

1986, chapter 108
FOREST ACT

Bill 150

Introduced by Mr Albert Côté, Minister for Forests

Introduced 13 November 1986

Passage in principle 2 December 1986

Passage 19 December 1986

Assented to 19 December 1986

Coming into force: 1 April 1987

Acts amended:

Labour Code (R.S.Q., chapter C-27)

Forestry Credit Act (R.S.Q., chapter C-78)

Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)

Land Transfer Duties Act (R.S.Q., chapter D-17)

Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14)

Environment Quality Act (R.S.Q., chapter Q-2)

Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1)

Lands and Forests Act (R.S.Q., chapter T-9)

Act respecting the forestry fund (1980, chapter 8)

Acts replaced:

Forest Resources Utilization Act (R.S.Q., chapter U-2)

Forestry Schools and Research Act (R.S.Q., chapter R-1)

Act repealed:

Act respecting the establishment of an experimental forest by Laval University (1963, chapter 28)





CHAPTER 108

Forest Act

[Assented to 19 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

MANAGEMENT OF FORESTS IN THE PUBLIC DOMAIN

CHAPTER I

SCOPE

Application

- 1.** This Title applies to forests in the public domain.

CHAPTER II

FOREST MANAGEMENT

DIVISION I

MANAGEMENT PERMIT

Permit

- 2.** No one may carry on a forest management activity unless he is the holder of a forest management permit issued for that purpose by the Minister.

Forest management

- 3.** Forest management includes timber felling and harvesting, the installation and maintenance of infrastructures, the carrying out of silvicultural treatments including reforestation and the use of fire, the

repression of insect epidemics, cryptogamic diseases and competing vegetation, and all other activities affecting the productivity of a forest area.

Permit
period

4. A forest management permit may be granted for a period not exceeding twelve months.

Dues

5. No one may hold a forest management permit unless he pays the dues prescribed by the Minister.

Unit rate

The Minister shall prescribe the dues according to the unit rate applicable to the species or groups of species and to the quality of the timber the harvest of which is authorized by the permit or, where such is the case, according to the unit rate applicable per surface unit in the forest area covered by the permit.

Determina-
tion of unit
rate

The Government shall determine by regulation the unit rate contemplated in the second paragraph for the classes of forest management permits it specifies. For the other classes of permits, the unit rate shall be determined by the Minister according to the rules of computation determined by regulation of the Government.

Tariffing
zones

The unit rate contemplated in the second paragraph may vary according to such forest tariffing zones as may be established by regulation of the Government.

Time of
payment

6. The dues prescribed by the Minister under section 5 are exigible upon the issuance of the forest management permit or within the time determined by regulation of the Government for any class of permits it specifies.

Unpaid dues

7. No forest management permit may be issued to a person who owes dues exigible under this Act.

Ownership
of timber

8. Full ownership of the timber authorized for harvesting under a forest management permit remains in the public domain until the timber is felled.

Real right

9. Timber harvested in the forest, whatever its destination, is charged with an immovable real right in favour of the public domain to secure the payment of dues under this Act.

Consumer

The timber remains so charged wherever and in whatever form it may be, until the exigible dues are paid. The right cannot be invoked, however, against a consumer within the meaning of the Consumer Protection Act (R.S.Q., chapter P-40.1).

DIVISION II

CLASSES OF FOREST MANAGEMENT PERMITS

Classes of
permits**10.** Forest management permits may be issued

- (1) for the harvest of firewood for domestic purposes;
- (2) for sugar bush management for acericultural purposes;
- (3) for public utility works;
- (4) for mining activities;
- (5) for a wildlife or recreational development project;
- (6) for the supply of wood processing plants.

§ 1.—Firewood

Firewood

11. The Minister shall issue a forest management permit for the harvest of firewood for domestic purposes to every natural person who applies therefor in writing.

Personal
use

The application must be accompanied with a declaration attesting that the harvest is intended exclusively for the applicant's personal use.

Sufficient
production

The Minister shall not grant a permit unless forest production is sufficient.

Limited
volume

The permit authorizes its holder to harvest, in the contemplated territorial unit, a volume not exceeding fifteen cubic metres of timber of the species determined by the Minister.

§ 2.—Sugar bush

Sugar bush

12. The Minister may issue a sugar bush management permit to any natural person having at least two years' experience in maple production or having taken a course in acericulture approved by the Minister of Education under the Act respecting private education (R.S.Q., chapter E-9).

Application

13. Every person wishing to obtain a permit shall make an application therefor in writing to the Minister, accompanied with

- (1) a declaration attesting to his qualifications;
- (2) a description of the sugar bush concerned by the application;

(3) the description and location of existing or projected roads and buildings;

(4) any information relating to the management of the sugar bush prescribed by regulation of the Government.

Tapping of
trees

14. The permit authorizes its holder to manage the sugar bush described therein and to carry out the necessary work for that purpose, in accordance with standards prescribed by regulation of the Government for tapping maple trees and other work related to such management.

Harvested
timber

The permit shall indicate, where such is the case, the destination of timber harvested in the sugar bush upon the application of silvicultural treatments designed to promote sap production.

Conditions

It shall also indicate any special conditions the Minister may prescribe.

Area of land

15. A permit shall be for not less than ten nor more than twenty-five hectares of land.

Adjacent
woodlot

Notwithstanding the first paragraph, where a qualified person already operates a sugar bush in an adjacent woodlot owned by him, his permit may be for less than ten hectares of land provided that the area for which the permit is issued and the area of the private woodlot where he operates a sugar bush amount together to at least ten hectares.

Renewal

16. A permit holder who operates a sugar bush for the commercial production of sap and who has obtained a loan under the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is entitled to the renewal of his permit each year for a period corresponding to the term of the loan, so long as he complies with the conditions of his management permit and pays the prescribed dues.

Increase of
area

17. At the time of the second renewal of a permit, the Minister may, according to the holder's application, increase the area of the land described in the permit to a total of not over fifty hectares, if the holder meets the following requirements:

(1) he has actively managed ninety per cent or more of the area of the sugar bush for at least two years;

(2) he completed the works contemplated in paragraph 3 of section 13 not later than one year after the first renewal of his permit.

§ 3.—*Public utility*

Public
utility

18. The Minister shall issue a forest management permit to any public body or person which carries on a public utility enterprise and which applies therefor in writing.

Authorized
activities

19. The permit authorizes its holder to carry out the forest management activities required for the public utility works within the perimeter described by the Minister. The permit shall indicate the destination of the harvested timber.

§ 4.—*Mining activities*

Holder of
mining
rights

20. The Minister shall issue a forest management permit to any holder of mining rights who applies to him therefor in writing for the purposes of the exercise of his rights under the Mining Act (R.S.Q., chapter M-13).

Authorized
activities

21. The permit authorizes its holder to carry on, on the terms and conditions indicated therein, the forest management activities required for the exercise of his rights.

Harvested
timber

The permit shall indicate the destination of any harvested timber that is not used for the erection of mining structures.

§ 5.—*Wildlife or recreational development project*

Recreational
project

22. The Minister, on the conditions he determines, may issue a forest management permit to a person otherwise authorized by law to carry out a wildlife or recreational development project.

Authorized
activities

23. The permit authorizes the holder to carry out, on the terms and conditions indicated therein, the forest management work necessary for the achievement of the project, and shall indicate the destination of the harvested timber.

§ 6.—*Supply of a wood processing plant*

Wood
processing
plant

24. The Minister shall not issue any forest management permit for the supply of a wood processing plant except to the holder of a timber supply and forest management agreement or of a wood processing plant operating permit for energy production or metallurgical purposes who is entitled thereto under Chapter III.

DIVISION III

STANDARDS OF FOREST MANAGEMENT

- Standards** **25.** Every holder of a forest management permit shall, in carrying on forest management activities, comply with the standards of forest management which the Government prescribes by regulation.
- Object** The object of the standards is to ensure
- (1) the preservation or renewal of the forest cover;
 - (2) the protection of all forest resources;
 - (3) the compatibility of the activities carried on in various territorial units in the public domain, considering their respective uses.
- Scaling** **26.** The holder of a forest management permit who harvests timber shall scale it according to the scaling method prescribed by regulation of the Government.
- Protection of shores** **27.** No person may operate a machine used for a forest management activity in the strip of woodland twenty metres in width established by regulation of the Government for the protection of the shores of lakes and watercourses, except with an authorization to that effect under this Act for the construction of a road or the installation of infrastructures.
- Lakes and watercourses** **28.** No person may operate a machine used for a forest management activity on the bed of a lake or watercourse nor dump into it earth, slash, oil, chemical products or other contaminants of the same nature contemplated in the Environment Quality Act (R.S.Q., chapter Q-2) while carrying on such an activity.
- Manual** **29.** The Minister shall publish and keep up to date a forest management manual describing, in particular, the method and basis of calculation he uses or intends to use to determine, in respect of a particular forest area, the annual allowable cut and the expected effects of the various silvicultural treatments on the allowable cut.
- Assessment of effects** The manual shall also describe the methods the Minister intends to apply to assess the actual effects of the treatments and to compare them with the projections made in the various forest management plans.
- Sampling methods** In addition, the manual shall describe the sampling methods for assessing silvicultural treatments that have been carried out to obtain the yields contemplated in timber supply and forest management agreements.

DIVISION IV

FOREST ROADS

Construction
of roads

30. No person may construct a road on lands in the public domain except according to the standards of forest management prescribed under section 171.

Authoriza-
tion

31. No person may construct a road other than a forest road in a forest without prior authorization in writing from the Minister regarding the width of the right of way and the destination of the timber harvested in connection with its construction.

Definition

A forest road is a road constructed on land in the public domain in view of forest management under this Act.

Permit

32. No person may do construction or improvement work on a forest road unless he holds a forest management permit issued by the Minister under Chapter III of this Title.

Use of
roads

33. Any person may use a forest road provided he observes the norms prescribed by regulation of the Government in that respect.

Public
safety

Notwithstanding the first paragraph, the Minister may prohibit access to a forest road in case of fire or apprehended fire or during periods of thaw, if the public safety or the preservation of the forest or property requires it.

Maximum
weight

34. No person may operate, on a forest road bridge, a vehicle having a total loaded weight in excess of that determined by the Minister and posted at the site.

Claim for
damages

35. No claim for damages may be made by any person using a forest road on account of damage resulting from a defect in the construction, improvement or maintenance of the road.

CHAPTER III

FOREST MANAGEMENT FOR SUPPLY OF WOOD PROCESSING PLANTS

DIVISION I

TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS

§ 1.—*Making of agreements*Manage-
ment
agreement

36. The Minister may enter into a timber supply and forest management agreement with a qualified person, if forest production is sufficient and he is of opinion that it is in the public interest.

- 37.** No one except a person authorized under Title IV to construct or operate a wood processing plant is qualified to enter into an agreement.
- 38.** The Minister shall establish and keep up to date a public register of timber supply and forest management agreements, and register agreements in it by deposit.
- The Minister shall publish a notice of each deposit in the *Gazette officielle du Québec*. He shall indicate, in the notice, the registration number, the name of the agreement holder, the allocated timber volume for each species and the location of the forest management unit covered by the agreement.
- 39.** Agreements are not transferable.
- Notwithstanding the foregoing, an agreement holder may, in consideration of a loan or a line of credit, transfer his rights under the agreement while retaining the exercise of those rights.
- 40.** The agreement holder shall cause every instrument affecting the agreement to be entered in the register referred to in section 38.
- Where the agreement holder fails to comply with the first paragraph, any interested person may cause an instrument affecting the agreement to be entered in the register. The person may also cause a notice of his address or elected domicile to be entered in the register.
- The notice provided for in the second paragraph shall have no effect thirty years after the date of registration of the instrument affecting the agreement.
- 41.** Where the agreement holder is a legal person or a partnership, its officers shall give the Minister a written notice of any act or transaction resulting in a change in its control.
- The notice shall be given not later than sixty days after the date of the act or transaction concerned.

§ 2.—Object of agreements

- 42.** A timber supply and forest management agreement entitles its holder to obtain, each year, on the forest land described in the agreement, a forest management permit to harvest a volume of round timber of one or several species to supply his wood processing plant, on condition that he performs his obligations under this Act and the

agreement and that he carries out silvicultural treatments to attain the annual yield indicated in the agreement for each area intended for forest production.

Annual
volume

43. The annual volume of round timber from forests in the public domain allocated under the agreement shall be the residual volume determined by the Minister, taking into account

(1) the requirements of the processing plant;

(2) other available sources of supply such as timber from private woodlots, chips, sawdust and shavings and timber from outside Québec.

Allowable
annual cut

44. In no case may the allocated volume exceed the allowable annual cut for the forest management unit for which it is allocated.

Definition

45. The allowable annual cut is equal to the maximum volume of annual timber harvests that may be obtained in perpetuity from a particular forest management unit without reducing the production capabilities of the forest.

Annual
yield

46. The annual yield is equal to the allowable annual cut determined on the basis of the average potential harvest per hectare in an area intended for forest production, taking into account the age-class distribution of the forest in that area, silvicultural techniques that may be applied there and the biophysical characteristics of the area.

Increase in
quality

Where the forest area includes ^{Scrubland} high-quality hardwood and ^{Reserve} softwood species, the annual yield established shall take into account silvicultural methods that allow both for the maintenance of the yield in volume and an increase in the quality of the timber produced.

§ 3.—*Forest management unit*

Manage-
ment unit

47. A forest management unit is the entire area of land covered by the agreement. It includes, in particular, the areas intended for forest production.

Single block

A forest management unit shall be described by the Minister and shall consist, as far as possible, of a single block.

Determina-
tion
of

The Minister shall, in determining the location of a unit, take account of

(1) the nature and quality of the timber used by the agreement holder;

(2) the distance between the forest area and the processing plant, and the available means of transport.

Several agreements **48.** A forest area or part thereof may be under several agreements which allocate timber of different species or groups of species to different agreement holders.

Different uses **49.** Where the Minister is of opinion that the optimal use of the timber requires it, he may also allocate, in the same forest area, volumes of timber of the same species intended for different uses to several agreement holders.

Alteration **50.** A forest management unit cannot be altered during the term of an agreement except on the expiry of five years under section 77 or under section 79 or 81.

Substitution Where, for reasons of public interest, an area allocated for timber production is deleted under another Act from a forest management unit, the Minister shall, if forest production is sufficient, substitute an equivalent area for the deleted area.

Compensation Where forest management activities have been carried out under a plan approved by the Minister under subdivision 4, the Government shall grant equitable compensation to the agreement holder.

§ 4.—*Rights and obligations of agreement holders*

i. PLANS

General plan **51.** Every agreement holder shall prepare a general forest management plan respecting the forest management unit for the term of the agreement, and submit it to the Minister for approval.

Activities The general plan must specify the various forest management activities the agreement holder intends to carry on to attain the annual yield indicated in the agreement.

Preventive measures It must also provide measures of prevention and identify measures of suppression of any entomological and pathological problems that may affect the forest management unit, in order to minimize their impact on the annual yield indicated in the agreement.

Five-year plan **52.** Every agreement holder shall also prepare a five-year forest management plan and submit it to the Minister for approval.

Activities The five-year plan shall describe, for each of the five years, the forest management activities which the agreement holder intends to carry out, the cutting areas and the sequence of cutting in them, the cutting methods and the silvicultural treatments the agreement holder intends to apply to attain the annual yield indicated in the agreement.

- Submission** **53.** The agreement holder shall submit his general plan and five-year plan to the Minister in the form and at the time prescribed by regulation of the Government.
- Default** If the agreement holder fails to produce a five-year plan at the time and in the form prescribed by regulation, the Minister shall cause it to be prepared at the expense of the agreement holder.
- Updating** **54.** Every agreement holder shall bring his general plan up to date, in the form and at the time prescribed by regulation of the Government, to take into account the five-year plan approved or prepared by the Minister.
- Common areas** **55.** Where several agreements are held on the same forest area, the agreement holders shall come to an agreement on the rules of forest management in the common areas, particularly on the integration of harvests. The agreement shall appear in the five-year plan of each agreement holder party to the agreement.
- Integration of activities** Failing agreement, the Minister shall cause a five-year plan to be prepared for the common area, providing for the integration of forest management activities, and include it in each agreement holder's five-year plan. Each agreement holder shall in such case bear a share of the cost of preparation of the plan, and of carrying on the forest management activities described in the plan, as determined by the Minister.
- Cost sharing** **56.** Where several agreement holders carry out an agreement in the same forest area, each agreement holder's share of the costs of construction and maintenance of roads and other works for common use shall be determined by agreement among them.
- Arbitration** Failing agreement, the contribution shall be fixed, on the application of an agreement holder, by arbitration. In such a case, the arbitrator shall be selected by common consent by the interested persons or, failing consent, by the Minister. The costs of arbitration shall be assumed in equal shares by the agreement holders concerned.
- Annual plan** **57.** Every agreement holder shall prepare an annual plan describing all forest management activities the agreement holder intends to carry out during the year for the implementation of the five-year plan, and submit it to the Minister for approval.
- Submission** **58.** The annual forest management plan must be submitted in the form and at the time determined by regulation of the Government.

Inclusion in
agreement

59. The management plans, as approved by the Minister, are part of the agreement.

ii. FOREST MANAGEMENT ACTIVITIES

Silvicultural
treatments

60. Every agreement shall include an undertaking by the agreement holder to carry out every year at his own expense, in the forest management unit, all silvicultural treatments necessary for the attainment of the annual yield indicated in the agreement, in accordance with the annual forest management plan and the standards of forest management applicable under section 171.

Silvicultural
treatment

61. Where, in any year, an agreement holder fails to apply the silvicultural treatments indicated in the annual plan, he shall execute them in the following year in addition to those required for that year.

Treatment
by the Min-
ister

Where the agreement holder fails to apply the treatments, the Minister shall apply them at the holder's expense.

Additional
treatments

62. An agreement holder may, at his own expense, apply additional silvicultural treatments with a view to surpassing the annual yield indicated in the agreement, provided they are described in the five-year plan approved by the Minister.

Data

63. Every agreement shall include an undertaking by the Minister to place all available forest inventory, pathological, entomological and ecological inventory data at the disposal of the agreement holder.

Reforesta-
tion

64. The Minister shall, each year, gratuitously supply the agreement holder with the necessary plants for the reforestation the holder intends to carry out to attain the annual yield indicated in the agreement.

Poor
regeneration

65. If a forest management unit includes forest areas in which, on 1 April 1987, softwood and hardwood regeneration is lacking or is of poor quality, the Minister shall apply silvicultural treatments to these areas to make them contribute to the annual yield indicated for the management unit in the agreement.

Exclusive
right

66. Every agreement holder holding a forest management permit issued under section 85 has, under the agreement, the exclusive right to harvest the volume of timber allocated to him in the forest management unit, except where the forest management activities are integrated under section 55 or in accordance with section 68.

Harvesting

67. Where forest management activities are integrated, harvesting shall be done under the terms of the agreement among the agreement holders or, failing agreement, the terms fixed by the Minister under section 55.

Harvesting
by permit
holder

68. The Minister may, at any time, authorize the holder of a wood processing plant operating permit to harvest in place of an agreement holder in his forest management unit such volume of timber required to produce chips, sawdust and shavings as the agreement holder fails to provide to the permit holder notwithstanding an agreement between them to that effect.

Authoriza-
tion

The Minister shall not grant authorization unless the holder of the wood processing plant operating permit is unable to find a source of timber supply comparable to the source which has failed to supply.

Obligations

69. Every holder of a plant operating permit who obtains authorization under section 68 is subject to the same obligations as an agreement holder respecting the management of forest areas in which he exercises his right to timber supply.

Report

70. At the end of each year, every agreement holder shall prepare a report on his forest management activities for the year, in the form, at the time and with the content determined by regulation of the Government, and submit it to the Minister.

iii. DUES PAYABLE

Dues

71. The agreement holder shall, each year, pay the dues prescribed by the Minister for the carrying out of the agreement on the basis of the timber volume allocated under the agreement.

Amount

The dues are equal to 75 % of the product of the allocated volume and the applicable unit rate.

Stumpage
value

72. The unit rate applicable for each species or group of species corresponds to the stumpage value in the tariffing zone where the agreement is carried out. The value shall be established by the Minister according to the rules of calculation determined by regulation of the Government.

Payment
schedule

73. The dues prescribed by the Minister are exigible from the agreement holder according to the payment schedule prescribed by regulation of the Government.

§ 5.—*Term and revision*

- Term** **74.** The term of an agreement shall be twenty-five years. It comes into effect on the date of its registration by the Minister.
- Extension** **75.** Every five years from the effective date of the agreement, its term is extended for five more years if, during the preceding five years, the agreement holder has fulfilled his obligations under this Act.
- Additional volume** **76.** Where at the end of any five-year period the Minister finds that the silvicultural treatments applied by the agreement holder allow the annual yield indicated in the agreement to be surpassed, he shall allocate an annual volume to him equal to the increase in the allowable annual cut.
- Dues** The additional volume shall not be taken into account in calculating dues under this Act. It cannot be reduced by the effect of section 77.
- Revision** **77.** At the end of each five-year period, the Minister may revise the residual volume of round timber from the public domain that has been allocated, the area of the forest management unit or the annual yield indicated in the agreement, to take account of
- (1) changes in the requirements of the wood processing plant;
 - (2) changes in the availability of timber from private woodlots or of wood chips;
 - (3) the average annual volume of round timber from forests in the public domain used by the plant in the last five years;
 - (4) a revision of the calculation of the allowable annual cut that has become necessary on account of new data obtained during that period in respect of the forest inventory or of the biophysical characteristics of the areas intended for forest production in the forest management unit.
- Arbitration** **78.** An agreement holder may require that the Minister submit to the arbitration procedure provided in the Code of Civil Procedure (R.S.Q., chapter C-25) if he is of opinion that the revision of his allocated volume was not made according to the criteria set forth in section 77.
- Compensation** Where the application appears to be justified, the arbitrator may grant compensation to the agreement holder for any damage suffered, or adjust the volume allocated in the agreement.

Natural
disasters

79. Where substantial destruction has been caused to timber stands in a forest area by natural disasters such as forest fires, windfalls, infestations of insects or cryptogamic diseases, the Minister shall prepare and administer a special forest management plan for such period as he may determine, to ensure wood salvage.

Special plan

Every agreement holder who carries out an agreement in the forest area shall comply with the special plan. Upon his failure to comply, the volume of timber allocated in the agreement shall be reduced by the volume he is required to salvage under the special plan.

Financial
assistance

The Minister may grant financial assistance to any agreement holder for the implementation of a special plan.

Amendment
of
agreement

80. Where the administration of the special plan does not allow the allowable annual cut for the forest management unit to be sustained, the Minister may amend the agreement to ensure a steady supply of timber to the plant it is intended for.

Change in
control

81. The Minister, upon becoming aware of a change in control of a legal person or partnership holding an agreement, may revise the allocated volume and the area and location of the forest management unit to take account of the effects of the change on the agreement holder's requirements.

§ 6.—Cancellation of agreements

Termination

82. The Minister may terminate an agreement

(1) if the agreement holder fails to comply with his contractual obligations or the standards of forest management applicable to his forest management activities;

(2) if the agreement holder fails to pay the exigible dues;

(3) if the agreement holder has not repaid to the Minister the costs incurred by the latter under section 53, 55 or 61.

Notice

In such cases, the Minister must give the agreement holder in default a prior notice stating his intention to terminate the agreement unless he remedies his default before the expiry of the time indicated in the notice.

Entry in
register

83. The Minister shall make an entry in the register contemplated in section 38 for every notice given under section 82.

No notice
required

84. The Minister shall terminate the agreement without prior notice

(1) where the agreement holder's wood processing plant ceases its operations permanently;

(2) where the agreement holder has made an assignment of his property or has been under a bankruptcy order pursuant to the Bankruptcy Act (R.S.C., 1970, chapter B-3) or, in the case of a legal person, has been under a winding-up order.

DIVISION II

MANAGEMENT PERMITS FOR SUPPLY OF WOOD PROCESSING PLANTS

§ 1.—*Agreement holders*

Manage-
ment permit

85. The Minister shall issue a forest management permit to a timber supply and forest management agreement holder upon approval of his annual forest management plan.

Authorized
activities

86. A forest management permit authorizes an agreement holder to harvest during the year the timber required to supply the plant indicated in the agreement, up to the annual volume fixed in the agreement, and to carry on the other forest management activities indicated in the annual forest management plan.

Content of
the permit

The forest management permit shall indicate, in particular, the cutting areas, the authorized volumes and their destination, the infrastructures to be constructed or improved and the silvicultural treatments to be applied.

Immovable
real rights

87. The rights vested in an agreement holder by a forest management permit contemplated in section 86 are immovable real rights.

Registration

For the purposes of registration of the rights, and of any right affecting them, the issue of a forest management permit to the same agreement holder in respect of the same forest management unit during each of the years following the year of issue of the first forest management permit is a continuance of that first permit; the permit so issued each year is in such a case deemed to have existed from the date of issue of the first permit.

Dues **88.** The dues prescribed by the Minister for the authorized harvest of timber under the forest management permit are equal to 25% of the product of the volume of harvested timber and the unit rate established under section 72.

Payment **89.** The dues that a person is required to pay as an agreement holder under section 71 and as a permit holder under section 88 are payable in cash or in silvicultural treatments.

Silvicultural treatments The dues are payable in silvicultural treatments so far as such treatments are required by the Minister in order to attain the annual yield anticipated for the tariffing zone where the agreement is carried out.

Value of treatments **90.** The value of the silvicultural treatments contemplated in the second paragraph of section 89 shall be fixed by the Minister according to the rules of calculation determined by regulation of the Government.

Applicable provision **91.** Section 73 applies to the payment of the portion of the prescribed dues that is payable in cash.

Issue to another **92.** Where, for a particular year, an agreement holder does not obtain a forest management permit from the Minister, the Minister may, to prevent any underutilization of the available timber, issue the permit, on the same conditions as those which apply to the agreement holder, to another holder of a wood processing plant operating permit.

Applicability This section does not apply where no forest management permit is required by the effect of section 55.

§ 2.—Holders of an operating permit for a wood processing plant for energy production or metallurgical purposes

Energy production and metallurgy **93.** Every holder of a wood processing plant operating permit authorizing him to process wood for energy production and metallurgical purposes may on application in writing obtain a forest management permit from the Minister.

Sufficient production **94.** The Minister shall issue the forest management permit if forest production is sufficient and so far as salvage of slash hardwood and cull promotes the growth of mixed and hardwood stands in a particular forest area.

Authorized activity **95.** The forest management permit authorizes the holder to harvest a volume of slash hardwood and cull to supply his wood processing plant under the terms of the permit.

CHAPTER IV

MANAGEMENT OF PUBLIC FOREST RESERVES

DIVISION I

GOVERNMENT MANAGEMENT

- 96.** Forest areas for which no timber supply and forest management agreement is in force shall be erected into public forest reserves.
- 97.** The Minister may carry on forest management activities in public forest reserves, within the limits of the allowable annual cut.
- 98.** Every person carrying on forest management activities in a forest reserve shall comply with the standards of forest management prescribed under section 171.
- 97.** The Minister shall sell the timber harvested in public forest reserves by public auction, subject to section 101.
- 98.** The Minister may, if forest production is sufficient, enter into an agreement guaranteeing an auxiliary timber supply, on the conditions and for the time fixed by the Government, with the holder of a wood processing plant operating permit who does not hold a timber supply and forest management agreement in respect of that plant.
- An agreement for auxiliary timber supply shall not be entered into except to promote the establishment and expansion of a wood processing plant.
- 99.** By an agreement guaranteeing auxiliary timber supply, the Minister, on the conditions and for the time fixed by the Government, makes an undertaking, where necessary, to provide an auxiliary timber supply where a timber supplier with whom the holder of a wood processing plant operating permit is bound by a long-term agreement has defaulted.
- 100.** The Minister shall provide the auxiliary timber supply, pursuant to his obligation under an agreement, out of the timber produced in public forest reserves if the defaulting supplier is not a timber supply and forest management agreement holder. If the supplier is such an agreement holder, the Minister shall authorize the necessary harvesting in accordance with section 68.

Other
source

In any case, the Minister is required to fulfil the obligation mentioned above only when he is unable to suggest to the agreement holder another available source of supply comparable to the defaulting supplier.

Preferential
sale

101. Where, under an agreement, a permit holder is entitled to obtain an auxiliary supply of timber produced in public forest reserves, the Minister shall sell to him, in preference to any other purchaser, the volume of timber which is deficient, at the market price.

DIVISION II

MANAGEMENT CONTRACTS

Manage-
ment
contract

102. The Minister may enter into a management contract by which he entrusts the person with the management of forest areas in municipalities to remedy the parcelling out of private forests and promote the establishment or consolidation of silvicultural enterprises.

Manage-
ment plan

103. The forest areas contemplated in section 102 shall be managed in accordance with a forest management plan approved by the Minister.

Stipulations

104. The contract shall stipulate, in particular, the form, content and conditions of approval of the forest management plan, the form and content of the reports of activities to be provided, the destination of the harvested timber and the conditions governing the marketing of the harvested timber.

Standards

105. The contractor shall comply with the standards of forest management prescribed under section 171.

Dues

106. The dues payable by the contractor shall be determined by regulation of the Government.

CHAPTER V

FOREST MANAGEMENT FOR EXPERIMENTAL, EDUCATIONAL AND RESEARCH PURPOSES

DIVISION I

EXPERIMENTAL FORESTS

Experiment-
al forests

107. To promote the progress of forestry, the Minister may erect experimental forests not more than 500 hectares in area.

Management activities **108.** No forest management activities are allowed in an experimental forest except activities related to research and experimentation.

Authorization The Minister, on the conditions he determines, may authorize a person to carry out forest management activities related to research and experimentation in an experimental forest.

Consent of agreement holder **109.** Before erecting an experimental forest in a forest area included in a forest management unit, the Minister shall obtain the consent of the timber supply and forest management agreement holder.

DIVISION II

FOREST EDUCATIVE CENTRES

Educative centres **110.** The Minister may erect forest educative centres in public forest reserves to promote public information on forest conservation.

Information programs **111.** The Minister shall carry on forest management in the territory of a forest educative centre and carry out information programs in such a way as to enable the public to discover and appreciate the forest environment and its rational and diversified uses.

DIVISION III

RESEARCH FORESTS

Research forests **112.** The Minister may erect research forests in public forest reserves to promote practical teaching and applied research in forestry.

Non-profit organization **113.** The Minister, on the conditions determined by the Government, may entrust the management of a research forest to a non-profit organization devoted to teaching or research.

Purpose of activities **114.** All forest management activities carried on in a research forest shall be for educational and research purposes, under the conditions of the management contract.

Destination of timber **115.** Where forest management activities include the harvesting of timber that may be used by a wood processing plant, the destination of the timber must be approved by the Minister.

Exemption of dues No dues are payable on timber harvested under this section.

DIVISION IV

FOREST STATIONS

Forest
stations

116. The Minister, with the authorization of the Government, may erect forest stations in public forest reserves in order to combine several of the activities contemplated in Divisions I, II and III of this chapter on the same territory.

Manage-
ment

117. Forest stations shall be under the management of the Minister.

TITLE II

DEVELOPMENT OF PRIVATE WOODLOTS

CHAPTER I

PLANS AND PROGRAMS

Developme-
nt programs

118. The Minister may prepare or promote the preparation of plans and programs to facilitate the gathering of inventory data, the calculation of the allowable annual cut and the development of private woodlots. He may, on the conditions he determines, grant financial assistance therefor to a forest producer certified under Chapter II or to an organization composed of forest producers.

Reforestat-
ion

119. The Minister shall promote reforestation of private woodlots by the gathering of forest seeds, the maintenance and development of nurseries, the purchase of lands and their reforestation, the distribution of plants, the planting of trees, the lending of machinery and by any other measure of the same nature.

CHAPTER II

FOREST PRODUCER

Certificate

120. Every person involved in the management and development of a woodlot may be certified by the Minister as a forest producer and obtain a forest producer's certificate.

Qualification

121. To qualify as a forest producer, a person shall

(1) own a woodlot of not less than ten hectares in a single block or, in the case of public land, be the lessee of such an area, the main

income from which is from the production of ligneous matter, maple sugar or Christmas trees; and

(2) register, on the form provided by the Minister, a woodlot area owned by him and any modification relating to its content or effecting a change in it.

Management plan

The person shall also, for the registered woodlot area for which he applies for a reimbursement of real estate taxes or for which he applies for financial assistance under section 118, undertake to comply with

(1) a woodlot management plan, prepared and signed by a forest engineer, which specifies the identity of the forest producer, the location of the woodlot and its description, and establishes the objectives of the forest producer and the woodlot development work having priority;

(2) in the case of an industrial enterprise, a general forest management plan and a five-year forest management plan prepared and signed by a forest engineer and approved by the Minister.

Tax reimbursement

122. Every forest producer certified under section 120 may receive a reimbursement under section 220.3 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of an assessment unit described in section 34 of the said Act, of which the area intended for forest use has been registered under section 121, provided that the forest producer does not already receive a reimbursement of real estate taxes in respect of that area.

Requirements

123. To obtain a forest producer's certificate with a view to obtaining a reimbursement of real estates taxes under the Act respecting municipal taxation, the person shall

(1) meet the requirements set forth in section 121;

(2) produce a yearly application on the form provided by the Minister;

(3) produce, with the application, a report containing a statement of work related to forest development and harvesting of timber products performed within the last twelve months which represents an amount of expenses equal to or greater than the amount of the real estate taxes to be reimbursed.

Research forest

124. An organization which assumes the management of a research forest in a public forest reserve in accordance with section 113 may be certified by the Minister as a forest producer for the purposes of this Title and obtain a certificate to that effect.

TITLE III

FOREST PROTECTION

CHAPTER I

FIRE

Forest
protection
organization

125. The Minister may certify an organization composed of timber supply and forest management agreement holders and private woodlot owners as a forest protection organization for a forest area defined as he determines.

Responsibility

The organization shall be responsible for the protection of forests against fire and the extinction of forest fires.

Requirements

126. 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 prevention and extinction of fires.

Organization
plan

The 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 prevent and extinguish fires. The plan must be kept up to date until the Minister requires a new plan.

Default

If the organization fails to comply with this section, the Minister may establish the method of protection of the forest he considers appropriate at the expense of the organization or of each of its members.

Agreement
holders

127. 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.

Private
woodlot
owners

The same rule applies to every owner of a private woodlot of at least eight hundred hectares in a single block.

Minister

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

Prevention
and
extinction

128. The forest protection organization shall assume the expenses of prevention and extinction of forest fires in the area approved by the Minister.

Refund of
expenses

The expenses incurred by the forest protection organization to extinguish fires shall be refunded to it by the Minister, in whole or

in part, at the rate determined by regulation of the Government and upon the production of vouchers.

- Authorized entry **129.** Where a fire starts in a forest not owned by a member of the forest protection organization having jurisdiction in that area, any agent of the organization is authorized to enter that forest and to take all necessary measures to extinguish the fire.
- Claim for expenses The forest protection organization may claim the expenses it incurred in fighting the fire from the owner of the forest.
- Requisition **130.** An agent of a forest protection organization may requisition any necessary apparatus, regardless of who owns it, to fight a forest fire.
- Compensation The organization shall give the owner of the requisitioned apparatus compensation fixed by the Minister on the basis of current rental costs for apparatus of the same type.
- Indemnities **131.** The Minister shall fix the amount of the indemnities payable to persons recruited by a forest protection organization to fight a fire.
- Fire-ranger **132.** The Minister may authorize any person designated for that purpose by a forest protection organization to act as a fire-ranger.
- North of 50th parallel **133.** In territories situated north of the fiftieth parallel and subject to section 59 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), the Minister or a forest protection organization may make special agreements for the provision of forest protection in such territories.
- Risk of fire **134.** The Minister, when of opinion that weather conditions so require, may prohibit or restrict access to and travel in the forest and prescribe any other measures calculated to decrease the risk of fire.
- Permit **135.** No person may start a fire in or near the forest from 1 April to 15 November unless he holds a permit issued by a fire-ranger for that purpose.
- Precautions The fire-ranger shall determine, when issuing a permit, the precautions to be taken in the specific circumstances of each permit application.
- Conditions He shall issue the permit on the conditions determined by regulation of the Government.

- 136.** Notwithstanding section 135, a person may, without a permit, start a camp fire or a fire in or near the forest to clear residential or vacation resort land. The person shall, however,
- (1) clear the place where he intends to start the fire by removing all humus, dead wood, branches, scrub and dry leaves from the surface within a radius large enough to prevent the fire from spreading;
 - (2) completely extinguish the fire before leaving the premises.
- 137.** Every person who starts a fire in or near the forest shall remain at the site until the fire is completely extinguished.
- 138.** No person may smoke in or near the forest from 1 April to 15 November while working or travelling, except in a building or a closed vehicle.
- 139.** Every person who operates an industrial or household waste disposal site in or near the forest shall clear the place and comply with all other requirements prescribed by regulation of the Government.
- In addition, a fire-ranger may order the owner or operator of such a waste disposal site to immediately extinguish any fire he deems dangerous for the forest.
- Where the owner or operator of a waste disposal site fails to comply with the order given by the fire-ranger, the forest protection organization responsible for the protection of the territory in which the waste disposal site is located may take the necessary measures to extinguish the fire at the expense of the owner or operator.
- 140.** The owner or operator of a waste disposal site in or near the forest shall erect signs along the road leading to the site reminding the public that setting fire to waste is prohibited and inviting them to use caution.
- 141.** Every person who has possession of or uses a motorized or mechanized machine, or a building or any other installation in or near the forest shall comply with the safety standards prescribed by regulation of the Government for the prevention of forest fires.
- 142.** Every railway operator shall, when operating in the forest, observe the standards for the prevention and extinction of forest fires applicable to the operation of a railway in the forest.

CTC rules The applicable rules are those prescribed from time to time by the Canadian Transport Commission in that regard, except so far as they are prescribed by regulation of the Government.

Forest protection plan **143.** Every person who carries on work or causes work to be carried on in the forest, other than forest management activities carried on under a plan approved by the Minister under this Act, shall inform the forest protection organization responsible for the territory concerned of his intention and obtain a forest protection plan.

Approval The plan must be submitted to the Minister, for his approval, in the form and tenor determined by regulation of the Government.

Costs Once approved by the Minister, the plan is binding and the costs of the surveillance operations required by the plan shall be assumed by the person carrying on the work in the forest.

Fire as treatment **144.** Every forest management permit holder who uses fire as a silvicultural treatment shall comply with any instructions in that regard given by the forest protection organization and which have the prior approval of the Minister.

Fire extinguishing expenses **145.** The expenses of extinguishing a fire that broke out during an operation contemplated in section 142 or work contemplated in section 143 shall be entirely assumed by the person who was carrying it on unless he proves that the fire was not due to his fault or that of his employees.

CHAPTER II

DISEASES AND INSECT INFESTATIONS

DIVISION I

PROTECTION PLANS

Insects and diseases **146.** Where an infestation of insects or a cryptogamic disease occurs or is about to occur in a forest in the public domain, the Minister shall prepare a forest protection plan for the territory concerned using the data contained in the general forest management plans that apply to the forest management units in the territory by virtue of Title I.

Implementation of plan The Minister, after consultation with the interested timber supply and forest management agreement holders, shall apply the plan to the

territory concerned. Each agreement holder shall pay a proportion of the cost of implementation of the protection plan fixed by mutual agreement or, failing that, by the Minister.

Reimbursement of expenses

The expenses related to the implementation of the protection plan that are assumed by the agreement holders shall be reimbursed to them in whole or in part by the Minister upon production of vouchers, at the rate determined by regulation of the Government.

Private woodlot

147. Where the Minister is of the opinion that an infestation of insects or a cryptogamic disease affecting a private woodlot threatens to spread to a forest in the public domain and that it could result in major economic losses, he shall prepare and implement a protection plan for the affected territory.

Reimbursement from owner

The Minister may claim reimbursement of the cost of the measures from the owner of the private woodlot in which he implements a protection plan.

DIVISION II

PHYTOSANITARY TESTS

Required tests

148. The production, sale and transport of plants for non-ornamental purposes are subject to phytosanitary tests.

Inspectors

149. The Minister shall designate persons to act as inspectors for the administration of phytosanitary tests.

Certificate

150. If the inspector is of opinion that a lot of plants he is examining does not present a risk of epidemic, he shall issue a certificate to that effect.

Infected plants

If he is of opinion that the plants are infected by a disease or insects that may cause an epidemic, he may prohibit the sale or use of the plants. He may also order them destroyed.

Prohibition

151. No person may carry a plant intended for non-ornamental purposes onto a use site without a certificate of phytosanitary testing.

Prohibition

152. No person may keep in his possession, offer for sale or use a plant infected with a disease or insects that may cause an epidemic or infestation.

Information to inspector

On learning that he has such a plant in his possession, the person shall immediately inform an inspector.

Powers of
inspector

153. An inspector may, in the performance of his duties, enter at any reasonable time a place containing plants for non-ornamental purposes or order any vehicle carrying such plants to be stopped for inspection or analysis of the plants.

Infected
plants

Where the inspector finds that the plants are infected with a disease or with insects that may cause an epidemic or infestation, he may seize them, order them treated or order them destroyed.

Identifica-
tion

154. The inspector shall, on request, produce an identity card attesting his capacity.

Inventory

155. Every plant producer shall, each year, submit a detailed inventory of his plants for non-ornamental purposes to the Minister, in the form and at the time determined by regulation of the Government. He shall also indicate the expected dates on which the plants will be removed and shipped.

Prohibition

156. No person may hinder an inspector in any manner in the performance of his duties.

Assistance

The owner or the person in charge of an immovable or vehicle being inspected and any person therein must assist an inspector in the performance of his duties.

Immunity

157. An inspector cannot be prosecuted for acts done in good faith in the performance of his duties.

Treatment
expenses

158. Where a treatment is necessary to prevent an epidemic or infestation, the expenses incurred to apply it shall be charged in full to the producer of the plants.

TITLE IV

UTILIZATION AND PROCESSING OF TIMBER

Processing
in Québec

159. All timber harvested in the public domain, whatever the nature or object of the management permit authorizing the harvesting, must be completely processed in Québec.

Definition

160. Timber is completely processed when it has undergone all the treatments and processes of manufacture and has passed through all the phases of processing necessary to render it suitable for its intended final use.

Special
authoriza-
tion

161. The Government may, on the conditions it determines, authorize the shipment outside Québec of incompletely processed timber from the public domain of Québec if it appears to be contrary to the public interest to do otherwise.

Changes to
plant

162. No person may construct a wood processing plant of a class prescribed by regulation of the Government, increase the timber consumption capacity of such a plant or change its class or location without prior authorization from the Minister.

Definition

A wood processing plant is a unit of installations used to process unprocessed or partly processed timber.

Authoriza-
tion to
construct

163. The Minister shall grant authorization to construct if he considers that timber supply sources are sufficient and forest production is respected.

Permit

164. No person may operate a wood processing plant unless he holds a permit issued by the Minister for that purpose.

Duties

165. A wood processing plant operating permit shall be issued upon payment of the duties and on the conditions determined by regulation of the Government.

Content

The permit shall indicate the class of plant and the annual timber consumption authorized for the various species. It shall be posted in a conspicuous place in the plant.

Term

A permit is valid for one year. It may be renewed on the conditions and upon payment of the fees prescribed by regulation of the Government.

Change in
control

166. A permit holder shall give the Minister a written notice of any act or transaction of such a nature as to effect a change in the control of a wood processing plant or, where such is the case, of the legal person which operates it.

Notice

The notice must be given not later than sixty days after the date of the act or transaction concerned.

Source of
timber

167. A permit holder who uses unprocessed timber as raw material and any person engaged in such business may be required by the Minister to declare to him under oath the source of the timber in his possession and to give any necessary information to prove the dues on the timber have been paid.

- Seizure** If the required information is refused, the Minister may cause the timber to be seized and disposed of according to law.
- Register** **168.** Every holder of a wood processing plant operating permit shall keep a register in the form determined by regulation of the Government. The register shall indicate the quantity of timber consumed according to the sources and the quantities of products manufactured.
- Transmission** The permit holder shall, each year, transmit a certified copy of the part of the register covering the period from the preceding 1 April to 31 March to the Minister.
- Required information** **169.** The Minister may require a permit holder to furnish any information which the Minister considers expedient for the administration of this Act. The operator shall transmit the required information with the copy of the register he must transmit under section 168.
- Failure to comply** **170.** The Minister shall cancel an authorization contemplated in section 162 or a wood processing plant operating permit where the holder fails to comply with this Title even though more than thirty days have elapsed since he received formal notice to comply therewith from the Minister.

TITLE V

REGULATIONS

- Regulations** **171.** The Government, by regulation, may prescribe, in respect of the forests in the public domain, standards of forest management regarding
- (1) the surface and location of cutting areas;
 - (2) the protection of the shores of lakes and watercourses;
 - (3) the protection of water quality;
 - (4) the installation and use of piling, lopping and sawing areas;
 - (5) the location and construction of roads;
 - (6) the site of forest camps;
 - (7) the silvicultural treatments according to the sites or the resources to be protected;
 - (8) the application of the silvicultural treatments.

Territorial
units

The standards may vary according to the territorial units established by the Government for the use of lands in the public domain.

Regulations

172. The Government may, by regulation,

(1) determine, for each species, group of species and quality of timber, 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;

(2) establish forest tariffing zones for the establishment of the unit rates at which the amounts of dues are to be determined by the Minister;

(3) establish the rules of calculation of the value of silvicultural treatments accepted as payment of the prescribed dues;

(4) prescribe the methods for scaling timber harvested on lands in the public domain;

(5) prescribe the information which an applicant for a sugar bush management permit must provide to the Minister and the rules the permit holder must observe when tapping maples and carrying on other forest management activities in the sugar bush;

(6) prescribe rules governing the movement of persons in the forest and on forest roads and prescribe rules as to the weight and size of the vehicles, the trimming of their loads, and road signs;

(7) prescribe the form of a general forest management plan, of a five-year forest management plan, of an annual forest management plan, of updatings of a general forest management plan and the form and content of the progress reports an agreement holder is required to submit to the Minister and the times at which the plans and reports are to be submitted;

(8) establish the rules of calculation of the stumpage value to which the unit rate of the dues prescribed by the Minister for the carrying out of a timber supply and forest management agreement corresponds;

(9) prescribe a schedule for the payment of the dues payable under this Act;

(10) determine the amount of dues payable under section 106;

(11) prescribe the rate of reimbursement of the expenses related to fire extinction contemplated in section 128 and to the plan contemplated in section 146;

(12) prescribe the conditions to be fulfilled by an applicant for a permit under section 135, and those to be observed by the operator of a site for the elimination of industrial or domestic waste under section 139;

(13) prescribe safety standards for forest fire prevention and extinction to be observed by the persons contemplated in sections 141 and 142;

(14) prescribe the form and content of the fire protection program to be obtained from a protection organization by a person contemplated in section 143;

(15) prescribe the form of the plant inventory which a producer must submit to the Minister under section 155, and the time for submitting it;

(16) establish classes of wood processing plants;

(17) prescribe the conditions to be met by an applicant for the issue or renewal of a wood processing plant operating permit, the dues payable by him for the issue or renewal and the form of the register he must keep pursuant to section 168;

(18) prescribe the method of calculating the residual value of work contemplated in section 218;

(19) prescribe which of the regulations under this section carry a penalty pursuant to section 181 in the event of contravention.

TITLE VI

SANCTIONS

CHAPTER I

OFFENCES

Operating
without
permit

173. Every person who, without a permit, in contravention of a prescription of his permit or outside of the forest area covered by his permit, cuts, removes, carries away or harvests timber on lands in the public domain is liable, in addition to costs, to a fine of \$5 to \$50 for each tree so cut, removed or carried away and for each subsequent offence within two years for the same offence to a fine of \$10 to \$100 for each tree so cut, removed or carried away.

Contraven-
tion of s. 27

174. Every person who contravenes section 27 is liable, in addition to costs, to a fine of \$200 to \$1 000.

Contraven-
tion of s. 28

175. Every person who contravenes section 28 is liable, in addition to costs, to a fine of \$1 000 to \$5 000.

Removal of
waste

The judge may in addition order the offender to remove the dumped waste at his own expense within the time fixed by the judge.

Safety
standard
violation

176. Every person who contravenes any provision of sections 134 to 139 or section 143 or a safety standard prescribed under paragraph 13 of section 172 is liable, in addition to costs, to a fine of \$100 to \$1 000.

Unlawful
transporta-
tion

177. Every person who transports plants without having obtained the certificate required by section 150 or who contravenes section 151 is liable, in addition to costs, to a fine of \$100 to \$500.

Contraven-
tion of s.
152 or 156

178. Every person who contravenes section 152 or section 156 is liable, in addition to costs, to a fine of \$100 to \$1 000.

Contraven-
tion of s.
159 or 161

179. Every person who contravenes section 159 or a provision of an order made under section 161 is liable, in addition to costs, to a fine of \$2 000 to \$5 000 in the case of a natural person and of \$6 000 to \$15 000 in the case of a legal person and, for any subsequent conviction within two years for the same offence, to a fine of \$10 000 to \$50 000 in the case of a natural person and \$30 000 to \$150 000 in the case of a legal person.

Contraven-
tion of s.
162, 164,
166 or 169

180. Every person who contravenes any of sections 162, 164, 166 and 169 is liable, in addition to costs, to a fine of \$100 to \$500 from the thirtieth day after the sending of a notice to the offender by an authorized representative of the Minister enjoining him to comply with the applicable provisions.

Contraven-
tion of regu-
lation

181. Every person who contravenes a provision indicated pursuant to paragraph 19 of section 172 is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$1 000.

Forest man-
agement
rule
violation

182. Every person who contravenes a rule of forest management prescribed under paragraphs 1, 3 or 4 to 6 of section 171 is liable, in addition to costs, to a fine of \$100 to \$1 000 from the sixth day after the sending to the offender by an authorized representative of the Minister of a notice enjoining him to comply with the applicable rules.

Contraven-
tion of man-
agement
standard

183. Every person who contravenes a standard of forest management prescribed under paragraphs 2, 7 or 8 of section 171 or contravenes section 207 is liable, in addition to costs, to a fine of \$5 to \$100 for each tree cut or not cut by him in contravention of the applicable standard.

Separate
offence for
each day

184. Where an offence referred to in section 179, 180, 181 or 182 continues for more than one day, it is deemed a separate offence for each day or part of a day during which it continues.

Aid in
committing
offence

185. Every person who by act or omission aids another to commit an offence is guilty of the offence as if he had committed it himself, if he knew or ought to have known that his act or omission would probably result in aiding to commit the offence.

Encourage-
ment or
order

Every person who by encouragement, advice or orders leads another to commit an offence is guilty of the offence and any other offence committed by the other as a result of the encouragement, advice or order, if he knew or ought to have known that they would probably result in the commission of the offence.

Proceedings

186. Any proceedings shall be instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER II

SEIZURE

Seizure

187. Any employee of the department designated by the Minister may, following a search, seize any timber to which this Act applies, in accordance with the Summary Convictions Act.

Exigent
circumstan-
ces

188. The employee may, without a warrant, exercise the powers conferred on him by section 187 if the conditions for obtaining it exist and if, owing to exigent circumstances, the delay necessary to obtain the warrant may result in danger to the safety of property or result in the disappearance, destruction or loss of evidence.

Timber
mixed with
other

189. An employee who discovers that timber contemplated in section 187 or 188 is mixed with other timber so as to make it impossible or very difficult to distinguish one from the other may seize all the timber with which it is mixed as if all the timber were contemplated in section 187 or 188.

Minute of
seizure

190. The employee who seizes timber under section 187 or 188 shall draw up a minute setting out, in particular,

- (1) where and when the search took place;
- (2) the warrant under which the seizure was made or, in the absence of a warrant, the grounds of the seizure;
- (3) the description of the timber seized;
- (4) the name of the person from whom the timber was seized;
- (5) any information permitting the owner or possessor of the timber seized to be located;
- (6) the name and capacity of the employee.

Duplicate of
minute

191. The employee shall remit a duplicate of the minute of seizure to the person from whom the timber has been seized or, if no one is on the premises, the duplicate shall be deposited in the office of the clerk of the Court of the Sessions of the Peace of the judicial district in which the timber has been seized or, if there is no such office in the district, in the office of the clerk of the Provincial Court of the district.

Notice

If there is no one on the premises, the employee shall leave, in a conspicuous place, a notice addressed to the person responsible for the premises or receptacle searched stating that a search of the premises or receptacle has been conducted. Where a seizure has been made on the premises or in the receptacle, the notice shall also indicate the place where the duplicate of the minute of the seizure has been filed.

Search with-
out warrant

192. An employee who makes a search without a warrant shall make a report forthwith to a judge of the Court of the Sessions of the Peace or if none, of the Provincial Court of the judicial district in which the search was made. The report shall be in lieu of a search warrant and of the statement on which it is based for the purposes of any judicial review to which it may be subject.

Minute of
seizure

Where timber has been seized, the employee shall also remit to the judge a duplicate of the minute of seizure on making a report of the search or within fifteen days of the seizure, unless the judge grants an extension.

Report to
Minister

193. The employee shall, without delay, forward a report in writing to the Minister of any seizure effected by him.

- 194.** The possessor of the timber seized shall have custody of it. The employee may, where he considers it advisable, transfer the timber seized to other premises for purposes of safekeeping.
- 195.** No seized timber may be detained more than ninety days from the date of the seizure unless proceedings are instituted or an order extending the detention period is made.
- 196.** On an application by the employee, a justice of the peace may order that the period of detention of the timber seized be extended for a maximum of ninety days.
- 197.** The employee may apply to the judge who issued the search warrant or to whom a report of a search without a warrant is made under section 192 for authorization to sell the seized timber if it is perishable and may lawfully be sold.
- 198.** One clear day's notice of the filing of the application shall be served on the possessor or the person having custody of the timber seized.
- The judge to whom the application for authorization is made may exempt the employee from serving the notice if the delay resulting therefrom creates a risk of considerable damage to or loss of the timber seized.
- 199.** The judge may authorize the sale if the employee convinces him that the timber may be sold and is endangered.
- 200.** The sale shall be made by the person or body authorized by the judge on the terms and conditions determined by the judge and for the best price obtainable under the circumstances.
- 201.** The proceeds of the sale shall be deposited with the Ministère des Finances in accordance with the Deposit Act (R.S.Q., chapter D-5).
- 202.** No person may use or remove the timber seized or allow it to be removed except with the authorization of the employee.
- 203.** The timber seized shall be released to the person from whom it was seized as soon as the employee is convinced that the detention

of the timber is no longer necessary for the purposes of an investigation or proceedings or not later than the end of the detention period provided for in section 195 or 196.

Application
for release

204. The owner or possessor of the timber seized may apply to a justice of the peace to obtain its release.

Service

The application shall be served on the employee or, if proceedings are instituted, on the prosecutor.

Grounds

The justice of the peace shall grant the application if the applicant convinces him that he is the owner of or the person entitled to the timber and that the release of the timber will not hinder the course of justice, considering the orders made regarding the timber.

Confiscation

205. If the owner or possessor of the timber seized is unknown or cannot be found, the timber seized shall be confiscated ninety days after the day it was seized; it shall then be disposed of according to the Minister's instructions.

Seizure
under s. 187
or 188

206. Where a seizure is made under section 187 or 188, the justice of the peace who imposes a penalty for an offence under this Act or the regulations thereunder may, on the motion of one of the parties, order that the timber seized be confiscated.

Disposal

The Minister shall prescribe the manner in which the timber confiscated under this section is to be disposed of.

TITLE VII

GENERAL PROVISIONS

Salmon
rivers

207. No person may carry out a forest management activity within a zone of sixty metres in width on each side of any river identified as a salmon river by the Minister of Recreation, Fish and Game without prior authorization to that effect from the Minister.

Submerged
lands

In the case of lands submerged through the erection of dams, the zone of sixty metres begins at the limit defined by the trees that have perished from being submerged.

Category I
lands

208. For Category I lands, as determined under the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), the Minister shall issue forest management permits

to the local government and to the Naskapi local government in accordance with sections 58 and 191.40 of the said Act for the commercial exploitation of the forest resources.

Forest
Conserva-
tion Week

209. In order to promote forest conservation, the first full week in May each year shall be "Forest Conservation Week".

Research
council

210. In order to ensure the planning, orientation, coordination and follow-up of research and scientific and technical developments regarding the forest, the Government may establish a "Conseil de la recherche forestière du Québec".

Forest
council

211. In order to advise the Minister on any matter relating to forest management, the Government may constitute the "Conseil de la forêt".

Tabling of
report

212. In 1990, and every five years thereafter, the Minister shall table a report in the National Assembly on the state of Québec forests.

TITLE VIII

CHANGES OF TENURE IN THE PUBLIC DOMAIN

CHAPTER I

CANCELLATION OF TIMBER LIMITS, GUARANTEES OF TIMBER SUPPLY, AGREEMENTS AND PERMITS TO CUT TIMBER PRIOR TO 1 APRIL 1987

Timber
limits

213. From 1 April 1987, all timber limits leased on the public domain are cancelled.

Supply
guarantees

The same applies to any guarantee of timber supply granted in the form of rights to cut standing timber to the persons whose timber limits have been cancelled under section 93 of the Lands and Forests Act (R.S.Q., chapter T-9).

Supply
agreements

214. From 1 April 1987, all timber supply agreements entered into under section 106 of the Lands and Forests Act are cancelled.

Instruments
authorizing
cutting

215. From 1 April 1987, any other instrument authorizing the cutting of timber on forest lands in the public domain or requiring the Government or one of its ministers to guarantee or allocate a timber supply from the public domain for the benefit of any person is without effect.

Orders

All orders made under section 93 or 106 of the Lands and Forests Act cease to have effect from that date.

Real rights **216.** Every privilege, hypothec or real right affecting the right to cut in a timber limit or affecting a guarantee of timber supply granted under section 93 of the Lands and Forests Act or affecting an agreement to supply timber entered into under section 106 of the same Act is extinguished of right from 1 April 1987.

CHAPTER II

RIGHTS OF HOLDERS OF CANCELLED TITLES

Indemnity **217.** A person whose timber limit has been cancelled under section 93 of the Lands and Forests Act and to whom the Minister has not granted compensation on 13 November 1986 is entitled to receive an indemnity from the Minister. In no case, however, may a guarantee of timber supply in the form of stumpage rights be granted to him even if he owned a wood processing plant on the date of the cancellation.

Residual value **218.** The indemnity paid to a person contemplated in section 217 shall be equal to the residual value of the permanent works, inventory, management and survey work and other improvements, for timber harvesting and which may be of use to another forest operator, effected by that person on the cancelled timber limit before 13 November 1986. The residual value shall be established according to the method prescribed by regulation of the Government.

Reduction of compensation Where a timber supply and forest management agreement is awarded to the person in respect of the same territory, in whole or in part, as that under the cancelled timber limit, the compensation provided for in the preceding paragraph is decreased by the undepreciated capital cost of the works and improvements that will continue to be used for the purposes of the timber supply and forest management agreement.

Processing plant operator **219.** Notwithstanding sections 36 and 37, every person who holds a wood processing plant operating permit on 31 March 1987 and whose timber limit, timber supply guarantee or timber supply agreement has been cancelled under section 213 or 214 is entitled to obtain a timber supply and forest management agreement from the Minister pursuant to Chapter III of Title I.

Applicability The same also applies to any person operating a wood processing plant on 31 March 1987 whose timber limits have been cancelled under section 93 of the Lands and Forests Act and who has not obtained a guarantee of timber supply.

Plant
outside
Québec

220. Where a person contemplated in the second paragraph of section 219 operates a wood processing plant outside Québec, the Minister shall not enter into a timber supply and forest management agreement in respect of the plant except to the extent that the shipment of the incompletely processed timber which is processed in the plant is authorized by an order of the Government made under section 161. The repeal of such an order shall terminate the agreement.

Processing
plant
operator

221. A person not contemplated in section 217 or section 219 who on 31 March 1987 holds a wood processing plant operating permit in which he processed, during the year ending on that date and the four preceding years, timber from forests in the public domain other than salvaged timber is entitled to obtain a timber supply and forest management agreement from the Minister.

Allocation
of timber

222. To determine the annual volume of timber allocated to the person contemplated in section 219 or 221 under his agreement, the Minister shall take into consideration, in addition to the criteria set forth in section 43, the average volume of round timber from the forests in the public domain used each year by the plant for which the timber is intended during the last five years or from the beginning of its operations if the plant has been in operation for less than five years.

Irresistible
force

Moreover, to determine the average volume, the Minister shall take into consideration cases of irresistible force, where such is the case, which have affected the consumption of timber at the agreement holder's plant during the particular period. He shall not take into consideration, however, the use of salvaged timber.

Location

223. To determine the location of the forest management unit covered by the agreement of a person contemplated in section 219, the Minister shall take into consideration, in addition to the criteria set forth in section 47, the history of the location of the agreement holder's sources of supply and the infrastructures he has already set in place.

Indemnity

224. Where a forest management unit established pursuant to section 223 for a holder of a timber supply and forest management agreement includes a forest area where the works referred to in section 218 have been carried out before 1 April 1987 by another person who was the holder of a timber limit or of a timber supply agreement in that area, the timber supply and forest management agreement holder shall pay to that person an indemnity equal to the residual value of

those works. That value is established according to the method prescribed by regulation of the Government.

Area
devolved to
Minister

Where the forest area referred to in the first paragraph devolves to the Minister in accordance with section 96, he shall pay to the person who carried out the works an indemnity established in the same manner if the person has not obtained a timber supply and forest management agreement pursuant to this chapter.

Logging
cooperative

225. If, at the time of the cancellation of a timber supply agreement, the holder of a wood processing plant operating permit who is a signatory to the agreement is bound by a timber supply agreement with a logging cooperative to which this section applies, the timber supply and forest management agreement granted to the permit holder by the Minister entitles the cooperative to the same rights in respect of the holder as those provided in the timber supply agreement entered into with the holder.

Applicability

This section applies to a logging cooperative which on 31 March 1987

(1) does not hold a wood processing plant operating permit;

(2) holds a timber supply agreement authorized by order of the Government or is a body designated pursuant to a timber supply agreement authorized in the same manner.

Auxiliary
timber
supply

226. An agreement in force on 31 March 1987 by which the Government undertakes to provide an auxiliary timber supply to the operator of a wood processing plant who has not entered into a timber supply agreement in respect of that plant pursuant to section 106 of the Lands and Forests Act is deemed to have been entered into under section 98 and is renewable.

Forêt
Montmorency

227. The contract of lease of the forêt Montmorency entered into between the Government of Québec and Université Laval authorized by Orders in Council 253 dated 9 February 1965 and 1285-76 dated 7 April 1976 constitutes in respect of the area described therein a forest management agreement made under section 113.

Cancellations under
ss. 213-215

228. The cancellations provided for in sections 213 to 215 do not give entitlement to compensation and no recourse may be exercised against the Government or any minister by reason of the coming into force of those provisions.

Indemnity Notwithstanding the foregoing, if a cancelled timber limit has been granted in exchange for land and constructions in full ownership of the timber limit holder and transferred by him to the public domain, the Minister shall pay a fair indemnity to the timber limit holder whose title has been cancelled.

Computation In order to determine the indemnity provided for in the second paragraph, the Minister shall take into account, by discounting them, the value of the land and constructions on the date of the deed of exchange and the value of the consideration received by the timber limit holder for the exchange.

Agreement proposal **229.** The Minister shall, before 1 April 1990 and as available inventory data allow, make to each person entitled to obtain a timber supply and forest management agreement under section 219 or 221 a proposal accompanied with a notice informing him of his intention to close the agreement on the basis of that proposal and inviting him to submit his observations to him within sixty days of the notice.

Acceptance or refusal After the expiry of the period determined in the first paragraph, the Minister shall send to the interested person a final proposal with a notice enjoining him to inform the Minister in writing, within thirty days, of his decision to accept or refuse the proposed agreement.

Deemed refusal Where the person to whom the notice is sent fails to inform the Minister in writing of his decision to accept the proposal as drawn up within thirty days of the date of the notice provided for in the second paragraph, the person is deemed to have refused the proposal. From the date of expiry of the thirty-day period, sections 219 to 226 and 229 to 235 cease to have effect in respect of that person.

Registration Where the interested person accepts the proposal before the expiry of the period determined in the second paragraph, the Minister shall register it by deposit in accordance with section 38. The proposal as registered constitutes the first timber supply and forest management agreement.

CHAPTER III

TEMPORARY TENURE

Management permit **230.** For the year beginning on 1 April 1987 and for each subsequent year until the timber supply and forest management agreement to which he is entitled takes effect, a person contemplated

in section 219 may obtain a forest management permit from the Minister to provide for the supply of timber to the wood processing plant operated by the person.

Area The permit shall be issued by the Minister for a forest area in the territory formerly covered by the timber limit, guarantee or agreement.

Volume of timber The volume of timber authorized to be harvested under the permit shall be determined by the Minister, taking into account the criteria set forth in section 43. The volume shall not exceed the average volume of round timber from forests in the public domain used at the plant from 1 April 1981 to 31 March 1986 calculated by taking into account the criteria set forth in section 222.

Cooperative **231.** A cooperative contemplated in section 225 may obtain from the Minister for the year beginning on 1 April 1987 and for each subsequent year until a management agreement takes effect in respect of the agreement holder with whom it is bound by agreement, a management permit in order to ensure the execution of the obligations stipulated in that agreement.

Wood processing plant **232.** Every person who is entitled to a timber supply and forest management agreement under section 221 is entitled from 1 April 1987, and until the agreement takes effect, to obtain a volume of round timber from the forests in the public domain to supply his wood processing plant.

Volume of timber The volume shall be fixed by the Minister on the basis of the criteria set forth in section 222; it shall be granted to the person entitled thereto according to the Minister, by the issue of a forest management permit or by the inclusion in a forest management permit issued under section 230 of an obligation to supply the volume.

Standards **233.** The rights conferred by sections 230 and 232 shall be exercised in accordance with the standards of forest management prescribed under section 171.

Dues **234.** The holder of a permit issued under sections 230 to 232 shall pay the dues under section 7 on the volume of timber felled and scaled.

Renewal of real rights **235.** Every privilege, hypothec or real right extinguished under section 216 may be renewed at the instance of the creditor, as regards the timber supply rights conferred by sections 230 and 232, by means of a notice to the registrar of the appropriate registration division or, in the case of non-cadastered lands in the public domain, to the Ministère de l'Énergie et des Ressources, before 1 July 1987.

Presumption A privilege, hypothec or real right registered before 1 July 1987 is deemed to have been registered on 1 April 1987 and keeps its rank.

Registration Within thirty days of the date of registration of a first timber supply and forest management agreement, a creditor may also register in respect of the rights conferred on the agreement holder by the forest management permit, the privilege, hypothec or real right that he registered in accordance with the second paragraph in respect of the timber supply rights conferred by sections 230 and 232. Such registration is carried out in the same manner as the renewed registration; it is deemed to have been carried out on the date of the registration of the first agreement and keeps its rank.

Effect **236.** This chapter ceases to have effect on 1 April 1990.

TITLE IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Provisions replaced **237.** This Act replaces sections 4, 5, 6 and 66 to 168 of the Lands and Forests Act (R.S.Q., chapter T-9), the Forest Resources Utilization Act (R.S.Q., chapter U-2) and the Forestry Schools and Research Act (R.S.Q., chapter R-1).

Expressions replaced **238.** Unless the context indicates otherwise, the expressions “public forest”, “forest of the Crown”, “crown forest” and “township forest”, wherever they appear in any Act, regulation, order in council, order, contract or other legal instrument, are replaced by the expression “forest in the public domain”.

Dues abatement **239.** In prescribing the dues payable under sections 71, 72, 88, 89 or 234, the Minister may grant an abatement on the amount of dues payable annually in cash by a person who, on 31 March 1987, pays stumpage dues at a fixed rate under an order or an agreement not contemplated in the second paragraph of section 228, so as to take into account, to the extent and for the period determined by the Government, any abatement so granted on the roles that would otherwise have been applicable to the logging operations of that person at the time of the passing of the order or the making of the agreement.

1963, c. 28, repealed **240.** The Act respecting the establishment of an experimental forest by Laval University (1963, chapter 28) is repealed.

1980, c. 8, s. 6, am. **241.** Section 6 of the Act respecting the forestry fund (1980, chapter 8) is amended

(1) by replacing the words “permit to cut timber issued under the Lands and Forests Act (R.S.Q., chapter T-9)” in the first and second lines of the first paragraph by the words “forest management permit issued under the Forest Act (1986, chapter 108)”;

(2) by replacing the words “holders of permits or licences to cut timber for domestic purposes” in the third paragraph by the words “holders of management permits for the harvest of firewood”.

c. C-27, s. 1, am. **242.** Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing paragraph *o* by the following paragraph:

“logging operator”

“(o) “logging operator” means the holder of a forest management permit to supply a wood processing plant issued under the Forest Act (1986, chapter 108), or a forest producer supplying a wood processing plant from a private woodlot.”

c. C-27, s. 2, am. **243.** Section 2 of the said Code is amended

(1) by replacing the words “limit holder” in the first line of the first paragraph by the words “logging operator”;

(2) by replacing the words “logging operations on his land” in the second and third lines of the first paragraph by the words “his logging operations”;

(3) by replacing the words “limit holder or on a specific portion of such lands” in the third and fourth lines of the second paragraph by the words “logging operator”.

c. C-27, s. 8, am. **244.** Section 8 of the said Code is amended by replacing the words “Subject to the Lands and Forests Act (chapter T-9), the owner of any land or limit” in the first and second lines of the first paragraph by the words “Subject to the Forest Act, the logging operator or the owner of any land”.

c. C-78, s. 1, am. **245.** Paragraphs *m* and *n* of section 1 of the Forestry Credit Act (R.S.Q., chapter C-78) are replaced by the following paragraphs:

“permit holder”

“(m) “permit holder” means a person to whom a forest management permit is issued under the Forest Act (1986, chapter 108), for the management of a sugar bush;

“manager”

“(n) “manager” means a person entrusted with the management of public lands by an agreement with the Minister under section 102 of the Forest Act (1986, chapter 108);”.

c. C-78.1, s. 1, am. **246.** Section 1 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing the definitions of “permit holder” and “manager” in paragraph 2 by the following definitions:

“permit holder” “ “permit holder” means a person to whom a forest management permit is issued under the Forest Act (1986, chapter 108) for the management of a sugar bush;

“manager” “ “manager” means a person entrusted with the management of public lands by an agreement with the Minister under section 102 of the Forest Act (1986, chapter 108);”.

c. D-17, s. 1, am. **247.** Section 1 of the Land Transfer Duties Act (R.S.Q., chapter D-17) is amended by replacing the definition of the word “transfer” by the following definition:

“transfer” “ “transfer” means the transfer of an immovable right as well as a contract of lease and the granting of an option or of a promise of sale; the word “transfer” does not include transfer for the purpose only of securing a debt, nor reconveyance by the creditor, nor the transfer of any right contemplated in section 3 of the Mining Act (R.S.Q., chapter M-13), nor the transfer or lease of public lands effected in virtue of the Lands and Forests Act (R.S.Q. chapter T-9);”.

c. M-14, s. 15, replaced **248.** Section 15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14) is replaced by the following section:

Applicable provisions **“15.** Sections 187 to 206 of the Forest Act (1986, chapter 108) apply, *mutatis mutandis*, to lands under the authority of the Minister and the powers conferred therein are exercised by the Minister or by any employee of the department generally or specially authorized by him for that purpose.”

c. Q-2, s. 144, am. **249.** Section 144 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing the words “management and development plans for public forest” by the words “general and five-year forest management plans for the forests in the public domain”.

c. Q-2, s. 178, am. **250.** Section 178 of the said Act is amended by replacing the words “management and operational plans for public forests” by the words “general and five-year forest management plans for the forests in the public domain”.

c. Q-2, Sch. B, am. **251.** Schedule B to the said Act is amended by replacing the words “of a management plan from the Ministère de l’Énergie et des Ressources” in paragraph 4 by the words “of plans provided for in the Forest Act (1986, chapter 108)”.

c. R-13.1, s. 58, am. **252.** The second paragraph of section 58 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is replaced by the following paragraph:

Forest management permit “In such a case, the local government shall obtain a forest management permit from the Minister responsible for the administration of the Forest Act (1986, chapter 108) who shall not refuse to issue it if the commercial cutting conforms to the development and marketing plan approved by him.”

c. R-13.1, s. 90, am. **253.** The second paragraph of section 90 of the said Act is replaced by the following paragraph:

Plans submitted to Minister “In Category II lands, the plans that the holder of a timber supply and forest management agreement prepares and submits for approval to the Minister responsible for the administration of the Forest Act (1986, chapter 108) under sections 51 to 59 of the said Act, must take into account hunting, fishing and trapping activities.”

c. R-13.1, s. 191.40, am. **254.** The second paragraph of section 191.40 of the said Act is replaced by the following paragraph:

Forest management permit “In such a case, the Naskapi local government shall obtain a forest management permit from the Minister responsible for the administration of the Forest Act (1986, chapter 108) who shall not refuse to issue it if the commercial cutting conforms to the development and marketing plan approved by him.”

Corresponding provisions **255.** A reference to any of sections 4, 5, 6 or 66 to 168 of the Lands and Forests Act is a reference to the corresponding provisions of this Act.

Certification under the Labour Code **256.** Certification granted under the Labour Code to an association of employees in respect of an employer carrying on logging operations in a determined territory and a collective agreement entered into under this Code continue to have effect between those parties in respect of the changed territory or of the new territory in which the logging operations will be carried on following the taking of effect of a first timber supply and forest management agreement or the obtaining of a first forest management permit referred to in section 85.

Order by
commission-
er A labour commissioner may make any order appropriate for the
evidencing of the carrying out of the first paragraph or solve any
difficulty resulting therefrom.

Minister
responsible **257.** The Government shall designate the Minister responsible
for the administration of this Act.

Coming into
force **258.** This Act comes into force on 1 April 1987.

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