

**Draft Regulation**

Sustainable Forest Development Act  
(chapter A-18.1)

**Forestry permits  
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting forestry permits, appearing below, may be made by the Minister of Forests, Wildlife and Parks on the expiry of 45 days following this publication.

The draft Regulation mainly provides that the harvest, in the forests in the domain of the State, of Labrador tea for commercial purposes is a forest management activity for which a forestry permit is required. It determines the conditions for the issue, modification, renewal and review as well as the content of such a permit. It also sets the dues to be paid by a permit holder and the conditions related to the payment of dues.

Study of the matter shows that the draft Regulation will have an impact on enterprises marketing products derived from Labrador tea. The draft Regulation imposes requirements on enterprises, including the requirement to obtain a forestry permit for the harvest of that resource for commercial purposes. The draft Regulation also provides that information related to the forest management activity be sent to the Minister. The new standards will secure supplies for the marketing industry of Labrador tea and also ensure sustainable use of the resource.

Further information on the draft Regulation may be obtained by contacting Maxime Auger, Direction de la coordination opérationnelle, Ministère des Forêts, de la Faune et des Parcs, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-434, Québec (Québec) G1H 6R1; telephone: 418 627-8656, extension 4573; email: maxime.auger@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Lucie Ste-Croix, Associate Deputy Minister for regional operations, Ministère des Forêts, de la Faune et des Parcs, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-429, Québec (Québec) G1H 6R1.

PIERRE DUFOUR,  
*Minister of Forests,  
Wildlife and Parks*

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**Regulation to amend the Regulation  
respecting forestry permits**

Sustainable Forest Development Act  
(chapter A-18.1, s. 73, 1st par., subpar. 8, s. 87,  
subpars. 1 to 2.1 and 4)

**1.** The Regulation respecting forestry permits (chapter A-18.1, r. 8.1) is amended by striking out “sworn” in subparagraph 3 of the second paragraph of section 26.

**2.** The following is amended by striking out

(1) “de l’identité” in subparagraphs 1 and 3 of the second paragraph of section 31 of the French text;

(2) “of the identity” in subparagraph 6 of the second paragraph of section 47.

**3.** The following is inserted before Chapter IV:

**“CHAPTER III.1**

PROVISIONS RESPECTING THE FORESTRY  
PERMIT FOR THE HARVEST OF LABRADOR TEA  
FOR COMMERCIAL PURPOSES

**DIVISION I**

CONDITIONS FOR ISSUE

**44.1.** An enterprise whose economic activities include marketing products derived from Labrador tea is eligible for the issue of a forestry permit for the harvest of that resource for commercial purposes.

**44.2.** A permit application must be made in writing to the Minister.

The application contains the following information, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person’s name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of the forest management activity to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out and the quantity of Labrador tea applied for;

(3) the proposed harvest methods;

(4) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application.

At the request of the Minister, the applicant must send a business plan that includes a description of the project and any other document showing that the applicant is able to operate an enterprise marketing products from that resource and has the financial resources or the financing necessary for carrying out the business plan.

**44.3.** The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

#### **DIVISION II** CONTENT OF PERMIT

**44.4.** The permit contains at least the following information, as applicable:

- (1) in respect of the permit, its number and term;
- (2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;
- (3) in respect of the description of the authorized forest management activity, its nature, location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;
- (4) the conditions for the authorized forest management activity, including the authorized harvest methods.

#### **DIVISION III** DUES PAYABLE

**44.5.** The dues payable by the holder of a forestry permit for the harvest of Labrador tea for commercial purposes are \$20 per green metric ton harvested.

**44.6.** The dues referred to in section 44.5 are adjusted and published in accordance with section 7 of this Regulation.

**44.7.** The dues are payable as of the billing date or according to the directions appearing on the permit.

#### **“DIVISION IV** ANNUAL REPORT

**44.8.** The permit holder must prepare and submit to the Minister, at least 3 months before the permit expires, an annual report on the activities carried out.

The report must contain the following:

- (1) the quantity of Labrador tea harvested;
- (2) a description of the territory where the harvest was carried out, shown on a document containing GPS coordinates;
- (3) the other elements determined and defined in a manual prepared and kept up to date by the Minister in accordance with the second paragraph of section 66 of the Act.

#### **DIVISION V** CONDITIONS FOR MODIFICATION

**44.9.** A forestry permit issued under this Chapter may be the subject of an application for modification in one of the following cases:

- (1) to modify the location of the forest management activity, insofar as the quantity of Labrador tea that the holder is authorized to harvest may not be entirely harvested at the location initially authorized in accordance with the authorized harvest methods;
- (2) to be authorized to harvest new quantities of Labrador tea.

The following conditions may be modified:

- (1) in respect of the authorized forest management activity, its location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;
- (2) the conditions for the authorized forest management activity, including the authorized harvest methods.

**44.10.** An application for a permit modification must be made in writing to the Minister.

The application contains the following information, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) a description of the modifications applied for;
- (4) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

In the case of an application for modification in order to modify the location of the forest management activity, an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application must, if the Minister requires it, be attached to the application.

**44.11.** No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

## DIVISION VI CONDITIONS FOR RENEWAL AND REVIEW

**44.12.** A forestry permit issued under this Chapter may be the subject of an application for renewal if the following conditions are met:

- (1) the permit holder has
  - (a) paid the dues payable for the permit;
  - (b) complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations; and
  - (c) harvested at least 50% of the total of the quantity of Labrador tea indicated on the permit for all its term;
- (2) the allowable harvest is sufficient.

**44.13.** An application for renewal of a permit must be made in writing to the Minister.

The application contains the following information, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) in respect of the description of the forest management activity to be carried out, its location, the area concerned, in hectares, and the period planned to carry it out;
- (4) the modifications in respect of the harvest methods, if applicable;
- (5) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application be provided to the Minister.

**44.14.** The Minister may, upon renewal of the permit and after having given the permit holder the opportunity to make observations, lower the quantity of Labrador tea that the permit holder is authorized to harvest in one of the following cases:

- (1) the permit holder did not harvest at least 90% of the total of the quantity indicated on the permit for all its term;
- (2) the allowable harvest in that territory has been lowered.

**44.15.** The Minister may add new conditions upon renewal of the permit if the public interest so warrants.”

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

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