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CHAPTER F-14

FOREST MANAGEMENT ACT

FOREST RENEWAL PROGRAM REGULATIONS

Pursuant to section 25 of the *Forest Management Act* R.S.P.E.I. 1988, Cap. F-14, Council made the following regulations:

1. In these regulations

Definitions

- (a) “Act” means the *Forest Management Act* R.S.P.E.I. 1988, Cap. F-14; Act
- (b) “cord” means 128 cubic feet stacked roundwood or 2.4 solid cubic metres; cord
- (c) “Forestry and Land Resource Modelling Division” means the Forestry and Land Resource Modelling Division of the Department; Forestry and Land Resource Modelling Division
- (d) “forestry processing company” means an individual, organization, or corporation that, excluding chipped biomass fuels, processes standing softwood trees into forest products, ships softwood roundwood off Prince Edward Island or processes softwood roundwood into sawn lumber products; forestry processing company
- (e) “inspector” means an inspector appointed under the *Roads Act* R.S.P.E.I. 1988, Cap. R-15; inspector
- (f) “Minister” means the Minister of Agriculture and Forestry; Minister
- (g) “Schedule” means the Department’s Private Forest Land Schedule of Rates and Standards in effect at the time of treatment; Schedule
- (h) “softwood” means any coniferous tree. (EC189/96; 327/03) softwood

2. There is established the Forest Renewal Program which, for private forest land, shall consist of the following potential treatments or applications: Forest Renewal Program

- (a) tree seedling production for reforestation purposes;
- (b) forest regeneration through either planting or enhancement of natural regeneration, or a combination thereof;
- (c) site preparation for regeneration enhancement;
- (d) vegetative competition control through the use of herbicides, manual or mechanical methods;
- (e) application of silvicultural cutting techniques to control the density, tree form, and species composition or to enhance natural regeneration for desired species in forest stands;

- (f) integrated management advice on techniques which will provide for forest regeneration and the improvement of tree growth and access for the achievement of the forest management objectives specified by the landowner;
- (g) forestry technical advice relating to the timing of proposed harvests or harvesting techniques. (EC189/96)

Application **3.** (1) Subject to subsection (2), landowners may apply, on the approved form, for assistance under the Forest Renewal Program.

Conditions (2) In order to obtain assistance under the Forest Renewal program a landowner must

- (a) enter into a forest renewal agreement which shall specify the terms and conditions of the Forest Renewal Program which are applicable to that property;
- (b) pay to the Provincial Treasurer such fee as may be set out in the Schedule for each hectare of planting, interplanting, or enrichment planting;
- (c) where considered necessary by a forest service officer, provide the first plantation maintenance;
- (d) notify the Forestry and Land Resource Modelling Division by the date and year specified in the Forest Renewal Agreement, that the site is ready for tree planting in accordance with the Schedule. (EC189/96; 327/03)

Obligations of forestry processing companies **4.** (1) In support of the Forest Renewal Program, forestry processing companies shall

- (a) keep detailed and accurate records, in such manner as the Minister may require, to document the amount of roundwood and chips purchased from forest land in the province;
- (b) keep detailed and accurate records, in such manner as the Minister may require, to document the amount of roundwood and chips acquired from their own lands or received in exchange for a service;
- (c) on a quarterly basis, pay to the Forestry and Land Resource Modelling Division \$2 per cord for each cord of roundwood softwood or \$1 per tonne for roundwood softwood or pulpwood chips that the company purchased, acquired or exchanged from woodlands in the province excluding only that wood which was custom sawn for the personal use of the owner of the softwood logs, and together with such payments file an accurate report in such manner as the Minister may require; and
- (d) upon demand during regular business hours, provide copies of such records and supporting documents as requested by the Minister to allow auditing of the amounts payable;

(e) for any softwood roundwood or pulpwood chips being shipped from Prince Edward Island

(i) have in his possession a valid, properly completed load ticket in the form approved by the Minister, and

(ii) surrender such ticket to the inspector at the load scale at the ferry terminal or the bridge across Northumberland Strait for all such wood being moved by truck.

(2) Notwithstanding subsection (1), a forestry processing company may deduct from its quarterly payment, an administration fee of 7 cents per cord or 3.5 cents per tonne for each cord or tonne on which payment is made. (EC189/96; 327/03)

Administration
costs

5. A forestry processing company that

Offences and
penalties

(a) fails to comply with clause 4(1)(a), (b), (d) or subclause (e)(ii) or interferes with a forest service officer or another officer appointed by the Minister in the lawful implementation of his duty is guilty of an offence and is liable on summary conviction to a fine of not less than \$250 and not more than \$5,000;

(b) fails to pay in full the fees specified in clause 4(1)(c) within 30 days of the end of any quarter shall in addition to the outstanding fee, pay to the Minister upon demand by an officer appointed by the Minister an amount equal to the greater of \$250 or five per cent of the amount outstanding plus 2% compound interest per month;

(c) fails to file a report as set out in clause 4(1)(c) is guilty of an offence and is liable to be audited by an officer appointed by the Minister, and the court, upon summary conviction, shall order that, in addition to a fine of not less than \$1,000 and not more than \$10,000, the forest processing company pay to the Minister the cost of the audit and the outstanding fees payable plus a penalty of 5% of the amount outstanding plus 2% compound interest per month and an order for payment under this clause may be filed with the Supreme Court and shall be deemed to be a judgment obtained in the Supreme Court for recovery of a debt in the amount specified in the order;

(d) fails to produce a valid load ticket shall have the vehicle and wood's exit from the province denied until such time as a valid load ticket is produced;

(e) submits to an officer appointed by the Minister a form containing a false or untrue statement knowing it to be false or untrue shall have the vehicle and wood's exit from the province denied until such time as a valid load ticket is produced and is guilty of an offence and is liable on summary conviction to a fine of not less than \$250 and not more than \$5,000. (EC189/96; 189/01)

Vehicle weighing	6. (1) A driver of a commercial motor vehicle transporting softwood roundwood or softwood chips that is required by the <i>Roads Act</i> to be weighed on an approved weighing device who fails to produce a valid load ticket to an officer at an approved weighing device immediately prior to the vehicle leaving the province shall be issued a detention order prohibiting the vehicle from leaving the province until a valid load ticket is delivered to an officer at an approved weighing device.
Offence, penalty	(2) Any person who fails to comply with the requirements of subsection (1) is guilty of an offence and is liable on summary conviction to the penalty set out in clause 5(e). (EC189/96)
Powers	7. Any officer appointed by the Minister may (a) from time to time and at such intervals as he may consider reasonable, determine and assess and reassess the fees payable under clause 4(1)(c) and thereupon the fees so assessed or reassessed become due and payable by the forest processing company; (b) require any person in charge of a vehicle transporting softwood roundwood or softwood chips out of the province to permit an officer or an inspector to take samples of the load if the load ticket indicates the load is excluded products. (EC189/96; 189/01)
Confidentiality	8. Except for the purposes of administration, enforcement and release of cumulative data that does not identify individual forest processing companies, all information, and all statements and documents, made under these regulations are confidential. (EC189/96)
Personal liability	9. Pursuant to this regulation, neither the Minister nor any official or employee of the Forestry and Land Resource Modelling Division or any inspector appointed under the <i>Roads Act</i> is personally liable for any damages occasioned by the performance in good faith of his duty or by carrying out of orders or instructions received from a superior. (EC189/96; 327/03)
Effective date	10. Revoked by EC327/03.