



chapter A-18.1, r. 11

Regulation respecting forest royalties

Sustainable Forest Development Act
(chapter A-18.1, ss. 87 and 363)

O.C. 372-87; O.C. 192-2002, s. 1.

The fees prescribed in the Regulation have been indexed as of 1 January 2013 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 8 December 2012, page 1440. (s. 4)

The former alphanumerical designation of this Regulation was: chapter F-4.1, r. 12.

DIVISION I FOREST TARIFFING

O.C. 192-2002, s. 1.

§1. Forest tariffing zones

O.C. 192-2002, s. 1.

1. One hundred and eighty-seven forest tariffing zones are hereby established.

The tariffing zones shall be those indicated on the maps entitled “Forest Tariffing Zones” in Schedule I.

The zones are established for the establishment of the unit rates on which the dues prescribed by the Minister are based, except for the unit rates applicable to the holder of a management permit for the harvest of a volume of bushes or shrubs or only their branches to supply a wood processing plant, for sugar bush management for acericultural purposes or for the harvest of firewood for domestic purposes fixed in section 3, in the first, second, third and fourth paragraphs of section 4 and in section 5.

O.C. 372-87, s. 1; O.C. 352-89, s. 1; O.C. 1594-95, s. 1; O.C. 21-2000, s. 1; O.C. 192-2002, s. 2; O.C. 56-2008, s. 1; O.C. 1074-2012, s. 1.

§2. Unit rates

O.C. 192-2002, s. 3.

2. In order to determine a unit rate fixed by the Minister under the first paragraph of section 72 of the Forest Act (chapter F-4.1), the stumpage value of standing timber shall be calculated on 1 April of each year in each forest tariffing zone, by species or group of species and quality of timber, according to the parity technique applicable in property assessment, by comparing the timber to similar timber for which the selling price is known. The value is expressed in dollars per cubic metre.

The unit rates are adjusted every 3 months according to the rate of increase in forest product price indexes.

The Minister of Natural Resources and Wildlife is to publish the reference unit rates for the stumpage value of standing timber and the results of the quarterly adjustment in Part 1 of the Gazette officielle du Québec and may also ensure wider publicity by any other means.

O.C. 372-87, s. 2; O.C. 352-89, s. 2; O.C. 757-96, s. 1; O.C. 192-2002, s. 4; O.C. 385-2006, s. 1; O.C. 56-2008, s. 2; O.C. 433-2010, s. 1.

3. The unit rate applicable to the holder of a management permit for the harvest of a volume of bushes or shrubs or only their branches for the supply of a wood processing plant is fixed at [\\$200](#) per green metric ton, for Canadian yew.

O.C. 372-87, s. 3; O.C. 352-89, s. 3; O.C. 1198-90, s. 1; O.C. 398-93, s. 1; O.C. 1594-95, s. 2; O.C. 21-2000, s. 2; O.C. 192-2002, s. 5; O.C. 56-2008, s. 3.

3.1. (Replaced).

O.C. 1594-95, s. 3; O.C. 192-2002, s. 5.

3.2. (Replaced).

O.C. 1594-95, s. 3; O.C. 192-2002, s. 5.

3.3. (Replaced).

O.C. 1594-95, s. 3; O.C. 192-2002, s. 5.

4. The unit rate applicable to the holder of a sugar bush management permit for acericultural purposes is fixed at [\\$88](#), [\\$68](#), [\\$61](#), [\\$47](#) or [\\$41](#) per hectare according to the location of the sugar bush in one of the following forest tariffing zones:

ZONE 1 ([\\$88](#) per hectare)

- (1) Région administrative 05 Estrie
- (2) Région administrative 12 Chaudière-Appalaches, except Bellechasse, Les Etchemins, Montmagny and L'Islet regional county municipalities
- (3) Région administrative 16 La Montérégie
- (4) Région administrative 17 Centre-du-Québec

ZONE 2 ([\\$68](#) per hectare)

- (1) Bellechasse, Les Etchemins, Montmagny and L'Islet regional county municipalities
- (2) Région administrative 03 La Capitale-Nationale, except Charlevoix and Charlevoix-Est regional county municipalities
- (3) Région administrative 04 Mauricie, except Mékinac and Le Haut-Saint-Maurice regional county municipalities
- (4) Région administrative 14 Lanaudière, except Municipalité régionale de comté Matawinie
- (5) Région administrative 15 Les Laurentides, except Municipalité régionale de comté Antoine-Labelle

ZONE 3 ([\\$68](#) per hectare)

- (1) Région administrative 01 Bas Saint-Laurent, except Matane, La Matapédia, La Mitis and Rimouski-Neigette regional county municipalities
- (2) Municipalité régionale de comté Mékinac
- (3) Municipalité régionale de comté Matawinie
- (4) Municipalité régionale de comté Antoine-Labelle

ZONE 4 ([\\$61](#) per hectare)

- (1) Matane, La Matapédia, La Mitis and Rimouski-Neigette regional county municipalities
- (2) Région administrative 07 Outaouais, except Municipalité régionale de comté Pontiac

ZONE 5 ([\\$47](#) per hectare)

- (1) Charlevoix and Charlevoix-Est regional county municipalities
- (2) Municipalité régionale de comté Le Haut-Saint-Maurice
- (3) Municipalité régionale de comté Pontiac
- (4) Municipalité régionale de comté Avignon

ZONE 6 (\$47 per hectare)

- (1) Municipalité régionale de comté Témiscamingue
- (2) Bonaventure and La Haute-Gaspésie regional county municipalities

ZONE 7 (\$41 per hectare)

- (1) All other territories of Québec not included in zones 1 to 6.

The administrative regions are those determined by the Government by Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1).

The rate fixed for each zone is adjusted on 1 January of each year according to the following equation based on the data contained in the economic record of the Fédération des producteurs acéricoles du Québec (FPAQ):

Adjustment rate = $A/3.93^a$

Where $A = \text{Sum}^b \text{Yield}^c \times \text{Agreement price}^d \times (1 - (\text{Var. net inventory}^e / \text{Harvest vol. of the year}^f)) / 5 \text{ years}$

^a Reference calculation of 1999 to 2003 (net average income per taphole).

^b Summation of the last 5 years preceding the year that precedes the year of the adjustment.

^c Average yield (lbs of syrup/taphole) of the year concerned from the economic record of the FPAQ.

^d Weighted average price (\$/lb of syrup) of the year concerned and determined by the Maple Syrup Marketing Agreement entered into between the FPAQ and the buyers of a product covered by the Plan conjoint des producteurs acéricoles du Québec.

^e Variation of the net inventory from the economic record of the FPAQ (pounds of syrup).

^f Harvest volume of the year concerned from the economic record of the FPAQ (pounds of syrup).

$A = 5.33$

Adjustment rate = $5.32/3.93 = 1.3537$

The Minister of Natural Resources is to publish the results of the adjustment on the website of the Ministère des Ressources naturelles and in Part 1 of the Gazette officielle du Québec. The Minister may also ensure wider publicity by any other means the Minister considers appropriate.

The unit rate applicable to the holder of a sugar bush management permit for acericultural purposes is, for timber harvested while carrying out silvicultural work intended to favour the production of sap, the rate provided for in section 5 or 6, depending on whether the wood is intended for domestic heating or for another use.

Notwithstanding the foregoing, no dues are exigible from the permit holder where the timber harvested is used in the context of acericultural activities.

O.C. 372-87, s. 4; O.C. 192-2002, s. 5; O.C. 1074-2012, s. 2.

5. The unit rate applicable to the holder of a forest management permit for the harvest of firewood for domestic purposes is fixed at $\$1.40/m^3$ apparent for any species or group of species [(D=

[\\$1.15/m³ apparent × \(1.21\) = \\$1.39/m³ apparent rounded off to \\$1.40/m³ apparent](#)].

That rate shall be indexed on 1 April of each year, by applying to the \$1.15 amount the annual rates of increase in the general Consumer Price Index for Québec for the period beginning on 1 January and ending on 31 December of the year preceding the indexing year. The index for 1 year shall be the average of the monthly indexes for Québec as published by Statistics Canada.

The rate thus increased shall be reduced to the nearest fraction of \$0.10/m³ where it contains a fraction less than \$0.03/m³; it shall be rounded off to the nearest fraction of \$0.05/m³ where it contains a fraction equal to or greater than \$0.03/m³ but less than \$0.08/m³; and it shall be increased to the nearest fraction of \$0.10/m³ where it contains a fraction equal to or greater than \$0.08/m³.

The Minister of Natural Resources and Wildlife shall publish the result of the indexing in Part 1 of the Gazette officielle du Québec. He may also use any other means to ensure wider publicity.

O.C. 372-87, s. 5; O.C. 398-93, s. 2; O.C. 757-96, s. 2; O.C. 1582-97, s. 1; O.C. 52-99, s. 1; O.C. 21-2000, s. 3; O.C. 96-2001, s. 1; O.C. 192-2002, s. 5.

6. The unit rate applicable to the holder of a forest management permit for the harvest of firewood for commercial purposes, for public utility works, for mining activities or for a wildlife, recreational or agricultural development project is the same as the rate applicable to the holder of a timber supply and forest management agreement and of a forest management permit to supply wood processing plants.

The foregoing also applies to the holder of a wood processing plant operating permit referred to in section 92.1 of the Forest Act (chapter F-4.1) or the holder of a wood processing plant operating permit for energy production or metallurgical purposes where the permit holder harvests timber under a management permit for the supply of a wood processing plant.

O.C. 372-87, s. 6; O.C. 398-93, s. 3; O.C. 21-2000, s. 4; O.C. 192-2002, s. 5.

6.1. (Replaced).

O.C. 398-93, s. 4; O.C. 21-2000, s. 5; O.C. 192-2002, s. 5.

§3. Payment of dues

O.C. 192-2002, s. 5.

7. The dues to be paid by the holder of a management permit referred to in section 3 are payable every year upon presentation of an invoice transmitted by the Minister.

O.C. 372-87, s. 7; O.C. 192-2002, s. 5.

8. The dues prescribed for the operation of a sugar bush to be paid by the holder of a management permit referred to in the first paragraph of section 4 are payable every year in 2 equal instalments, on 31 January and 31 July.

O.C. 372-87, s. 8; O.C. 21-2000, s. 6; O.C. 192-2002, s. 5.

9. The dues to be paid by the holder of a management permit referred to in section 5 are payable upon issuance of the permit.

O.C. 372-87, s. 9; O.C. 1198-90, s. 2; Erratum, 1990 G.O. 2, 2547; O.C. 192-2002, s. 5.

10. The dues to be paid by the holder of a management permit not referred to in sections 7 to 9 or the holder of a mining right who obtains an authorization under section 213 of the Mining Act (chapter M-13.1) are payable monthly, upon presentation of an invoice transmitted by the Minister, prepared on the basis of scaling or inventory data.

Notwithstanding the foregoing, except for dues that must be paid by the holder of a management permit to supply wood processing plants or those to be paid under section 14.3 of the Forest Act (chapter F-4.1), in exchange for the timber harvested, by the holder of the permit referred to in that section, which remain governed by the provisions of the first paragraph, the dues referred to in that paragraph are payable upon request, upon issuance of the management permit or authorization, or upon presentation of an invoice transmitted by the Minister, where the permit or authorization allows the harvest of a volume of timber less than 500 m³.

O.C. 372-87, s. 10; O.C. 1198-90, s. 3; O.C. 192-2002, s. 5.

10.1. For the purposes of this Division, a forest management sector is a part of the forest area measuring a maximum of 250 ha to which a silvicultural treatment is applied in a given year.

O.C. 433-2010, s. 3.

10.2. The value of the silvicultural treatments mentioned in Schedule II, which are accepted by the Minister and admitted as payment of dues, is attributed to the agreement holder provided that the marking work was carried out by a person holding a certificate of conformity or the apprenticeship card for the trade of tree marker issued by the Bureau de normalisation du Québec under the certification program BNQ 9800-911 “Reconnaissance des compétences - Métier de materleur en milieu forestier”.

For the purposes of the first paragraph, a person holding the apprenticeship card for the trade of tree marker must be supervised by a person holding a certificate of qualification of tree marker and recognized as a journeyman under that certification program.

O.C. 433-2010, s. 3.

10.3. The value of non-commercial silvicultural treatments, which are accepted by the Minister and admitted as payment of dues, is attributed to the agreement holder provided that the work was carried out by an enterprise holding a certificate of conformity or an attestation of an application for certification issued by the Bureau de normalisation du Québec under the certification program “Pratiques de gestion des entreprises sylvicoles”.

“Non-commercial silvicultural treatments” means site preparation, planting, reinforcement planting in naturally regenerated stands, enrichment planting, mechanical release treatment, precommercial thinning, pruning, pine seeding, fertilization and forest drainage.

O.C. 433-2010, s. 3.

DIVISION II

VALUE ADMITTED AS PAYMENT OF DUES FOR CERTAIN ACTIVITIES AND PROGRESS REPORT ON FOREST MANAGEMENT ACTIVITIES

O.C. 192-2002, s. 5.

§1. Silvicultural treatments and other activities to protect or develop forest resources admitted as payment of dues

O.C. 192-2002, s. 5; O.C. 433-2010, s. 2.

11. The value of the silvicultural treatments carried out by an agreement holder to attain the annual yield indicated in the agreement that are accepted by the Minister and admissible as payment of dues, corresponds to the amount determined according to the formula

A + B.

For the purposes of the formula,

(1) A is the sum of the amounts of the treatments each of which is 90% of the lesser of

(a) the unit cost indicated in the Minister's Order made under section 73.3 of the Forest Act (chapter F-4.1) for carrying out the treatment, multiplied, as the case may be, by the number of hectares, 1,000 plants, 1,000 microsites or linear or cubic metres on which the treatment was carried out; and

(b) the unit cost for carrying out the treatment;

(2) B is 90% of the lesser of

(a) the sum of the amounts of the treatments each of which is the unit cost for the planning and monitoring indicated in the Minister's Order made under section 73.3 of the Act for the treatment, multiplied, as the case may be, by the number of hectares, 1,000 plants, 1,000 microsites or linear or cubic metres on which the treatment was carried out; and

(b) the unit cost for the planning and monitoring of the treatments referred to in the first paragraph.

O.C. 372-87, s. 11; O.C. 352-89, s. 4; O.C. 1594-95, s. 4; O.C. 192-2002, s. 5; O.C. 92-2005, s. 1; O.C. 149-2006, s. 1; O.C. 385-2006, s. 2.

11.1. The value of the activities, other than those referred to in section 11, carried out by an agreement holder to promote the protection or development of forest resources that are accepted by the Minister and admissible as payment of dues, corresponds to the amount determined according to the formula

A + B.

For the purposes of the formula,

(1) A is the sum of the amounts of the activities each of which is the lesser of

(a) the unit cost indicated in the Minister's Order made under section 73.3 of the Act for carrying out the activity, multiplied, as the case may be, by the number of hectares, 1,000 plants, 1,000 microsites or linear or cubic metres on which the activity was carried out; and

(b) the unit cost for carrying out the activity;

(2) B is the lesser of

(a) the sum of the amounts of the activities each of which is the unit cost for the planning and monitoring indicated in the Minister's Order made under section 73.3 of the Act for the activity, multiplied, as the case may be, by the number of hectares, 1,000 plants, 1,000 microsites or linear or cubic metres on which the activity was carried out; and

(b) the total unit cost for the planning and monitoring of the activities referred to in the first paragraph.

O.C. 385-2006, s. 2.

11.2. The cost of carrying out silvicultural treatments and other activities to protect or develop forest resources includes the costs for

(1) the carrying out of the treatment by silvicultural workers; and

(2) the operational supervision and monitoring of the silvicultural workers.

The costs for the planning and monitoring of the silvicultural treatments and other activities to protect or develop forest resources include the costs for

(1) negotiating and preparing contracts for carrying out the silvicultural treatments;

(2) the research, delimitation and making of inventories before treatment in the forest management sectors;

(3) general supervision and quality monitoring of silvicultural treatments;

(4) the taking of inventories after treatment, scaling and digitization of the areas treated; and

(5) cartography and preparation of the reports for carrying out the treatments and other activities.

O.C. 385-2006, s. 2.

11.3. On submitting the report referred to in section 70 of the Act, an agreement holder must provide a list of expenses for the costs of the silvicultural treatments and other activities to protect or develop forest resources, broken down into the costs relating to the carrying out, planning and monitoring. The list must be approved by an accountant who is a member of the professional order and be in the form and tenor prescribed by the Minister.

O.C. 385-2006, s. 2; O.C. 56-2008, s. 4.

11.4. For the purposes of section 73.3 of the Act, the value of silvicultural treatments and other forest management activities is fixed on 1 April of each year.

The value of the treatments and activities consists of the costs relating to carrying them out and the costs relating to the planning and monitoring of the treatments or activities. The value of each of those components is indicated in the Minister's Order.

The value of the treatments and activities corresponds to the average unit costs of the silvicultural treatments or other forest management activities carried out pursuant to sections 65 and 96 of the Act.

In the absence of such treatments or activities, the value of the treatments or activities corresponds to the costs determined according to the cost approach applicable in matters of property assessment, by comparing the treatments or activities to similar treatments or activities whose unit costs are known.

Those values are adjusted every 3 months according to the rate of increase in a fuel price index.

The Minister of Natural Resources and Wildlife is to publish the value of silvicultural treatments and other forest development activities and the results of the quarterly adjustment in Part 1 of the Gazette officielle du Québec and may also ensure wider publicity by any other means.

O.C. 385-2006, s. 2; O.C. 433-2010, s. 4.

12. The admissible value of silvicultural treatments and other activities to protect or develop forest resources carried out by the agreement holder under an experimental protocol concluded pursuant to section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) may be increased up to 50% to taken into account the costs of the experiment.

A credit applicable to the payment of the prescribed dues, corresponding to no more than 75% of the admissible value so increased, may, after the conclusion of the experimental protocol, be granted to the agreement holder according to the nature, duration and cost of the project.

An additional credit corresponding to the balance of that value shall be granted to the agreement holder after he files the experimental report.

O.C. 372-87, s. 12; O.C. 192-2002, s. 5.

13. The admissible value of the activities to protect or develop forest resources carried out by a third person in a forest management unit, a public forest reserve or a private forest and provided for in an agreement, in accordance with the fourth paragraph of section 73.1 of the Forest Act (chapter F-4.1), shall be

- (1) the unit cost determined by the Minister in accordance with section 11.4, if the activities are carried out in a forest in the domain of the State; or
- (2) 80% of the sum of the costs for the carrying out of those activities and of the related technical costs, as established in the list of financial assistance rates for the assistance program for the development of private forests elaborated under section 118 of the Act, where forest management activities are carried out in a private forest.

Notwithstanding the foregoing where the value of an activity may not be established using the list referred to in subparagraph 2 of the first paragraph, the value of the activity shall be fixed by the Minister according to the cost approach applicable in matters of property assessment, by comparing those activities to similar activities whose unit cost is known.

A credit applicable to the payment of the dues prescribed, corresponding to no more than 75% of the admissible value, shall be granted to the agreement holder upon submission of proof of payment of the activities provided for in the agreement.

An additional credit corresponding to the balance of that value shall be granted to the agreement holder following the presentation, by the third person having carried out the activities, of the annual report referred to in the fourth paragraph of section 73.1 of the Act that the third person must make public on that occasion.

O.C. 192-2002, s. 5; O.C. 385-2006, s. 3.

§2. Progress report on silvicultural treatments and other forest management activities

O.C. 192-2002, s. 5.

14. (Revoked).

O.C. 192-2002, s. 5; O.C. 433-2010, s. 5.

15. The progress report on silvicultural treatments and other forest management activities approved by a forest engineer that an agreement holder may submit periodically to the Minister under section 73.2 of the Forest Act (chapter F-4.1) shall indicate

- (1) the silvicultural treatments and other forest management activities that the latter has carried out in each of the forest management sectors, their area, the number of plants planted, the costs for their carrying out, planning and monitoring as defined in section 11.2 and the names of the persons who carried them out;
- (2) the regional county municipalities where the silvicultural treatments and other forest management activities have been carried out;
- (3) a declaration by the agreement holder indicating whether or not the agreement holder has concluded a written contract with a third person governing the carrying out, planning or monitoring of the silvicultural treatments referred to in the progress report and, where applicable, indicating the number and duration of those contracts and the amount of the costs for the planning and monitoring that were paid to third persons.

If several contracts cover the same management unit, the report shall be submitted by the person designated by all the agreement holders carrying on their activities in that unit, in accordance with the Act, and the declaration referred to in subparagraph 3 of the first paragraph shall be signed that person. The report shall contain the information in respect of all agreement holders and shall also describe the distribution among the agreement holders of the provisional credits corresponding to the admissible value of the silvicultural treatments and other forest management activities carried out on that unit.

O.C. 192-2002, s. 5; O.C. 385-2006, s. 4.

16. For the purposes of the provisions of this Division in respect of forest management activities prior to 1 April 2006, a reference to the management unit is a reference to the common area.

O.C. 192-2002, s. 5; O.C. 92-2005, s. 2.

SCHEDULE I

(s. 1)

FOREST TARIFFING ZONES



O.C. 372-87, Sch. I; O.C. 352-89, s. 5; O.C. 1594-95, s. 5; O.C. 21-2000, s. 7; O.C. 56-2008, s. 5.

SCHEDULE II

(s. 10.2)

SILVICULTURAL TREATMENTS REQUIRING THE CARRYING OUT OF MARKING WORK BY A PERSON HOLDING A CERTIFICATE OF QUALIFICATION OR THE APPRENTICESHIP CARD FOR THE TRADE OF TREE MARKER



	White cedar tolerant hardwood	Poplar	White birch	Birch	Oak	Intermediary									
	Pine	Maple	Hemlock	Tolerant hardwood	Mixed white birch-softwood	Mixed poplar-softwood	Mixed red maple-softwood	Mixed softwood-							
	birch (H)	Mixed softwood-intermediary													
	tolerant hardwood (H)	Mixed softwood-maple (H)			Mixed softwood-tolerant										
	hardwood (H)														
Silvicultural treatments															
Selection cutting		X			X	X	X						X	X	
Selection and sanitation cutting			X				X		X						
Preselection cutting					X	X	X						X	X	
Preselection and sanitation cutting							X		X						
Selection cutting for maple sap and wood production										X					
Selection cutting by patches					X	X	X					X	X		
Selection cutting and sanitation by patches					X	X	X								X
Selection and regeneration cutting by parquets					X	X	X								X
Selection cutting for single tree and group of trees					X	X	X								
Selection cutting and sanitation for single tree and group of trees							X	X	X						
Selective thinning				X	X	X						X	X		
Spreading commercial thinning				X	X							X	X		
Commercial thinning		X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commercial thinning for other purposes				X	X							X	X	X	X
Progressive seed cutting				X	X	X	X	X	X	X	X	X	X	X	X
Improvement cutting	X														

O.C. 433-2010, s. 6.

REFERENCES

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O.C. 372-87, 1987 G.O. 2, 1099
O.C. 352-89, 1989 G.O. 2, 1508
O.C. 1198-90, 1990 G.O. 2, 2412 and 2547
O.C. 398-93, 1993 G.O. 2, 2008
O.C. 1594-95, 1995 G.O. 2, 3574
O.C. 757-96, 1996 G.O. 2, 2879
O.C. 1582-97, 1997 G.O. 2, 5835
O.C. 52-99, 1999 G.O. 2, 109
O.C. 21-2000, 2000 G.O. 2, 323
O.C. 96-2001, 2001 G.O. 2, 1221
O.C. 192-2002, 2002 G.O. 2, 1575
O.C. 92-2005, 2005 G.O. 2, 562
O.C. 149-2006, 2006 G.O. 2, 1107A
O.C. 385-2006, 2006 G.O. 2, 1415B
O.C. 56-2008, 2008 G.O. 2, 622
O.C. 433-2010, 2010 G.O. 2, 1377
S.Q. 2012, c. 11, s. 32
O.C. 1074-2012, 2012 G.O. 2, 3224