

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Reimbursement of property taxes of certified forest producers — 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 the reimbursement of property taxes of certified forest producers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation mainly prescribes the use of values assessed by the timber marketing board for calculating the development expenses eligible for the reimbursement of property taxes of certified forest producers. In addition, the list of eligible development expenses in Schedule 1 is amended to remove values, provide various clarifications and ensure uniformity. The forest engineer's report in Schedule 2, which contains a statement of eligible expenses that are applicable to a calendar year or fiscal year and is required under section 131 of the Sustainable Forest Development Act (chapter A-18.1) for the reimbursement of property taxes, includes amendments consequential to the proposed changes to the rules for calculating the value of an eligible development expense. The report also provides various clarifications.

Study of the matter has revealed a reduction of the costs associated with administrative formalities for businesses.

Further information on the draft Regulation may be obtained by contacting Nicolas-Pascal Côté, Director, Direction de la gestion de l'approvisionnement en bois, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau A-202, Québec (Québec) G1H 6R1; telephone: 418 627-8646, extension 704200; email: Nicolas-Pascal.Cote@mrnf.gouv.qc.ca.

Any interested person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Sénéchal, Associate Deputy Minister for Forests, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1; email: BSMA-Foret@mrnf.gouv.qc.ca.

MAÏTÉ BLANCHETTE VÉZINA
Minister of Natural Resources and Forests

Regulation to amend the Regulation respecting the reimbursement of property taxes of certified forest producers

Sustainable Forest Development Act
(chapter A-18.1, s. 173, pars. 5 and 6).

1. The Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1) is amended in section 2 by replacing “applicable municipal by-laws” in paragraph 2 by “Québec laws and regulations, including municipal by-laws”.

2. Section 3 is replaced by the following:

“**3.** The total amount of eligible development expenses is obtained by adding the values of each eligible development expense incurred in a calendar year or fiscal year, as applicable.

Each eligible development expense is calculated using the following formula:

$A \times (B + C)$ where

(1) “A” is the number of units corresponding to the development expense referred to in Schedule 1;

(2) “B” is the value of the development expense referred to in Schedule 1 for the technical component;

(3) “C” is the value of the development expense referred to in Schedule 1 for the execution component.

On 1 April of each calendar year, the timber marketing board publishes on the board's website the grid of values to be used to calculate the total amount of eligible development expenses incurred in the calendar year of the publication or in the fiscal year beginning during the calendar year of the publication, as applicable.”.

3. Section 5.1 is revoked.

4. Schedule 1 is replaced by the following:

“SCHEDULE 1
(Sections 2 and 3)**DEVELOPMENT EXPENSES ELIGIBLE FOR THE
REIMBURSEMENT OF PROPERTY TAXES OF
CERTIFIED FOREST PRODUCERS****DIVISION I**
GENERAL

1. The value of a development expense described in this Schedule comprises two components:

- (1) a technical component that includes planning, monitoring and operational supervision costs; and
- (2) an execution component that includes implementation costs.

2. For the purposes of this Schedule, “silvicultural treatment” means a forest development activity that is part of a silvicultural scenario to be applied to a stand or combination of stands during a given period based on management objectives. It must be applied in compliance with the scientific foundations presented in the Guide sylvicole du Québec.

DIVISION II
RETURN TO PRODUCTION**§1. Site preparation**

3. Site preparation is a silvicultural treatment that involves working the forest soil to make the physical environment suitable for germination or for the survival and the growth of seedlings of a desired species. Site preparation must create a sufficient number of microsites suitable for natural or artificial regeneration.

Eligible silvicultural site preparation activities are the following:

- (1) mechanical site clearing: windrowing or piling logging residue in order to facilitate replanting, scarification or stand tending;
- (2) shear-blading with a shear-blade-equipped tractor: brush-cutting and windrowing in a single operation;
- (3) site clearing with a “stone-fork” excavator: windrowing or piling logging residue in order to facilitate replanting;
- (4) bush clearing and site clearing: elimination and removal of brush and non-merchantable timber, which may be carried out in a context of
 - (a) high competition: an operation carried out where the coverage of brush two metres or more in height exceeds 50%; or

- (b) low competition: an operation carried out where the coverage of brush one metre or more in height exceeds 25%;

- (5) salvage, bush clearing and site clearing: the harvesting of all mature merchantable timber or deteriorating timber in a low-value stand followed by bush clearing and mechanical site clearing;

- (6) chipping: the removal and chipping of brush and non-merchantable timber in a single operation;

- (7) forest harrowing: brush removal and soil scarification using a forest harrow;

- (8) agricultural ploughing and harrowing: loosening of the soil using a plough and harrow to facilitate the planting of seedlings;

- (9) forest ploughing and harrowing: brush removal and loosening of the soil using a forest plough and harrow;

- (10) scarification: disturbing the humus layer and low-growing competing vegetation to expose and loosen the mineral soil and mix it with organic matter; scarification can be carried out in one of the following ways:

- (a) light scarification: using TTS-type disc trenchers;
- (b) medium scarification: using TTS-type trenchers with hydraulic discs, Donaren, Equisyl, etc;
- (c) manual scarification: using manual tools;

- (11) mounding scarification: mounding of soil using an excavator or feller to create at least 800 microsites per hectare in order to perform intensive silviculture or reforestation with hardwood, white pine or red pine;

§2. Planting

4. Planting is a silvicultural treatment that involves burying the root system of artificial seedlings in a mineral soil or a mixture of mineral and organic soil.

Eligible silvicultural planting treatments are the following:

- (1) planting: an artificial regeneration treatment involving placing seeds or seedlings in the ground, with regular spacing, to create a stand;
- (2) infill planting in plantations or naturally-regenerated areas: an artificial regeneration treatment that involves planting trees of a commercial species to fill gaps in areas where the regeneration, whether natural or artificial, has not achieved a suitable density or distribution coefficient. Infill planting takes place in a natural stand or a plantation containing trees of similar dimension to the seedling in order to achieve full stocking of the area;

(3) enrichment planting: an artificial regeneration treatment that involves planting trees in a stand to introduce or re-introduce a species that is in decline or has greater value, or to increase the abundance of that species. Enrichment planting may take place in the understorey of a stand to maintain or improve biodiversity or increase the value of the stand.

DIVISION III

TENDING OF REGENERATION

5. Tending of regeneration is a silvicultural tending treatment that involves eliminating competing vegetation, mainly using mechanical or manual methods, to release regeneration of the desired species or to create an environment suitable for the establishment of regeneration.

Eligible silvicultural tending treatments are the following:

- (1) cleaning (1st, 2nd or 3rd): cutting back competing trees and shrubs;
- (2) weeding: controlling competing herbaceous vegetation, either by mowing or harrowing or by straightening seedlings;
- (3) mulching: controlling competing trees and shrubs by mulching;
- (4) fertilization and amendment: applying chemical or organic fertilizers to improve timber production in stands of quick-growth species and in maple stands used for forestry or syrup production under a silvicultural diagnosis by a forest engineer;
- (5) artificial pruning: systematically removing dead or living branches from the lower part of a tree stem to produce knot-free timber. The treatment aims to increase the value of the butt log in the production of high-quality timber for sawing or rotary cutting;
- (6) phytosanitary pruning of white pine or red pine: removing parts of a tree, generally branches or twigs, that are dead, damaged or affected by pathogens. The treatment aims to prevent the spread of parasites and pathogens;
- (7) protective treatment: a treatment to combat insects, disease, invasive alien species or animals to stop their spread or minimize damage to trees.

DIVISION IV

NON-COMMERCIAL TREATMENT

6. Precommercial thinning is a silvicultural tending treatment that involves cutting trees with non-merchantable dimensions to reduce the competition for final crop trees and trees of a desired species and improve their growth.

Eligible silvicultural tending treatments are the following:

- (1) systematic precommercial thinning: removal of trees and shrubs that compete with the selected crop trees, using a defined spacing that ensures that the crop trees make up the entire cover in the stand;
- (2) precommercial thinning with light opening: removal of competing trees and shrubs within a defined radius around a number of selected crop trees to ensure that they form a predominant portion of the stand. Precommercial thinning by light opening retains the trainer trees.

DIVISION V

COMMERCIAL TREATMENTS

7. Commercial treatments are all silvicultural treatments involving the partial or total harvesting of the merchantable stems in a stand.

Eligible commercial silvicultural treatments are the following:

- (1) commercial thinning: harvesting some merchantable stems in an even-aged stand prior to maturity;
- (2) shelterwood cutting: harvesting the stand in a series of partial cuts spaced at about one-fifth of the rotation, to establish one or more regeneration cohorts under the protection of mature forest cover containing seed trees;
- (3) selection cutting: periodic harvesting of trees in an uneven-aged or “gardened” stand to promote regeneration;
- (4) salvage cutting: harvesting merchantable stems in a deteriorating stand, to safeguard or replace the regeneration of commercial species damaged by windthrow, insect epidemic, ice storm or fire;
- (5) succession cutting: harvesting of overstorey trees while retaining the regeneration of desired species established in the understorey in order to improve stand composition;
- (6) sanitation cutting: removal of trees killed or weakened by diseases or insects to avoid their spread to the remainder of the stand;
- (7) improvement cutting: removal of undesired species or poorly-formed trees in a stand that is beyond the sapling stage, in order to improve stand composition, structure and condition;

(8) technical assistance for timber development: assistance provided to a forest producer to plan silvicultural work and technical advice on the implementation of treatments, which may cover silvicultural prescriptions, performance reports, marking, permit applications, compliance with Québec laws and regulations, including municipal by-laws, as well as timber marketing;

(9) marking: marking trees, generally using spray paint, either to be felled, in the case of negative marking, or to be left standing, in the case of positive marking, during a planned selection cut. Marking may be used for commercial thinning, shelterwood cutting, selection cutting, partial salvage cutting, sanitation cutting or improvement cutting.

DIVISION VI

OTHER ACTIVITIES

8. Other eligible activities are the following:

(1) forest roads: the construction or improvement of access roads, bridges and culverts to facilitate forest development activities;

(2) forest development plan: the drafting of an information and planning tool by a forest engineer for the benefit of a forest producer, in order to protect and develop a forest property;

(3) supplemental forest development plan: the inclusion of extra information in the forest development plan, including an ecological description and mitigation measures in silvicultural treatments, concerning at least one category of sensitive elements, whose presence on a forested property has been confirmed by cartographic data from a recognized source or the gathering of ecological data. The eligible sensitive elements are

(a) wetlands and bodies of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2);

(b) occurrences or potential habitats of a designated threatened or vulnerable species or a species likely to be designated threatened or vulnerable;

(c) exceptional forest ecosystems; and

(d) sensitive forest ecosystems, or forest ecosystems that are vulnerable to climate change, as well as ecological hubs and corridors;

(4) delimitation of sensitive areas: on-site delimitation of a sensitive element described in point 3 for conservation purposes, prior to the implementation of a planned forest development activity;

(5) multi-resource component provided for in the forest development plan: the drafting of an information tool for potential multi-resources based on a multi-resource data collection; the component is added to the forest development plan referred to in paragraph 2;

(6) forest-fauna work: forest development activities provided for in this Regulation, if they are implemented to conserve or improve a wildlife habitat, result from an analysis of the wildlife potential and are provided for in the forest development plan or the silvicultural prescription of a forest engineer. The value of the development expense for the technical component or execution component is increased by 10%;

(7) advisory visit: on-site analysis conducted under the responsibility and supervision of a forest engineer to follow up on the forest development plan with the owner, or to advise the owner on the implementation of development work on the owner's forested land. Maximum number of advisory visits per forest development plan per year: 1;

(8) forest certification: work to obtain or maintain internationally recognized forest certification.”.

5. Schedule 2 is replaced by the following:

“**SCHEDULE 2**
(Section 5)

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A STATEMENT OF EXPENSES FOR A CALENDAR YEAR OR FISCAL YEAR FOR THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

SCHEDULE 2

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A STATEMENT OF EXPENSES FOR A CALENDAR YEAR OR FISCAL YEAR FOR THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

Part 1 - Forest producer <i>(The information relating to the permanent code and the date of expiry of the forest producer's certificate appears in the forest producer's certificate)</i>				
Forest producer's name and address:	Permanent code: 		Expiry date of the forest producer's certificate: D D M M Y Y Y Y	
	Calendar year or fiscal year in which the eligible development expenses entered in this report were incurred: Calendar year: or Fiscal year: -			

Part 2 - Eligible development expenses <i>(The development expenses must have been incurred in the calendar year or the fiscal year, as applicable, indicated in this report)</i>				
Assessment unit on which the development expense was incurred (file number)			Expiry date of the forest development plan D D M M Y Y Y Y	
Identification of eligible development expense	Number of units	Value for technical component (\$/unit)	Value for execution component (\$/unit)	Total Value (\$)
				\$
				+ \$
				+ \$
				+ \$
				+ \$
TOTAL AMOUNT OF ELIGIBLE DEVELOPMENT EXPENSES ¹				= \$

¹ The total amount of eligible development expenses is calculated according to the formula in section 3 of the Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1)

Part 3 – Forest engineer’s statement	
<p>I hereby certify that</p> <ul style="list-style-type: none">- the development expenses declared in this report were incurred in such a way as to have an impact on the establishment, maintenance or improvement of a forest stand;- the development expenses declared in this report are described in Schedule 1 of the Regulation respecting the reimbursement of property taxes of certified forest producers;- the development expenses declared in this report were incurred in compliance with Québec laws and regulations, including municipal by-laws;- I am a member in good standing of the Ordre des ingénieurs forestiers du Québec. <p>Name: _____ Permit No.: _____</p> <p>Signature: _____ Date: _____</p> <p>Forest engineer</p>	
Part 4 – Forest producer’s statement	
<p>I hereby certify that</p> <ul style="list-style-type: none">- all the information in my forest producer’s certificate is up to date;- the development expenses declared in this report were incurred for a registered forest area for which a forest management plan is in force;- the development expenses declared in this report were incurred in compliance with Québec laws and regulations, including municipal by-laws;- the development expenses declared in this report have never been declared for the purposes of a reimbursement of property taxes with a department or public body;- no financial assistance has been received for the development expenses declared in this report under the assistance program for the development of private forests. <p>In addition, I agree to provide any vouchers that the Minister of Revenue or the Minister of Natural Resources and Forests may require.</p> <p>Name: _____</p> <p>Signature: _____ Date: _____</p> <p>Forest producer or authorized representative</p>	

6. This Regulation comes into force on 1 January 2025.

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