



R.S.Q., chapter F-4.1

Forest Act

PRELIMINARY PROVISION

1996, c. 14, s. 1.

The purpose of this Act is to foster recognition of the forest as a common heritage and promote sustainable forest development in order to meet the economic, environmental and social needs of present and future generations while giving proper consideration to other potential uses of the territory.

Sustainable forest development is, more particularly, to the extent provided for by this Act and the regulations, forest development that is conducive to

- the preservation of biological diversity;
- the maintenance and improvement of the condition and productivity of forest ecosystems;
- the conservation of soil and water resources;
- the maintenance of the function of forest ecosystems as a component of global ecological cycles;
- the maintenance of the multiple socioeconomic benefits society derives from forests;
- the giving of proper consideration, in selecting forms of development, to the values and needs expressed by the populations concerned.

TITLE I

MANAGEMENT OF FORESTS IN THE DOMAIN OF THE STATE

CHAPTER I

SCOPE

1. This Title applies to forests in the domain of the State.

1986, c. 108, s. 1; 1999, c. 40, s. 140.

CHAPTER II

FOREST MANAGEMENT

DIVISION I

MANAGEMENT PERMIT

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

1986, c. 108, s. 2; 2006, c. 45, s. 1.

3. Forest management includes timber felling and harvesting, installing, improving, maintaining and closing infrastructures, carrying out silvicultural treatments including reforestation and the use of fire, suppressing insect epidemics, cryptogamic diseases and competing vegetation, and all other activities affecting the productivity of a forest area.

1986, c. 108, s. 3; 2006, c. 45, s. 2.

4. A forest management permit may be granted for a period not exceeding 12 months, with the exception of a sugar bush management permit for acericultural purposes, which may be granted for a period ending on 31 December of the fifth year of the permit.

1986, c. 108, s. 4; 1993, c. 55, s. 1; 2003, c. 16, s. 1.

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

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.

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.

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.

1986, c. 108, s. 5.

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.

1986, c. 108, s. 6.

6.1. Interest shall be charged on any unpaid balance of dues exigible under this Act from the thirtieth day following the date of billing, at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002). The interest is capitalized monthly.

1991, c. 47, s. 1; 1997, c. 33, s. 1; 2001, c. 6, s. 1; 2010, c. 31, s. 175.

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

This section does not apply to the holder of a timber supply and forest management agreement, a forest management agreement or a forest management contract who, in order to obtain a forest management permit to supply a wood processing plant, has made an agreement with the Minister respecting the payment of back dues.

Such an agreement must specify the dates and terms and conditions of payment and the applicable interest rates.

The Minister may suspend or cancel the forest management permit or refuse to issue such a permit if the holder of the timber supply and forest management agreement, forest management agreement or forest management contract fails to comply with the agreement made with the Minister. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder a period of at least 30 days, as specified in the notice, to submit observations and remedy the failure.

1986, c. 108, s. 7; 2003, c. 16, s. 2.

8. Full ownership of the timber authorized for harvesting under a forest management permit remains in the domain of the State until the timber is felled and delivered to the destination indicated in the permit, unless the prescribed dues are paid in full.

1986, c. 108, s. 8; 1990, c. 17, s. 1; 1999, c. 40, s. 140.

9. The State has, for the purpose of securing the payment of dues exigible for the harvest of timber under this Act, a

legal hypothec on the timber, even before it is harvested on forest land, by or on behalf of the debtor of such dues, whatever the destination of the timber.

The hypothec shall take effect at the time the timber is delivered to the destination indicated in the permit, and it shall rank from the time it is entered in the register of personal and movable real rights.

For the purposes of the publication of rights, the reference to the number of the forest management unit mentioned in the forest management permit is deemed to be a sufficient description of the encumbered property; 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 the first permit, and the permit so issued each year is deemed to have existed continuously from the date of issue of the first permit.

1986, c. 108, s. 9; 1988, c. 73, s. 1; 1990, c. 17, s. 2; 1992, c. 57, s. 586; 1993, c. 55, s. 41; 1993, c. 55, s. 2; 1999, c. 40, s. 140; 2001, c. 6, s. 2.

DIVISION II

CLASSES OF FOREST MANAGEMENT PERMITS

10. Forest management permits may be issued

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

1986, c. 108, s. 10; 1988, c. 73, s. 2; 1993, c. 55, s. 3; 2001, c. 6, s. 3.

§ 1. — *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.

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

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

The permit authorizes its holder to harvest, in the contemplated territorial unit, a volume not exceeding 15 m³ of timber of the species determined by the Minister.

1986, c. 108, s. 11.

11.1. The harvest of firewood for the exclusive use of an outfitting operation, a wildlife management area or a wildlife preserve within the meaning of Divisions II, III and IV of Chapter IV of the Act respecting the conservation and development of wildlife (chapter C-61.1) shall be regarded as the harvest of firewood for domestic purposes.

Every application under the first paragraph must be filed by the person responsible for the management of the outfitting operation, of the wildlife management area or of the wildlife preserve. It must be accompanied with a

statement attesting that the harvest of firewood is intended for the exclusive use of an outfitting operation, the wildlife management area or the wildlife preserve.

The permit authorizes its holder to harvest, in the contemplated territorial unit, a volume of timber of the species determined by the Minister.

1988, c. 73, s. 3.

11.2. The Minister may issue a forest management permit for the harvest of firewood for commercial purposes to every person who applies therefor in writing and operates an enterprise the activities of which include the preparation and sale of firewood for commercial purposes.

The permit authorizes its holder to harvest, in the contemplated territorial unit, the volume and species of timber determined by the Minister.

The permit shall be issued by the Minister if forest production is sufficient and so far as salvage of slash and cull promotes the growth of stands in a particular forest area.

Where the permit authorizes harvesting in a forest management unit covered by a timber supply and forest management agreement or forest management agreement, the Minister must beforehand have consulted the agreement holder concerned.

Where applicable, the permit shall indicate any condition the Minister may prescribe.

1993, c. 55, s. 4; 2001, c. 6, s. 4.

11.3. The provisions of sections 11 to 11.2 apply, as regards the Territory defined in section 95.7, subject to the provisions of paragraphs 3.63 and 3.64 of the Agreement referred to in section 95.6.

2002, c. 25, s. 16.

§ 2. — *Sugar bush*

12. (Repealed).

1986, c. 108, s. 12; 1988, c. 73, s. 4.

13. The Minister may issue a sugar bush management permit to every person who applies therefor in writing and furnishes

- (1) (paragraph repealed);
- (2) a description of the sugar bush concerned by the application including, in particular, the area and tapping capacity of the sugar bush;
- (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;
- (5) any other information or document required by the Minister.

Where the permit covers an area intended for forest production within a forest management unit covered by a timber supply and forest management agreement or a forest management agreement, the Minister must beforehand have consulted the agreement holder concerned.

1986, c. 108, s. 13; 1988, c. 73, s. 5; 2001, c. 6, s. 5.

13.1. The Minister shall refuse to issue a permit to an applicant who, during the five years preceding the application, has held such a permit that has been cancelled or the renewal of which has been refused, except on the ground provided for in section 17.2.

2001, c. 6, s. 6.

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 the prescriptions given therein and the standards prescribed by regulation of the Government for tapping maple trees and other work related to such management.

The permit shall indicate the forest management activities the holder has been authorized to carry out and, 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.

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

1986, c. 108, s. 14; 2003, c. 16, s. 3.

14.1. The permit may, where the Minister considers it expedient and if, in the Minister's opinion, the activities concerned will improve acericultural and forest production, authorize the holder, during the time specified in the permit, to harvest in the sugar bush, elsewhere than within an area intended for forest production within a forest management unit, a volume of round timber of one or several species to supply wood processing plants in accordance with the management plan approved by the Minister, and to carry out the other forest management activities specified in the plan.

The plan submitted to the Minister for approval must accompany the application for authorization and must be approved by a forest engineer. The Minister may approve the plan with or without amendment.

The permit shall indicate, by species or group of species, the authorized volumes and specify, where the Minister considers it expedient, the wood processing plant or plants to be supplied.

The Minister may include in the authorization any condition considered advisable by the Minister.

2001, c. 6, s. 7.

14.2. The holder of a permit authorizing the harvesting of timber to supply wood processing plants must evaluate, according to the method provided for in the Minister's instructions relating to the application of a ministerial order on the value of silvicultural treatments eligible in payment of dues, the quality and quantity of the treatments carried out by the holder since the date of issue of the authorization or of the last annual report.

2001, c. 6, s. 7.

14.3. The holder of a permit authorizing the harvesting of timber to supply wood processing plants must, in addition to paying the dues prescribed for the operation of the sugar bush, pay the dues prescribed in sections 71 and 72 for the timber harvested; the dues are payable in cash or by way of silvicultural treatments or other forest management activities carried out by the permit holder, according to the terms and conditions set out in sections 73.1 to 73.3, except those set out in the sixth paragraph of section 73.1 and the fourth paragraph of section 73.2. For that purpose, the permit holder is considered to be an agreement holder.

Every amount credited for the payment of dues that exceeds the dues payable for the timber harvested may be applied in payment of the dues prescribed for the operation of the sugar bush.

2001, c. 6, s. 7; 2003, c. 16, s. 4; 2007, c. 39, s. 1.

14.4. In the case of a natural disaster affecting the sugar bush subject to the permit or other forest resources in the territory, the Minister may modify the permit to ensure that the sugar bush or other forest resources affected are protected and conserved.

The Minister may also, for the same purposes, require the permit holder to apply standards of forest management or standards for tapping maple trees or doing other required work that are different from those prescribed by regulation of the Government, when the government standards do not provide adequate protection for the sugar bush or the forest resources affected by the disaster. These new standards, the areas where they are applicable and the regulatory standards for which they are substituted, if any, must be set out in the modified permit.

2003, c. 16, s. 5.

15. (Repealed).

1986, c. 108, s. 15; 1988, c. 73, s. 6.

16. (Repealed).

1986, c. 108, s. 16; 1988, c. 73, s. 6.

16.1. The holder shall prepare and submit to the Minister a report of his activities in the form, at the time and with the content determined by regulation of the Government.

Where the permit authorizes the harvesting of timber to supply wood processing plants, the report shall include

(1) a statement of the forest management activities carried out since the date of issue of the authorization or of the last annual report, as the case may be, and a map, drawn to the scale determined by the Minister, showing where the activities were carried out;

(2) the result of the evaluation referred to in section 14.2;

(3) any other element related to the conditions of the permit required by the Minister.

The elements of the report listed in the second paragraph must be approved by a forest engineer.

1988, c. 73, s. 7; 2001, c. 6, s. 8.

16.1.1. The report of activities of the holder of a permit authorizing the harvesting of timber to supply wood processing plants must be accompanied with a sworn statement identifying the wood processing plants for which the timber harvested during the period covered by the report was intended and setting out, in each case, the volume involved.

2001, c. 6, s. 9.

16.1.2. The Minister or a person authorized by the Minister shall exercise with regard to the annual report and, where applicable, the evaluation referred to in section 14.2, the same powers and functions as those set out in sections 70.1 to 70.4 in the same conditions as those set out in section 70.4.

2001, c. 6, s. 9.

16.2. A permit holder who operates a sugar bush for acericultural purposes is entitled to the renewal of his permit if he meets the following requirements:

(1) he complies with the prescriptions of the permit and the regulatory provisions applicable to his forest management activities;

(2) he has submitted his report of activities to the Minister and, where applicable, the sworn statement referred to in section 16.1.1;

(3) he has operated his sugar bush at an average of 50% or more of its tapping capacity during the last five years or, in the case of renewal of a first permit, during the last four years.

However, the Minister may exclude from the territory of the sugar bush any area that has been classified as an exceptional forest ecosystem, where the Minister considers that the operation of the sugar bush is liable to have an adverse effect on the maintenance of biological diversity. In such a case, the Government shall, after giving the permit holder an opportunity to present observations, compensate the permit holder for the loss suffered, in the amount considered fair by the Government on the basis of the value of the property and infrastructures used to operate the sugar bush.

1988, c. 73, s. 7; 1993, c. 55, s. 5; 2001, c. 6, s. 10; 2003, c. 16, s. 6.

17. The Minister may, at the request of the permit holder, increase the area of the territory covered by the permit, if the holder meets the following requirements:

- (1) he has operated the sugar bush at 90% or more of its tapping capacity for at least two years;
- (2) he has completed the construction of the roads and buildings as described and located in his application.

1986, c. 108, s. 17; 1988, c. 73, s. 8; 1995, c. 37, s. 1.

17.1. A permit holder must, within three years of the date on which he obtained the permit, operate any part of the sugar bush added to the territory covered by his permit at 90% or more of its tapping capacity.

If the permit holder does not meet that requirement, the Minister may remove, from the part added to the sugar bush, that part which corresponds to the unused tapping capacity.

1988, c. 73, s. 8.

17.1.1. The Minister may include in the permit any condition considered advisable by the Minister.

2001, c. 6, s. 11.

17.1.2. The authorization to carry out forest management activities to supply wood processing plants is renewable only on the conditions set out in section 14.1 and if the permit holder meets the conditions set out in section 16.2. The Minister shall redetermine the authorized volumes upon renewal.

2001, c. 6, s. 11.

17.2. The Minister may, for public utility purposes, refuse to renew a sugar bush management permit.

1988, c. 73, s. 8.

17.3. The Minister may revoke a sugar bush management permit, or amend it to withdraw authorization to carry out forest management activities to supply wood processing plants,

- (1) if the holder has failed to pay the exigible dues;
- (2) if the holder has not submitted a report of his activities to the Minister or the sworn statement referred to in section 16.1.1;
- (3) if the holder has failed to comply with the regulatory provisions applicable to his forest management activities or with the prescriptions of his permit;
- (4) if the holder has not cultivated and operated the sugar bush for at least three consecutive years.

The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow him at least 10 days to present observations. In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the prior notice shall also indicate that the permit will not be revoked if the holder remedies his default before the expiry of the time fixed in the notice.

1993, c. 55, s. 6; 1997, c. 43, s. 295; 2001, c. 6, s. 12.

§ 3. — *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.

1986, c. 108, s. 18.

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.

1986, c. 108, s. 19.

§ 4. — *Mining activities*

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 (chapter M-13.1).

1986, c. 108, s. 20; 1987, c. 64, s. 344.

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.

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

1986, c. 108, s. 21.

§ 5. — *Wildlife, recreational or agricultural development 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, recreational or agricultural development project.

1986, c. 108, s. 22; 2001, c. 6, s. 14.

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.

Where the permit authorizes its holder to carry out forest management work in a forest management unit covered by a timber supply and forest management agreement or forest management agreement, or in a forest area covered by a forest management contract, the Minister must beforehand have consulted the agreement holder concerned.

1986, c. 108, s. 23; 1988, c. 73, s. 9; 2001, c. 6, s. 15.

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

24. Subject to sections 14.1 and 24.0.1, the Minister shall not issue a forest management permit for the supply of a wood processing plant except to

(1) the holder of a timber supply and forest management agreement who is entitled thereto under Division I of Chapter III;

(2) the holder of a forest management agreement who is entitled thereto under Division I.1 of Chapter III;

(3) the holder of a wood processing plant operating permit in the cases provided for in section 92.0.3, 92.0.3.1, 92.0.3.2, 92.0.12 or 92.1;

(4) the holder of a wood processing plant operating permit for energy production or metallurgical purposes who is entitled thereto under sections 93 to 95;

(5) the holder of a forest management contract who is entitled thereto under Division II of Chapter IV.

1986, c. 108, s. 24; 1988, c. 73, s. 10; 2001, c. 6, s. 16; 2007, c. 39, s. 2.

24.0.1. The Minister may issue to any person, if he considers it expedient, a forest management permit for the harvest of a specified volume of shrubs or half-shrubs, or of branches from shrubs or half-shrubs, to supply a wood processing plant.

The permit authorizes its holder to harvest, in a given area, a specified volume of shrubs, half-shrubs or branches from one or several species and, where applicable, to carry out the other forest management activities indicated in the permit.

Where the permit authorizes the harvest in a management unit covered by a timber supply and forest management agreement or forest management agreement, or in a forest area covered by a forest management contract, the Minister must beforehand have consulted the agreement or contract holder concerned.

The permit shall indicate the authorized volume for each species or group of species and specify the processing plant to be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

2001, c. 6, s. 16.

24.0.2. The Minister may renew the permit issued pursuant to section 24.0.1, if he considers it expedient and on the conditions he determines, provided the permit holder has complied with the conditions applicable to his forest management activities during the term preceding the renewal. However, the Minister may, after consulting the agreement or contract holder referred to in the third paragraph of section 24.0.1 where applicable, revise the volume of timber authorized under or the territory covered by the permit.

2001, c. 6, s. 16.

§ 7. — *Experimental or research activity*

24.1. In a forest management unit, the Minister may issue to a person who applies therefor, on the conditions he determines, a forest management permit for the harvest of timber not allocated under a timber supply and forest management agreement or a forest management agreement where he is of opinion that such harvest will promote the growth of stands in the forest areas in which it is carried out.

The permit may be issued only for an experimental or research activity.

1988, c. 73, s. 11; 2001, c. 6, s. 18.

24.2. The Minister shall issue the permit only to a person who has entered into an agreement with the holder of any agreement currently in force in the forest area concerned, in respect of the carrying out of the required forest management activities and the allocation of the costs thereof.

1988, c. 73, s. 11; 2001, c. 6, s. 19.

24.3. The holder of a management permit shall pay the dues prescribed by the Minister for the harvest of timber; the dues shall correspond to the product obtained by multiplying the harvested volume by the unit rate established under section 72.

1988, c. 73, s. 11.

DIVISION II.1

SPECIAL PROVISIONS APPLICABLE TO EXCEPTIONAL FOREST ECOSYSTEMS

24.4. Forest ecosystems presenting a special interest for the maintenance of biological diversity, in particular because of their scarcity or age, may be classified as exceptional forest ecosystems.

Such forest ecosystems shall be delimited by the Minister, with the agreement of the Minister of Sustainable Development, Environment and Parks.

2001, c. 6, s. 20; 2006, c. 3, s. 35.

24.5. Before making a classification, the Minister shall consult any municipality or urban community whose territory contains any part of the forest lands concerned.

The Minister must also consult any Native community concerned.

The Minister must, in addition, give holders of management permits issued for the cultivation and operation of a sugar bush, the holders of agreements issued under Chapter III or of forest management contracts, and the holders of mining rights referred to in section 8 of the Mining Act (chapter M-13.1), an opportunity to present observations concerning the forest lands concerned.

2001, c. 6, s. 20.

24.6. The Minister shall forward a copy of the decision to classify forest lands to the persons and communities referred to in the first and second paragraphs of section 24.5, and shall cause a notice of classification to be published in the Gazette officielle du Québec.

The perimeter of the exceptional forest ecosystem must be delimited on the land use plan drawn up in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1).

2001, c. 6, s. 20.

24.7. The Minister may, subject to the same conditions, extend the boundaries of an exceptional forest ecosystem or, where the Minister considers that the grounds for classification no longer exist, declassify part or all of the site.

2001, c. 6, s. 20.

24.8. All forest management activities, except the activities specially authorized under a management permit, are prohibited in an exceptional forest ecosystem.

The Minister may, on the conditions determined by the Minister and after consulting the Minister of Sustainable Development, Environment and Parks, authorize a forest management activity where the Minister considers it expedient and if, in the Minister's opinion, the activity is not likely to have an adverse effect on the maintenance of biological diversity.

2001, c. 6, s. 20; 2006, c. 3, s. 35.

24.9. Where the Minister considers that the exercise of a mining right referred to in section 8 of the Mining Act (chapter M-13.1), within the boundaries of an exceptional forest ecosystem, may have an adverse effect on the maintenance of biological diversity, the Minister may order that all work cease and either enter into an agreement with the holder of the mining right providing for the abandonment of the right according to the procedure set out in the said Act, or expropriate the right in accordance with the Expropriation Act (chapter E-24).

2001, c. 6, s. 20.

DIVISION II.2

PROTECTION OF BIOLOGICAL REFUGES

24.10. The Minister may designate forest areas as biological refuges in order to protect certain mature or overmature forests that are representative of Québec's forest heritage and to maintain the biological diversity of those forests.

To that end, the Minister shall establish and define the boundaries of biological refuges on all or part of the forest lands of the domain of the State and manage the biological refuges in such a way as to ensure their continued protection.

The biological refuges are entered in the land use plan provided for in the Act respecting the lands in the domain of the State (chapter T-8.1).

2007, c. 39, s. 3.

24.11. The Minister may make any modification the Minister deems necessary to correct an error, inaccuracy or other incongruity that occurred in establishing the boundaries of a biological refuge.

The Minister may also modify the boundaries of a biological refuge or revoke its status if the area covered is no longer characterized by the biodiversity that initially warranted its preservation. If the refuge is entered in the register of protected areas kept by the Minister of Sustainable Development, Environment and Parks, the Minister must obtain the approval of that Minister before proceeding with the modification or revocation.

2007, c. 39, s. 3.

24.12. The Minister shall draw up and maintain a list of designated biological refuges.

The list is published on the department's website and contains the following information:

- (1) the number assigned to the biological refuge;
- (2) the number of the forest management unit within which the biological refuge is located; and
- (3) the geographical coordinates and the area of the biological refuge.

The geographical boundaries of a biological refuge must also be shown on maps accessible on the department's website.

2007, c. 39, s. 3.

24.13. Forest management activities are prohibited in the area covered by a biological refuge.

However, the Minister may authorize a forest management activity, on the conditions the Minister determines, if the Minister considers it expedient and if the activity is not likely to have an adverse effect on the maintenance of biological diversity. If the refuge is entered in the register of protected areas kept by the Minister of Sustainable Development, Environment and Parks, the Minister must consult that Minister for an opinion on the impact of the proposed activity before authorizing it.

2007, c. 39, s. 3.

DIVISION III

FOREST CONSERVATION

25. Every holder of a forest management permit must comply with the standards of forest management applicable to the holder's forest management activities, whether their application is prescribed by government regulation or imposed by the Minister pursuant to section 25.2.

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 forest management activities with the use of land in the domain of the State provided for in a plan contemplated in Division III of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1).

1986, c. 108, s. 25; 1987, c. 23, s. 93; 1999, c. 40, s. 140; 2001, c. 6, s. 21.

25.1. The Minister may make an order upon observing that the holder of a forest management permit is not complying with the conditions set out in the permit or with the forest management plan or the standards prescribed in or under this Act and applicable to the permit holder's forest management activities. The order shall require the offender to submit to the conditions set out in the management permit or comply with the management plan or the legal or regulatory provisions in force. The order may also require the offender to suspend all or part of a forest management activity, as indicated by the Minister, for the period and under the conditions set by the Minister.

The order must include reasons and shall take effect on the date on which it is served. Where the person to whom the order applies is the holder of a timber supply and forest management agreement or a forest management agreement, a copy of the order must be forwarded to all the agreement holders carrying on activities in the same management unit as the person referred to in the order.

Where the person to whom the order applies refuses or neglects to comply with it, the Minister, in addition to any other recourse, may apply to the Superior Court for an injunction ordering the person to comply with the order.

1993, c. 55, s. 8; 2001, c. 6, s. 22; 2003, c. 16, s. 7.

25.2. When approving or finalizing a general forest management plan, a management plan or an amendment to a plan, the Minister may, for all or part of the management unit or territorial unit concerned, impose on the holders of forest management permits subject to the plan the application of standards of forest management that differ from those prescribed by government regulation, where the latter do not provide adequate protection for all the resources in that unit due to the characteristics of the forest in that unit and the nature of the project to be carried out.

The Minister may, similarly, impose the application of different standards of forest management, at the request of a Native community or on the Minister's own initiative following consultation with a Native community, to facilitate the conciliation of forest management activities with the activities pursued by the community for food, ritual or social purposes.

The Minister shall define, in the plan, the standards of forest management to be imposed and specify the places where they are applicable and any regulatory standards they replace.

Before imposing the application of standards, the Minister shall consult the other ministers concerned.

1993, c. 55, s. 8; 2001, c. 6, s. 23.

25.2.1. The Minister may amend or revoke any decision made under section 25.2 and, for that purpose, amend the plan concerned where

(1) the grounds for applying different standards no longer exist;

(2) new data tend to indicate that the protection objectives targeted by the different standards cannot be met;

(3) the regulatory standards have been amended.

Before making a decision, the Minister shall consult the other ministers and, where applicable, the Native

communities concerned. The Minister must also inform the holders of forest management permits subject to the plan of the impending decision and give them an opportunity to present observations.

2001, c. 6, s. 23.

25.3. Where a general forest management plan, or an amendment to such a plan, is submitted to the Minister for approval, the Minister may, for all or part of the management unit or territorial unit concerned, permit a departure from the standards for forest management prescribed by government regulation if it is shown that the substitute measures proposed by the agreement or contract holder offer equivalent or superior protection for forest resources and the forest environment.

The plan must indicate the regulatory standards from which a departure is to be permitted and specify the scope of the substitute measures, the places where they will apply, the results they are designed to achieve and the mechanisms that will ensure their application.

Before giving authorization, the Minister shall consult the other ministers concerned.

A person does not contravene the regulatory provisions indicated in the general plan approved by the Minister if the person complies with the corresponding provisions of the plan.

1993, c. 55, s. 8; 2001, c. 6, s. 23.

25.3.1. The Minister may amend or revoke an authorization given under section 25.3 and make a corresponding amendment to the general plan where

(1) the Minister observes that all or some of the substitution measures have failed to achieve the results specified in the plan; or

(2) the regulatory standards have been amended.

Before making a decision, the Minister shall consult the other ministers concerned. The Minister must also inform the holders of forest management permits subject to the plan of the impending decision and give them an opportunity to present observations.

2001, c. 6, s. 23.

25.4. (Repealed).

1993, c. 55, s. 8; 1995, c. 37, s. 2; 1999, c. 36, s. 160; 2001, c. 6, s. 24; 2004, c. 11, s. 71.

26. The holder of a forest management permit shall scale all timber harvested in forests in the domain of the State according to the scaling standards prescribed by regulation of the Government. The choice of the scaling method by the holder from among the scaling methods prescribed by regulation of the Government must be approved by the Minister.

The holder of a forest management permit shall comply with the scaling instructions provided by the Minister in connection with the scaling method selected.

1986, c. 108, s. 26; 1993, c. 55, s. 9; 2001, c. 6, s. 25.

26.0.1. Any employee of the department designated by the Minister to ascertain compliance with the scaling standards provided in or enacted under this Act for timber harvested in forests in the domain of the State may, in the exercise of the functions of office, intercept, on a road in a forest environment, a road vehicle used for the conveyance of timber, and demand that the driver stop the vehicle so that the documents relating to timber transportation that the driver is required to have in his possession be controlled and verified. For that purpose, the employee may

- (1) establish stopping points and control points in a forest environment;
- (2) require that the driver submit the said documents and all related information for examination;
- (3) require that the driver or any person accompanying the driver provide reasonable assistance during verification.

The driver of the vehicle and any person accompanying the driver must immediately comply with the relevant requirements.

2004, c. 6, s. 1.

26.0.2. On request, the person designated by the Minister shall produce identification and a certificate signed by the Minister attesting the person's capacity.

2004, c. 6, s. 1.

26.1. Where the holder of a management permit entrusts the carrying out of work authorized under his forest management permit to a third person, he must inform that person in writing of the requirements of this Act and the regulations thereunder and of the prescriptions of the management permit relating to the forest management activities to be carried out.

The third person must comply with such requirements.

1988, c. 73, s. 12.

27. No person may operate a machine used for a forest management activity in the strip of woodland 20 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.

1986, c. 108, s. 27.

28. No person may operate a machine used for a forest management activity on the bed of a lake or watercourse, except

- (1) for the purpose of erecting a bridge or a culvert or completing bridging work;
- (2) in accordance with the norms prescribed by regulation under the Environment Quality Act (chapter Q-2), where such is the case.

1986, c. 108, s. 28; 1988, c. 73, s. 13.

28.1. No person may dump earth, slash, oil, chemical products or other contaminants of the same nature contemplated in the Environment Quality Act (chapter Q-2) into a lake or watercourse in carrying on a forest management activity.

1988, c. 73, s. 13.

28.2. No person may carry out a forest management activity within a zone of 60 metres in width on each side of any river or part of any river identified as a salmon river by the Minister without prior authorization to that effect from the Minister.

In the case of lands submerged through the erection of dams, the zone of 60 metres begins at the limit defined by the trees that have perished from being submerged.

1986, c. 108, s. 207; 1988, c. 73, s. 67; 1993, c. 55, s. 37; 1994, c. 17, s. 76; 1999, c. 36, s. 159; 2004, c. 11, s. 72.

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. The method and basis of calculating the annual allowable cut, described in the manual, must contain information on how to take into account zones that have been selected by the Minister and the Minister of Sustainable Development, Environment and Parks with a view to the latter Minister recommending to the Government that it grant the zones a temporary protected status under the Natural Heritage Act (chapter C-61.01).

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.

In addition, the manual shall describe the sampling methods for assessing silvicultural treatments that have been carried out to obtain the annual yields and the objectives for forest protection or forest development assigned by the Minister to a given forest territory, particularly objectives targeting biodiversity conservation.

For the territory referred to in section 95.7, the method and basis for calculating the annual allowable cut, described in the manual, must be determined taking into account the special provisions respecting the James Bay region set out in Division IV of Chapter III of this Title.

1986, c. 108, s. 29; 2001, c. 6, s. 26; 2003, c. 16, s. 8; 2006, c. 3, s. 35.

DIVISION IV FOREST ROADS

30. (Repealed).

1986, c. 108, s. 30; 1988, c. 73, s. 14; 1999, c. 40, s. 140; 2001, c. 6, s. 27.

31. No person may construct or improve 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.

A person who obtains authorization under the first paragraph shall comply with the forest management standards and scale any timber harvested when the road is constructed in accordance with section 26.

A forest road is a road constructed or used on land in the domain of the State in view of forest management activities under this Act.

1986, c. 108, s. 31; 1988, c. 73, s. 15; 1999, c. 40, s. 140; 2001, c. 6, s. 28.

32. No person may do work to construct, improve or decommission a forest road unless special authorization to do so is contained in the person's forest management permit.

1986, c. 108, s. 32; 1988, c. 73, s. 16; 2001, c. 6, s. 29; 2006, c. 45, s. 3.

32.1. A municipality may see to the maintenance and repair of all or part of a forest road in its territory, in accordance with an authorization obtained from the Minister.

The authorization must identify the road or part of a road concerned and may set out conditions, in particular as regards the work permitted or the manner of carrying out the work or of providing for its financing. It may be revoked at any time, after a notice given to the municipality at least 30 days before the revocation takes effect.

The authorization and any revocation must be published in the Gazette officielle du Québec. They take effect on the day they are published.

A non-revoked authorization ceases to have effect on the day that is five years after its effective date.

For the purposes of exercising its power under the first paragraph, the municipality may enter into an agreement with

any person on sharing the cost of the work or sharing the work itself.

2004, c. 20, s. 190.

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

Notwithstanding the first paragraph, the Minister may, for reasons of public interest, limit or prohibit access to a forest road.

1986, c. 108, s. 33; 1988, c. 73, s. 17.

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.

1986, c. 108, s. 34.

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.

1986, c. 108, s. 35.

CHAPTER III

FOREST MANAGEMENT FOR SUPPLY OF WOOD PROCESSING PLANTS

DIVISION 0.1

MANAGEMENT UNITS

35.1. The management unit is the basic territorial unit for forest management activities carried out to supply a wood processing plant, and more specifically for the determination of the annual allowable cut, forest protection and forest development objectives, and the means to be implemented to meet those objectives.

2001, c. 6, s. 30.

35.2. The Minister shall establish and make public, not later than 1 September 2002, the delimitation for management units. The delimitation shall come into force on 1 April 2008.

For the purposes of the delimitation, the Minister shall, as far as possible, take into account, in particular, the biophysical characteristics and historical use of the territory.

2001, c. 6, s. 30; 2003, c. 16, s. 9; 2005, c. 3, s. 1.

35.3. Each management unit shall consist, as far as possible, of a single block containing, in particular, the areas intended for forest production.

The perimeter of each unit shall be drawn on the maps kept by the department.

No management unit may be established to the north of the territorial limit determined by the Minister.

2001, c. 6, s. 30.

35.4. The Minister shall determine the annual allowable cut for the management unit, by species or group of species, and the annual yield of the areas intended for forest production, using the method and hypotheses prescribed in the forest management manual.

2001, c. 6, s. 30.

35.5. The annual allowable cut is the maximum volume of timber of a particular species or group of species that may be harvested annually in perpetuity from a given management unit without reducing the productive capacity of the forest environment.

The annual yield is the annual allowable cut for a particular species or group of species, expressed as the volume that may be harvested on average per hectare in an area intended for forest production, taking into consideration the age-class distribution of stands in the area concerned, the silvicultural techniques that may be applied and the bio-physical characteristics of the area.

Where the forest area contains high-quality hardwood or softwood species, the annual yield must be established taking into consideration the silvicultural techniques that permit not only to maintain the yield in volume but also to increase the quality of the timber harvested.

2001, c. 6, s. 30.

35.6. The Minister may also assign objectives, for the management unit, concerning the protection or development of forest environment resources, including biodiversity conservation objectives, as well as higher yield objectives to increase, through the carrying out of silvicultural treatments, the annual allowable cut over the long term.

Before assigning objectives, the Minister shall consult the other ministers concerned, if applicable, and, in conformity with the consultation policy referred to in section 211, the regional organizations or bodies concerned.

2001, c. 6, s. 30; 2003, c. 16, s. 10.

35.7. The annual allowable cut, annual yield and objectives assigned to the management unit shall be integrated into the general forest management plan for the unit.

The Minister shall supervise the preparation of the general plan.

2001, c. 6, s. 30.

35.8. The Minister may, in order to exercise the powers and functions set out in sections 35.4, 35.6 and 35.7, impose special requirements on the holders of timber supply and forest management agreements or forest management agreements.

2001, c. 6, s. 30.

35.9. A forest management unit may be the subject of several agreements under this chapter. In no case may the total volume of timber allocated under the agreements, by species or group of species, exceed the annual allowable cut for the management unit.

2001, c. 6, s. 30.

35.10. Where a management unit is the subject of several agreements, the plans, evaluations and corrective program referred to in section 61 and the annual report that must be filed in connection with the unit shall be filed jointly by all the agreement holders.

The agreement holders shall designate one of their number to act as their representative with the Minister as regards the preparation of a plan, corrective program or annual report of activities, and they shall advise the Minister of the designation. The agreement holders are solidarily liable for the payment of the costs incurred by the Minister pursuant to section 59.2 for establishing the general plan.

Each agreement holder is liable, for the purposes of paragraph 1 of section 60, only for the carrying out of the silvicultural treatments and other forest management activities for which that holder is responsible according to the annual management plan, but the holder is also warrantor for the carrying out of the other treatments and activities provided for by the plan as if the holder were bound as solidary surety.

In addition, the agreement holders are solidarily liable for the carrying out of the evaluations referred to in section 60, for the application of the corrective program referred to in section 61 and, in a case of failure to pay, for the payment of the costs incurred by the Minister pursuant to section 61.1.

2001, c. 6, s. 30; 2006, c. 45, s. 4.

35.11. Where a management unit is the subject of several agreements, the holders of the agreements must, at the request of one of the holders and unless otherwise provided under any other agreement between them, agree upon rules of management to facilitate the fulfilment, in whole or in part, of their obligations referred to in section 35.10.

If the holders have not come to an agreement 45 days after the notification of the request, one of them may require that the dispute be submitted to arbitration.

2001, c. 6, s. 30.

35.12. The arbitration proceedings are governed by the provisions of Book VII of the Code of Civil Procedure (chapter C-25), with the necessary modifications.

In making their decision, the arbitrators may take into account the rules of management applicable in other management units or in similar circumstances and those already agreed upon in respect of the unit concerned. The arbitration award operates as stipulations agreed upon between the parties with respect to the subject of the dispute.

2001, c. 6, s. 30.

35.13. No agreement under section 35.11 or arbitration award may be set up against the State. Any such agreement or award applies subject to the provisions of the general forest management plan that are referred to in paragraph 9 of section 52.

2001, c. 6, s. 30.

35.14. The Minister may, as an exceptional measure, modify the boundaries of a management unit, subdivide it or join it to another unit, where the Minister considers that the unit, or another unit, because of a reduction in the areas intended for forest production or for any other reason, no longer has the characteristics required for optimum forest management. The same applies where the Minister considers it expedient to modify the northern limit.

The Minister shall make the new delimitation public at least two years before the date set for the forwarding of new general forest management plans ; the date of coming into force of the new delimitation shall be the same as the date applicable to the general plans.

For the establishment of the first general plan of a new management unit and the related consultations, and for the following five-year revision of the agreements, every holder of a current agreement covering all or part of the new unit is deemed to be the holder of an agreement concerning that unit and allocating, by species or group of species, a volume of timber equal to the percentage allocated under the current agreement in the common area.

Where production areas are withdrawn from a forest production area in circumstances described in section 35.15, sections 77.4 and 77.5 apply. The same applies where production areas are withdrawn following a modification to the northern limit.

2001, c. 6, s. 30.

35.14.1. Despite section 35.14, the Minister may, without being required to comply with the formalities described in the second paragraph of that section, modify the boundaries of a management unit to correct a clerical or technical error that occurred when the unit was delimited or to include within the unit forest lands acquired by the State after it was delimited.

The Minister shall make public the new delimitation for the management unit. It comes into force at that time.

2007, c. 39, s. 4.

35.15. The Minister may, without modifying the boundaries of a management unit, modify the areas intended for forest production on the grounds of public interest, and in particular in response to:

(1) the classification of an exceptional forest ecosystem or a change to the boundaries of a previously classified ecosystem;

(1.1) the designation of a biological refuge or any modification concerning that designation;

(2) the application of another Act, which includes taking into account zones that have been selected by the Minister and the Minister of Sustainable Development, Environment and Parks with a view to the latter Minister recommending to the Government that it grant the zones a temporary protected status under the Natural Heritage Act (chapter C-61.01);

(3) a modification to a land use plan referred to in Division III of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1).

The Minister may, as an exceptional measure, so modify the areas intended for forest production by reason of the issue of a permit for the cultivation and operation of a sugar bush or by reason of the carrying on of an agricultural activity.

2001, c. 6, s. 30; 2003, c. 16, s. 11; 2006, c. 3, s. 35; 2007, c. 39, s. 5.

35.16. In addition to the modifications that may be made when the Minister approves or finalizes the general plan, the annual allowable cut, annual yield and objectives assigned to the management unit shall be revised every five years.

They may be revised by the Minister, where the Minister considers it expedient, following a modification to the boundaries of a management unit or to the areas intended for forest production, the issue of a permit for the cultivation and operation of a sugar bush in an area intended for forest production, the occurrence of an event mentioned in section 79 or the issue of an order under section 80.1. The same applies where considered expedient by the Minister by reason of the carrying on of an agricultural activity in an area intended for forest production, by reason of substantial modifications made to the standards of forest management or to forest practices that significantly affect the annual allowable cut, annual yield or objectives assigned to the management unit, or if the tools used in the calculation of the forest production assigned to the units were replaced by tools improving the precision of the calculations, and there are significant differences in the results of those calculations.

2001, c. 6, s. 30; 2007, c. 39, s. 6.

35.17. The information contained in general forest management plans, annual management plans and corrective programs mentioned in sections 61 and 77.3, as approved or finalized by the Minister, and the information contained in the reports filed under section 55 or 70, is public information.

2001, c. 6, s. 30.

DIVISION I

TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS

§ 1. — *Making of agreements*

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.

1986, c. 108, s. 36.

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.

Moreover, any person so authorized who acquires a plant, or the right to operate a plant, which is or has been operated under a timber supply and forest management agreement is so qualified only if the dues, contributions to the forestry component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) referred to in section 73.4, 92.0.2 or 92.0.11 and assessments to forest protection organizations payable by the holder of such agreement have been paid in full.

The second paragraph does not apply if the holder has made an assignment of property or if a receiving order has been made against him under the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3).

1986, c. 108, s. 37; 1991, c. 47, s. 2; 2001, c. 6, s. 31; 2004, c. 6, s. 2; 2011, c. 16, s. 49.

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 or units covered by the agreement.

1986, c. 108, s. 38; 2001, c. 6, s. 32.

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.

1986, c. 108, s. 39.

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.

1986, c. 108, s. 40.

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 60 days after the date of the act or transaction concerned.

1986, c. 108, s. 41.

§ 2. — *Object of agreements*

42. A timber supply and forest management agreement entitles its holder to obtain, each year, for the forest management unit or units 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 provided he attains the annual yields and objectives assigned to the management units concerned, and subject to approval by the Minister of his annual management plan.

1986, c. 108, s. 42; 2001, c. 6, s. 33.

43. The annual volume of round timber from forests in the domain of the State 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 forests, the volumes of timber allocated under forest management agreements, the volumes of timber that may be harvested by the holders of forest management contracts, chips, sawdust, shavings, timber from outside Québec and recycled wood fibres.

1986, c. 108, s. 43; 1990, c. 17, s. 3; 1999, c. 40, s. 140; 2001, c. 6, s. 34.

43.1. The Minister shall indicate, in the agreement, the volume of round timber of each species or group of species allocated for each management unit covered by the agreement.

2001, c. 6, s. 35.

43.1.1. An agreement holder may, with no further formality than that described in the third paragraph, send timber harvested during the year which, under the agreement, was intended for the agreement holder's wood processing plant to other processing plants operating under a timber supply and forest management agreement; the sum of the volumes of timber that may be sent to other processing plants during a given year may not exceed the volume of timber determined by regulation of the Government.

The sum of the volumes of timber from other wood processing plants operating under a timber supply and forest management agreement that are sent to the processing plant referred to in the agreement holder's agreement during a given year may not exceed the volume of timber determined by regulation of the Government. Additional volumes of timber equal to the volumes of timber that the agreement holder may have sent to other processing plants under the first paragraph may be added to that volume.

The agreement holder must, beforehand, submit to the approval of the Minister any modification to the annual management plan, specifying the wood processing plant or plants to which the timber is to be sent and the volume of timber of the species or groups of species sent to each. After making sure the change in destination is in conformity with this section, the Minister shall approve the annual plan and modify the management permit accordingly.

Volumes of timber whose destination was changed under section 43.2 are not taken into account in calculating volumes of timber under this section.

2006, c. 45, s. 5.

43.2. The Minister may, as an exceptional measure, allow that part of the round timber harvested by the agreement holder, in the course of a year, be intended for a processing plant other than the plant specified in the agreement, in particular where the Minister considers it necessary to avoid a deterioration or loss of timber or to ensure the optimal use of the timber.

The Minister may also, on the request of an agreement holder, authorize the agreement holder to send part of the round timber harvested in the course of a year to a wood processing plant not referred to in the agreement to make up for an inadequate supply for that processing plant resulting from the economic context, if the Minister considers that transferring the timber will prevent the temporary closure or reduce the duration of the closure of the processing plant. The Minister may also, on the request of agreement holders, authorize exchanges of timber between two wood processing plants to reduce timber transportation costs. In making a decision, the Minister must take into account the impact the decision will have on the local and regional economy and on the marketing of timber from private forests.

2001, c. 6, s. 35; 2006, c. 45, s. 6.

44. (Repealed).

1986, c. 108, s. 44; 2001, c. 6, s. 36.

45. (Repealed).

1986, c. 108, s. 45; 2001, c. 6, s. 36.

46. (Repealed).

1986, c. 108, s. 46; 2001, c. 6, s. 36.

46.1. Where for a particular year the Minister considers that surpluses will be available in sources of supply mentioned in paragraph 2 of section 43 other than timber from outside Québec, he may, to promote their utilization by agreement holders, to such extent as may be permitted to ensure the sustained yield, take, on or before 1 March of the preceding year, in respect of agreement holders for any category of wood processing plant he identifies and in respect of a species or a group of species he determines, the measure set out in the third paragraph. The Minister may, if he considers it appropriate, take that measure only in respect of the territory he determines.

The Minister may, in September of the year concerned, take the measure set out in the third paragraph or change or terminate any measure taken previously.

The Minister may, for the year concerned, fix a percentage by which the volume of timber allocated under the agreements of the agreement holders concerned is to be reduced, and determine criteria that may vary according to classes of wood processing plants for the evaluation by the Minister of the performance of the agreement holders as regards the use of ligneous matter in the plant mentioned in the agreement. In order to attain the specified reduction, the Minister shall prescribe that the volume of timber which each agreement holder concerned will be authorized to harvest in a management unit situated in the territory delimited by the Minister may not exceed the volume allocated by species or group of species for that unit reduced by a percentage that the Minister may cause to vary between agreement holders on the basis of their performance.

This section does not apply to agreement holders who hold an operating permit for a wood processing plant with an annual authorized timber consumption of 100,000 m³ or less.

1990, c. 17, s. 4; 1993, c. 55, s. 10; 1996, c. 14, s. 3; 1997, c. 33, s. 2; 2001, c. 6, s. 37.

46.2. A ministerial order under section 46.1 is not subject to the provisions of sections 8 and 17 of the Regulations Act (chapter R-18.1). It shall be published in the Gazette officielle du Québec and comes into force on the date indicated therein.

1997, c. 33, s. 3.

§ 3. — *Management area covered by an agreement*

47. The management area covered by an agreement shall comprise one or more management units.

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.

1986, c. 108, s. 47; 2001, c. 6, s. 39.

48. (Repealed).

1986, c. 108, s. 48; 2001, c. 6, s. 40.

49. (Repealed).

1986, c. 108, s. 49; 1988, c. 73, s. 18; 2001, c. 6, s. 40.

50. The management area covered by an agreement cannot be altered during the period covered by the agreement, except during the five-year revision under section 77 or pursuant to section 77.5, 80, 81, 81.1 or 81.2.

1986, c. 108, s. 50; 1990, c. 17, s. 5; 1999, c. 40, s. 140; 2003, c. 16, s. 12; 2006, c. 3, s. 35; 2001, c. 6, s. 41.

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

i. PLANS

51. Every agreement holder must, before 1 April 2007 and every five years thereafter, establish and submit to the Minister, for approval, a general forest management plan for each management unit covered by the holder's agreement. Where several agreements concern the same management unit, the agreement holders must submit a joint plan.

The plan must be approved by a forest engineer.

1986, c. 108, s. 51; 1988, c. 73, s. 19; 1995, c. 37, s. 3; 2001, c. 6, s. 42; 2003, c. 16, s. 13; 2005, c. 3, s. 7.

52. A general plan must include

(1) a description of the management unit concerned with a summary description of its socio-economic context, indicating the sectors to be protected, the areas intended for forest production and the bio-physical characteristics of those areas;

(2) the annual allowable cut, the annual yield and the objectives assigned to the management unit;

(3) a description of the forest management strategies selected by the Minister to achieve the annual allowable cut, annual yield and objectives;

(4) a description of the prevention methods and suppression methods to be used to minimize the impact on the annual yield and the objectives of entomological and pathological problems that may affect the management unit;

(5) a five-year program describing the forest management activities to be carried out for the implementation of the forest management strategies, on the basis of the bio-physical characteristics of the areas concerned and the resulting operational constraints;

(6) (paragraph repealed);

(7) a map, drawn to the scale determined by the Minister, showing the sites where the main infrastructures could be established and the programmed activities carried out during the period covered by the general plan;

(8) a summary of the forest management activities carried out in the area corresponding to the forest management unit since the beginning of the period covered by the general plans in force, setting out the management strategies implemented, the results of the evaluations provided for in section 60 and the advancement of the work to implant or renew the main infrastructures;

(9) where several agreements concern the same area, a decision-making and dispute settlement procedure applicable to the preparation and implementation of the annual management plan;

(10) where applicable, a summary of ecoforest knowledge of the forest management unit gathered pursuant to section 59.4;

(11) any other element determined by regulation of the Government.

1986, c. 108, s. 52; 1988, c. 73, s. 20; 1995, c. 37, s. 4; 2001, c. 6, s. 42; 2006, c. 45, s. 7; 2007, c. 39, s. 7.

53. The five-year program for forest management activities shall identify among the areas in which forest

management activities are carried out, the areas in which other users have expressed an interest. It shall also identify, among the existing road infrastructures and the road infrastructures to be built, those to which access must be blocked or that must be decommissioned during the period covered by the general plan, and in the case of decommissioning, it shall state which roads or rights-of-way are to be returned to forest productivity. Where applicable, the general plan shall determine the implementation schedule for the activities concerned and the other management procedures that are to apply.

1986, c. 108, s. 53; 1988, c. 73, s. 21; 1990, c. 17, s. 6; 2001, c. 6, s. 42; 2006, c. 45, s. 8.

53.1. (Replaced).

1990, c. 17, s. 7; 2001, c. 6, s. 42.

54. In order to take into consideration the interests and concerns of the other users of the land in the forest management unit and to avoid disputes concerning the carrying out of forest management activities, the agreement holders must issue invitations to take part in the preparation of the general plan to

(1) the regional county municipalities and, where applicable, the urban community whose territory contains any part of the management unit concerned ;

(2) the Native communities concerned, represented by their band councils ;

(3) any person or body that, for the area covered by the forest management unit concerned, in accordance with the Act respecting the conservation and development of wildlife (chapter C-61.1), has entered into an agreement for the management of a controlled zone, is authorized to organize activities or provide services in a wildlife sanctuary, or holds an outfitter's licence ; and to

(4) any person holding a sugar bush management permit in an area intended for forest production within the management unit and any person leasing land within such an area for agricultural purposes.

The agreement holders may also issue invitations to any other person, organization or body to take part in the preparation of the plan.

1986, c. 108, s. 54; 1988, c. 73, s. 22; 1990, c. 17, s. 8; 2001, c. 6, s. 42.

55. The agreement holders shall forward to the Minister, with the general plan, a report identifying the persons or bodies invited to take part in the preparation of the plan and those that have taken part, describing the participation process applied and stating, where applicable, the points on which the proposals of the participants diverged from the provisions of the plan.

The agreement holders shall forward a copy of the report to the participants.

1986, c. 108, s. 55; 1988, c. 73, s. 23; 1995, c. 37, s. 5; 2003, c. 16, s. 14; 2001, c. 6, s. 42.

55.1. (Replaced).

1988, c. 73, s. 23; 2003, c. 16, s. 15; 2001, c. 6, s. 42.

55.2. (Replaced).

1988, c. 73, s. 23; 2001, c. 6, s. 42.

56. (Repealed).

1986, c. 108, s. 56; 1988, c. 73, s. 24.

57. (Replaced).

1986, c. 108, s. 57; 1988, c. 73, s. 25; 2001, c. 6, s. 42.

58. (Replaced).

1986, c. 108, s. 58; 1988, c. 73, s. 26; 2001, c. 6, s. 42.

58.1. The Minister shall make the general plan and the report referred to in section 55 available for examination by the public for a period of 45 days prior to the approval of the plan.

1988, c. 73, s. 27; 2001, c. 6, s. 43.

58.2. The agreement holder shall, during the period prescribed in section 58.1 and in accordance with the procedure established by the Minister, consult the persons or groups who applied therefor in the first 25 days of that period. The application for consultation must be made in writing, give reasons and state the interest of the applicant in the forest to which the plan applies.

The agreement holder shall send a document to the Minister setting out the comments received during the consultation and the action he intends to take in consequence.

1993, c. 55, s. 11; 2001, c. 6, s. 44.

58.3. In the case of a dispute between an agreement holder and a participant referred to in section 55 or a person or group referred to in section 58.2, the Minister may appoint a conciliator, who shall make recommendations to him within 20 days following the appointment.

1993, c. 55, s. 11; 2001, c. 6, s. 45.

59. Every agreement holder must, before 1 January of the year 2008 and of every subsequent year, establish an annual management plan for every forest management unit covered by the agreement holder's agreement and submit the plan to the Minister for approval. Where several agreements concern the same management unit, the agreement holders must submit a joint plan.

If unable to submit an annual plan to the Minister before the date set in the first paragraph, the agreement holder must give the Minister notice, before that date, of the date on which the plan will be submitted.

The plan must be approved by a forest engineer.

1986, c. 108, s. 59; 2001, c. 6, s. 46; 2003, c. 16, s. 16; 2005, c. 3, s. 8; 2007, c. 39, s. 8.

59.1. The annual plan must include

(1) a description of the forest management activities for which a forest management permit may be required in order to carry them out during the period covered by the plan for the implementation of the five-year program included in the general plan. Where the general plan contains an implementation schedule or specific management procedures for the areas referred to in section 53 or for decommissioning road infrastructures and, where applicable, returning them to forest productivity, they must be complied with;

(2) a map, drawn to the scale determined by the Minister, showing the site of the forest management activities and, where applicable, the schedules for carrying out forest management activities, which the Minister may impose in order to ensure that the forest management strategies adopted to reach the annual allowable cut, annual yield and objectives assigned to the management unit are applied;

(3) where several agreements cover the same area, an indication of the agreement holder responsible for carrying out each forest management activity;

(4) where several agreements concern the same area, the rules and method for allocating among the agreement holders the credits to which they are entitled under this Act;

(5) an estimate of the volume of round timber, by species or group of species, intended for the wood processing plant of each agreement holder or, under section 43.1.1, intended for other wood processing plants;

(6) every other element determined by regulation of the Government.

The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed or by other documents or information determined or accepted by the Minister, which may vary with the silvicultural treatments to be carried out. The forest inventory data, documents or information used in preparing the prescriptions must be forwarded to the Minister on request.

2001, c. 6, s. 46; 2003, c. 16, s. 17; 2006, c. 45, s. 9; 2007, c. 39, s. 9.

59.2. The Minister may approve a plan, reject it, or approve it with the amendments the Minister indicates.

If the holders of agreements concerning the same management unit fail to agree on a joint general plan before the deadline for submitting it to the Minister, they must submit to the Minister, before the same deadline, a document setting out the points on which they agree and disagree, together with the report referred to in section 55. The plan shall be finalized by the Minister at the expense of the agreement holders, once at least 45 days' public notice has been given of the place where the draft plan and the report may be consulted.

2001, c. 6, s. 46; 2007, c. 39, s. 10.

59.3. The general plan approved or finalized by the Minister shall come into force on 1 April of the year following the year during which the plan is to be submitted to the Minister, except the elements listed in paragraph 9 of section 52 which apply immediately ; the general plan shall cover a period of five years.

The annual management plan shall come into force on 1 April following its transmission to the Minister, or on the date of approval, if later ; the period covered by the annual management plan shall terminate on the following 31 March.

2001, c. 6, s. 46.

59.4. Within a reasonable time after approving or drawing up the general plan, the Minister shall specify the ecoforest information on the forest management unit that the agreement holders must acquire before preparing the following plan. The Minister shall set a deadline for making the ecoforest information available to the Minister.

2001, c. 6, s. 46.

59.5. The agreement holders may, at any time, submit modifications to the general forest management plan or annual management plan to the Minister for approval.

2001, c. 6, s. 46.

59.6. The agreement holders must submit to the Minister for approval, at the request of the Minister and within the time fixed by the Minister, the modifications to the general plan needed following the revision, pursuant to the second paragraph of section 35.16, of the annual allowable cut, annual yield and objectives.

The same rule applies, but only with regard to the five-year program of activities, if the Minister, even where no revision has been carried out pursuant to the said section, considers it expedient in a circumstance described in the above-mentioned section.

Where, during a given year, the Minister notes inaccuracies in the silvicultural prescriptions accompanying the annual management plan or the forest inventory data, documents or information used in preparing those prescriptions, the Minister may require that the agreement holders submit modifications to the annual plan for approval, within the time determined by the Minister, in order that the necessary corrections may be made to the annual plan on the basis of the new data.

2001, c. 6, s. 46; 2003, c. 16, s. 18; 2007, c. 39, s. 11.

59.7. If the Minister enters into a new agreement concerning a management unit already covered by an approved or finalized general forest management plan, or if the Minister modifies the management area under an existing agreement to include such a unit, the new agreement holder shall be subject to the existing plan.

However, the Minister may require that the agreement holders submit for approval, within the time fixed by the Minister, modifications to the five-year plan of activities under the general plan if the general plan does not allow for the new agreement.

If the annual management plan has already been approved when the new agreement is entered into or the management area of the agreement is modified, the agreement holders must submit modifications to the plan for approval within the time fixed by the Minister.

2001, c. 6, s. 46.

59.8. All modifications made to the general plan or annual plan under sections 59.5 to 59.7 shall be established and approved or finalized in accordance with the rules applicable to the initial plan.

If the only elements to be called into question are those referred to in paragraph 9 of section 52, the modifications to the general plan shall not be subject to the participation or consultation process provided for in the Act.

2001, c. 6, s. 46.

59.9. The Minister may, on his own initiative and with no further formalities, rectify a plan to correct a clerical error.

2001, c. 6, s. 46.

59.10. An agreement holder must, at the request of the Minister and within the time fixed by the Minister, provide to the Minister any additional information, research or survey the Minister considers necessary before approving a plan or modifications to a plan or, where applicable, before finalizing a general plan.

2001, c. 6, s. 46.

59.11. Plans approved or finalized by the Minister, and modifications to such plans, are part of the agreement concerning the management unit.

Only general forest management plans and modifications to such plans shall be registered in the public register mentioned in section 38.

2001, c. 6, s. 46.

ii. FOREST MANAGEMENT ACTIVITIES

60. Every agreement shall include an undertaking by the agreement holder, for every management unit covered by the agreement,

(1) to carry out every year, at the agreement holder's expense, the silvicultural treatments and other forest management activities approved in the annual plan and authorized under the management permit ;

(1.1) to provide, on request and within the time determined by the Minister, photographic, videographic or other documents containing information permitting an assessment of the progress of the forest management work carried out during a given year by the agreement holder, particularly to make sure that such work complies with forest management standards;

(2) to apply the corrective programs established under sections 61 and 77.3, if necessary ;

(3) to evaluate, using the method provided for in the Minister's instructions concerning the application of a ministerial order establishing the value of silvicultural treatments eligible in payment of dues, the quality and quantity of the treatments carried out during the period covered by the annual agreement ;

(4) to evaluate, using the method provided for in the forest management manual, the state of the forest stands following the application of silvicultural treatments, to determine their ability to produce the desired results ;

(5) to evaluate, using the method provided in the Minister's instructions concerning the estimation of the volume of timber affected by harvesting, the volume of ligneous matter left on the harvest sites of the management unit, including the trees or parts of trees, by species or group of species, that should have been harvested in carrying out silvicultural treatments approved in the annual plan and authorized under the management permit.

Notwithstanding the first paragraph, an agreement holder may, with the authorization of and on the conditions determined by the Minister, carry out an evaluation using another method of equal or superior effectiveness.

The sampling units and sample design used in applying an evaluation method must be submitted to the Minister for approval.

1986, c. 108, s. 60; 1988, c. 73, s. 28; 2001, c. 6, s. 47; 2003, c. 16, s. 19; 2006, c. 45, s. 10; 2007, c. 39, s. 12.

61. The Minister may, after observing that the substitution measures authorized pursuant to section 25.3 have not led to the achievement of the results described in the general forest management plan, require the holder of the agreement concerning the management unit to submit, on the conditions and within the time fixed by the Minister, a corrective program of measures designed to ensure the achievement of the results. Where the management unit is covered by several agreements, the agreement holders must present a joint program.

The Minister shall approve the program with or without modification. The Minister may finalize a program if an agreement holder fails to submit a program within the time fixed pursuant to the first paragraph or, where several agreements concern the same management unit, if the agreement holders have failed to agree on a joint program within that time ; the costs incurred by the Minister for the purpose of the program must be reimbursed by the agreement holder, solidarily with the other agreement holders concerned where applicable.

1986, c. 108, s. 61; 1995, c. 37, s. 6; 2001, c. 6, s. 47.

61.1. The Minister may, where an agreement holder fails to perform a contractual obligation referred to in section 60, perform the obligation at the expense of the agreement holder.

2001, c. 6, s. 47.

62. (Repealed).

1986, c. 108, s. 62; 2001, c. 6, s. 48.

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, on payment of the cost of copying and forwarding the data.

1986, c. 108, s. 63; 2001, c. 6, s. 49.

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 yields and the objectives assigned to a management unit under an agreement.

1986, c. 108, s. 64; 2001, c. 6, s. 50.

65. (Repealed).

1986, c. 108, s. 65; 2001, c. 6, s. 51.

66. (Repealed).

1986, c. 108, s. 66; 1988, c. 73, s. 29; 1990, c. 17, s. 9; 2001, c. 6, s. 51.

67. (Repealed).

1986, c. 108, s. 67; 1988, c. 73, s. 30; 2001, c. 6, s. 51.

68. (Repealed).

1986, c. 108, s. 68; 1988, c. 73, s. 31.

69. (Repealed).

1986, c. 108, s. 69; 1988, c. 73, s. 31.

70. Every agreement holder must, before 1 November each year, prepare and submit a report of activities to the Minister for each management unit covered by the agreement holder's agreement. Where several agreements concern a management unit, the agreement holders must present a joint report.

An annual report must contain

(1) a statement of the forest management activities carried out during the period covered by the preceding annual management plan and a map, drawn to the scale determined by the Minister, of the site of the activities;

(2) the results of evaluations made under subparagraphs 3 to 5 of the first paragraph of section 60;

(3) a progress report, as of the preceding 31 March, on the five-year program provided for in the general forest management plan;

(4) a statement of the volume of round timber, by the species or group of species specified in the agreement and by the quality of the timber, that each agreement holder has intended for the processing plant referred to in the agreement or, under this Act, for another processing plant during the period covered by the preceding annual plan;

(5) any other element determined by regulation of the Government.

The report must be approved by a forest engineer.

1986, c. 108, s. 70; 1988, c. 73, s. 32; 1995, c. 37, s. 7; 2001, c. 6, s. 52; 2006, c. 45, s. 11; 2007, c. 39, s. 13.

ii.1. — *VERIFICATION*

70.1. The Minister may, for the purposes of this Act, authorize an inspector to verify the scaling data, the credits applicable to the payment of prescribed dues and the data and information contained in an annual report. An inspector authorized by the Minister may, in particular, for verification purposes,

(1) gain access, at any reasonable time, to a place where the inspector has reasonable cause to believe that books, registers or other documents currently or previously used by the agreement holder in determining the payment of prescribed dues, justifying the credits applicable to the payment of dues or preparing the report are to be found;

(2) examine and make copies of such documents, and require all information relating to the forest management activities of the agreement holder or to evaluations of silvicultural treatments;

(3) require the agreement holder or any other person on the premises to provide reasonable assistance for the purposes of the verification.

2001, c. 6, s. 53; 2003, c. 16, s. 20.

70.2. On request, an inspector authorized by the Minister shall produce identification and a certificate of authorization signed by the Minister.

2001, c. 6, s. 53.

70.3. The Minister shall verify each year, using a sampling technique or otherwise, the reliability of the results of the evaluations appearing in the annual report. The Minister shall prepare a report on the verification and forward a copy to the holders of agreements concerning the management unit concerned.

2001, c. 6, s. 53.

70.4. The verification shall not release the agreement holder from the obligations incumbent upon the holder; more specifically, the verification shall not be considered as an attestation of compliance with the applicable management standards or, with regard to silvicultural treatments, as recognition of their ability to achieve the desired results or their eligibility in payment of dues.

2001, c. 6, s. 53.

iii. DUES PAYABLE

71. Every agreement holder shall pay, in respect of the timber harvested during the term of his forest management permit, such amount of dues as is obtained by multiplying the volume of timber harvested by the applicable unit rate, less any credits to which the agreement holder may be entitled pursuant to this Act. The dues are payable by the agreement holder at the times determined by government regulation.

1986, c. 108, s. 71; 1990, c. 17, s. 10; 1997, c. 33, s. 4; 2001, c. 6, s. 54.

72. The unit rate applicable for each species or group of species and quality of timber 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.

However, the Minister may, in a forest tariffing zone, adjust for each species or group of species and quality of timber the unit rate calculated in accordance with the first paragraph according to the volumes of timber harvested annually by the agreement holder and determined by the Minister.

1986, c. 108, s. 72; 1988, c. 73, s. 33; 2001, c. 6, s. 55.

73. (Repealed).

1986, c. 108, s. 73; 1997, c. 33, s. 5.

73.1. The dues that an agreement holder is required to pay are payable in cash or by way of silvicultural treatments carried out, in accordance with section 60, to attain the annual yields and the objectives assigned to the management unit.

The Minister may authorize, as payment of dues, any other activity intended to promote the protection or development of forest resources.

To be admitted as payment of dues, the silvicultural treatments or other forest management activities applied or carried out by the agreement holder must have been accepted by the Minister following the presentation of the annual report prescribed by section 70.

The Minister may also authorize, as payment of dues, the financing, by the agreement holder, of any activity for the protection or development of forest resources carried out by a third person in a forest management unit, a public forest reserve or a private forest, in accordance with this Act. It must be evidenced in a prior agreement, approved by

the Minister on the conditions he may determine, between the agreement holder and the person to whom financing is granted for the carrying out of the activities. The prior agreement must provide for, in particular, the establishment of an activity plan, the costs of carrying out such activities and their sources of financing as well as a report approved by a forest engineer in the case of forest management activities or, in any other case, by a professional designated by the Minister, on the activities carried out in the year. The conditions governing the granting of credits applicable to the payment of the prescribed dues shall be determined by regulation of the Government.

However, contributions paid by an agreement holder to a regional agency for private forest development pursuant to section 124.29 or contributions paid pursuant to section 73.4 are not admitted as payment of dues.

The Minister shall reimburse to an agreement holder any sum corresponding to the amount of credits accepted by the Minister under this section in payment of dues for a given year that is in excess of the dues that must be paid by the holder in respect of the timber harvested during the term of the agreement holder's forest management permit. However, this sum must be reduced by any contributions owed to the forestry component of the Natural Resources Fund or assessments owed to a forest protection organization recognized by the Minister under this Act.

1990, c. 17, s. 11; 1995, c. 37, s. 8; 1996, c. 14, s. 4; 1997, c. 33, s. 6; 2001, c. 6, s. 56; 2003, c. 16, s. 21; 2001, c. 6, s. 56; 2011, c. 16, s. 51.

73.2. An agreement holder must prepare and submit to the Minister, in the form and tenor determined by regulation of the Government, a periodic progress report on silvicultural treatments or other activities the agreement holder carries out in the management unit. The progress report must be approved by a forest engineer in the case of forest management activities or, in any other case, by a professional designated by the Minister.

The dates on which progress reports must be submitted and the periods they must cover are set by the Minister after consultation with the agreement holder.

On receipt of a progress report, the Minister may, at the request of the agreement holder, grant a provisional credit corresponding to the value of the silvicultural treatments or other activities which have been carried out and applicable to the payment of the prescribed dues. However, an agreement holder who has treatments or activities carried out by a third party may be granted a credit only if the agreement holder has already paid to that third party the total cost of the treatments or activities that have been carried out and are the subject of the request for credit.

If the Minister deems that at the end of a given year the credits could exceed the dues the agreement holder must pay that year for the timber harvested, the Minister may, after having granted a provisional credit under this section, reimburse to the agreement holder the sum corresponding to the amount of credits that is in excess of the dues payable. However, the Minister must reduce that sum by any contributions owed to the forestry component of the Natural Resources Fund or assessments owed to a forest protection organization recognized by the Minister under this Act.

Following the presentation of the annual report, the credits are adjusted, if need be, to ensure that they correspond to the value of the treatments or other activities accepted by the Minister under section 73.1.

If an agreement holder fails to comply with this section, the Minister may refuse to grant a provisional credit until the agreement holder complies with this section or until a decision on the granting of the provisional credit is made following the presentation of the annual report. The Minister may also cancel 10% of the provisional credits already granted and postpone the decision on the granting of credit to the time the annual report is presented.

1990, c. 17, s. 11; 1995, c. 37, s. 9; 2007, c. 39, s. 14; 2011, c. 16, s. 51.

73.3. The value of the treatments, other activities and contributions to financing referred to in section 73.1 shall be fixed by the Minister according to the rules of calculation determined by regulation of the Government.

1990, c. 17, s. 11; 1995, c. 37, s. 10; 1997, c. 33, s. 7.

73.3.1. (Repealed).

1997, c. 33, s. 8; 2001, c. 6, s. 58.

73.3.2. (Repealed).

1997, c. 33, s. 8; 2001, c. 6, s. 58.

73.3.3. (Repealed).

1997, c. 33, s. 8; 2001, c. 6, s. 58.

73.3.4. (Repealed).

1997, c. 33, s. 8; 2001, c. 6, s. 58.

iv. CONTRIBUTIONS TO FORESTRY COMPONENT OF NATURAL RESOURCES FUND

73.4. Every agreement holder must, at such intervals as are determined by regulation of the Government, pay to the Minister a contribution for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in his agreement and is determined on the date or dates fixed by the regulation.

1996, c. 14, s. 5; 2001, c. 6, s. 59.

73.5. The Minister shall collect the contributions of the agreement holders and credit them to the forestry component of the Natural Resources Fund.

1996, c. 14, s. 5; 2011, c. 16, s. 51; 2011, c. 18, s. 150.

73.6. The Minister may refuse to issue a forest management permit if the agreement holder does not pay his contribution.

1996, c. 14, s. 5.

§ 5. — *Term and revision*

74. The term of an agreement shall be 25 years. It comes into effect on the date of its registration by the Minister.

1986, c. 108, s. 74.

75. At the expiry of each period covered by a general forest management plan during which an agreement holder has fulfilled his obligations under this Act, the term of the agreement shall be extended for five years or, if the agreement was entered into during the term concerned, for a period equal to the period elapsed since its effective date.

1986, c. 108, s. 75; 2001, c. 6, s. 60.

76. (Repealed).

1986, c. 108, s. 76; 1993, c. 55, s. 12; 2001, c. 6, s. 61.

77. The Minister may, every five years after approving or finalizing a general forest management plan and after giving the agreement holder an opportunity to present observations, revise the volume of timber allocated under any agreement concerning the management unit, withdraw the management unit from the agreement or add other management units to the agreement so as to reflect

(1) changes in the requirements of the wood processing plant ;

(2) changes in the availability of timber from private forests or from outside Québec, changes in the availability of timber in the form of wood chips, sawdust, shavings or recycled wood fibres, and changes in the availability of volumes of timber allocated under forest management agreements or in the evaluation of the volumes that may be harvested by the holders of forest management contracts ;

(3) the average annual volume of timber, by origin, used by the plant since the beginning of the period covered by the preceding general management plans ;

(4) the annual allowable cuts assigned to the management unit in the new plan ;

(5) all the forest management activities carried out in the management unit since the beginning of the period covered by the preceding general plans, and especially the impact of those activities on the state of conservation of the forest and the forest environment and the effectiveness of the silvicultural treatments and the other protection and conservation measures applied ;

(6) a change or lack of improvement in the industrial performance of the agreement holder in the use of ligneous matter in the processing plant mentioned in the agreement since the beginning of the period covered by the preceding general plans.

Modifications to the agreements are applicable in respect of forest management activities carried out after the coming into force of the new general plans.

The Minister may reserve or allocate any volume of timber that becomes available pursuant to this section, as the Minister considers expedient.

1986, c. 108, s. 77; 1988, c. 73, s. 34; 1990, c. 17, s. 12; 1999, c. 40, s. 140; 2001, c. 6, s. 62.

77.1. No increase in volume may be allocated pursuant to section 77 if the Minister considers that the forest management activities carried out in the management unit are unsatisfactory, having regard to the elements mentioned in subparagraph 5 of the first paragraph of section 77.

2001, c. 6, s. 62.

77.2. Following a reduction in the annual allowable cut assigned to a management unit covered by several agreements, the Minister may take account of the impacts on regional or local economic activity of the apportionment of the reduction in volume among the agreement holders for the species or group of species concerned, and vary the reduction based on the impacts.

2001, c. 6, s. 62.

77.3. Where the Minister decides, taking into account the elements mentioned in subparagraphs 5 and 6 of the first paragraph of section 77, to reduce the volume allocated under an agreement, the Minister may postpone the revision and require the agreement holder to submit for approval, within the time and on the conditions fixed by the Minister, a corrective program containing measures to ensure that the results determined by the Minister are attained.

The Minister may approve the program, reject it or approve it with amendments.

If the agreement holder fails to apply the program, the Minister shall terminate it, cancel the postponement and apply the reduction in volume.

2001, c. 6, s. 62.

77.4. Where the annual allowable cut assigned to a management unit is reduced following a modification of the boundaries of the management unit or a modification of the areas intended for forest production pursuant to section 35.15, or the issue of a permit for the cultivation and operation of a sugar bush in an area intended for forest production or to take into account an agricultural activity carried on within such an area, the Minister may reduce the volumes of the species or group of species concerned allocated under any agreement ; the provisions of section 77.2

apply where the unit is covered by several agreements.

The same applies if the decision to reduce the annual allowable cut assigned to a management unit is made in order to take into account substantial modifications to the standards of forest management or to forest practices or following the replacement of the tools used in the calculation of forest production.

Before modifying an agreement, the Minister shall give the agreement holder an opportunity to present observations.

2001, c. 6, s. 62; 2007, c. 39, s. 15.

77.5. Where an agreement holder is affected by a reduction in timber volume pursuant to section 77.4, the Minister shall allocate to the holder a volume equivalent to the lost volume in one or more other management units, where forest production is sufficient. If forest production is not sufficient to allocate an equivalent volume to each of the agreement holders whose agreement is affected by a reduction, the Minister shall take into account the criteria set out in section 77.2.

Where the agreement holder has carried out forest management activities, as part of a plan approved by the Minister under subdivision 4 of Division I, that have not been credited in payment of dues, the Government shall, after giving the agreement holder an opportunity to present observations, grant the agreement holder compensation for the loss suffered in the amount considered fair by the Government based on the value of the activities.

2001, c. 6, s. 62.

78. (Repealed).

1986, c. 108, s. 78; 2001, c. 6, s. 63.

79. Where substantial damage has been caused to timber stands in a forest area intended for forest production 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, notwithstanding sections 25, 27 and 171, for such period and on such conditions as the Minister determines, to ensure the salvage of the timber. The plan shall apply in the place and stead of the other plans approved or finalized by the Minister in accordance with this division.

The holders of agreements concerning the management unit covered by the special plan who are designated by the Minister to salvage the timber and, where the Minister considers that the amount of timber to be salvaged or the urgency of the situation so requires, any other agreement holder designated by the Minister to take part in the salvage, or any holder of a wood processing plant operating permit authorized by the Minister to take part in the salvage, must comply with the special plan.

The Minister shall indicate, in the special plan, the volume of timber that each participant must salvage and the silvicultural treatments that each must carry out, beginning with the holders of agreements concerning the management unit covered by the special plan.

1986, c. 108, s. 79; 1988, c. 73, s. 35; 2001, c. 6, s. 64.

79.1. The volume of timber to be salvaged under a special plan forms part of the volume that an agreement holder is authorized to harvest in the management unit covered by the special plan under the management permit provided for in section 86. Where the agreement of the agreement holder does not concern the management unit affected by the natural disaster, the volume to be salvaged is substituted for a corresponding volume to which the agreement holder is entitled in another management unit, designated by the Minister among the management units covered by the agreement holder's agreement. The Minister may, where the Minister considers that there is a risk of timber being lost, allow the annual volume under the agreement to be exceeded, for the time and on the conditions determined by the Minister.

Where an agreement holder fails to participate in a special plan, the annual volume authorized under the management permit concerned shall be reduced, for the current or for the following year, by a volume equal to the volume that has to be harvested by the agreement holder.

2001, c. 6, s. 64.

79.2. The Minister may, for the implementation of a special plan, grant financial assistance to an agreement holder who applies to the Minister in writing, in particular in the form of a credit on the dues payable by the agreement holder under this Act.

Where financial assistance is granted in the form of credit and the credit exceeds the dues payable by the agreement holder, the excess of the credit over the dues payable is paid out to the holder by the Minister if the document attesting the financial assistance so states. However, the excess amount must in all cases be reduced by the unpaid contributions and assessments that the agreement holder owes respectively to the forestry component of the Natural Resources Fund or to a forest protection organization recognized by the Minister under this Act.

2001, c. 6, s. 64; 2006, c. 45, s. 12; 2011, c. 16, s. 51.

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, after giving the agreement holder an opportunity to present observations, amend the agreement to ensure a steady supply of timber to the plant it is intended for.

The Minister may also, for the same purpose and only during the period covered by the general forest management plan in force, authorize the holder of an agreement concerning a management unit affected by a natural disaster to obtain a volume of timber in another unit where the harvest has been reduced because of the participation, or failure to participate, of one or more agreement holders in a special plan for the salvage of timber in another unit. The volume of timber obtained shall be substituted for the corresponding volume to which the holder is entitled in the unit affected by the natural disaster. In no case may the total of the substituted volumes obtained in a unit exceed the total of the volumes that the holders of agreements concerning the management unit have obtained in the management unit affected by the natural disaster under the special plan.

1986, c. 108, s. 80; 2001, c. 6, s. 65.

80.1. Sections 79 to 80 also apply to ensure timber salvage in an area intended for forest production that is required for a hydroelectric development and is designated for that purpose by order of the Government.

2001, c. 6, s. 66.

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 management area covered to take account of the effects of the change on the agreement holder's requirements.

1986, c. 108, s. 81; 2001, c. 6, s. 67.

81.1. The Minister may also revise the volume allocated under the agreement and the management area covered where there is a change in the requirements of the agreement holder's wood processing plant as a result of the final discontinuance of part of the operations of the plant.

1990, c. 17, s. 13; 2001, c. 6, s. 68.

81.2. The Minister may, after reaching an agreement with the agreement holder concerned, revise the volume allocated under or the area covered by an agreement, where the Minister considers such action necessary to ensure optimal use of the timber, especially where the agreement holder renounces part of the volume allocated, where the production of the processing plant changes, or where the enterprise undergoes restructuring.

2001, c. 6, s. 69.

§ 6. — *Cancellation of agreement*

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 or the contributions to the forestry component of the Natural Resources Fund payable under section 73.4, 92.0.2 or 92.0.11;
- (3) if the agreement holder has not repaid to the Minister the costs incurred by the latter under section 59.2 or 61.1;
- (4) if the agreement holder fails to comply with the obligations set out in sections 41 and 166;
- (5) if the wood processing plant operated by the agreement holder has not been in operation for six months.

In the cases provided for in subparagraph 1 or 3 of the first paragraph, the Minister may, instead of terminating the agreement, modify it to withdraw the management unit concerned from the application of the agreement.

In the cases referred to in the first paragraph, the Minister must give the agreement holder in default a prior notice stating his intention to terminate or amend the agreement, as the case may be, unless he remedies his default before the expiry of the time indicated in the notice. In the case referred to in subparagraph 5 of the first paragraph, the prior notice must state that the agreement holder has 60 days in which to submit a business plan for resuming operations to the Minister. If the agreement holder submits a business plan within the 60-day period, the Minister may not terminate the agreement before the expiry of 30 days after the plan is submitted.

The resumption of a wood processing plant's operations for a continuous period of less than one month does not interrupt the six-month period referred to in subparagraph 5 of the first paragraph.

1986, c. 108, s. 82; 1988, c. 73, s. 36; 1990, c. 17, s. 14; 1993, c. 55, s. 13; 2001, c. 6, s. 70; 2004, c. 6, s. 3; 2001, c. 6, s. 70; 2007, c. 39, s. 16; 2011, c. 16, s. 51.

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

1986, c. 108, s. 83.

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 and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3) or, in the case of a legal person, has been under a winding-up order.

1986, c. 108, s. 84.

DIVISION I.1 FOREST MANAGEMENT AGREEMENTS

84.1. The Minister may, on the conditions determined by the Minister, enter into a forest management agreement with any legal person or body that does not hold a wood processing plant operating permit and that is not related, within the meaning of the Taxation Act (chapter I-3), to the holder of such a permit, if forest production is sufficient and if the Minister considers it in the public interest.

2001, c. 6, s. 71.

84.2. The term of a forest management agreement is 10 years. The agreement shall take effect on the date on which it is registered in the register established under section 38.

The term of an agreement shall be extended subject to the conditions set out in section 75.

2001, c. 6, s. 71.

84.3. A forest management agreement entitles its holder to obtain, each year, for one or more management units described in the agreement, a management permit to harvest a volume of round timber of one or several species to be sold for the supply of wood processing plants, on condition that the agreement holder performs the obligations under this Act and the agreement, provided the annual yields and objectives assigned to the management units concerned are attained, and provided the Minister has approved the annual management plan.

2001, c. 6, s. 71.

84.4. The agreement may not be transferred.

2001, c. 6, s. 71.

84.5. The agreement holder must, before 1 November each year, provide the Minister with a sworn statement listing the holders of wood processing plant operating permits for whom the timber harvested during the period covered by the annual management plan by the agreement holder was intended, and specifying, in each case, the volumes involved.

2001, c. 6, s. 71; 2007, c. 39, s. 17.

84.6. The Minister may, every five years, after approving or finalizing the general forest management plan and after giving the agreement holder an opportunity to present observations, review the conditions set out in the agreement where the Minister considers it expedient.

2001, c. 6, s. 71.

84.7. The Minister may terminate the agreement on becoming aware of a change in the control of the legal person or body holding the agreement.

The Minister must, in such a case, give the holder notice of the Minister's intention to terminate the agreement.

The Minister shall enter any notice given under this section in the register provided for in section 38.

2001, c. 6, s. 71.

84.8. Sections 38, 41, 43.1 and 50 to 64, section 70 except subparagraph 4 of the second paragraph, sections 70.1 to 73.6 and 77 to 80.1, section 82 except subparagraph 5 of the first paragraph, and the reference to section 166 in subparagraph 4 of the first paragraph, and section 83 apply, with the necessary modifications, to forest management agreements as if they were timber supply and forest management agreements.

2001, c. 6, s. 71.

84.9. The Minister shall terminate an agreement without prior notice where

(1) the agreement holder ceases timber marketing operations permanently;

(2) the agreement holder has made an assignment of property or has been under a bankruptcy order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, chapter B-3) or, in the case of a legal person, has been under a winding-up order;

(3) the agreement holder becomes related, within the meaning of the Taxation Act (chapter I-3), to the holder of a wood processing plant operating permit.

2001, c. 6, s. 71.

DIVISION II

MANAGEMENT PERMITS FOR SUPPLY OF WOOD PROCESSING PLANTS

§ 1. — *Agreement holders*

85. The Minister shall issue a forest management permit to the holder of a timber supply and forest management agreement or the holder of a forest management agreement if the activities for which the permit is requested have been approved in the annual management plan of the management unit concerned.

The Minister may, however, require that certain activities approved in the annual plan be part of the activities authorized under the management permit, particularly those for which schedules have been imposed on the agreement holder, in order to ensure that the forest management strategies adopted to reach the annual allowable cut, annual yield and objectives assigned to the management unit are applied.

1986, c. 108, s. 85; 2007, c. 39, s. 18.

86. A forest management permit authorizes an agreement holder to harvest in the management unit, during the period covered by the annual plan and subject to the reductions made under this Act, a volume of timber of one or more species, up to the annual volume set in the agreement or the volume as increased under this Act, and to carry out the forest management activities under the agreement holder's responsibility.

The permit states the authorized volume for each species or group of species and, if applicable, specifies the processing plant or plants to be supplied.

1986, c. 108, s. 86; 1993, c. 55, s. 14; 1995, c. 37, s. 11; 1996, c. 14, s. 6; 2006, c. 45, s. 13; 2007, c. 39, s. 19.

86.0.1. An agreement holder may not claim the right to the total annual volume set in the agreement if all the activities approved in the annual plan and authorized under the management permit do not allow for the harvest of such a volume.

The agreement holder may not claim to be authorized, on the basis of the annual plan or the management permit, to carry out forest management activities that depart from the standards provided for in this Act or set in a regulation made under this Act unless, in accordance with the law, such a departure has been specifically authorized.

2007, c. 39, s. 19.

86.0.2. The management permit may be modified at any time at the request of the agreement holder, in particular to withdraw from or add to the permit activities already approved in the annual plan. Before agreeing to the modifications, the Minister must ensure that the changes requested will not call into question any forest management strategies.

The permit expires at the end of the period covered by the plan

2007, c. 39, s. 19.

86.0.3. A forest management activity approved by the Minister for which no management permit has been issued during the period covered by the annual plan, or for which a management permit has been issued but which has not been completed during the period covered, may, at the agreement holder's choice, be renewed in the following annual plan and be the object of a management permit without having to be approved again.

2007, c. 39, s. 19.

86.1. Where the Minister observes that, for a given year, the volume authorized under this Act has been exceeded, the Minister may, after giving the agreement holder an opportunity to present observations, reduce the volume authorized for the current or a subsequent year.

In calculating whether an authorized volume has been exceeded, the following are taken into account:

(1) the volume of ligneous matter harvested by the agreement holder, as scaled in accordance with section 26;

(2) the volume of ligneous matter left on the harvest sites of the management unit, including the trees or parts of trees, by species or group of species, that should have been harvested in carrying out silvicultural treatments approved in the annual plan and authorized under the management permit, as evaluated according to the method provided in the Minister's instructions concerning the estimation of the volume of timber affected by harvesting.

Where the Minister is unable, because several agreements cover the same management unit, to determine which agreement holder is to be subject to the reduction, the Minister shall apply the reduction to all the holders of agreements concerning the species or group of species concerned in proportion to the volume of timber harvested by each during the year for which the reduction is applied.

2001, c. 6, s. 74; 2003, c. 16, s. 22; 2007, c. 39, s. 20.

86.2. When an agreement holder referred to in an order made by the Minister under section 25.1 requiring the holder to carry out the silvicultural treatments provided for in the annual management plan refuses or neglects to comply with it, the Minister, after giving the holder an opportunity to submit observations, may reduce the volume authorized for the current or a subsequent year by a volume equivalent to the effect of not carrying out silvicultural treatments on the annual allowable cut.

This volume is determined on the basis of the expected average yield for the treatments.

When an order requiring silvicultural treatments to be carried out refers to more than one agreement holder and the holders refuse or neglect to comply with it, the reduction must be applied to all the agreement holders referred to in the order concerning the species or group of species in question, in proportion to the volume allocated to each.

2003, c. 16, s. 23; 2005, c. 3, s. 2.

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

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.

1986, c. 108, s. 87.

88. (Repealed).

1986, c. 108, s. 88; 1990, c. 17, s. 15.

89. (Repealed).

1986, c. 108, s. 89; 1988, c. 73, s. 37; 1990, c. 17, s. 15.

89.1. (Repealed).

1988, c. 73, s. 38; 1990, c. 17, s. 15.

90. (Repealed).

1986, c. 108, s. 90; 1990, c. 17, s. 15.

91. (Repealed).

1986, c. 108, s. 91; 1990, c. 17, s. 15.

92. (Repealed).

1986, c. 108, s. 92; 1988, c. 73, s. 39; 2001, c. 6, s. 75.

92.0.1. Where, for a particular year, an agreement holder does not harvest the full volume of timber allocated under the holder's agreement for a management unit, the agreement holder may do so during the subsequent years preceding the end of the period covered by the general forest management plan, except in respect of a year in which the Minister applies the reduction provided for in section 46.1 or 79.1 in the management unit concerned or, after obtaining authorization from the Minister, in another management unit covered by the holder's agreement in which the holder has also accumulated an equivalent or greater volume of unharvested timber.

Where the Minister applies a reduction under section 46.1, 79.1, 86.1 or 86.2 in respect of a year, an agreement holder may not in subsequent years harvest that part of the volume of timber allocated under his agreement which was not harvested owing to the application of the reduction.

In no case may the agreement holder harvest, in a year, a volume greater than the total annual volume of a species or group of species allocated for all the management units covered by the holder's agreement, increased by 15%, and that increase will be authorized only if the agreement holder has harvested the entire volume allocated to the holder for the current year.

1993, c. 55, s. 15; 1997, c. 33, s. 9; 2000, c. 4, s. 23; 2001, c. 6, s. 76; 2003, c. 16, s. 24.

92.0.1.1. During a year other than the last year of the period covered by the general forest management plan, and with the authorization of the Minister, an agreement holder may harvest in advance an additional volume of timber not exceeding 10% of the annual volume allocated under an agreement for the management unit and the species or group of species concerned. However, at no time may the sum of the additional volumes harvested in advance during such years exceed, for a management unit and the species or group of species concerned, 15% of the allocations mentioned in the agreement.

Despite the first paragraph, no agreement holder may harvest in advance an additional volume of timber if the Minister, during the year concerned, applies the reduction under section 46.1 or 79.1, or if the agreement holder has not previously, during that year, harvested all the timber possible under section 92.0.1.

During the last year of the period covered by the general plan, the Minister must adjust, where applicable, the management permit for that year to ensure that the average annual volume harvested by the agreement holder does not exceed, for the period covered by the general plan, the volume of timber allocated under the agreement for the management unit and species or group of species concerned.

2006, c. 45, s. 14.

92.0.2. Where an agreement holder, to carry out the silvicultural treatments or other forest management activities indicated in the annual plan for a forest management unit, must harvest timber of a species or group of species or timber destined for other uses that is not allocated under an agreement concerning the management unit concerned, the Minister, on the conditions he determines, may authorize the agreement holder to harvest such timber and to send it to the holder of a wood processing plant operating permit.

A holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder in accordance with the first paragraph must pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the permit holder from the agreement holder.

The Minister shall collect the contributions of the permit holders and credit them to the forestry component of the Natural Resources Fund.

1993, c. 55, s. 15; 1995, c. 37, s. 12; 2004, c. 6, s. 4; 2001, c. 6, s. 77; 2011, c. 16, s. 51; 2011, c. 18, s. 151.

§ 1.0.1. — *One-time harvest*

92.0.3. The Minister may, if considered expedient by the Minister, accredit the holder of a wood processing plant operating permit to enable the permit holder to obtain a management permit in a management unit to supply the holder's plant where

(1) an agreement holder has renounced all or part of the volume of timber the agreement holder was or could have been authorized to harvest in the management unit during the period covered by the annual plan or the remainder of that period, as the case may be;

(2) a volume of timber is made available following the application of the limits provided for in the third paragraph of section 92.0.1;

(3) a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;

(4) a volume of timber is made available by reason of the non-fulfilment, in a previous year, of an auxiliary timber supply guarantee agreement entered into pursuant to section 95.1;

(5) in the cases referred to in section 80, the holder is to be allowed to harvest a volume of timber in a management unit other than the management unit affected by the disaster.

The Minister shall, for the same purposes, accredit a permit holder with whom the Minister has entered into an auxiliary timber supply guarantee agreement, so that it may be fulfilled.

2001, c. 6, s. 78; 2003, c. 16, s. 25.

92.0.3.1. Before the period covered by the general forest management plans expires, the Minister may also, if considered expedient by the Minister, accredit for the same purposes the holder of a wood processing plant operating permit where a volume of timber is made available following the cancellation of an agreement.

The volume of timber available corresponds to the volume of timber not harvested since the beginning of the period covered by the general forest management plans that could have been harvested annually under the agreement holder's agreement had it not been cancelled, after deducting any volumes already accredited under subparagraph 1, 2 or 5 of the first paragraph of section 92.0.3.

2007, c. 39, s. 21.

92.0.3.2. The Minister may also, if considered expedient by the Minister, accredit for the same purposes the holder of a wood processing plant operating permit so that degraded forest stands or stands likely to be affected by natural disasters because of their condition or their age may be harvested.

Such an accreditation may also be granted, but only before the period covered by the current general plans ends, if the volume of timber harvested in a management unit during the period covered by the previous general plans is inferior to the estimated harvested volume used to revise the calculation of that unit's annual allowable cut.

2007, c. 39, s. 21.

92.0.4. The accreditation shall indicate the volume of round timber, by species or group of species, to which it applies and specify the processing plant involved.

The Minister may include in the accreditation any condition considered advisable by the Minister.

2001, c. 6, s. 78.

92.0.5. The annual management plan for the unit must integrate the forest management activities related to the volume of timber to which the accreditation applies and indicate whether the related forest management work is to be carried out by the accredited permit holder or by the agreement holders concerned.

The accredited permit holder shall collaborate in the preparation of the part of the plan integrating the activities concerned, even where that holder is not the holder of an agreement concerning the management unit; the permit holder shall not, however, take part in the designation of the person responsible for carrying out the work.

2001, c. 6, s. 78.

92.0.6. If the annual plan has already been approved when the accreditation is granted, the accredited permit holder and the holders of agreements concerning the management unit must, at the request of and within the time fixed by the Minister, submit modifications to the annual plan to the Minister for approval.

2001, c. 6, s. 78.

92.0.7. Once the annual plan or the modifications to the annual plan have been approved, the Minister shall issue a special management permit to the accredited permit holder or, if the permit holder is the holder of a timber supply and forest management agreement concerning the unit, shall amend the permit referred to in section 86 to add the volume of timber specified in the accreditation.

2001, c. 6, s. 78.

92.0.8. The special permit authorizes the holder to harvest the volume of round timber specified in the accreditation or to have the work related to the harvest carried out by the holder of an agreement concerning the unit, as provided for in the annual plan, and to carry out the other forest management activities for which the holder is responsible under the plan.

The permit shall indicate the volume of each species or group of species that may be harvested and specify the processing plant that will be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

2001, c. 6, s. 78.

92.0.9. The agreement holder designated in the annual plan, if any, shall be responsible for carrying out the work relating to the harvest at the expense of the holder of the special permit.

2001, c. 6, s. 78.

92.0.10. The holder of the special permit is considered to be the holder of an agreement concerning the management unit as regards the establishment of the annual report of activities, the verifications referred to in sections 70.1 to 70.4 and the payment of the dues under sections 71 and 72 for the timber harvested. The dues are payable in cash or by way of silvicultural treatments or other activities carried out by the holder, in accordance with sections 73.1 to 73.3.

2001, c. 6, s. 78.

92.0.11. The accredited permit holder must, in the cases set out in paragraphs 1 and 2 of section 92.0.3, reimburse the agreement holder who would have been entitled to harvest the volume of timber concerned for the part of the contribution to the forestry component of the Natural Resources Fund or of the assessment to the forest protection organizations that the latter has paid for that volume of timber.

The accredited permit holder must also, in the cases set out in subparagraph 3 of the first paragraph of section 92.0.3 and the first paragraph of section 92.0.3.2 and, as concerns timber that became available during the years following the year an agreement is cancelled, in the case set out in section 92.0.3.1, pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation.

The Minister shall collect the contributions of the accredited permit holders referred to in the second paragraph and credit them to the forestry component of the Natural Resources Fund.

2001, c. 6, s. 78; 2004, c. 6, s. 5; 2007, c. 39, s. 22; 2011, c. 16, s. 51; 2011, c. 18, s. 152.

92.0.12. The Minister shall also issue a management permit in the cases referred to in section 79, to allow the application of a special management plan in a management unit affected by a natural disaster, where required by the amount of timber to be salvaged or the urgency of the situation.

The permit shall indicate the volume of each species or group of species that may be harvested and specify the processing plant that will be supplied.

The Minister may include in the permit any condition considered advisable by the Minister.

Section 92.0.10 applies to the holder of such a permit except as regards the sixth paragraph of section 73.1 and the fourth paragraph of section 73.2 to which that section refers.

2001, c. 6, s. 78; 2003, c. 16, s. 26; 2007, c. 39, s. 23.

92.0.13. The Minister may revoke an accreditation or a permit issued under this subdivision, or modify a permit referred to in section 86 to withdraw the new volume authorized, if the permit holder fails to comply with the conditions of the permit.

Before making a decision, the Minister must send the permit holder the written notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the holder at least 10 days to present observations.

2001, c. 6, s. 78.

§ 1.1. — *Holder of a wood processing plant operating permit who is a party to an agreement with an agreement holder*

92.1. 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 any forest management unit covered by the agreement, where forest production is sufficient such volume of timber as is required to replace the chips, sawdust, shavings or other processing residue, except bark, that the agreement holder fails to provide to the permit holder notwithstanding an agreement between them to that effect.

The authorization shall be granted by means of a forest management permit. Such a permit shall not be granted unless

- (1) the agreement referred to in the first paragraph has been entered into for a term of not less than one year;
- (2) the holder of a wood processing plant operating permit has notified the Minister, by written notice, of the existence of the agreement within 15 days of its signing and the notice is accompanied with a copy of the notification to the agreement holder;
- (3) the holder of the operating permit is unable to obtain timber from a source of supply comparable to the source which has failed him.

Before granting an authorization, the Minister shall give the agreement holder an opportunity to present observations, in particular with regard to the volumes of timber of which the wood processing plant permit holder may have failed to take delivery in accordance with the agreement referred to in the first paragraph.

1988, c. 73, s. 40; 2001, c. 6, s. 79.

92.2. Every holder of a plant operating permit to whom the Minister issues a forest management permit pursuant to section 92.1 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.

1988, c. 73, s. 40.

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

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.

1986, c. 108, s. 93.

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

1986, c. 108, s. 94; 1988, c. 73, s. 41.

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

1986, c. 108, s. 95; 1988, c. 73, s. 42.

DIVISION III

GUARANTY OF AUXILIARY TIMBER SUPPLY

95.1. The Minister may, if forest production is sufficient, enter into an auxiliary timber supply guarantee agreement with the holder of a processing plant operating permit, on the conditions and for the time fixed by the Minister.

An agreement for auxiliary timber supply shall not be entered into except to promote the establishment and expansion of a wood processing plant.

1988, c. 73, s. 43; 2001, c. 6, s. 80.

95.2. By an agreement guaranteeing auxiliary timber supply, the Minister, on the conditions and for the time fixed by the Minister, makes an undertaking to provide, where necessary, 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.

The agreement shall specify the territory within which the auxiliary timber supply guarantee will be executory and the volumes involved.

1988, c. 73, s. 43; 2001, c. 6, s. 81.

95.2.1. Sections 73.4 and 73.5 apply to the permit holder who has entered into an auxiliary timber supply guarantee agreement as if the holder were the holder of a timber supply and forest management agreement. The contribution to be paid to the Minister shall be established on the basis of the auxiliary volume specified in the agreement.

2001, c. 6, s. 82.

95.3. The Minister shall provide the auxiliary timber supply, pursuant to his obligation under an agreement, out of the timber harvested in public forest reserves or in accordance with the second paragraph of section 92.0.3, in a forest management unit.

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.

1988, c. 73, s. 43; 2001, c. 6, s. 83.

95.4. Where, under an agreement guaranteeing auxiliary timber supply, a permit holder is entitled to obtain an auxiliary supply of timber harvested in public forest reserves, the Minister shall sell to him, in preference to any other purchaser, the volume of timber which is deficient, on the terms and conditions stipulated in the agreement.

1988, c. 73, s. 43.

95.5. The Minister may terminate an auxiliary timber supply guarantee agreement if

- (1) the agreement holder fails to comply with his obligations under the agreement or the conditions governing his forest management activities;
- (2) the agreement holder fails to pay the contribution established under section 95.2.1;
- (3) the wood processing plant operated by the agreement holder has not been in operation for one-and-a-half years;
- (4) the agreement holder's wood processing plant ceases permanently to be in operation;
- (5) the agreement holder has made an assignment of property or a receiving order has been made against him under the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3), or in the case of a legal person, a winding-up order been made against it.

2001, c. 6, s. 84.

DIVISION IV

SPECIAL PROVISIONS RESPECTING THE JAMES BAY REGION

§ 1. — *Definition and scope*

95.6. In this division, “Agreement” means the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec entered into on 7 February 2002, approved by Order in Council 289-2002 dated 20 March 2002 and published in the Gazette officielle du Québec of 22 May 2002, and the amendments that may be made to that agreement from time to time by the parties.

2002, c. 25, s. 17; 2003, c. 16, s. 27.

95.7. This division applies to the territory, hereinafter called the “Territory”, referred to in paragraph 3.3 of the Agreement and shown on the map reproduced in Schedule I, a larger format of which can be found in Sessional Papers No. 1127-20020508 tabled in the National Assembly on 8 May 2002.

From the date of establishment of the northern limit by the Minister, the Territory shall be the territory situated between the northern limit established by the Minister and the east, south and west limits indicated on the map.

The Territory corresponds to part of the territory covered by the James Bay and Northern Québec Agreement approved by the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67).

2002, c. 25, s. 17.

§ 2. — *Adapted forestry regime*

95.8. Notwithstanding any contrary provision, the modalities of the adapted forestry regime provided for in paragraphs 3.7.1 to 3.13.1 of the Agreement and in Parts II (C-2) and III (C-3) of Schedule C to the Agreement apply with respect to forest management activities carried out in the Territory, as do paragraphs 3.1, 3.2, 3.4, 3.5, 3.54 and 3.66 of the Agreement.

The same applies to the rules regarding the determination of the forest resources protection and development objectives provided in paragraphs 2 and 3 of Part IV (C-4) of Schedule C to the Agreement and the rules regarding the planning and monitoring of forest management activities provided in paragraphs 4 to 62 of that Part of the Schedule.

For that purpose,

(1) the identification of a site of interest to the Cree is considered to be a situation provided for in section 35.15 of this Act ;

(2) the dispute resolution mechanism provided for in paragraphs 16 to 18 of Part IV (C-4) of Schedule C to the Agreement shall replace, as regards the conflicts referred to in those provisions, the mechanism for settling disputes provided for in section 58.3 of this Act.

2002, c. 25, s. 17.

95.9. The agreement holders shall indicate in their annual management plans applicable to the Territory the opportunities for making employment contracts and agreements for the carrying out of forest management activities during the period covered by the plan.

The agreement holders shall also specify in their annual reports of the activities carried out in the Territory the number of James Bay Crees, within the meaning of the Agreement, employed for the period concerned and the number of agreements entered into with Cree enterprises, within the meaning of the Agreement, for that period.

The Minister shall transmit the information to the Cree Regional Authority.

2002, c. 25, s. 17.

95.10. The Minister shall ensure, for the purposes of the implementation of the provisions of the Agreement, the integration of the harmonization measures into the general forest management plans and the annual management plans, in particular the standards of forest management provided for in paragraphs 3.9.1 to 3.13.1 of the Agreement and in Parts II (C-2) and III (C-3) of Schedule C to the Agreement, where those standards differ from the standards prescribed by regulation of the Government.

The Minister shall identify, in the plan into which the standards are integrated, the places where they are applicable and, where that is the case, the regulatory standards for which they have been substituted.

The Minister shall withdraw from the plan concerned the standards that are described therein as soon as such standards are prescribed in a regulation.

2002, c. 25, s. 17.

§ 3. — *Cree-Québec Forestry Board*

95.11. The Cree-Québec Forestry Board is hereby established.

2002, c. 25, s. 17.

95.12. The Board consists of eleven members, including a Chairperson appointed in accordance with section 95.13.

The Government and the Cree Regional Authority, established under the Act respecting the Cree Regional Authority (chapter A-6.1), shall each appoint five members.

The members shall be appointed at the pleasure of the parties and the appointing parties shall provide for their replacement.

The remuneration and travel expenses of members shall be assumed by the appointing parties.

2002, c. 25, s. 17.

95.13. The Chairperson of the Board is appointed by the Government on the Minister's recommendation after consultation with the Cree Regional Authority. The consultation procedure is provided for in paragraphs 3.17 and 3.18 of the Agreement. However, the Government and the Cree Regional Authority may agree on a different procedure.

The Chairperson shall be appointed for not more than three years. The term of the Chairperson is not renewable unless the Government and the Cree Regional Authority agree otherwise.

On the expiry of the Chairperson's term, the Chairperson shall remain in office until replaced or, as the case may be, reappointed. The replacement or reappointment shall take place within 12 months after the expiry of the Chairperson's term.

The Government shall fix the Chairperson's remuneration, employment benefits and other conditions of employment.

2002, c. 25, s. 17.

95.14. Unless the Government and the Cree Regional Authority agree otherwise, the Chairperson of the Board may not, under pain of forfeiture of office, be employed by the Government or a State-owned enterprise, or be an employee of or have a financial interest in a forestry undertaking having interests in the Territory.

However, forfeiture of office is not incurred where the interest devolves to the Chairperson by succession or gift, provided the Chairperson renounces or disposes of it with dispatch.

2002, c. 25, s. 17.

95.15. The members of the Board shall designate a Vice-Chairperson from among the members appointed by the Cree Regional Authority.

2002, c. 25, s. 17.

95.16. The Chairperson of the Board shall preside over the meetings. Another member of the Board designated by the Chairperson may also preside over the meetings in the absence of the Chairperson.

The Board shall hold its meetings anywhere in the Territory. However, the Board may hold its meetings elsewhere in Québec if necessary.

The Board shall meet at least six times each year, unless its members decide otherwise.

Quorum at meetings of the Board shall be a majority of its members, including at least three members appointed by the Government and three members appointed by the Cree Regional Authority.

2002, c. 25, s. 17.

95.17. Decisions of the Board are made by a majority of the votes cast. The decisions shall be recorded in the minutes, which must also mention any dissents.

A member of the Board appointed by the Government may execute a written proxy in favour of another member appointed by the Government. The same applies to a member appointed by the Cree Regional Authority as regards another member it appointed.

A member who obtains a proxy may, in the absence of the member who executed it, vote in the place and stead of that member.

2002, c. 25, s. 17.

95.18. The members of the Board appointed by the Cree Regional Authority may be accompanied at meetings of the Board by up to two technical advisors. The same applies to members appointed by the Government.

The technical advisors may address the Board and participate in its deliberations but do not have the right to vote.

2002, c. 25, s. 17.

95.19. The functions of the Board are to monitor, analyze and assess the implementation of the adapted forestry regime for the Territory, and to review the implementation mechanisms with the joint working groups formed pursuant to section 95.25 as regards the elaboration, consultations and monitoring of the forest management plans applicable to the Territory.

In the exercise of its functions, the Board may recommend to the Government and the Cree Regional Authority adjustments or amendments to the adapted forestry regime applicable to the Territory.

2002, c. 25, s. 17.

95.20. Another function of the Board is, in accordance with the provisions of the Agreement, to participate in the different planning processes for forest management activities in the Territory and the different stages of the management of those activities, in particular those pertaining to the elaboration or approval of the general forest management plans and amendments thereto.

For that purpose, the Minister shall transmit the general forest management plans applicable to the Territory and the amendments thereto to the Board for examination and comments before approving or finalizing them.

The Board must transmit its comments to the Minister, where applicable, within 120 days from receipt of the plan. The time limit is reduced to 90 days where an amendment to a plan is to be approved in the period covered by the plan. The Minister may grant an extension if the Minister considers it appropriate.

2002, c. 25, s. 17.

95.21. The Board is also responsible for

(1) studying the annual management plans applicable to the Territory after their approval to make known to the Minister, where applicable, its concerns, proposals and comments regarding the plans, particularly in regard to systemic issues concerning the plans or the process of their elaboration or approval ;

(2) bringing to the attention of the Minister its concerns, proposals and comments in respect of the Acts, regulations, policies, programs, management guides and field guides related to forestry and applicable to the Territory, and in respect of the guidelines, directives or instructions applicable to the Territory as regards the preparation of forest management plans ; and

(3) any other responsibilities relating to forestry which the Minister and the Cree Regional Authority may jointly assign to it.

2002, c. 25, s. 17.

95.22. The Minister must take into consideration the views and comments expressed or made by the Board and must keep the board informed of the Minister's position or, as the case may be, of the main reasons justifying the Minister's decision.

2002, c. 25, s. 17.

95.23. The Board may make by-laws to regulate its internal operations.

The by-laws are subject to the approval of a majority of the members appointed by the Government and a majority of the members appointed by the Cree Regional Authority.

2002, c. 25, s. 17.

95.24. Each year, the Board shall transmit to the Minister and the Cree Regional Authority a report of its activities.

2002, c. 25, s. 17.

§ 4. — *Joint working groups*

95.25. Joint working groups are hereby formed for each Cree community affected by forest management activities in the Territory.

2002, c. 25, s. 17.

95.26. Each working group is composed of four members, two of whom shall be appointed by the Minister and two others by the council of the Cree community concerned.

The members shall be appointed at the pleasure of the parties and the appointing parties shall provide for their replacement.

The expenses of members shall be assumed by the appointing parties.

2002, c. 25, s. 17.

95.27. The Minister and the Cree Regional Authority may agree to modify the number of members of a joint working group to take into account the particular characteristics of the Cree community concerned.

2002, c. 25, s. 17.

95.28. The joint working groups shall exercise the powers and duties provided for in paragraph 3.41 of the Agreement, including the powers and duties conferred on them by Part IV (C-4) of Schedule C to the Agreement.

2002, c. 25, s. 17.

95.29. The recommendations of a joint working group may be unanimous or not. In the latter case, the respective positions of the members of the joint working group shall be sent to the Minister and to the Cree-Québec Forestry Board.

2002, c. 25, s. 17.

95.30. The Minister must take into consideration the recommendations of the joint working groups, of their members and of the conciliator appointed pursuant to the provisions of paragraph 17 or 32 of Part IV (C-4) of Schedule C to the Agreement. The Minister must explain his position and inform the joint working groups of the Minister's reasons for not accepting the recommendations or corrections sought, where that is the case.

2002, c. 25, s. 17.

95.31. The Minister shall transmit the information and other elements provided for in paragraphs 3.43 and 3.44 of the Agreement, according to the conditions specified therein, to the members of the joint working groups appointed by the council of a Cree community.

The joint working groups shall make the information they have accessible to the persons referred to in paragraph 3.45 of the Agreement for use in the process of elaboration, consultation and monitoring of forest management plans. If so required, the joint working groups must ensure the confidentiality of the information provided for in paragraph 3.46 of the Agreement in accordance with that paragraph.

2002, c. 25, s. 17.

§ 5. — *Penal provisions*

95.32. The holder of a management permit subject to a plan governed by this division, or the third person entrusted with the execution of work authorized by the permit, who contravenes a standard of forest management that is integrated into the plan in accordance with section 95.10, is guilty of an offence and is liable

(1) where the standard of forest management relates to a matter referred to in subparagraph 2 or 7 of the first paragraph of section 171, to a fine of \$10 to \$450 for each tree the holder cut or failed to cut in contravention of the applicable standard ;

(2) where the standard of forest management relates to a matter referred to in subparagraph 1 or 8 of the first paragraph of section 171, to a fine of \$5 to \$450 for each tree the holder cut or failed to cut in contravention of the applicable standard or, where the standard of forest management is a standard relating to the salvage of a volume of useful ligneous matter, to a fine of \$40 to \$200 for each cubic metre of timber the holder fails to salvage, in contravention of the applicable standard ;

(3) where the standard of forest management relates to a matter referred to in subparagraphs 3 to 6 of the first paragraph of section 171, to a fine of \$1,000 to \$40,000 ;

(4) where the standard of forest management relates to a matter referred to in subparagraph 9 of the first paragraph of section 171, to a fine of \$1,000 to \$5,000 for each hectare or part of a hectare affected by the offence or that falls above or below the applicable standard.

2002, c. 25, s. 17.

95.33. The fines prescribed in this subdivision shall be doubled in the case of a second or subsequent offence.

2002, c. 25, s. 17.

95.34. Where a person is convicted of an offence under paragraph 1 or 2 of section 95.32, the person may not be sentenced to a fine of less than \$200, notwithstanding the fines prescribed in those sections.

2002, c. 25, s. 17.

CHAPTER IV MANAGEMENT OF PUBLIC FOREST RESERVES

DIVISION I GOVERNMENT MANAGEMENT

96. Forest areas for which no timber supply and forest management agreement or forest management agreement is in force shall be erected into public forest reserves.

The Minister may carry on forest management activities in public forest reserves, within the limits of the allowable annual cut.

Every person carrying on forest management activities in a forest reserve shall comply with the standards of forest management applicable to those forest management activities.

1986, c. 108, s. 96; 2001, c. 6, s. 85.

96.1. Where substantial destruction has been caused to timber stands in a forest area by natural disasters, or where a forest area is required for a hydroelectric development and designated for that purpose by order of the Government, the Minister shall prepare and administer a special forest management plan, notwithstanding sections 25, 27 and 171, for such period and on such conditions as he may determine, to ensure wood salvage. The Minister may, where it is considered necessary by the Minister because of the potential loss of a volume of timber, allow the annual allowable cut to be exceeded, for the time and on the conditions determined by the Minister.

Every contractor under a forest management contract referred to in section 102 who carries out a contract in the forest area shall comply with the special plan. Upon his failure to comply, the annual volume of timber authorized under the management permit shall be reduced, for the current or a subsequent year, by the volume he is required to salvage under the special plan.

For the implementation of a special plan, the Minister may grant financial assistance to any contractor or any person to whom he entrusts the carrying out of forest management activities who applies therefor in writing. Such assistance may be in the form of a credit on the dues payable under this Act by such contractor or person.

1993, c. 55, s. 16; 2001, c. 6, s. 86.

97. Subject to section 95.4, the Minister may, on the conditions he determines, sell standing timber and timber harvested in public forest reserves by public auction.

The Minister may, with the authorization of the Government,

- (1) determine classes of bidders;
- (2) limit the sale to the holders of wood processing plant operating permits of a particular region;
- (3) fix the minimum price of a sale.

This section does not apply to timber harvested under a forest management contract contemplated in section 102 or to standing timber in forest areas the management of which has been entrusted to a person by the Minister under such a contract, or to timber harvested in an experimental forest, a research forest or a forest station.

Where the Minister entrusts the carrying out of forest management activities in forest reserves to Rexfor, he may authorize the latter to sell, for its own account, any timber harvested by it in carrying out such activities. Except for the purposes of section 95.4, the sales shall be made by public auction and shall comply, as the case may be, with the provisions of the second paragraph.

1986, c. 108, s. 97; 1988, c. 73, s. 44; 1993, c. 55, s. 17; 1997, c. 33, s. 10; 2001, c. 6, s. 87.

98. (Repealed).

1986, c. 108, s. 98; 1988, c. 73, s. 45.

99. (Repealed).

1986, c. 108, s. 99; 1988, c. 73, s. 45.

100. (Repealed).

1986, c. 108, s. 100; 1988, c. 73, s. 45.

101. (Repealed).

1986, c. 108, s. 101; 1988, c. 73, s. 45.

DIVISION II FOREST MANAGEMENT CONTRACTS

102. The Minister may, on such conditions as he may determine, enter into a contract by which he entrusts a person with the management of forest areas to promote economic development.

However, no contract may be entered into as regards the territory referred to in section 95.7.

1986, c. 108, s. 102; 1993, c. 55, s. 19; 2002, c. 25, s. 18.

102.1. The contract takes effect from the date of its registration in the register established under section 38, and expires on the date appearing in the contract.

2001, c. 6, s. 88.

102.2. The contract may not be transferred.

2001, c. 6, s. 88.

102.3. A forest management contract entitles its holder to obtain, each year, for the management area described in the contract, a management permit to supply wood processing plants, on condition that the contract holder performs the obligations under this Act and the contract, provided the annual yields and objectives assigned by the Minister to the area covered by the contract are attained, and provided the Minister has approved the annual management plan.

2001, c. 6, s. 88.

103. The area covered by a forest management contract must be managed according to a general forest management plan and an annual management plan drawn up by the contract holder and approved by the Minister. The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed or by other documents or information determined or accepted by the Minister, which may vary with the silvicultural treatments to be carried out. The forest inventory data, documents or information used in preparing the prescriptions must be forwarded to the Minister on request.

The Minister shall determine, in the contract, the time within which the holder must submit a general plan for approval; until the general plan is approved, only the annual management plan is required.

The plans submitted to the Minister must be approved by a forest engineer.

1986, c. 108, s. 103; 2001, c. 6, s. 89; 2003, c. 16, s. 28; 2007, c. 39, s. 24.

103.1. The Minister may approve or reject the plans, or modify and approve them.

2003, c. 16, s. 29.

104. Subject to the provisions made applicable by section 104.1, the Minister shall stipulate in the contract, in particular,

(1) in cases where the contractor is a municipality, the form, content and conditions of approval of the general forest management plan and annual management plan, the form and content of the reports of activities to be provided and the use the contractor intends to make of the income generated by the carrying out of the activities provided for in the plans;

(2) in other cases, the form, content and conditions of approval of the general forest management plan and annual 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.

1986, c. 108, s. 104; 1993, c. 55, s. 20; 1995, c. 20, s. 39; 1997, c. 93, s. 124; 2001, c. 6, s. 90.

104.1. Sections 35.4 to 35.8, the fourth paragraph of section 35.14, section 35.15, the second paragraph of section 35.16, sections 35.17 and 54 to 58.3, sections 59.5, 59.6, 59.8 to 64, section 70 except subparagraph 4 of the second paragraph, sections 70.1 to 70.4, 73.4 to 73.6, 77.4 and 77.5 and section 82, except subparagraphs 4 and 5 of the first paragraph and the second paragraph, section 84 except paragraph 1 and section 86.1 apply, with the necessary modifications, to forest management contracts. For such purposes,

(1) the management unit is the management area specified in the forest management contract;

(2) the holder of the timber supply and forest management agreement is the holder of the forest management contract;

(3) the volume allocated under the agreement is the annual allowable cut assigned to the management area covered by the contract or, for the purposes of section 73.4, the volume of timber authorized under the management permit.

However, the provisions of sections 73.4 to 73.6 referred to in this section do not apply where the contract holder is a municipality or a Native band council.

2001, c. 6, s. 91; 2003, c. 16, s. 30.

104.2. The Minister shall issue a management permit for the supply of a wood processing plant to the holder of the contract once the annual management plan has been approved.

2001, c. 6, s. 91.

104.3. The permit authorizes the holder to harvest in the territory covered by the contract, during the period covered by the annual forest management plan and subject to any reductions made under this Act, a volume of round timber of one or several species to supply wood processing plants, and to carry out the other forest management activities specified in the annual management plan.

The permit shall indicate the authorized volumes by species or group of species, which may not exceed the annual allowable cut or the additional cut authorized pursuant to section 96.1.

2001, c. 6, s. 91.

104.3.1. If, for a given year, a contract holder does not harvest the full volume of timber authorized for the management area covered by the contract, the contract holder may harvest the unharvested volume of timber during the subsequent years preceding the end of the period covered by the general forest management plan, except during a year in which the Minister applies the reduction provided for in section 96.1, after obtaining the authorization of the Minister.

Where the Minister applies a reduction under section 86.1 or 96.1 in respect of a year, a contract holder shall not in subsequent years harvest that part of the volume of timber which could not be harvested owing to the application of the reduction.

2003, c. 16, s. 31.

104.4. The contract holder must, before 1 November each year, submit a sworn statement to the Minister listing the wood processing plants for which the timber harvested by the holder during the period covered by the preceding annual management plan was intended and indicating the volume concerned in each case.

2001, c. 6, s. 91; 2007, c. 39, s. 25.

104.5. The Minister shall establish the contract holder's contribution to the forestry component of the Natural Resources Fund on the basis of the rate per cubic metre of timber fixed by regulation of the Government applicable to the volume authorized under the management permit.

2001, c. 6, s. 91; 2011, c. 16, s. 51.

104.6. The Minister may, where the Minister considers it expedient to promote economic development and on the conditions determined by the Minister, renew the contract provided that the contract holder has, during the period covered by the agreement, performed the obligations imposed by this Act.

When a contract is renewed, the Minister may, after giving the holder an opportunity to present observations, revise

the management area covered by the contract.

2001, c. 6, s. 91.

105. (Repealed).

1986, c. 108, s. 105; 2001, c. 6, s. 92.

105.1. (Repealed).

1993, c. 55, s. 22; 2001, c. 6, s. 92.

106. The contractor shall pay the dues prescribed by the Minister for the harvest of timber; the dues shall correspond to the product obtained by multiplying the harvested volume by the unit rate established under section 72 unless the Government, by regulation, fixes another unit rate or determines a rule of computation in respect of such dues.

The dues payable by the contractor shall be paid in money, in silvicultural treatments or by the carrying out of other activities in accordance with the conditions set out in section 73.1, except those set out in the fourth paragraph and with sections 73.2 and 73.3, adapted as required.

The provisions of this section do not apply where the contract holder is a municipality or a Native band council.

1986, c. 108, s. 106; 1988, c. 73, s. 46; 1993, c. 55, s. 23; 1995, c. 37, s. 13; 1997, c. 93, s. 125; 2001, c. 6, s. 93; 2003, c. 16, s. 32.

106.1. Where a management contract is signed by several contractors, the contractors shall come to an agreement as to terms for the orderly integration of forest management activities, as to timber transportation activities and as to the allocation of the costs of such activities.

The contractors shall also come to an agreement as to the proportion of the prescribed dues, if any, which each contractor will pay by way of silvicultural treatments or by the carrying out of other forest management activities.

Any dispute in respect of matters referred to in the first and second paragraphs shall be submitted to arbitration, on the application of an interested contractor, in accordance with the provisions of Book VII of the Code of Civil Procedure (chapter C-25). The decision of the arbitrator shall have the same effect as stipulations agreed upon between the contractors in respect of the subject of the dispute.

Contracting municipalities shall have all the powers necessary for the performance of a management contract. They may delegate the authority to execute the contract to one of their number. The municipality to which the authority is delegated shall have the power to carry out work in the territory of the other contracting municipalities.

1995, c. 20, s. 40; 1995, c. 37, s. 14.

CHAPTER V

FOREST MANAGEMENT FOR EXPERIMENTAL, EDUCATIONAL AND RESEARCH PURPOSES

DIVISION I

EXPERIMENTAL FORESTS

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

1986, c. 108, s. 107.

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

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, notwithstanding sections 25, 27 and 171.

1986, c. 108, s. 108; 1988, c. 73, s. 47.

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

1986, c. 108, s. 109; 2001, c. 6, s. 94.

DIVISION II

Repealed, 2001, c. 6, s. 95..

110. (Repealed).

1986, c. 108, s. 110; 2001, c. 6, s. 95.

111. (Repealed).

1986, c. 108, s. 111; 2001, c. 6, s. 95.

DIVISION III

RESEARCH FORESTS

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

1986, c. 108, s. 112.

113. The Minister, on the conditions he determines, may entrust the management of a research forest to a non-profit organization devoted to teaching or research.

1986, c. 108, s. 113; 1988, c. 73, s. 48.

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.

Where the research activities relate to the standards of forest management prescribed by the Government under section 171, the contract may provide for a departure from the standards.

1986, c. 108, s. 114; 1988, c. 73, s. 49.

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.

1986, c. 108, s. 115; 1988, c. 73, s. 50.

DIVISION IV

FOREST STATIONS

116. The Minister may, with the authorization of the Government, erect forest stations in public forest reserves to concentrate within the same territory the exercise of two or more activities governed by Division I or III of this chapter and other activities compatible therewith that may foster the development and enhancement of a forest station.

1986, c. 108, s. 116; 2001, c. 6, s. 96.

117. The forest stations shall be developed by the Minister who shall see that all the activities exercised in a forest station remain compatible with the pursuit of its mission.

1986, c. 108, s. 117; 2001, c. 6, s. 97.

117.0.1. The Minister may, to foster the development and enhancement of a forest station, entrust a legal person with the mandate to carry out all or part of the operations to develop the forest station, on the terms and conditions determined by the Minister.

Before carrying out the forest management activities authorized by the Minister within the framework of a mandate, the mandatary must submit a management plan to the Minister for approval.

The mandatary must comply with the standards of forest management applicable to the mandatary's forest management activities as if the mandatary were the holder of a management permit, whether their application is prescribed by government regulation or imposed by the Minister pursuant to section 25.2.

2001, c. 6, s. 97.

117.0.2. The Minister may allow the mandatary to sell for his own account any timber harvested in carrying out the forest management activities authorized by the Minister within the framework of the mandate.

The mandate may include special provisions concerning the sale and destination of the timber, the reports of activities the mandatary must submit to the Minister or any other provision to ensure the carrying out of the mandate.

2001, c. 6, s. 97.

117.0.3. In addition to the powers that may otherwise be exercised by the Société des établissements de plein air du Québec, the Société may accept any mandate pertaining to the carrying out of forest management activities entrusted to it by the Minister pursuant to this division.

2001, c. 6, s. 97.

117.0.4. The mandates or authorizations pertaining to experimentation, teaching or research activities, including related forest management activities, shall be governed by the second paragraph of section 108, section 113, the second paragraph of section 114 and section 115.

2001, c. 6, s. 97.

TITLE II DEVELOPMENT OF PRIVATE WOODLOTS

117.1. This Title applies to private forests and to forests situated on lands held and owned by a native landholding corporation and whose intended use is forest production.

1988, c. 73, s. 51.

CHAPTER I PLANS AND PROGRAMS

118. The Minister may prepare or promote the preparation of programs to facilitate the gathering of inventory data, the calculation of the allowable annual cut and the protection or development of forests, including increased yield. To that end, the Minister may, on the conditions he determines, grant financial assistance to any person or organization, including a regional agency for private forest development.

1986, c. 108, s. 118; 1988, c. 73, s. 52; 1996, c. 14, s. 8; 2001, c. 6, s. 98.

118.1. Every person or organization that obtains financial assistance without entitlement, fails to comply with the conditions applicable or uses the proceeds of such assistance for purposes other than those for which it was granted forfeits the assistance by operation of law and must return the amounts received, unless the Minister decides otherwise.

Any balance remaining on amounts to be returned under the first paragraph bears interest, at the rate fixed under section 28 of the Tax Administration Act (chapter A-6.002), from the thirtieth day following the date of the Minister's claim. The interest is capitalized monthly.

1996, c. 14, s. 9; 2010, c. 31, s. 175.

119. (Repealed).

1986, c. 108, s. 119; 1988, c. 73, s. 52; 1993, c. 55, s. 24.

CHAPTER II FOREST PRODUCER

120. A certified forest producer is a person or an organization that satisfies the following requirements:

(1) ownership of a parcel of land or group of parcels of land that may constitute a unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (chapter F-2.1) and whose total forest area is not less than four hectares, for which a forest management plan has been certified by a forest engineer as being consistent with the by-laws of the competent regional agency for private forest development;

(2) registration with the Minister, or with any person or organization designated for such purpose by the Minister, of a forest area that meets the requirements set out in subparagraph 1 and of any change thereto which modifies the total forested area of the unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (chapter F-2.1) or causes any change thereto.

The Minister or the person or organization having effected the registration shall issue to a certified forest producer, upon payment of the fees prescribed by regulation, a certificate attesting his status as regards the forest area in question. The period covered by the certificate must correspond to that covered by the forest management plan, which cannot exceed 10 years.

1986, c. 108, s. 120; 1996, c. 14, s. 10; 2001, c. 6, s. 99; 2006, c. 45, s. 15; 2001, c. 6, s. 99.

121. (Replaced).

1986, c. 108, s. 121; 1988, c. 73, s. 53; 1990, c. 17, s. 16; 1996, c. 14, s. 10.

122. Every forest producer certified under section 120 may receive a reimbursement under section 220.3 of the Act respecting municipal taxation (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 120, provided that the forest producer does not already receive a reimbursement of property taxes in respect of that area.

1986, c. 108, s. 122; 1996, c. 14, s. 11; 1999, c. 40, s. 140.

123. To obtain a reimbursement of property taxes under the Act respecting municipal taxation (chapter F-2.1), a person shall

(1) meet the requirements set out in section 120;

(2) apply therefor in accordance with section 220.3 of the Act respecting municipal taxation;

(3) be in possession of a report the content of which are determined by government regulation, prepared by a forest engineer and containing a statement of the eligible protection or development work expenses, within the meaning of

the regulations of the Government, that are applicable to the last calendar year where the producer is a natural person or, in other cases, that are applicable to the last fiscal year of the producer and represent an amount equal to or greater than the amount of property taxes paid that may be the subject of an application for reimbursement under section 220.3 of the Act respecting municipal taxation.

1986, c. 108, s. 123; 1988, c. 73, s. 54; 1995, c. 37, s. 15; 1996, c. 14, s. 12; 1999, c. 40, s. 140; 2001, c. 6, s. 100.

123.1. (Repealed).

1990, c. 17, s. 17; 1996, c. 14, s. 13.

124. (Repealed).

1986, c. 108, s. 124; 1988, c. 73, s. 54; 1993, c. 55, s. 25; 1996, c. 14, s. 13.

124.1. (Repealed).

1993, c. 55, s. 26; 1996, c. 14, s. 13.

CHAPTER III

REGIONAL AGENCIES FOR PRIVATE FOREST DEVELOPMENT

DIVISION I

ESTABLISHMENT AND ORGANIZATION

124.1.1. For the purposes of this division, the Minister may certify organizations composed of forest producers that provide forest producers with private forest development services or forest product marketing services.

1996, c. 14, s. 14.

124.2. One or more municipalities may associate with organizations certified pursuant to section 124.1.1 and holders of a wood processing plant operating permit to apply to the Minister for the creation of a regional agency for private forest development in their territories.

In the territory of a regional county municipality, initiative for the founding of an association shall be taken by the regional county municipality; however, any local municipality whose territory is comprised in that of a regional county municipality that is participating in such an association may join the association.

1996, c. 14, s. 14; 2000, c. 56, s. 156.

124.3. The application of the association must include

- (1) the name of the agency to be established;
- (2) a description of the territory of the agency;
- (3) a list of the members of the association and an indication of their capacity;
- (4) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.1.1 and the holders of a wood processing plant operating permit on the agency's first board of directors;
- (5) the designation of the person who will act as chairman of the agency's board of directors.

The application shall be accompanied with the internal by-laws that will govern the new agency.

1996, c. 14, s. 14.

124.4. The Minister may, after ascertaining that the internal by-laws are consistent with section 124.10, grant the application and establish the agency.

The Minister shall give notice of the establishment in the Gazette officielle du Québec.

The members of the founding association become, without further formality and without ratification, members of the agency. The same applies to the members of the board of directors, including the chairman, and to the internal by-laws proposed for the agency in the application.

1996, c. 14, s. 14.

124.5. The agency is a non-profit legal person; its operation is governed by articles 335 to 354 of the Civil Code, subject to any inconsistent provisions of this chapter or of the internal by-laws of the agency.

1996, c. 14, s. 14.

124.6. An agency shall have its head office in its territory, at the place it determines. Notice of the location or of any change of location of the head office shall be published in the Gazette officielle du Québec.

1996, c. 14, s. 14.

124.7. Subject to such admission requirements as may be prescribed by the internal by-laws of the agency, the municipalities whose territory is comprised in that of the agency as well as organizations certified pursuant to section 124.1.1 and holders of a wood processing plant operating permit may become members of the agency.

The right to vote at meetings of the members is limited to the representatives of the categories of members mentioned above; each category shall have the same number of votes.

For the purposes of the first paragraph and sections 124.14 and 124.15, a metropolitan community all or part of whose territory is comprised in the territory of an agency is considered to be a municipality.

1996, c. 14, s. 14; 2010, c. 10, s. 132.

124.8. An agency may, in its internal by-laws, create a category of associate members who do not vote and do not participate in the administration of the agency, and determine the conditions governing their admission and their rights and obligations.

1996, c. 14, s. 14.

124.9. The board of directors of an agency is composed of representatives of each category of members mentioned in section 124.7 and of persons appointed by the Minister for the time he fixes; each of such four groups shall have the same number of votes on the board.

1996, c. 14, s. 14.

124.10. The internal by-laws of an agency shall

(1) prescribe, subject to the requirements of section 124.7, the mode of designation of the representatives of each category of members at the meeting of the members, the conditions to be met by each representative, the number of representatives authorized and their term of office, and the number of votes that may be cast by each representative;

(2) prescribe, subject to the requirements of section 124.9, the mode of designation of the members of the board of directors except those appointed by the Minister, the conditions to be met by each board member, the number of board members and their term of office, and the number of votes that may be cast by each board member;

(3) determine the standards of ethics and professional conduct applicable to the members of the board of directors; such standards must provide mechanisms for their implementation, including any applicable penalties;

(4) determine the minimum amount of liability insurance which an agency must take out to cover any liability incurred by its officers and other representatives as a result of faults or negligence committed in the exercise of their functions;

(5) establish a decision-making process for the board of directors and a mechanism for the resolution of conflicts among board members, without, however, setting aside article 341 of the Civil Code;

(6) ensure that every person or organization that satisfies the admission requirements is permitted to join the agency.

Any amendment to the internal by-laws of an agency requires approval by the Minister after ratification by the general meeting.

1996, c. 14, s. 14.

124.10.1. In order to standardize the rules of ethics and professional conduct applicable to agency board members, the Minister may require that all, or one or more, agencies, make the amendments the Minister determines to their internal by-laws. The Minister may also require that an agency make the amendments the Minister determines to the provisions in its internal by-laws that deal with the quorum for meetings of the board if the Minister considers that the rules no longer facilitate the holding of meetings.

An agency to which the request is made must enact the amending by-law. The by-law comes into force on the date it is enacted by the board and need not be ratified by the assembly of members.

The Minister may enact the amending by-law if the agency delays unduly in doing so. The by-law then comes into force as soon as the chairman is notified.

2006, c. 45, s. 16; 2007, c. 39, s. 26.

124.11. An agency shall call a general meeting of its members at least once a year.

The general meeting shall adopt the annual report of the agency, approve the financial statements for the preceding fiscal year and, where necessary, elect directors. In addition, the general meeting shall appoint an auditor for the current fiscal year and examine any other question on the agenda.

1996, c. 14, s. 14.

124.12. The Minister may change the name of an agency that applies therefor.

The Minister shall give notice of such change in the Gazette officielle du Québec.

1996, c. 14, s. 14.

124.13. The Minister may, on an application by an agency and a municipality, extend the boundaries of the territory of the agency in order to include therein the territory of the municipality.

The Minister shall give notice thereof in the Gazette officielle du Québec.

In the territory of a regional county municipality, initiative for the filing of the application shall be taken by the regional county municipality.

1996, c. 14, s. 14.

124.14. The Minister may, on an application by interested agencies whose territories are adjacent, join their territories and form a new agency; the application must include

(1) the name of the new agency;

(2) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.1.1 and the holders of a wood processing plant operating permit on the new agency's first board of directors;

(3) the designation of the person who will act as chairman of the board of directors of the new agency.

The application shall be accompanied with the internal by-laws that will govern the new agency.

The Minister shall give notice of the creation of the new agency in the Gazette officielle du Québec.

The agencies whose territories are joined cease to exist and their members, rights and obligations become the members, rights and obligations of the new agency.

1996, c. 14, s. 14.

124.15. The Minister may, following an application by an agency, divide the territory of the agency and form new agencies; the application must include

(1) the names of the new agencies;

(2) the designation of the persons who will act as representatives of the municipalities, the organizations certified pursuant to section 124.1.1 and the holders of a wood processing plant operating permit on the first boards of directors of the new agencies;

(3) the designation of the persons who will act as chairmen of the boards of directors of the new agencies;

(4) a plan for the allocation of the rights and obligations of the agency whose territory is divided.

The application shall be accompanied with the internal by-laws that will govern the new agencies.

The Minister shall give notice of the formation of the new agencies in the Gazette officielle du Québec.

The agency whose territory has been divided ceases to exist and its rights and obligations become the rights and obligations of the new agencies in accordance with the allocation plan.

1996, c. 14, s. 14.

124.16. The members and the chairman of the board of directors of a new agency resulting from an amalgamation or division of territory who are proposed in the application that gave rise to the new agency become, without further formality and without ratification, the members and chairman of the board of directors of the new agency. The same applies to the internal by-laws proposed for the new agency.

The protection and development plan of a former agency remains in force in the territory to which it applied until it is amended or replaced by the new agency having jurisdiction in that territory.

1996, c. 14, s. 14.

DIVISION II OBJECTS

124.17. The objects of an agency are to guide and promote the development of the private forests in its territory in order to foster sustainability, in particular through

(1) the preparation of a protection and development plan;

(2) the provision of financial and technical support for protection or development.

To that end, the agency shall encourage concerted action between the persons and organizations concerned by such activities.

1996, c. 14, s. 14.

124.18. The protection and development plan shall include a survey of forest capability in the territory of the agency and indicate production objectives and recommended management methods, in particular, management methods capable of ensuring a sustainable supply of timber; that part of the plan must be approved by a forest engineer. The plan must also include a five-year program of forest protection and development activities fostered by the agency and state the indicators selected to achieve the objectives.

The plan shall come into force in the territory of every regional county municipality if it is consistent with the objectives of the land use planning and development plan, within the meaning of the Act respecting land use planning and development (chapter A-19.1). The plan is available for consultation at the agency's head office or any other place determined by the agency. Any person or body may obtain a copy of all or part of the plan by paying the agency the cost of copying it.

For the purposes of the second paragraph and sections 124.19 to 124.23,

(1) the following are considered to be regional county municipalities:

(a) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;

(b) Ville de Montréal, Ville de Québec and Ville de Longueuil; and

(c) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec, from the coming into force of their first metropolitan land use and development plan;

(2) the territory of a municipality listed in subparagraph b of subparagraph 1 is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act; and

(3) any reference to a land use planning and development plan or the objectives of such a plan is deemed to be a reference to the metropolitan land use and development plan of a community.

1996, c. 14, s. 14; 2001, c. 6, s. 101; 2000, c. 56, s. 157; 2002, c. 68, s. 52; 2006, c. 45, s. 17; 2010, c. 10, s. 133.

124.19. The agency shall send a copy of its protection and development plan to every regional county municipality whose territory is comprised in that of the agency.

1996, c. 14, s. 14.

124.20. Within 90 days after receiving the agency's plan, the council of the regional county municipality concerned shall give its opinion on whether or not such plan is consistent with the objectives of the land use planning and development plan.

The secretary-treasurer shall serve on the agency, within the time limit provided for in the first paragraph, a certified copy of the resolution stating this opinion.

If the council of the regional county municipality fails to send its opinion to the agency within the time limit provided for in the first paragraph, the agency's plan is deemed to be consistent with the objectives of the land use planning and development plan.

The agency's plan is also deemed to be consistent with those objectives from the date on which the regional county municipality, in accordance with the first paragraph, issues an opinion to the effect that the agency's plan is consistent with the land use planning and development plan of the regional county municipality.

1996, c. 14, s. 14; 2002, c. 68, s. 52.

124.21. An opinion to the effect that the agency's plan is not consistent with the objectives of a land use planning and development plan must include reasons and may contain the suggestions of the regional county municipality as to how consistency may be ensured.

The agency shall, within 90 days after receiving the opinion, amend its protection and development plan to ensure that it is consistent with the objectives of the land use planning and development plan.

1996, c. 14, s. 14; 2002, c. 68, s. 52.

124.21.1. On the request of the Minister, the agency must revise its protection and development plan, on the same conditions as when preparing its initial plan.

On the same conditions, the agency may revise its plan on its own initiative.

2001, c. 6, s. 102; 2006, c. 45, s. 18.

124.22. The agency shall, within 90 days after the coming into force of an original or revised land use planning and development plan that is applicable in its territory, revise its protection and development plan so as to ensure that it is consistent with the objectives of the land use planning and development plan.

1996, c. 14, s. 14; 2002, c. 68, s. 52.

124.23. In the case of an amendment to a land use planning and development plan that is applicable in the territory of a regional county municipality, the agency shall, within 90 days after receiving the application of the regional county municipality, amend its protection and development plan to ensure that it is consistent with the objectives of the amended land use planning and development plan. The application may contain suggestions as to how consistency may be ensured.

1996, c. 14, s. 14; 2002, c. 68, s. 52.

124.24. The agency shall determine, by by-law, the form and content of the forest management plan referred to in section 120. A plan applicable to a forest area of 800 hectares or more in a single block must provide, in particular, a method for calculating the annual allowable cut.

1996, c. 14, s. 14.

124.25. An agency may, within the scope of its programs and subject to the conditions it determines, participate financially in the implementation of its protection and development plan and in particular in

(1) the preparation of forest management plans and the carrying out of forest development work;

(2) the carrying out of training and information activities for forest producers.

However, financial participation in the carrying out of forest development work shall be limited to forest areas registered in accordance with section 120, regardless of the person or body eligible under a program of the agency.

The agency may also give prizes or awards for excellence in the protection and development of private forests.

1996, c. 14, s. 14; 2001, c. 6, s. 103.

124.26. Every financial participation program proposed by an agency shall include the eligibility requirements, the nature of the participation as well as the scales and limits and the terms and conditions governing the allotment procedures.

1996, c. 14, s. 14.

124.27. An agency may, in addition,

- (1) receive gifts, legacies, grants or other contributions, provided the conditions that may be attached thereto are not incompatible with the exercise of its powers and duties;
- (2) establish and administer any fund required for the exercise of its powers and duties;
- (3) inspect the work carried out under a financial participation program.

1996, c. 14, s. 14.

124.28. An agency may, by way of an agreement and subject to the conditions set out therein, entrust the exercise of certain of its powers and duties to any person or organization.

1996, c. 14, s. 14.

DIVISION III FINANCIAL PROVISIONS AND REPORTS

124.29. Every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of an agency shall pay a contribution to the agency. The contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in a year.

1996, c. 14, s. 14.

124.30. Each holder of a wood processing plant operating permit must state, on the form and subject to the conditions determined by by-law of the agency, the volume of timber from private forests that he purchased in the period preceding his report. He shall file his report according to the schedule fixed by regulation of the Government and pay his contribution in accordance with such schedule and on the basis of the volume declared.

1996, c. 14, s. 14.

124.31. The Minister may suspend or revoke a wood processing plant operating permit if the holder fails to file with the agency the report referred to in section 124.30, gives false or misleading information in his statement or fails to pay his contribution in accordance with the said section.

1996, c. 14, s. 14.

124.32. Every agency must obtain the authorization of the Minister before

- (1) granting a loan or a guarantee for total or partial repayment of a financial commitment;
- (2) making an investment in exchange for a share of the profits, royalties or any other form of compensation;
- (3) acquiring assets of an enterprise;
- (4) making any other financial commitment that the Minister may determine by regulation.

The Minister may subordinate his authorization to the conditions he determines.

1996, c. 14, s. 14.

124.33. The fiscal year of the agency ends on 31 March.

1996, c. 14, s. 14.

124.34. An agency shall not, in any fiscal year, make payments or assume obligations in excess of the sums at its disposal for that fiscal year.

Nothing in this section shall prevent an agency from making a commitment for a term that exceeds one fiscal year.

1996, c. 14, s. 14.

124.35. The Minister may require an agency to file progress reports on its financial situation on the dates and in the form he determines.

The Minister may also require from the agency any information concerning the application of this chapter.

1996, c. 14, s. 14.

124.36. Each agency shall send to the Minister, at the time he determines, its financial statements and its annual report for the preceding fiscal year.

Such documents must contain all the information required by the Minister and be accompanied with the auditor's report.

The agency must publish its financial statements and its annual report of activities.

1996, c. 14, s. 14; 2006, c. 45, s. 19.

CHAPTER IV FOREST MANAGEMENT FUNDING PROGRAM

124.37. The Government shall establish, by regulation, a forest management funding program to encourage the establishment, maintenance or development of forest production units.

1996, c. 14, s. 14; 2004, c. 6, s. 6.

124.38. Financial assistance under the forest management funding program shall be granted by La Financière agricole du Québec. The program may include

- (1) loans;
- (2) security for total or partial repayment of financial commitments, furnished by La Financière agricole du Québec.

1996, c. 14, s. 14; 2000, c. 53, s. 66; 2011, c. 16, s. 23.

124.39. The provisions of the Act respecting La Financière agricole du Québec (chapter L-0.1), except section 19, with the necessary modifications, apply in respect of the forest management funding program.

2000, c. 53, s. 64.

124.40. La Financière agricole du Québec shall, not later than 30 June each year, send to the Minister of Natural Resources and Wildlife a report on the administration of the program for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The agency shall, in addition, provide the Minister with any information he requires on its activities under this Act.

1996, c. 14, s. 14; 2000, c. 53, s. 66; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

TITLE II.1

DELEGATED MANAGEMENT OF PROGRAMS INTENDED TO MAINTAIN OR IMPROVE THE PROTECTION, DEVELOPMENT OR TRANSFORMATION OF FOREST RESOURCES

124.41. The Minister, by an agreement, may delegate to a municipality or an organization other than a for-profit organization, in whole or in part, the management of programs developed under paragraph 3 of section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) and intended to maintain or improve the protection, development or transformation of forest resources.

The value of the activities designed to protect and develop forest resources under a program is determined by the Minister or the Minister's delegate as stipulated in the agreement, by applying the same rules of calculation as those determined by regulation of the Government for the activities provided for in a funding agreement entered into in accordance with the fourth paragraph of section 73.1.

2003, c. 16, s. 33; 2006, c. 3, s. 35.

124.42. The agreement shall define the powers and responsibilities delegated to the municipality or organization and fix the conditions of the delegation, in particular the reporting obligations of the delegate.

2003, c. 16, s. 33.

124.43. The municipality or organization that is a party to a program management delegation agreement may exercise all the powers and responsibilities of the Minister under this Act that are necessary for the implementation of the program, to the extent and as determined in the agreement.

2003, c. 16, s. 33.

124.44. The Minister may, in the agreement, agree to pay a specific amount to the municipality or organization for the management of the program.

2003, c. 16, s. 33.

124.45. The municipality or organization exercising the powers and responsibilities delegated to it under this Title shall not engage the liability of the Government.

2003, c. 16, s. 33.

TITLE III FOREST PROTECTION

CHAPTER I FIRE

125. The Minister may certify an organization composed of the holders of timber supply and forest management agreements, forest management agreements, forest management contracts or auxiliary timber supply guarantee agreements and of owners of private woodlots as an organization for the protection of the forest against fire for a forest area defined as he determines.

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

1986, c. 108, s. 125; 1990, c. 17, s. 18; 2001, c. 6, s. 104.

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.

The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with

the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member's wood processing plant.

The plan must define the intensive protection zone and 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.

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.

1986, c. 108, s. 126; 2003, c. 16, s. 34; 2004, c. 6, s. 7.

126.1. Any amendment to the by-laws or organization plan must be submitted to the Minister for approval.

2001, c. 6, s. 105; 2003, c. 16, s. 35.

127. Every holder of an agreement or contract must be a member of the forest protection organization certified by the Minister for the management units covered by the agreement holder's agreement or the management area covered by the contract holder's contract and comprised in the intensive protection zone defined in the organization plan.

The same rule applies to every owner of a private woodlot of at least 800 hectares in a single block as regards the part of the woodlot comprised in the intensive protection zone defined in the organization plan.

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

1986, c. 108, s. 127; 2001, c. 6, s. 106; 2003, c. 16, s. 36.

127.1. The Minister may refuse to issue a forest management permit if the holder of an agreement or a contract fails to join the forest protection organization or if he fails to pay the assessment fixed by the organization.

The Minister may terminate an auxiliary timber supply guarantee agreement for the same reasons.

1988, c. 73, s. 55; 2001, c. 6, s. 107.

127.2. The Minister, or the person or organization designated pursuant to section 120, may refuse to issue a forest producer's certificate to the owner of a private forest of 800 hectares or more in a single block, if such owner is not a member of the forest protection organization or does not pay the assessment fixed by the organization. The Minister may, for the same reasons, revoke such a certificate.

1988, c. 73, s. 55; 1996, c. 14, s. 15.

128. The forest protection organization shall assume the expenses of prevention and extinction of forest fires in the intensive protection zone.

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.

The expenses referred to in the second paragraph shall be paid out of the Consolidated Revenue Fund.

The Minister may enter into special agreements with the forest protection organization concerning the prevention and extinction of fires outside the intensive protection zone, particularly as regards expenses.

1986, c. 108, s. 128; 1988, c. 73, s. 56; 2003, c. 16, s. 37.

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.

The forest protection organization may claim the expenses it incurred in fighting the fire from the owner of the forest.

1986, c. 108, s. 129.

130. An agent of a forest protection organization may requisition any necessary apparatus, regardless of who owns it, to fight a forest fire.

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.

1986, c. 108, s. 130.

131. The Minister shall fix the amount of the indemnities payable to persons recruited by a forest protection organization to fight a fire.

1986, c. 108, s. 131.

132. The Minister may authorize any person designated for that purpose by a forest protection organization to act as a fire-ranger.

1986, c. 108, s. 132.

133. In territories situated north of the 50th parallel and subject to section 59 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the Minister or a forest protection organization may make special agreements for the provision of forest protection in such territories.

1986, c. 108, s. 133.

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.

1986, c. 108, s. 134.

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.

The fire-ranger shall determine, when issuing a permit, the precautions to be taken in the specific circumstances of each permit application.

He shall issue the permit on the conditions determined by regulation of the Government.

1986, c. 108, s. 135.

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.

1986, c. 108, s. 136.

137. Every person who starts a fire in or near the forest shall remain at the site until the fire is completely extinguished.

1986, c. 108, s. 137.

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.

1986, c. 108, s. 138.

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.

1986, c. 108, s. 139.

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.

1986, c. 108, s. 140.

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.

1986, c. 108, s. 141.

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.

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.

1986, c. 108, s. 142.

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 from it, if the organization deems it expedient. If the work is to be carried on outside the intensive protection zone, the costs incurred to determine the necessity of obtaining a plan and, where applicable, those relating to the preparation of the plan are to be met by the person who carries on work in the forest or causes work to be carried on in the forest.

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

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.

1986, c. 108, s. 143; 2007, c. 39, s. 27.

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.

1986, c. 108, s. 144.

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.

1986, c. 108, s. 145.

CHAPTER II DISEASES AND INSECT INFESTATIONS

DIVISION I PROTECTION PLANS

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

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

1986, c. 108, s. 146; 1990, c. 17, s. 19; 2001, c. 6, s. 108.

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

The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member's wood processing plant.

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

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

1986, c. 108, s. 147; 1990, c. 17, s. 19; 2003, c. 16, s. 38; 2004, c. 6, s. 8.

147.0.1. Any amendment to the by-laws or organization plan must be submitted to the Minister for approval.

2001, c. 6, s. 109; 2003, c. 16, s. 39.

147.1. Every holder of an agreement or contract must be a member of the forest protection organization certified by the Minister for the management units covered by the agreement holder's agreement or the management area covered by the contract holder's contract and comprised in the protected territory defined in the organization plan.

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

1990, c. 17, s. 19; 2001, c. 6, s. 110; 2003, c. 16, s. 40.

147.2. The Minister may refuse to issue a forest management permit if the agreement holder fails to join the forest protection organization or if he fails to pay the assessment fixed by the organization. The Minister may, for the same reasons, terminate an auxiliary timber supply guarantee agreement.

1990, c. 17, s. 19; 2001, c. 6, s. 111.

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

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

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

1990, c. 17, s. 19; 1999, c. 40, s. 140; 2001, c. 6, s. 112.

147.4. In the protected territory defined in the organization plan, the protection organization shall assume the expenses incurred to implement the plans for the protection of the forest against destructive insects and cryptogamic diseases.

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

1990, c. 17, s. 19; 2003, c. 16, s. 41.

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

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

1990, c. 17, s. 19; 1999, c. 40, s. 140.

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

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

1990, c. 17, s. 19.

DIVISION II PHYTOSANITARY TESTS

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

1986, c. 108, s. 148.

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

1986, c. 108, s. 149.

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.

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.

1986, c. 108, s. 150.

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

1986, c. 108, s. 151.

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.

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

1986, c. 108, s. 152.

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.

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.

1986, c. 108, s. 153.

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

1986, c. 108, s. 154.

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

1986, c. 108, s. 155; 1988, c. 73, s. 57.

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

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.

1986, c. 108, s. 156.

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

1986, c. 108, s. 157.

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.

1986, c. 108, s. 158.

TITLE IV UTILIZATION AND PROCESSING OF TIMBER

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

1986, c. 108, s. 159.

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.

1986, c. 108, s. 160.

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

1986, c. 108, s. 161.

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.

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

1986, c. 108, s. 162.

163. The Minister shall grant the authorization referred to in section 162 if he considers that timber supply sources are sufficient and forest production is respected.

The authorization shall be valid for a maximum period of one year.

1986, c. 108, s. 163; 1988, c. 73, s. 58.

164. No person may operate a wood processing plant belonging to a class prescribed by regulation of the Government unless he holds a permit issued by the Minister for that purpose.

1986, c. 108, s. 164; 2003, c. 16, s. 42.

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.

The permit shall indicate the class of plant and the class of annual timber consumption authorized for the various species or groups of species, as established by regulation, as well as the authorized volumes for those species or groups of species. It shall be posted in a conspicuous place in the plant.

It is valid until 31 March of the year following the year of issue. It may be renewed on the conditions and upon payment of the fees prescribed by regulation of the Government.

1986, c. 108, s. 165; 1993, c. 55, s. 27; 2001, c. 6, s. 113; 2003, c. 16, s. 43.

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.

The notice must be given not later than 60 days after the date of the act or transaction concerned.

1986, c. 108, s. 166.

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.

If the required information is refused, the Minister may cause the timber to be seized and disposed of according to law.

1986, c. 108, s. 167.

168. Every holder of a wood processing plant operating permit shall keep a register in the form, at the time and with the content determined by regulation of the Government.

The permit holder shall, each year, transmit to the Minister a certified copy of the part of the register covering the period corresponding to the calendar year in cases where the permit holder is a natural person, and to the last complete fiscal year in all other cases.

1986, c. 108, s. 168; 1988, c. 73, s. 59; 1993, c. 55, s. 28.

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.

1986, c. 108, s. 169.

169.1. The Minister may, for the carrying out of this Act, authorize a person to verify the data of the register kept in accordance with section 168 and any information required under section 169. The person authorized by the Minister may, to that end,

(1) have access, at any reasonable time, to any place where the authorized person has reasonable cause to believe information necessary to his verification is kept;

(2) examine and make copies of books, registers, plans, accounts, records and other documents relating to the activities governed by this Act and require any information or document related to those activities;

(3) require the permit holder or any other person on the premises to give him reasonable assistance in carrying out his verification.

1997, c. 33, s. 11.

169.2. On request, the person authorized by the Minister must identify himself and show a certificate, signed by the Minister, attesting his capacity.

1997, c. 33, s. 11.

170. The Minister shall cancel an authorization contemplated in section 162 or suspend or cancel a wood processing plant operating permit where the holder fails to comply with this Title. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow him at least 30 days to present observations.

1986, c. 108, s. 170; 1997, c. 43, s. 296; 2001, c. 6, s. 114.

170.1. The Minister may enter into an agreement with any person who plans to construct a wood processing plant or anticipates an increase in the timber consumption capacity of a wood processing plant, whereby he undertakes to reserve for that person, for a period of six months, a volume of standing timber in forests forming part of the domain of the State.

The Minister may enter into such an agreement where he is of opinion that the timber supply sources are sufficient and forest production is respected. The volume of timber reserved under the agreement shall be determined by taking into account, in particular, the criteria set out in section 43.

The agreement shall entail, for that person, the obligation to pay the dues prescribed by the Minister. The dues shall correspond to 20% of the product obtained by multiplying the volume of standing timber reserved by the unit rate established under section 72. Where the plan is carried out, the dues shall be deductible from the amount of the dues prescribed under sections 5, 71 and 234, and according to the time limits fixed therein, from the date of issue of the plant permit, in the case of the construction of a plant, or when the expansion work is completed.

The Minister may, if he considers it expedient, renew the agreement on the same conditions no more than four times.

1988, c. 73, s. 60; 1990, c. 17, s. 20; 1997, c. 33, s. 12; 1999, c. 40, s. 140; 2001, c. 6, s. 115.

TITLE IV.1 (Repealed, 2011, c. 16, s. 52)

170.2. (Repealed).

1996, c. 14, s. 17; 2001, c. 6, s. 116; 2004, c. 6, s. 9; 2011, c. 16, s. 52.

170.3. (Repealed).

1996, c. 14, s. 17; 2011, c. 16, s. 52.

170.4. (Repealed).

1996, c. 14, s. 17; 1997, c. 33, s. 13; 2003, c. 16, s. 44; 2004, c. 6, s. 10; 2003, c. 16, s. 44; 2011, c. 16, s. 52.

170.5. (Repealed).

1996, c. 14, s. 17; 2000, c. 15, s. 106; 2011, c. 16, s. 52.

170.5.1. (Repealed).

1997, c. 33, s. 14; 2001, c. 6, s. 117; 2011, c. 16, s. 52.

170.5.2. (Repealed).

1997, c. 33, s. 14; 1999, c. 77, s. 43; 2011, c. 16, s. 52.

170.6. (Repealed).

1996, c. 14, s. 17; 2011, c. 16, s. 52.

170.7. (Repealed).

1996, c. 14, s. 17; 1997, c. 33, s. 15; 2011, c. 16, s. 52.

170.8. (Repealed).

1996, c. 14, s. 17; 2011, c. 16, s. 52.

170.9. (Repealed).

1996, c. 14, s. 17; 2000, c. 8, s. 149; 2000, c. 15, s. 107; 2011, c. 16, s. 52.

170.10. (Repealed).

1996, c. 14, s. 17; 2011, c. 16, s. 52.

170.11. (Repealed).

1996, c. 14, s. 17; 1999, c. 40, s. 140; 2011, c. 16, s. 52.

TITLE V REGULATIONS

171. The Government, by regulation, may prescribe, in respect of the forests in the domain of the State, 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) forest management activities according to the resources to be protected or the territorial units whose destination is determined in a land use plan referred to in section 25;
- (8) the application of the silvicultural treatments;
- (9) the protection of forest regeneration.

For the purposes of subparagraph 7 of the first paragraph, the Government, by regulation, may determine what resources are to be protected and define the territorial units whose destination is determined in a land use referred to in section 25.

The standards prescribed under this section may vary according to the different territorial units on a plan referred to in section 25 and include a requirement to carry on forest management activities or prohibit such activities in one or other of such territorial units.

1986, c. 108, s. 171; 1987, c. 23, s. 94; 1993, c. 55, s. 29; 1999, c. 40, s. 140.

171.1. The regulations made by the Government under section 171 may be adapted to better reconcile forest management activities with the activities pursued by Native persons, in particular those pursued for food, ritual or social purposes.

The regulatory provisions made pursuant to the first paragraph shall indicate, where applicable, the Native communities or the territories to which they apply.

Every draft regulation providing for such adaptations shall be submitted to the Native communities concerned for their opinion at least 45 days before the regulation is made by the Government.

2001, c. 6, s. 118; 2002, c. 25, s. 19.

172. The Government may, by regulation,

- (1) determine, for each species, group of species and quality of timber or, where applicable, for each area of land, 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 rules for calculating the value of silvicultural treatments and other activities as well as contributions to the financing of the treatments or activities admitted as payment of prescribed dues and establish the conditions governing the granting of credits applicable to the payment of dues referred to in section 73.1, including the information, reports or other documents to be prepared or submitted;

(3.1) prescribe the form and content of the progress report on silvicultural treatments or other activities submitted to the Minister under section 73.2;

(4) establish the scaling standards for timber harvested in forests in the domain of the State, specifying, in particular, scaling methods, the place where scaling must take place, the standards applicable depending on whether scaling takes place before or after the timber is transported, and the standards applicable to transportation, the forwarding of scaling or inventory data, the verification of data and the scaling corrections to be made, including the assistance that the permit holder must provide to the Minister;

(4.1) provide for the payment of a specific amount, which may be added to the dues payable by a management permit holder, for the loss of scaling, inventory or transportation forms that were in the possession of the holder, and vary the amount to be paid depending on the type or number of forms lost;

(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;

(5.1) prescribe the form and content of the progress report to be submitted to the Minister by the holder of a sugar bush management permit for acericultural purposes, and the time at which the report must be submitted;

(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;

(6.1) determine, for the purposes of the first and second paragraphs of section 43.1.1, the volume of timber that, during a given year, may be sent to wood processing plants not referred to in the holder's agreement and the volume of timber that, during a given year, may be sent from other wood processing plants to a wood processing plant referred to in a holder's agreement; these volumes of timber may be expressed as a percentage of the annual volumes set in the holder's agreement or be based on any other rule for calculating them determined by regulation of the Government;

(7) determine the elements, in addition to those prescribed by this Act, that must be contained in a general forest management plan, an annual management plan, and the annual report of activities that the holder concerned must prepare and submit to the Minister;

(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;

(9.1) determine the volume by which the volume of timber referred to in subparagraph 2 of the second paragraph of section 86.1 is to be reduced by the Minister, for the purpose of calculating the penalty provided for in the fourth paragraph of that section;

(10) fix another unit rate or determine a rule of computation for the purposes of section 106;

(11) prescribe the rate of reimbursement of the expenses related to fire extinction contemplated in section 128 and to the plans contemplated in section 147.4;

(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 any fire protection program to be obtained from a protection organization by a person contemplated in section 143;

(15) prescribe the form and content 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, the classes of annual timber consumption authorized and the form and content of the register he must keep pursuant to section 168, and the time at which the register must be transmitted;

(18) define the works referred to in section 218 and determine the method of calculation of the residual value of the works;

(18.1) fix another unit rate or determine a rule of calculation for the purposes of section 213.1 of the Mining Act (chapter M-13.1);

(18.2) fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

(18.2.1) set the rate referred to in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;

(18.3) prescribe the payment to the Minister, or to the person or organization designated for the purposes of section 120, for his or its own account, of file processing fees for the issue or renewal of a forest producer's certificate, for changes made to a forest producer's certificate or for the issue of duplicates or copies;

(18.3.1) limit the total amount of all or part of the fees a person must pay during a given year for the examination, during that year, of the files opened under subparagraph 18.3;

(18.4) fix, for every species and group of species and for every quality of timber, the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, and determine the schedule according to which permit holders are required to file their statements with the agencies; such a regulation may vary depending on the regional agencies;

(19) determine, among the provisions of a regulation for which no penal sanction is otherwise provided, those the contravention of which constitutes an offence and determine, among the fines provided for in section 186.9, the fine to which the offender is liable;

(20) determine, from among the documents to be submitted to the Minister under this Act, those that must be submitted using the medium or technology the Government specifies in the regulation and specify, from among the categories of persons or organizations that must submit the documents, those that must submit them using that medium or technology.

The Minister shall define, in an instruction manual, for each of the scaling methods determined by the Government under subparagraph 4 of the first paragraph, the various scaling and sampling techniques, the content and form of the various applications and other types of forms relating to scaling, inventories and transportation, and any other instruction relating to the application of any such scaling method. The instruction manual is not subject to the provisions of the Regulations Act (chapter R-18.1). However, it must be supplied by the Minister to every management permit holder once the scaling method selected has been approved.

1986, c. 108, s. 172; 1988, c. 73, s. 61; 1990, c. 17, s. 21; 1993, c. 55, s. 30; 1995, c. 37, s. 16; 1996, c. 14, s. 18;

1997, c. 33, s. 16; 1999, c. 40, s. 140; 2001, c. 6, s. 119; 2003, c. 16, s. 45; 2004, c. 6, s. 11; 2001, c. 6, s. 119; 2006, c. 45, s. 20; 2001, c. 6, s. 119; 2007, c. 39, s. 28; 2001, c. 6, s. 119.

172.1. The Government may, by regulation,

(1) define “eligible protection or development expenses” for the purposes of section 123, and prescribe exclusions, ceilings and deductions;

(2) establish rules for the calculation and substantiation of eligible development expenses applicable to a calendar year where a producer is a natural person or, in other cases, to the fiscal year of a producer, and authorize the carrying forward of such expenses, even expenses incurred before the coming into force of the regulations;

(3) determine the content of the report referred to in paragraph 3 of section 123.

The content of the regulations may vary depending on the class of expenses.

Before recommending the adoption of regulations by the Government under this section, the Minister must obtain the advice of the Minister of Revenue, which he shall submit together with his recommendation.

1996, c. 14, s. 19; 2001, c. 6, s. 120.

172.2. The Government may, by regulation, prescribe any measure necessary for the establishment and implementation of the forest management funding program provided for in section 124.37 and in particular

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, according to the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria to be used to determine the persons or classes of persons who may avail themselves of the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program;

(4) determine what financial commitments granted under the program are covered by the financial commitment repayment guarantee under subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1), and specify the extent and duration of the coverage.

1996, c. 14, s. 19; 2011, c. 16, s. 24.

TITLE VI SANCTIONS

CHAPTER 0.1 Civil remedies

172.3. The court may, besides awarding damages for damage caused to a forest ecosystem classified as an exceptional forest ecosystem by the Minister, order the person responsible to pay punitive damages.

2001, c. 6, s. 121.

CHAPTER I PENAL PROVISIONS

173. Every person who, without holding a management permit, cuts, displaces, removes or harvests timber on lands in the domain of the State, or who damages trees or taps a maple tree on such lands, is guilty of an offence and is liable to a fine of

(1) \$5 to \$450 for each tree in respect of which an offence is committed;

(2) \$200 to \$5,000 where the offence involves a shrub, half-shrub, slash or cull.

1986, c. 108, s. 173; 1988, c. 73, s. 62; 1990, c. 4, s. 429; 1991, c. 33, s. 42; 1992, c. 61, s. 309; 1999, c. 40, s. 140; 2001, c. 6, s. 122.

174. Every holder of a management permit or third person entrusted with the execution of work authorized by a permit who cuts timber outside the cutting areas indicated in the permit or the management plan with which the permit holder is bound to comply is guilty of an offence and is liable to a fine of \$4,000 to \$50,000 for each hectare or part of a hectare cut outside the perimeter of the area where cutting was authorized.

1986, c. 108, s. 174; 1990, c. 4, s. 430; 1991, c. 33, s. 43; 2001, c. 6, s. 122.

175. Every holder of a management permit who harvests timber in excess of the volume authorized under this Act is guilty of an offence and is liable to a fine of \$40 to \$200 for each cubic metre of timber harvested in excess of the authorized volume.

Every holder of a management permit who harvests timber of a species or group of species the permit holder is not authorized to harvest under this Act is guilty of an offence and is liable to a fine of \$40 to \$200 for each cubic metre of timber harvested without authorization.

1986, c. 108, s. 175; 1988, c. 73, s. 63; 1990, c. 4, s. 430; 1991, c. 33, s. 44; 1992, c. 61, s. 310; 2001, c. 6, s. 122.

175.0.1. (Replaced).

1993, c. 55, s. 31; 2001, c. 6, s. 122.

175.0.2. (Replaced).

1993, c. 55, s. 31; 2001, c. 6, s. 122.

175.1. (Replaced).

1988, c. 73, s. 64; 1990, c. 4, s. 430; 1991, c. 33, s. 45; 1992, c. 61, s. 311; 2001, c. 6, s. 122.

176. Every holder of a management permit who ships timber the permit holder is authorized to harvest under this Act to a destination other than the processing plant or processing plants specified in the permit, or who allows such timber to be so shipped, is guilty of an offence and is liable to a fine of \$40 to \$200 for each cubic metre of timber shipped to such a destination, unless authorized to do so pursuant to section 43.2.

Every holder of a timber supply and forest management agreement who, contrary to section 43.1.1, sends to a processing plant specified in the permit that is not the plant referred to in the agreement, timber of a species or groups of species the holder was not authorized to send or that exceeds the volume determined in the permit, or who sends to that plant timber that was not harvested during the year, is guilty of an offence and liable to a fine of \$40 to \$200 for each cubic metre of timber sent to that plant in contravention of this section.

The following persons are guilty of an offence and liable to a fine of \$40 to \$200 for each cubic metre of timber exceeding the volumes referred to in the first or second paragraph of section 43.1.1:

(1) every holder of a timber supply and forest management agreement who, during a given year, sends volumes of timber in excess of the volume determined in the first paragraph of section 43.1.1 to wood processing plants not referred to in the agreement;

(2) every holder of a timber supply and forest management agreement who, during a given year, allows volumes of timber from other wood processing plants in excess of the volume determined in the second paragraph of that section to be sent to the wood processing plant referred to in the agreement.

1986, c. 108, s. 176; 1990, c. 4, s. 430; 1991, c. 33, s. 46; 1993, c. 55, s. 32; 2001, c. 6, s. 122; 2006, c. 45, s. 21;

2007, c. 39, s. 29.

177. Every holder of a management permit or third person entrusted with the execution of work authorized by a permit who carries out a forest management activity on lands in the domain of the State in contravention of a provision of the permit or the management plan with which the permit holder is bound to comply is guilty of an offence and liable to a fine of \$200 to \$10,000 in all cases where the offence is not otherwise punishable.

1986, c. 108, s. 177; 1990, c. 4, s. 430; 1991, c. 33, s. 47; 2001, c. 6, s. 122; 2003, c. 16, s. 46.

178. Every holder of a management permit who fails to comply with an order given by the Minister pursuant to section 25.1 or who neglects to follow up on the order is guilty of an offence and is liable to a fine of \$500 to \$5,000.

1986, c. 108, s. 178; 1990, c. 4, s. 430; 1991, c. 33, s. 48; 2001, c. 6, s. 122.

179. Every holder of a management permit who contravenes the first paragraph of section 26.1 is guilty of an offence and is liable to a fine of \$500.

1986, c. 108, s. 179; 1990, c. 4, s. 431; 1991, c. 33, s. 49; 2001, c. 6, s. 122.

180. Every person who contravenes one of the provisions of sections 27, 28 and 28.1 is guilty of an offence and is liable to a fine of \$1,125 to \$5,600.

1986, c. 108, s. 180; 1990, c. 4, s. 430; 1991, c. 33, s. 50; 2001, c. 6, s. 122.

181. Every person who contravenes section 28.2 or a forest management standard prescribed under subparagraph 2 or 7 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of \$10 to \$450 for each tree the person cut or failed to cut in contravention of the applicable standard.

Every person who contravenes a forest management standard relating to a matter referred to in subparagraph 2 or 7 of the first paragraph of section 171, the application of which was imposed by the Minister pursuant to section 25.2, is guilty of an offence and is liable to a fine of \$20 to \$900 for each tree the person cut or failed to cut in contravention of the applicable standard.

1986, c. 108, s. 181; 1990, c. 4, s. 430; 1991, c. 33, s. 51; 2001, c. 6, s. 122.

182. The following persons are guilty of an offence and are liable to a fine of \$500 to \$10,000:

(1) every person who contravenes the first paragraph of section 31 or fails to comply with the conditions of an authorization obtained from the Minister pursuant to the first paragraph of that section;

(2) every person who contravenes section 32 or fails to comply with the provisions of the management permit issued to that person by the Minister pursuant to this Act relating to the construction, improvement or decommissioning of a forest road;

(3) every person who destroys or damages a road in a forest environment on lands in the domain of the State.

1986, c. 108, s. 182; 1990, c. 4, s. 430; 1991, c. 33, s. 52; 1993, c. 55, s. 33; 2001, c. 6, s. 122; 2006, c. 45, s. 22.

183. Every person who fails to comply with a restriction or prohibition concerning access to a forest road imposed by the Minister pursuant to the second paragraph of section 33, or who contravenes section 34, is guilty of an offence and is liable to a fine of \$600 to \$6,000.

1986, c. 108, s. 183; 1990, c. 4, s. 430; 1993, c. 55, s. 34; 2001, c. 6, s. 122.

183.1. (Replaced).

1993, c. 55, s. 35; 2001, c. 6, s. 122.

184. Every holder of a management permit issued for the cultivation and operation of a sugar bush who fails to submit a report of activities to the Minister within the time fixed in section 16.1 or, where applicable, the sworn statement referred to in section 16.1.1, is guilty of an offence and is liable to a minimum fine of \$800.

The following persons are guilty of an offence and are liable to a minimum fine of \$1,000:

(1) every holder of a timber supply and forest management agreement or of a forest management agreement who fails to submit to the Minister, within the time fixed in section 51, the document or report that is to be submitted under the second paragraph of section 59.2;

(2) every holder of such an agreement or of a forest management contract who fails to submit modifications to the general forest management plan to the Minister for approval within the time determined by the Minister under the first or second paragraph of section 59.6;

(2.1) every holder of such an agreement who fails to submit modifications to the general forest management plan to the Minister for approval within the time determined by the Minister under the second paragraph of section 59.7;

(2.2) every holder of such an agreement or of a forest management contract who fails to submit modifications to the annual management plan to the Minister for approval within the time determined by the Minister under the third paragraph of section 59.6;

(3) every holder of such an agreement, or of an accreditation under section 92.0.3, 92.0.3.1 or 92.0.3.2 who fails to submit modifications to an annual forest management plan to the Minister for approval within the time fixed by the Minister under the third paragraph of section 59.7;

(4) every holder of such an agreement or accreditation who fails to submit modifications to an annual forest management plan to the Minister for approval within the time fixed by the Minister under section 92.0.6;

(5) every holder of a forest management agreement or forest management contract, and every holder of an accreditation under section 92.0.3, 92.0.3.1 or 92.0.3.2, or of a management permit issued under section 92.0.11, who fails to submit to the Minister within the time set in section 70 the annual activities report referred to in that section;

(6) every holder of a forest management agreement or forest management contract who fails to submit a sworn annual statement to the Minister within the time fixed in section 84.5 or 104.4.

1986, c. 108, s. 184; 1999, c. 40, s. 140; 2001, c. 6, s. 122; 2003, c. 16, s. 47; 2007, c. 39, s. 30.

184.1. (Replaced).

1988, c. 73, s. 65; 1990, c. 4, s. 432; 1991, c. 33, s. 53; 2001, c. 6, s. 122.

184.2. (Replaced).

1993, c. 55, s. 36; 2001, c. 6, s. 122.

185. The following persons are guilty of an offence and are liable to a fine of \$500 to \$50,000:

(1) every person who fails to comply with a prohibition or restriction governing access to or travel in a forest imposed by the Minister pursuant to section 134, or who contravenes a measure prescribed by the Minister pursuant to that section;

(2) every person who contravenes the first paragraph of section 135 or fails to comply with the precautions determined by the fire-ranger when issuing a permit;

(3) every person who contravenes one of the provisions of paragraph 1 or 2 of section 136 or of section 137 or 138;

(4) every person who operates an industrial or household waste disposal site in or near the forest and who fails to comply with the first paragraph of section 139;

(5) every owner or operator of a waste disposal site referred to in paragraph 4 who refuses to comply with an order given by the fire-ranger pursuant to the second paragraph of section 139, or who contravenes section 140;

(6) every person referred to in section 141 or 142 who fails to comply with the safety standards prescribed under subparagraph 13 of the first paragraph of section 172 for the prevention and extinction of forest fires;

(7) every person referred to in section 143 who fails to inform the forest fire protection organization of the person's intention to carry on work or cause work to be carried on in the forest, or who fails to obtain from that organization the forest protection plan referred to in that section;

(8) every holder of a management permit who uses fire as a silvicultural treatment and contravenes section 144.

1986, c. 108, s. 185; 2001, c. 6, s. 122.

185.1. (Replaced).

1992, c. 61, s. 312; 2001, c. 6, s. 122.

186. Every person who sells or uses seedlings for purposes other than ornamental purposes before the certificate referred to in section 150 has been issued for those seedlings, or who contravenes one of the provisions of section 151 or 152 is guilty of an offence and is liable to a fine of \$200 to \$5,000.

1986, c. 108, s. 186; 1990, c. 4, s. 433; 2001, c. 6, s. 122.

186.1. Every person who ships outside Québec incompletely processed timber from land in the public domain in Québec without authorization in the form of an order under section 161, or who contravenes a provision of the order, is guilty of an offence and is liable to a fine of \$2,450 to \$6,075 in the case of a natural person and \$7,300 to \$18,225 in the case of a legal person, and, for a second or subsequent offence, to a fine of \$12,150 to \$60,700 in the case of a natural person and \$36,425 to \$182,100 in the case of a legal person.

2001, c. 6, s. 122.

186.2. Every person who contravenes one of the provisions of the first paragraph of section 162 or section 164, and every wood processing plant operating permit holder who contravenes section 169, is guilty of an offence and is liable to a fine of \$200 to \$1,000 from the thirtieth day following the date on which a notice is sent to the offender by an authorized representative of the Minister ordering the offender to comply with the applicable provisions.

2001, c. 6, s. 122.

186.3. Every person who contravenes a forest management standard prescribed under subparagraph 1 or 8 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of \$5 to \$450 for each tree the person cut or failed to cut in contravention of the applicable standard.

However, where the forest management standard is a standard relating to the salvage of a volume of useful ligneous matter, the offender is liable to a fine of \$40 to \$200 for each cubic metre of timber the person fails to salvage, in contravention of the applicable standard.

Every person who contravenes a forest management standard concerning a matter referred to in subparagraph 1 or 8 of the first paragraph of section 171, whose application is imposed by the Minister pursuant to section 25.2, is guilty of an offence and is liable to a fine of \$10 to \$900 for each tree the person cut or failed to cut in contravention of the applicable standard or, in the case referred to in the second paragraph, to a fine of \$80 to \$400 for each cubic metre of timber the person fails to salvage, in contravention of the applicable standard.

2001, c. 6, s. 122.

186.4. Every person who contravenes a forest management standard prescribed under one of subparagraphs 3 to 6 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of \$1,000 to \$40,000.

Every person who contravenes a forest management standard concerning a matter referred to in one of subparagraphs 3 to 6 of the first paragraph of section 171 whose application is imposed by the Minister pursuant to section 25.2 is guilty of an offence and is liable to a fine of \$2,000 to \$80,000.

2001, c. 6, s. 122.

186.5. Every person who contravenes a forest management standard prescribed under subparagraph 9 of the first paragraph of section 171 is guilty of an offence and is liable to a fine of \$1,000 to \$5,000 for each hectare or part of a hectare affected by the offence or that falls above or below the applicable standard.

Every person who contravenes a forest management standard concerning a matter referred to in subparagraph 9 of the first paragraph of section 171 whose application is imposed by the Minister pursuant to section 25.2 is guilty of an offence and is liable to a fine of \$2,000 to \$10,000 per hectare or part of a hectare affected by the offence or that falls above or below the applicable standard.

2001, c. 6, s. 122.

186.6. Every person who contravenes section 205 is guilty of an offence and is liable to a fine of \$1,000 to \$10,000.

2001, c. 6, s. 122.

186.7. The following persons are guilty of an offence and are liable to a fine of \$5,000 to \$25,000:

(1) every holder of a management permit issued for the cultivation and operation of a sugar bush who submits to the Minister a report of activities under section 16.1 or a sworn statement under section 16.1.1 which contains an entry which the holder knows to be false or misleading;

(2) every holder of a timber supply and forest management agreement, forest management agreement, forest management contract or accreditation under section 92.0.3, 92.0.3.1 or 92.0.3.2 who submits to the Minister an annual management plan or accompanying silvicultural prescriptions which contains an entry the holder knows to be false or misleading, or who submits to the Minister forest inventory data, documents or information used in the preparation of the prescriptions which contain such an entry;

(3) every holder of such an agreement, accreditation or contract who provides the Minister with any information, research or survey referred to in section 59.10 which contains an entry which the holder knows to be false or misleading;

(4) every holder of such an agreement, accreditation or contract, and every holder of a management permit issued under section 92.0.12 who submits to the Minister the annual report of activities referred to in section 70 or a document justifying credit applicable to the payment of dues, containing an entry which the holder knows to be false or misleading;

(5) every holder of a forest management agreement or forest management contract who provides the Minister with a sworn annual statement under section 84.5 or 104.4 which contains an entry which the holder knows to be false or misleading.

The following persons are also guilty of an offence and are liable to a fine of \$500 to \$25,000:

(1) every person who makes false or misleading statements or false representations in order to obtain a management permit or a wood processing plant operating permit;

(2) every person producing seedlings for purposes other than ornamental purposes who provides the Minister with a

detailed annual inventory of seedlings under section 155 which contains an entry which the person knows to be false or misleading;

(3) every person referred to in section 167 who makes a statement which the person knows to be false or misleading concerning the provenance of any timber in the person's possession;

(4) every holder of a wood processing plant operating permit who provides the Minister with a copy of the register referred to in section 168 or provides the Minister with information under section 169 which contains an entry which the holder knows to be false or misleading.

2001, c. 6, s. 122; 2003, c. 16, s. 48; 2007, c. 39, s. 31.

186.8. The following persons are guilty of an offence and are liable to a fine of \$500 to \$5,000:

(1) every person who hinders the work of an inspector referred to in section 26.0.1, 70.1 or 169.1 in the performance of the inspector's functions, refuses to provide the inspector with any information or document the inspector may require under those sections, provides the inspector with any information or document the person knows to be false or misleading, or refuses to provide the inspector with reasonable assistance during a verification;

(2) every person who hinders the work of a representative of a forest fire protection organization in the performance of the representative's functions;

(3) every person who contravenes a provision of section 156 or refuses to comply with an order given by the inspector in the performance of the inspector's functions;

(4) every person who hinders the work of an employee of the department designated by the Minister pursuant to section 187 or 197 in the performance of the employee's functions.

2001, c. 6, s. 122; 2004, c. 6, s. 12.

186.9. Every person who contravenes a regulatory provision the contravention of which constitutes an offence pursuant to a regulation made under section 172 is liable, as specified in the regulation, to a fine of

(1) \$200 to \$1,000;

(2) \$500 to \$2,000;

(3) \$1,000 to \$5,000.

2001, c. 6, s. 122.

186.10. Where an offence referred to in this chapter is committed in a forest ecosystem that is classified as an exceptional forest ecosystem under section 24.4, or in a biological refuge created under section 24.10, the prescribed fine shall be doubled.

The fines prescribed in this chapter shall also be doubled in the case of a second or subsequent offence, except the fines prescribed in section 186.1.

2001, c. 6, s. 122; 2007, c. 39, s. 32.

186.11. Where a person is convicted of an offence under paragraph 1 of section 173, section 175 or section 176, paragraph 1 of section 177, section 181 or section 186.3, the person may not be sentenced to a fine of less than \$200, notwithstanding the fines prescribed in those sections.

2001, c. 6, s. 122.

186.12. In determining the amount of a fine, the court shall take into account, in particular,

- (1) the gravity of the damage resulting from the commission of the offence;
- (2) the degree of fragility of the forest environment or the resources affected by the commission of the offence;
- (3) the monetary gain and other advantages derived from the commission of the offence by the offender.

2001, c. 6, s. 122.

186.13. In addition to any other penalty imposed on an offender, a judge may order that the offender, on the conditions and within the time fixed by the judge,

- (1) reforest, at the offender's expense, the site concerned, where the offender is convicted of an offence under one of the provisions of sections 173 to 177;
- (2) remove, at the offender's expense, the slash dumped into the lake or watercourse concerned, where the offender has contravened one of the provisions of section 28.1 and is convicted of the offence;
- (3) restore, at the offender's expense, the site concerned, or take the corrective measures considered necessary, where the offender is convicted of an offence under one of the provisions of section 182 or section 186.4.

No order may be made unless the prosecutor has forwarded prior notice of the application for an order to the defendant, except if the latter is before the judge.

2001, c. 6, s. 122.

186.14. Every officer, director or representative of an enterprise or legal person who fails to take reasonable steps, given the circumstances, to prevent or forestall the commission of an offence, or who orders, authorizes, consents to or takes part in an offence is guilty of an offence and is liable to the penalty prescribed for the offence, whether or not the enterprise or legal person is prosecuted or convicted.

The same applies to any person who employs or retains the services of another person or of an enterprise to carry out activities governed by this Act.

2001, c. 6, s. 122.

186.15. Subject to the second paragraph, all penal proceedings must be instituted within three years of the commission of the offence.

Penal proceedings instituted under a provision of section 186.7 must be instituted within two years from the date of the opening of the inquiry leading to the proceedings. However, no penal proceedings may be instituted if more than five years have elapsed since the date of commission of the offence.

A statement by the Minister as to the day on which the inquiry was opened constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which it commenced.

2001, c. 6, s. 122.

CHAPTER II SEIZURE

DIVISION I INSPECTION

187. Any department employee designated by the Minister may, when making an inspection on lands in the domain of the State, seize any timber that has been cut and to which this Act applies, if he has reasonable cause to believe that the timber was cut in contravention of a provision of this Act or the regulations.

1986, c. 108, s. 187; 1988, c. 73, s. 66; 1990, c. 17, s. 22; 1999, c. 40, s. 140.

188. The employee may, in addition, seize any timber mixed with the timber he believes to have been cut without a permit, where it is impossible or very difficult to distinguish one from the other.

1986, c. 108, s. 188; 1988, c. 73, s. 66.

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

- (1) the grounds for the seizure;
- (2) the place where the timber was seized;
- (3) the date and time of the seizure;
- (4) the quantity and the description of the timber seized;
- (5) the name of the person from whom the timber is seized or of the person responsible for the premises, or an indication of the fact that there was no one on the premises;
- (6) any information permitting to identify the persons who may have an interest in the timber;
- (7) the name and capacity of the seizer.

1986, c. 108, s. 189; 1988, c. 73, s. 66.

190. The employee shall remit a duplicate of the minute to the person from whom the timber has been seized or to the person responsible for the premises, as the case may be; if there is no one on the premises, the employee shall leave, in a conspicuous place on the premises where the timber was seized, a notice stating that a seizure has been made and indicating the place where the duplicate of the minute of the seizure has been filed.

1986, c. 108, s. 190; 1988, c. 73, s. 66.

191. The employee shall have custody of the timber seized; where it is introduced as evidence, the clerk of the court shall have custody of it.

The person having custody of the timber seized may detain it or see to it that it is detained in a manner that will ensure its preservation.

1986, c. 108, s. 191; 1988, c. 21, s. 145; 1988, c. 73, s. 66.

192. Where the timber is susceptible of rapid deterioration or depreciation, a judge may authorize the sale of the timber on an application by the employee.

Any timber seized may be sold with authorization from a judge, except in the case referred to in section 188, if the employee shows that over seven days have elapsed since a notice was left on the premises pursuant to section 190 and that, since that time, no person has laid claim to the timber seized.

One clear day's notice of an application under the first paragraph shall be served on the person from whom the timber has been seized and on the persons who claim to be entitled to the seized timber.

The sale shall be made by a representative authorized by the Minister on the terms and conditions determined by the judge. The proceeds of the sale shall be deposited with the Ministère des Finances in accordance with the Deposit Act (chapter D-5).

1986, c. 108, s. 192; 1988, c. 21, s. 146; 1988, c. 73, s. 66; 2001, c. 6, s. 123.

193. The seized timber or the proceeds from the sale thereof may be retained for 120 days from the date of the seizure unless proceedings are instituted, except in the cases provided for in sections 195 and 196.

However, the employee may apply to a judge for an extension of the detention period of up to 90 days, or to obtain any other extension in accordance with the procedure set out in article 133 of the Code of Penal Procedure (chapter C-25.1).

1986, c. 108, s. 193; 1988, c. 73, s. 66; 2001, c. 6, s. 124.

194. On an application by a person who claims to be entitled to the seized timber, or to the proceeds of its sale, a judge shall order that the timber or proceeds be released to the applicant if he is convinced that the person is entitled thereto and that the course of justice will not be hindered by the release.

A five clear days' notice shall be served on the employee or, as the case may be, on the prosecutor, on the defendant and, if he is not the applicant, on the person from whom the timber has been seized.

The release order shall be executory at the expiry of a thirty-day period, unless the period is waived by the parties.

1986, c. 108, s. 194; 1988, c. 73, s. 66.

195. The timber seized, or the proceeds of its sale, shall be released to the person from whom the timber has been seized or to a person entitled thereto

(1) as soon as the employee has ascertained that, in his opinion, no offence has been committed under this Act or the regulations thereunder;

(2) as soon as the employee is notified that no proceedings will be instituted in relation to the seized timber or that the timber will not be introduced as evidence;

(3) at the expiry of the detention period;

(4) when a release order becomes executory.

1986, c. 108, s. 195; 1988, c. 73, s. 66.

195.1. Any judge who is competent to issue a search warrant in the judicial district where the seizure is to be made or in the district where the offence has been committed is competent to exercise the powers conferred on a judge by this division.

1986, c. 108, s. 206; 1988, c. 73, s. 66; 1992, c. 61, s. 315; 1999, c. 40, s. 140.

196. If the owner or possessor of the timber seized is unknown or cannot be found, the timber seized, or the proceeds of its sale, shall be transferred to the Minister of Revenue or the Minister of Finance according to whether timber or the proceeds of the sale are involved, 90 days after the day of the seizure; a statement containing a description of the timber or the proceeds of the sale and indicating, where applicable, the name and the last known address of the interested party shall, at the time of the transfer, be sent to the Minister of Revenue.

The Unclaimed Property Act (chapter B-5.1) applies to the timber or proceeds of sale so transferred to the Minister of Revenue or the Minister of Finance.

1986, c. 108, s. 196; 1988, c. 73, s. 66; 1997, c. 80, s. 67; 2005, c. 44, s. 54; 2011, c. 10, s. 98.

DIVISION II SEARCH

197. Any employee of the department designated by the Minister may make a search in accordance with the Code of Penal Procedure (chapter C-25.1), in order to seize any timber to which this Act applies.

The employee may, in addition, seize any timber mixed with the timber that is the subject of the search, where it is impossible or very difficult to distinguish one from the other.

1986, c. 108, s. 197; 1988, c. 73, s. 66; 1990, c. 4, s. 434.

198. In the event of a seizure, the employee drawing up the minutes shall set out, in particular, the information prescribed in section 189.

1986, c. 108, s. 198; 1988, c. 73, s. 66; 1990, c. 4, s. 435.

198.1. Notwithstanding article 132 of the Code of Penal Procedure (chapter C-25.1), the period during which seized timber or the proceeds of the sale thereof is detained shall be 120 days from the date of seizure.

The employee may, before the expiry of that period, apply to a judge for an extension of the detention period of up to 90 days.

2001, c. 6, s. 125.

199. (Repealed).

1986, c. 108, s. 199; 1988, c. 73, s. 66; 1990, c. 4, s. 436.

200. (Repealed).

1986, c. 108, s. 200; 1988, c. 73, s. 66; 1990, c. 4, s. 436.

201. (Repealed).

1986, c. 108, s. 201; 1988, c. 73, s. 66; 1990, c. 4, s. 436.

202. (Repealed).

1986, c. 108, s. 202; 1988, c. 73, s. 66; 1992, c. 61, s. 313.

203. Timber cut in contravention of a provision of this Act or the regulations under it that has been seized pursuant to the provisions of Chapter II of Title VI of this Act is, when the offender pleads guilty to or is found guilty of the offence, confiscated by the Minister.

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

1986, c. 108, s. 203; 1988, c. 73, s. 66; 1992, c. 61, s. 314; 2001, c. 6, s. 126.

204. The employee shall, without delay, forward a report in writing to the Minister of any seizure made by him in the course of an inspection or search.

1986, c. 108, s. 204; 1988, c. 73, s. 66.

205. No person may use or remove the timber seized in the course of an inspection or search, or allow it to be removed, except with the authorization of the employee.

1986, c. 108, s. 205; 1988, c. 73, s. 66.

206. (Section renumbered).

1986, c. 108, s. 206; 1988, c. 73, s. 66; 1992, c. 61, s. 315.

See section 195.1.

TITLE VII GENERAL PROVISIONS

207. (Section renumbered).

1986, c. 108, s. 207; 1988, c. 73, s. 67; 1993, c. 55, s. 37.
See section 28.2.

208. For Category I lands, as determined under the Act respecting the land regime in the James Bay and New Québec territories (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.

1986, c. 108, s. 208.

209. In order to promote forest conservation and development, the month of May of each year shall be “Forest Conservation Month”.

1986, c. 108, s. 209; 1996, c. 14, s. 20; 2001, c. 6, s. 127.

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”.

1986, c. 108, s. 210.

211. In order to foster the participation of persons and bodies concerned by the development of the main orientations concerning the forest environment, the Minister shall prepare, propose to the Government and implement throughout Québec and at the regional level a consultation policy on priorities for the management and development of the forest environment.

The policy shall include a special procedure for the consultation of Native communities.

2001, c. 6, s. 128.

211.1. The Minister is responsible for promoting the development and implementation of measures designed to facilitate the comprehension of the content of the plans and reports that must be filed under this Act.

2001, c. 6, s. 129.

212. During the year 2009, the Minister shall table in the National Assembly a report on the state of Québec forests covering the period between 1 April 2000 and 31 March 2008. Every five years thereafter, the Minister shall table in the National Assembly a report on the state of Québec forests covering the five-year period following the period covered by the previous report.

The report must focus, in particular, on the management of forest resources in the domain of the State and the results of that management, and must contain information on the implementation of the programs for the development of forest resources in the domain of the State referred to in section 17.13 of the Act respecting the Ministère des Ressources naturelles (chapter M-25.2), specifying the objectives of the programs, the results targeted and the results obtained.

1986, c. 108, s. 212; 2006, c. 45, s. 23; 2001, c. 6, s. 130.

TITLE VIII CHANGES OF TENURE IN THE DOMAIN OF THE STATE

CHAPTER I

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

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

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 (chapter T-9).

1986, c. 108, s. 213; 1999, c. 40, s. 140.

214. From 1 April 1987, all timber supply agreements entered into under section 106 of the Lands and Forests Act (chapter T-9) are cancelled.

1986, c. 108, s. 214.

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

All orders made under section 93 or 106 of the Lands and Forests Act (chapter T-9) cease to have effect from that date.

1986, c. 108, s. 215; 1999, c. 40, s. 140.

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 (chapter T-9) or affecting an agreement to supply timber entered into under section 106 of the same Act is extinguished of right from 1 April 1987.

1986, c. 108, s. 216.

CHAPTER II RIGHTS OF HOLDERS OF CANCELLED TITLES

217. A person whose timber limit has been cancelled under section 93 of the Lands and Forests Act (chapter T-9) 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.

1986, c. 108, s. 217.

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.

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.

1986, c. 108, s. 218.

219. Notwithstanding section 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.

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 (chapter T-9) and who has not obtained a guarantee of timber supply.

1986, c. 108, s. 219.

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.

1986, c. 108, s. 220.

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 domain of the State other than salvaged timber is entitled to obtain a timber supply and forest management agreement from the Minister.

1986, c. 108, s. 221; 1999, c. 40, s. 140.

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 domain of the State 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.

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.

1986, c. 108, s. 222; 1999, c. 40, s. 140.

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.

1986, c. 108, s. 223.

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.

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.

1986, c. 108, s. 224.

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.

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.

1986, c. 108, s. 225.

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 (chapter T-9) is deemed to have been entered into under section 95.1 and is renewable.

Notwithstanding section 95.1, the operator shall also be eligible for a timber supply and forest management agreement.

1986, c. 108, s. 226; 1988, c. 73, s. 68.

227. The contract of lease of the forêt Montmorency entered into between the Gouvernement du 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.

1986, c. 108, s. 227.

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.

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 domain of the State, the Minister shall pay a fair indemnity to the timber limit holder whose title has been cancelled.

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.

1986, c. 108, s. 228; 1999, c. 40, s. 140.

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 60 days of the notice.

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 30 days, of his decision to accept or refuse the proposed agreement.

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 30 days of the date of the notice provided for in the second paragraph, the person is considered 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.

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.

1986, c. 108, s. 229; 1999, c. 40, s. 140.

CHAPTER III TEMPORARY TENURE

Subject to section 236.0.1 of this Act, Chapter III has ceased to have effect on 1 April 1990.

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.

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

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 domain of the State used at the plant from 1 April 1981 to 31 March 1986 calculated by taking into account the criteria set forth in section 222.

1986, c. 108, s. 230; 1999, c. 40, s. 140.

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.

1986, c. 108, s. 231.

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 domain of the State to supply his wood processing plant.

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.

1986, c. 108, s. 232; 1999, c. 40, s. 140.

233. The holder of a permit issued under sections 230 to 232 must join the certified forest protection organizations in his territory and comply with the standards of forest management prescribed pursuant to section 171.

The Minister may refuse to issue the permit if the holder fails to join the forest protection organizations or fails to pay the assessment fixed by the organizations.

1986, c. 108, s. 233; 1988, c. 73, s. 69; 1990, c. 17, s. 23.

234. The holder of a permit issued under sections 230 to 232 shall pay the dues under section 5 on the volume of timber felled and scaled.

1986, c. 108, s. 234; 1987, c. 23, s. 95.

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 domain of the State, to the Ministère des Ressources naturelles, before 1 July 1987.

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.

Within 30 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.

1986, c. 108, s. 235; 1994, c. 13, s. 15; 1999, c. 40, s. 140.

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

1986, c. 108, s. 236.

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

Moreover, this chapter shall continue to have effect, in respect of any person referred to in section 219 or 221 with whom the Minister has entered into an agreement, until the effective date of the agreement if the date is subsequent to 1 April 1990.

1990, c. 17, s. 24.

TITLE IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

236.1. This Act applies to every forest management activity carried out in forests of the domain of the State, notwithstanding the provisions of the first paragraph of section 42 of the Interpretation Act (chapter I-16) and any other rule of law providing for similar immunity.

1988, c. 73, s. 70; 1999, c. 40, s. 140.

237. (Omitted).

1986, c. 108, s. 237.

238. (Omitted).

1986, c. 108, s. 238.

239. In prescribing the dues payable under sections 71, 72 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.

1986, c. 108, s. 239; 1990, c. 17, s. 25.

239.1. The Minister may grant a credit on the amount of dues payable yearly under section 5, 71 or 234 by the holder of a management permit who exports softwood lumber subject to export duties.

The credit shall be granted to the extent and for the period determined by the Government in such a manner as to take into account any increase in dues having effect on or after 1 April 1987.

This section applies from 1 April 1987 to 1 April 1988.

1988, c. 73, s. 71; 1990, c. 17, s. 26.

240. (Omitted).

1986, c. 108, s. 240.

241. (Inoperative, 1993, c. 55, s. 40).

1986, c. 108, s. 241.

242. (Amendment integrated into c. C-27, s. 1).

1986, c. 108, s. 242.

243. (Amendment integrated into c. C-27, s. 2).

1986, c. 108, s. 243.

244. (Amendment integrated into c. C-27, s. 8).

1986, c. 108, s. 244.

245. (Amendment integrated into c. C-78, s. 1).

1986, c. 108, s. 245.

246. (Amendment integrated into c. C-78.1, s. 1).

1986, c. 108, s. 246.

247. (Amendment integrated into c. D-17, s. 1).

1986, c. 108, s. 247.

248. (Amendment integrated into c. M-14, s. 15).

1986, c. 108, s. 248.

249. (Amendment integrated into c. Q-2, s. 144).

1986, c. 108, s. 249.

250. (Amendment integrated into c. Q-2, s. 178).

1986, c. 108, s. 250.

251. (Amendment integrated into c. Q-2, Schedule B).

1986, c. 108, s. 251.

252. (Amendment integrated into c. R-13.1, s. 58).

1986, c. 108, s. 252.

253. (Amendment integrated into c. R-13.1, s. 90).

1986, c. 108, s. 253.

254. (Amendment integrated into c. R-13.1, s. 191.40).

1986, c. 108, s. 254.

255. A reference to any of sections 4, 5, 6 or 66 to 168 of the Lands and Forests Act (chapter T-9) is a reference to the corresponding provisions of this Act.

1986, c. 108, s. 255.

256. Certification granted under the Labour Code (chapter C-27) 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.

The Commission des relations du travail established by the Labour Code may make any order appropriate for the evidencing of the carrying out of the first paragraph or solve any difficulty resulting therefrom.

1986, c. 108, s. 256; 2001, c. 26, s. 127.

256.1. The Minister may designate from among the officers the persons who shall be entrusted with the enforcement of this Act.

The Minister may also, in writing and to the extent the Minister determines, generally or specially delegate the exercise of the powers conferred on the Minister under this Act or a special Act relating to forest matters under the Minister's administration to a member of the personnel of the department or to the incumbent of a position. If the Minister delegates a power under which the Minister is required by law to hold consultations with other ministers in the exercise of that power, the delegate must hold the necessary consultations with the departments concerned and, if no agreement is reached, so inform the Minister.

1992, c. 61, s. 316; 2004, c. 6, s. 13; 2006, c. 45, s. 24.

257. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

1986, c. 108, s. 257; 1990, c. 64, s. 30; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

258. (Omitted).

1986, c. 108, s. 258.

SCHEDULE I

TERRITORY COVERED BY THE SPECIAL PROVISIONS FOR THE JAMES BAY REGION

(Section 95.7)



2002, c. 25, s. 20.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 108 of the statutes of 1986, in force on 1 September 1987, is repealed, except sections 238, 241 and 258, effective from the coming into force of chapter F-4.1 of the Revised Statutes.