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AN ACT TO AMEND THE FOREST ACT

Bill 44

Introduced by Mr Albert Côté, Minister for Forests

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Passage in principle 5 April 1990

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Assented to 22 June 1990

Coming into force: 22 June 1990

Act amended:

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



CHAPTER 17

An Act to amend the Forest Act

[Assented to 22 June 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. F-4.1,
s. 8, am.

1. Section 8 of the Forest Act (R.S.Q., chapter F-4.1) is amended by adding, at the end, the words “and delivered to the destination indicated in the permit, unless the prescribed dues are paid in full.”

c. F-4.1,
s. 9, am.

2. Section 9 of the said Act is amended by striking out the words “allocation or” in the second line of the first paragraph.

c. F-4.1,
s. 43, am.

3. Section 43 of the said Act is amended by replacing paragraph 2 by the following paragraph:

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

c. F-4.1,
s. 46.1,
added

4. The said Act is amended by inserting, after section 46, the following section:

Surpluses

“46.1 Where for a particular year the Minister considers that surpluses will be available in sources of supply mentioned in paragraph 2 of section 43, he may, to promote their utilization by agreement holders, to such extent as may be permitted to ensure the sustained yield, take, on or before 1 March of the preceding year, in respect of a species or a group of species he determines, either of the measures set out in the second and third paragraphs.

Measures

If the Minister is of the opinion that the volumes of timber to be harvested under the annual management plans of all the agreement holders concerned foster the optimal use of foreseeable surpluses, he may prescribe that the volume of timber which each of the agreement

holders concerned is authorized to harvest is limited to the volume specified in his annual management plan.

Measures

If the opinion of the Minister is to the contrary, he may, for the particular year, prescribe that the volume of timber of which the harvest will be authorized under the forest management permits is not to exceed the volumes allocated under the agreements, reduced by a percentage that he shall fix for all the agreement holders concerned.”

c. F-4.1,
s. 50, am.

5. Section 50 of the said Act is amended

(1) by replacing the words “under section 77 or under section 79 or 81” in the second and third lines of the first paragraph by the words “as provided in section 77 or in circumstances described in the second paragraph, in section 79 or in section 81”;

(2) by replacing the second paragraph by the following paragraph:

Substitution
for deleted
area

“Where an area used in calculating the allowable annual cut is deleted from the forest management unit as a result of the application of another Act for reasons of public interest or to take account of an amendment to the land use plan prepared under Division III of Chapter II of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1), the Minister shall, if forest production is sufficient, substitute an equivalent area for the deleted area.”

c. F-4.1,
s. 53, am.

6. Section 53 of the said Act is amended by striking out the second paragraph.

c. F-4.1,
s. 53.1,
added

7. The said Act is amended by inserting, after section 53, the following section:

Periods
covered

“53.1 Where the Minister enters into a timber supply and forest management agreement in respect of a forest management unit that includes an area where at least another agreement is currently in force, the periods covered by the general plan and five-year plan must coincide with those of the general plan and five-year plan of the other agreement holder or holders.”

c. F-4.1,
s. 54, am.

8. Section 54 of the said Act is amended by striking out the words “or prepared” in the last line.

c. F-4.1,
s. 66, am.

9. Section 66 of the said Act is amended by replacing the figure “68” at the end by the figure “92.1”.

c. F-4.1,
s. 71,
replaced

10. Section 71 of the said Act is replaced by the following section:

Dues

“71. The agreement holder shall pay the dues prescribed by the Minister on the basis of the volume of timber harvested under the forest management permit.

Amount

The dues are equal to the amount obtained by multiplying the volume of harvested timber by the applicable unit rate.”

c. F-4.1,
ss. 73.1-
73.3, added

11. The said Act is amended by inserting, after section 73, the following sections:

Dues

“73.1 The dues that an agreement holder is required to pay are payable in cash or by way of silvicultural treatments.

Silvicultural
treatments

Silvicultural treatments admitted as payment of dues are treatments applied to attain the annual yield in accordance with section 60 and accepted by the Minister following the presentation of the annual report prescribed by section 70.

Progress
report

“73.2 An agreement holder may prepare and submit to the Minister, in the form and tenor determined by regulation of the Government, a periodic silvicultural treatment progress report approved by a forest engineer. No progress report shall be submitted to the Minister until 30 days after the date of the last report.

Provisional
credits

On receipt of a periodic report, the Minister may grant a provisional credit, for a value corresponding to the value of the silvicultural treatments which have been carried out, applicable to the payment of the prescribed dues.

Adjustment

Following the presentation of the annual report, provisional credits shall be adjusted, if need be, to ensure that they correspond to the value of the silvicultural treatments accepted by the Minister in accordance with section 73.1.

Value of
treatments

“73.3 The value of the silvicultural treatments referred to in the second paragraph of section 73.1 shall be fixed by the Minister according to the rules of calculation determined by regulation of the Government.”

c. F-4.1,
s. 77, am.

12. Section 77 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) changes in the availability of timber from private forests, wood chips, sawdust, shavings, timber from outside Québec or recycled wood fibres;”;

(2) by adding, at the end, the following paragraph:

Unused
volume

“For the purposes of subparagraph 3 of the first paragraph, no account shall be taken of any failure to use any part of the volume allocated that is due to the salvaging, from watercourses, of stocks of round timber from forests in the public domain following the discontinuance of driving activities.”

c. F-4.1,
s. 81.1,
added

13. The said Act is amended by inserting, after section 81, the following section:

Discon-
tinuance
of operations

“**81.1** The Minister may also revise the volume allocated under the agreement where there is a change in the requirements of the agreement holder’s wood processing plant as a result of the final discontinuance of part of the operations of the plant.”

c. F-4.1,
s. 82, am.

14. Section 82 of the said Act is amended by replacing the word and figures “53, 55 or 61” at the end of subparagraph 3 of the first paragraph by the figure “61”.

c. F-4.1,
ss. 88, 89,
89.1, 90,
91, repealed

15. Sections 88, 89, 89.1, 90 and 91 of the said Act are repealed.

c. F-4.1,
s. 121, am.

16. Section 121 of the said Act is amended

(1) by replacing the words “having priority” in the fifth line of subparagraph 1 of the second paragraph by the word “envisaged”;

(2) by replacing the words “in the case of an industrial enterprise” in the first line of subparagraph 2 of the second paragraph by the words “if the person is the owner of a private woodlot of at least 800 hectares in a single block”.

c. F-4.1,
s. 123.1,
added

17. The said Act is amended by inserting, after section 123, the following section:

Forest
development
work

“**123.1** Any forest development work not included in the management plan but required under a silviculture prescription approved by a forest engineer may also be admitted for the purposes of a reimbursement of real estate taxes on the conditions prescribed in paragraph 3 of section 123.

Expenses

If the work performed within the last fiscal year and reported to the Minister represents an amount of expenses greater than the

amount of real estate taxes to be reimbursed, the excess amount of expenses may be admitted for the reimbursement of real estate taxes in the three subsequent years, in accordance with section 123.”

c. F-4.1,
s. 125, am.

18. Section 125 of the said Act is amended

(1) by replacing the words “a forest protection organization” in the third line of the first paragraph by the words “an organization for the protection of the forest against fire”;

(2) by replacing the words “timber supply and forest management agreement holders and private woodlot owners” in the second and third lines of the first paragraph by the words “the holders of timber supply and forest management agreements and of owners of private woodlots”.

c. F-4.1,
Div. I,
replaced

19. The said Act is amended by replacing Division I of Chapter II of Title III by the following division:

“DIVISION I

“PROTECTION PLANS

Certification
of organiza-
tion

“146. The Minister may certify an organization composed of the holders of timber supply and forest management agreements and of owners of private woodlots as an organization for the protection of the forest against destructive insects and cryptogamic diseases for a forest area defined as he determines.

Implementa-
tion
of plans

The organization shall be responsible for the preparation and implementation of plans for the protection of the forest against such insects and diseases.

Organization
plan

“147. In order to be certified by the Minister, the organization must transmit to him, for his approval, its by-laws on the assessment of its members and the financing of its operations and an organization plan for the preparation and implementation of the plans for the protection of the forest against destructive insects and cryptogamic diseases.

Content

The organization plan must contain information, in particular, on the number of members in the organization, the equipment at its disposal and the means it intends to use to implement the protection plans. The organization plan must be kept up to date until the Minister requires a new plan.

Protection
measures
established
by Minister

If the organization fails to comply with this section, the Minister shall establish the method of protection of the forest he considers

appropriate at the expense of the organization or of each of its members.

Membership **“147.1** Every timber supply and forest management agreement holder shall be a member of the forest protection organization certified by the Minister for the territory that includes his forest management unit.

Membership The Minister becomes *ex officio* a member of every forest protection organization he certifies.

Issue of permit **“147.2** The Minister may refuse to issue a forest management permit if the agreement holder fails to join the forest protection organization or if he fails to pay the assessment fixed by the organization.

Infestation **“147.3** Where an infestation of destructive insects or a cryptogamic disease occurs or is about to occur in a forest in the public domain, the Minister shall request the forest protection organization to prepare a protection plan for the territory defined.

Protection plan The protection plan shall be prepared in consultation with the timber supply and forest management agreement holders and with the private woodlot owners who have joined the protection organization.

Approval The protection plan shall be approved by the Minister and implemented by the forest protection organization.

Expenses **“147.4** In the territory approved by the Minister, the protection organization shall assume the expenses incurred to implement the plans for the protection of the forest against destructive insects and cryptogamic diseases.

Reimbursement The expenses shall be reimbursed in whole or in part by the Minister, upon the production of vouchers, at the rate determined by regulation of the Government.

Infestation **“147.5** Where the Minister is of the opinion that an infestation of destructive insects or a cryptogamic disease affecting a private woodlot threatens to spread to a neighbouring forest in the public domain and could result in major economic losses, he shall require a protection plan from the forest protection organization for the territory concerned and shall see that it is implemented.

Reimbursement The Minister may claim reimbursement of the cost of the measures from the owner of a private woodlot where he caused the protection plan to be implemented.

Required
sums

“147.6 The sums required for the payment of expenses related to the implementation of protection plans under section 147.4 and, as the case may be, under section 147.5 shall be paid out of the appropriations granted annually by Parliament.

Required
sums

However, sums required for the payment of expenses resulting from unforeseen and urgent measures shall be paid out of the consolidated revenue fund to the extent determined by the Government, if the balance of appropriations is insufficient.”

c. F-4.1,
s. 170.1,
am.

20. Section 170.1 of the said Act is amended by striking out the figure “, 88” in the sixth line of the third paragraph.

c. F-4.1,
s. 172, am.

21. Section 172 of the said Act is amended

(1) by replacing the figure “89.1” in the second line of paragraph 3.1 by the figure “73.2”;

(2) by replacing the words “plan contemplated in section 146” in the second and third lines of paragraph 11 by the words “plans contemplated in section 147.4”.

c. F-4.1,
s. 187, am.

22. Section 187 of the said Act is amended by replacing the words “without a permit” at the end by the words “in contravention of a provision of this Act or the regulations”.

c. F-4.1,
s. 233, am.

23. Section 233 of the said Act is amended

(1) by replacing the word “organization” in the second line of the first paragraph by the word “organizations”;

(2) by replacing the word “organization” in the second line of the second paragraph by the word “organizations”;

(3) by replacing the word “organization” in the third line of the second paragraph by the word “organizations”.

c. F-4.1,
s. 236.0.1,
added

24. The said Act is amended by inserting, after section 236, the following section:

Effect

“236.0.1 Notwithstanding section 236, this chapter continues to have effect until the expiry of the thirty-day period provided for in the third paragraph of section 229, in respect of any person to whom the Minister has sent a timber supply and forest agreement proposal in accordance with the said section.

Effect

Moreover, this chapter shall continue to have effect, in respect of any person referred to in section 219 or 221 with whom the Minister

has entered into an agreement, until the effective date of the agreement if the date is subsequent to 1 April 1990.”

c. F-4.1,
s. 239, am.

25. Section 239 of the said Act is amended by striking out the figures “, 88, 89” in the first line.

c. F-4.1,
s. 239.1,
am.

26. Section 239.1 of the said Act is amended by striking out the figures “, 88, 89” in the second line of the first paragraph.

Inoperative
clause

27. Any clause in a timber supply and forest management agreement entered into by the Minister before 1 April 1990 or in a proposal made to a person entitled to such an agreement under section 229, which authorizes the agreement holder to harvest, within the five subsequent years, a volume of round timber not harvested in a previous year, is without effect.

Exception

However, the agreement holder will be entitled to harvest any volume of timber not harvested before 22 June 1990 which he was entitled to harvest over the five subsequent years pursuant to the clause referred to in the first paragraph, as if the clause continued to have effect in respect of such volume of timber.

Dues

28. The prescribed dues which are payable by an agreement holder for the year in which he harvests a volume of timber that exceeds the volume allocated in his agreement, to which he was entitled before 22 June 1990, are equal to 25 % of the product obtained by multiplying the harvested volume by the unit rate established in accordance with section 72 of the Forest Act.

Effect

29. Sections 10 and 24 have effect from 1 April 1990.

Coming
into force

30. This Act comes into force on 22 June 1990.