, the weighing data. It must then be signed by a culler before it is sent to the Minister.

The original or, failing that, a copy of the form must be kept and filed in a register kept for that purpose by the timber recipient.

14. Every scaling form must be completed, dated and signed by the culler not later than the fifth working day following the day on which the timber is received.

A paper copy of every scaling form, as well as a summary of the registrations of the timber transportation authorization and loading registration forms complying with the model drawn up for that purpose by the Minister must be deposited, for verification purposes, in a sealed container situated on the premises where the timber was scaled as soon as the documents are completed, dated and signed by the culler.

The deposit in the sealed container of the completed scaling form must take place on the day it is printed.

The deposit in the sealed container of the summary of the registrations of the timber transportation authorization and completed loading registration forms must take place on the day it is printed.

§1. Verification of weigh scales

15. Every weigh scale used within the scope of scaling timber from lands in the domain of the State must be verified once a week by the operator or owner of the weigh scale during the period of transportation of timber from lands in the domain of the State.

16. The culler must validate the information contained in the weigh scale control form complying with the model drawn up for that purpose by the Minister and sign it. The culler must send to the Minister, on the day it is signed, the weigh scale control form duly completed, signed and dated.

17. Where non-compliance with the operation of the weigh scale or a discrepancy in relation to the limits of error, according to the applicable scale, indicated in Schedule 1, is noted, every person or body referred to in the first paragraph of section 1, the owner or operator must take the necessary corrective measures.

18. The person or body referred to in the first paragraph of section 1 must cease to use the weigh scale for weighing timber from lands in the domain of the State where a verification shows a discrepancy in relation to the limits of error, according to the applicable scale, equal to or greater than 5 times those indicated in Schedule 1.

Where the person or body referred to in the first paragraph of section 1 is not the owner of the weigh scale, it may not be used unless the person or body has received from the owner or operator of the weigh scale a written declaration stating that it complies with and does not exceed the limits of error provided for in Schedule 1.

DIVISION VI TRANSMISSION OF CERTAIN FORMS CONTAINING SCALING OR INVENTORY DATA

19. Every scaling form, duly completed, dated and signed by the culler, must be sent to the Minister by the person or body referred to in the first paragraph of section 1 so that the Minister receives it not later than the fifth working day following the day on which the paper copy of the form was deposited in the sealed container.

Every timber transportation authorization and loading registration form must be sent by the person or body referred to in the first paragraph of section 1 to the Minister so that the Minister receives it not later than the fifth working day following the day on which it was duly completed in accordance with section 14.

In the case referred to in subparagraph 3 of the first paragraph of section 26, the form need not be sent to the Minister.

20. An inventory estimating the volume of the timber felled but not yet scaled or declared on the last day of a calendar month must be sent by the person or body referred to in the first paragraph of section 1 to the Minister every month so that the Minister receives it not later than the fifth working day of the month following the month for which the inventory was made.

The inventory must indicate the location of the timber included in the inventory, be entered on a form complying with the model drawn up for that purpose by the Minister and be signed by a culler. It is used to determine, on the basis of written data, the volume harvested until the timber is scaled and the scaling data is declared to the Minister.

21. A paper copy of an inventory form of the timber transportation authorization and loading registration forms must be produced and sent to the Minister by the person who was granted the sequence unit number or who had a series of forms bearing the same number transferred not later than on 30 April of each year.

DIVISION VII FEES PAYABLE FOR THE LOSS OF SCALING, INVENTORY OR TRANSPORTATION FORMS

22. Every form must bear a sequence unit number granted by the Minister and be reserved for scaling and controlling timber harvested on lands in the domain of the State.

23. The numbers of the forms must be generated by ascending order and be consecutive for each sequence unit number.

24. The following fees are payable for the loss of forms:

- (1) \$30 per form;
- (2) \$300 for a sequence of 10 forms and more.

The fees for the loss of forms must be paid within 30 days following receipt of the invoice.

§1. Paper forms

25. The destruction or a missing form or sequence of forms are considered to be a loss of forms.

26. No fees are payable in the following cases:

- (1) the state of the forms makes them unusable;
- (2) the destruction of forms is evidenced by a police report or attested by an insurance company;
- (3) the Minister authorizes the use of forms in a transportation control project;
- (4) following a written declaration to the Minister by the printer of forms to the effect that the paper forms listed therein do not exist and were not delivered to the person who was granted the sequence unit number.

In the case referred to in subparagraph 1 of the first paragraph, the original must be provided to the Minister.

In the case referred to in subparagraph 3 of the first paragraph, the person who was granted the sequence unit number must provide the Minister with the original of all the forms used which are exempt from the application of section 19.

§2. Electronic forms

27. A break in the sequence of form numbers is considered to be a loss of forms.

28. No fees are payable in the event of a computer breakdown having as consequences the loss of form and a number error.

29. Any break in the sequence of form numbers must be indicated to the Minister within 5 days following the sequence break.

The break need not be corrected before its indication.

DIVISION VIII
STANDARDS APPLICABLE TO SEALED
CONTAINERS

30. Every person or body referred to in the first paragraph of section 1 must ensure that every sealed container required for the purposes of this Regulation meets the following standards:

- (1) be made of a hard structure;
- (2) have a volume of not less than 0.1 m³;
- (3) be waterproof and impervious enough to shelter the documents deposited therein from bad weather;
- (4) be equipped with a padlocked door allowing the persons in charge of the application of this Regulation to have access to the documents deposited therein;
- (5) bear the notice “scaling”, in the case of a sealed container referred to in section 7 or 14, or the notice “transportation”, in the case of a sealed container referred to in section 9 or 12;
- (6) the container bearing the notice “scaling” must be installed before the beginning of scaling timber and remain on the cutting area as long as there is timber to be scaled on the cutting area covered by a scaling project;
- (7) the container bearing the notice “transportation” must be installed before the beginning of transportation operations and remain on the premises until all timber has been transported to its destination or outside the cutting area where timber has not been sent directly to destination;
- (8) be located in an accessible place.

DIVISION IX
VERIFICATION OF SCALING AND CORRECTION

31. Timber scaled on the cutting area must be left undisturbed at the place where it was scaled for at least 2 working days after the day on which the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container.

Timber scaled after transportation must be left undisturbed at the place where it was scaled for at least 1 working day after the day on which the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container, except for timber last scaled according to each of the methods used under subparagraphs 6 and 7 of the first paragraph of section 4, which must be left at the place where it was scaled for 5 working days or until other timber is scaled according to the same methods.

The first and second paragraphs also apply where a correction to the scaling modifies the duties to be paid. The prescribed time periods are calculated from the date of the transmission to the Minister of the new form indicating the correction.

32. Timber must be re-scaled or the scaling corrected or cancelled, as the case may be, on the request of the Minister, in the following cases:

(1) where the verification carried out by the Minister shows discrepancies greater than 3% in volume;

(2) where the verification carried out by the Minister shows one or more errors or omissions that could cause a discrepancy in the quantity of timber that has been scaled, counted or sampled;

(3) scaling has not been carried out by a culler who holds a licence issued under the Cullers Act (chapter M-12.1);

(4) sampling does not comply with what is provided in the scaling authorization;

(5) sampling is not carried out according to the timber scaling instructions in connection with the scaling method selected provided for in the manual referred to in the third paragraph;

(6) timber is piled in a manner to prevent it to be scaled using a scaling tool;

(7) scaling, timber transportation authorization and loading registration forms contain erroneous, false or misleading information;

(8) the compilation unit indicated on the transportation authorization form does not correspond, in particular, to the timber load concerned, to the good source of timber or the good destination of timber;

(9) the culler did not classify the logs using the quality grids provided for in the manual;

(10) the culler did not evaluate the volumetric reduction in accordance with the types of defect provided for in the manual referred to in the third paragraph.

Where re-scaling is required, the re-scaled timber must be left undisturbed at the place where it was scaled until the expiry of one of the time periods provided for in the first and second paragraphs of section 31, as the case may be.

In all cases, the culler must take the corrective measures to the form according to the form amendment rules provided for in the manual referred to in the third paragraph of section 70 of the Sustainable Forest Development Act (chapter A-18.1).

§1. Assistance that the person or body required to scale the timber must provide to the Minister

33. A person or body who carries out scaling must make its staff available, free of charge, at the Minister's request, during an inspection on the site where scaling takes place.

That person or body must give access, free of charge, to the Minister to every site where scaling takes place and to every timber delivery point, and to the scaling systems, and monitoring equipment required by the scaling method chosen by the Minister.

DIVISION X OFFENCES

34. Every person or body referred to in the first paragraph of section 1 that harvests timber in a forest in the domain of the State and that contravenes any of the second and third paragraphs of section 3, sections 5 to 14, 19 to 21, the second and third paragraphs of section 26, sections 31 and 32 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

Every person or body referred to in the first paragraph of section 1 that harvests timber in forests in the domain of the State and that contravenes any of sections 22 and 23 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

35. Every road vehicle driver who contravenes any of sections 8, 9, 10, 11, 12 or 13 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

Where an offence referred to in the first paragraph is committed by the driver of a heavy vehicle, within the meaning of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), every owner or operator of the vehicle, within the meaning of that Act, who has failed to take the necessary means to ensure that the driver of the vehicle complies with the provisions referred to in the first paragraph is liable to the same penalty as that provided for in that paragraph.

36. Every person who contravenes any of sections 15 to 18 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

37. Every person who contravenes section 29 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

38. Every person or body referred to in the first paragraph of section 1 that harvests timber in a forest in the domain of the State and that contravenes section 30 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

39. A person or body that carries out scaling and that contravenes section 33 is liable, per day of refusal to comply with that section, to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

DIVISION XI

MISCELLANEOUS

40. This Regulation replaces the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter F-4.1, r. 6).

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

SCHEDULE 1

Limits of error of Measurement Canada for weigh scales graduated in 10 or 20 kg

Mass verified on a weigh scale graduated at 10 kg		Limits of error in kg	Mass verified on a weigh scale graduated at 20 kg		Limits of error in kg
from	to		from	to	
10	5,000	10	20	10,000	20
5,010	13,000	20	10,020	26,000	40
13,010	21,000	30	26,020	42,000	60
21,010	29,000	40	42,020	58,000	80
29,010	37,000	50	58,020	74,000	100
37,010	45,000	60	74,020	90,000	120
45,010	53,000	70	90,020	106,000	140
53,010	61,000	80	106,020	122,000	160
61,010	69,000	90	122,020	138,000	180
69,010	77,000	100	138,020	154,000	200
77,010	85,000	110	154,020	170,000	220
85,010	93,000	120	170,020	186,000	240
93,010	101,000	130	186,020	202,000	260