

chapter A-18.1, r. 8.1

Regulation respecting forestry permits

Sustainable Forest Development Act
(chapter A-18.1, s. 87, pars. 1 to 4 and 6).

 *The rates prescribed in the Regulation have been indexed as of 1 January 2020 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 14 December 2019, page 804. (Sch. 1, 2)*

 *The fees payable prescribed in the Regulation have been indexed as of 1 April 2020 to 31 March 2021 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 11 April 2020, page 302. (ss. 6, 34, 35) (Effect from 1 April 2020.)*

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CHAPTER I

PROVISIONS RESPECTING THE FORESTRY PERMIT FOR THE HARVEST OF FIREWOOD FOR DOMESTIC OR COMMERCIAL PURPOSES

M.O. 2018-006, c. I.

DIVISION I

CONDITIONS FOR ISSUE

M.O. 2018-006, Div. I.

1. The following persons are eligible for the issue of a forestry permit for the harvest of firewood for domestic purposes:

(1) a natural person who is not, during the term of the permit applied for, the holder of another permit for the harvest of firewood for domestic purposes;

(2) a person, a body, an association or an enterprise in charge of the management of an outfitter's operation, a controlled zone or a wildlife reserve within the meaning of Division V.1 of Chapter III and Divisions III and IV of the Sustainable Forest Development Act (chapter C-61.1).

M.O. 2018-006, s. 1.

2. An enterprise whose economic activities include the transformation of timber into firewood and its sale is eligible for the issue of a forestry permit for the harvest of firewood for commercial purposes.

M.O. 2018-006, s. 2.

3. A permit application must be made to the Minister in writing.

The application contains, as applicable, the following information and documents:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of the forest management activity to be carried out, its nature, location, the period planned to carry it out and the volume of timber applied for.

In the case of an application made by a natural person for a forestry permit for the harvest of firewood for domestic purposes, the volume of timber applied for may not be greater than 22.5 apparent cubic metres.

In the case of an application for a forestry permit for the harvest of firewood for commercial purposes, the Minister may require that the assessment of the volume of timber applied for, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber will have to be scaled in accordance with section 70 of the Sustainable Forest Development Act (chapter A-18.1). In addition, the Minister may require that the applicant provide a silvicultural prescription approved by a forest engineer.

M.O. 2018-006, s. 3.

4. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 4.

DIVISION II

CONTENT OF PERMIT

M.O. 2018-006, Div. II.

5. A permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;

(3) in respect of the description of the authorized forest management activity, its nature, location and the volume of timber that the holder is authorized to harvest, for each species or group of species and based on quality;

(4) the conditions for the authorized forest management activity;

(5) the amount of dues payable where no scaling is required by the Minister in accordance with section 70 of the Act.

M.O. 2018-006, s. 5.

DIVISION III

DUES PAYABLE

M.O. 2018-006, Div. III.

6. The dues payable by the holder of a forestry permit for the harvest of firewood for domestic purposes are \$1.55 per apparent cubic metre for any species or group of species.

M.O. 2018-006, s. 6.

7. The dues are adjusted on 1 April of each year based on the percentage variation, in relation to the preceding year, in the Consumer Price Index for Québec, as published by Statistics Canada. For that purpose, the Consumer Price Index for a year is the annual average calculated from the monthly indexes for the 12-month period ending on 31 December of the preceding year.

The results of the adjustment are rounded off to the nearest multiple of \$0.05. The adjustment of a fee is postponed to the year in which the total of the adjustment rates applicable to each of the years for which the adjustment is postponed will increase the fee by \$0.05.

The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec*, on the website of the timber marketing board or by any other appropriate means.

M.O. 2018-006, s. 7.

8. Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be reimbursed.

Where scaling is required, the dues are payable as of the date they are billed or according to the directions appearing on the permit.

M.O. 2018-006, s. 8.

DIVISION IV

CONDITIONS FOR MODIFICATION

M.O. 2018-006, Div. IV.

9. A forestry permit for the harvest of firewood for domestic purposes may be the subject of an application for modification in order to modify the location of the activity, insofar as the volume of timber that the holder is authorized to harvest may not be entirely harvested at the location initially authorized by reason of the depletion of the resource.

M.O. 2018-006, s. 9.

10. A forestry permit for the harvest of firewood for commercial purposes may be the subject of an application for modification.

The following conditions may be modified:

(1) the volume of timber that the holder is authorized to harvest, insofar as the application is to increase the volume initially authorized;

(2) the location of the activity, insofar as the volume of timber that the holder is authorized to harvest may not be entirely harvested at the location initially authorized by reason of the depletion of the resource.

M.O. 2018-006, s. 10.

11. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) a description of the modifications applied for.

In the case of an application for modification made to increase the volume initially authorized, the holder of a forestry permit for the harvest of firewood for commercial purposes must comply with the fourth paragraph of section 3.

M.O. 2018-006, s. 11.

12. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

M.O. 2018-006, s. 12.

CHAPTER II

PROVISIONS RESPECTING THE SUGAR BUSH FORESTRY PERMIT

M.O. 2018-006, c. II.

DIVISION I

CONDITIONS FOR ISSUE

M.O. 2018-006, Div. I.

13. A person or body that has not, in the 5 years preceding the application, held a sugar bush forestry permit that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes is eligible for the issue of a sugar bush forestry permit.

M.O. 2018-006, s. 13.

14. An application for a permit must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) a description of the sugar bush that is the subject of the application, its contour line, shown on a document containing GPS coordinates, its area in hectares and its tapping capacity determined on the basis of a forest inventory approved by a forest engineer and complying with the tapping standards provided for in Division IV of this Chapter;

(3) a description of the existing or future infrastructures related to the operation of the sugar bush, including the roads, buildings and equipment, and their actual or proposed location, shown on a document containing GPS coordinates;

(4) in the case of an application related to a quota allocated by the Fédération des producteurs acéricoles du Québec, proof that the quota was offered and the quantity of tapholes corresponding to the quota;

(5) in respect of the description of each of the forest management activities to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out, the proposed destination of the timber harvested and an assessment of the volume of timber to be harvested;

(6) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

For the purposes of subparagraph 5 of the second paragraph, the Minister may require that the assessment, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber harvested will have to be scaled in accordance with section 70 of the Act. In addition, for the forest management activity, the Minister may require from the applicant a silvicultural prescription approved by a forest engineer.

At the request of the Minister, the applicant must send any other document or information concerning the infrastructures that the applicant intends to build or install, as well as a business plan that includes a description of the project and any other document showing that the applicant is able to operate the sugar bush and has the financial resources or the financing necessary for carrying out the business plan.

M.O. 2018-006, s. 14.

15. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 15.

DIVISION II

CONTENT OF PERMIT

M.O. 2018-006, Div. II.

16. The permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) in respect of the description of the sugar bush, its identification number, its area in hectares, its location and the number of tapholes;

(4) in respect of the description of each of the forest management activities authorized, its nature, location, the area concerned, in hectares, a description of the work authorized, the period during which it may be carried out and the volume of timber the holder is authorized to harvest, for each species or group of species and based on quality;

(5) the conditions for the authorized forest management activity;

(6) the amount of dues payable for the volume of timber the holder is authorized to harvest where no scaling is required by the Minister in accordance with section 70 of the Act.

M.O. 2018-006, s. 16.

DIVISION III

DUES PAYABLE

M.O. 2018-006, Div. III.

17. The dues payable by the permit holder are established annually by multiplying the number of hectares in the sugar bush by the unit rate set in Schedule 1 in relation to the corresponding zone.

The rates set in Schedule 1 are adjusted on 1 January of each year according to the equation in Schedule 2.

The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec*, on the website of the timber marketing board or by any other appropriate means.

M.O. 2018-006, s. 17.

18. The dues payable by a permit holder are payable in 2 equal instalments not later than 31 January and 31 July following receipt of the invoice.

M.O. 2018-006, s. 18.

19. The permit holder must also pay the other dues payable for the harvesting volumes of timber that is not used for the purposes of the acericultural activities.

Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of the volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be refunded.

Where scaling is required, the dues are payable as of the billing date or according to the directions appearing on the permit.

M.O. 2018-006, s. 19.

DIVISION IV

TAPPING STANDARDS AND OTHER WORK REQUIRED

M.O. 2018-006, Div. IV.

20. Not later than 6 months following the issue of the permit, the outline of the sugar bush determined by the Minister must be delimited by the holder in a visible manner and without damaging the trees. The delimitation must be maintained and remain visible until the permit expires.

M.O. 2018-006, s. 20.

21. Only the buildings and equipment used exclusively to harvest or process sap may be constructed or installed.

In addition, their use must not go beyond what is necessary for the harvest or transformation of sap.

When the permit expires, or if it is cancelled, the buildings and the equipment must be removed.

M.O. 2018-006, s. 21.

22. The activities to harvest and process must be carried out so as to avoid that any sap is wasted.

M.O. 2018-006, s. 22.

23. All worn or unused material must be recovered and disposed of in such a manner as to ensure the sugar bush is kept clean.

M.O. 2018-006, s. 23.

24. Maple trees must be tapped in accordance with the following standards:

- (1) trees may be tapped once a year only, between 1 January and 30 April;
- (2) only maple trees at least 23.1 cm in diameter at 1.30 m above the highest ground level may be tapped;
- (3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, in accordance with the following table:

Diameter of maple tree at 1.30 m above the highest ground level	Maximum number of tapholes
Between 23.1 cm and 39 cm	1
39.1 cm and more	2

- (4) where 2 or more tapholes are drilled in a maple tree, they must be positioned evenly around the trunk;
- (5) the taphole must be drilled using a bit not more than 8 mm in diameter so that the tree is not damaged;
- (6) the taphole must not be more than 5 cm deep, including bark thickness;
- (7) the tree bark must not be removed or damaged;
- (8) only a product registered under the Pest Control Products Act (S.C. 2002, c. 28) may be inserted into a taphole;
- (9) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;
- (10) tubing and spouts must be installed, replaced and maintained without damaging the trees.

M.O. 2018-006, s. 24.



See Transitional and Final, s. 58

DIVISION V

ANNUAL REPORT

M.O. 2018-006, Div. V.

25. The permit holder must prepare and submit to the Minister an annual report on the activities carried out.

The first part of the report must be submitted not later than 1 June and contain

- (1) the number of tapholes drilled during the period determined in paragraph 1 of section 24; and
- (2) the quantity of maple syrup produced from the volume of sap harvested during the harvesting season or, if the sap is not processed on the premises, the volume of sap harvested.

The second part of the report must be submitted not later than 31 December and contain

- (1) a statement of the forest management activities carried out during the year, since the date of issue of the permit or the date of the last annual report, as the case may be, and the location of the activities; and
- (2) the volume of timber harvested in the sugar bush in connection with the carrying on of forest management activities, by species or group of species, quality and destination.

M.O. 2018-006, s. 25.

DIVISION VI

CONDITIONS FOR A TRANSFER

M.O. 2018-006, Div. VI.

26. An application for a permit transfer must be made in writing to the Minister by the person wishing to obtain the permit.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the permit to be transferred, its number, the name and contact information of the holder and a description of the sugar bush concerned, including its tapping capacity and its area in hectares;

(3) a statement by the permit holder, whereby he or she renounces all the rights resulting from the permit with a view to its transfer;

(4) where work must be carried out in connection with a transfer, a description of the work, in accordance with subparagraph 5 of the second paragraph of section 14, and the information referred to in subparagraph 6 of that paragraph, as applicable.

Where the permit is linked to a quota allocated by the Fédération des producteurs acéricoles du Québec, the applicant must make sure that the quota is transferred to him or her or must hold another quota at least equal to the quota to which the territory covered by the permit is attached.

M.O. 2018-006, s. 26; M.O. 2020-001, s. 1.

27. A permit may be transferred if the following conditions are met:

(1) the permit holder has complied with the conditions attached to the permit and with the Act and its regulations;

(2) the forest management activities and the construction or installation of the infrastructures authorized under the permit are carried out completely;

(3) all buildings and equipment intended for acericultural purposes or located in the territory covered by the permit are removed or transferred;

(4) the applicant has not, in the 5 years preceding the application for transfer, held a permit for the operation of a sugar bush that was cancelled or refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 27.

28. The Minister may refuse to transfer the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 28.

CHAPTER III

PROVISIONS RESPECTING THE FORESTRY PERMIT TO HARVEST TIMBER TO SUPPLY A WOOD PROCESSING PLANT AND THE PERMIT TO HARVEST SHRUBS TO SUPPLY A WOOD PROCESSING PLANT

M.O. 2018-006, c. III.

DIVISION I

CONDITIONS FOR ISSUE

M.O. 2018-006, Div. I.

29. Holders of a permit to operate a wood processing plant in the class “industries processing shrubs or half-shrubs or branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use”, issued under the Regulation respecting operating permits for wood processing plants (chapter A-18.1, r. 8), are eligible for the issue of a forestry permit to harvest shrubs to supply a wood processing plant, for Canadian yew.

M.O. 2018-006, s. 29.

30. Any person or body applying for a forestry permit to harvest timber to supply a wood processing plant, to harvest forest biomass, is eligible for the issue of the permit.

M.O. 2018-006, s. 30.

31. An application for the permit must be made in writing to the Minister.

The application contains the following information:

(1) in respect of the applicant, in the case of a natural person, the person’s name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of each of the forest management activities to be carried out, its nature, location, the volume of quantity of ligneous matter applied for to supply a wood processing plant, by species or group of species, and the proposed destination of the ligneous matter, if it is known at the time of the application;

(3) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

M.O. 2018-006, s. 31.

32. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 32.

DIVISION II

CONTENT OF PERMIT

M.O. 2018-006, Div. II.

33. The permit contains at least the following information, as applicable:

- (1) in respect of the permit, its number and term;
- (2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;
- (3) in respect of the description of the authorized forest management activity, its nature, location and the volume or quantity of ligneous matter that the permit holder is authorized to harvest, for each species or group of species;
- (4) the conditions for the authorized forest management activity;
- (5) in the case of the permit to harvest timber to supply a wood processing plant, the harvesting terms and conditions, specified on a yearly basis, including operational and planning requirements and the requirements provided for by the environmental management system.

M.O. 2018-006, s. 33.

DIVISION III

DUES PAYABLE

M.O. 2018-006, Div. III.

34. The dues payable by the holder of a permit to harvest shrubs to supply a wood processing plant, for Canadian yew, are \$104.75 per green metric ton harvested.

M.O. 2018-006, s. 34.

35. The dues payable by the holder of a permit to harvest timber to supply a wood processing plant, to harvest forest biomass within the meaning of the third paragraph of section 86.2 of the Act, are \$0.10 per green metric ton harvested.

M.O. 2018-006, s. 35.

36. The dues referred to in sections 34 and 35 are adjusted and published in accordance with section 7 of this Regulation.

M.O. 2018-006, s. 36.

37. The dues are payable as of the billing date or according to the directions appearing on the permit.

M.O. 2018-006, s. 37.

DIVISION IV

CONDITIONS FOR MODIFICATION

M.O. 2018-006, Div. IV.

38. A forestry permit issued under this Chapter may be the subject of an application for modification.

The following conditions may be modified:

- (1) the location of the forest management activity;
- (2) the volume or quantities of ligneous matter that the holder is authorized to harvest;
- (3) the species or groups of species that the holder is authorized to harvest;
- (4) the conditions for carrying on the authorized forest management activity.

M.O. 2018-006, s. 38.

39. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) a description of the modifications applied for.

M.O. 2018-006, s. 39.

40. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

M.O. 2018-006, s. 40.

DIVISION V

CONDITIONS FOR REVIEW

M.O. 2018-006, Div. V.

41. Following the 5-year review or a change in allowable cuts by the chief forester in accordance with subparagraphs 6 and 7 of the first paragraph of section 46 of the Act, the Minister may, having given the permit holder the opportunity to make observations, revise the conditions attached to a forestry permit to harvest timber to supply a wood processing plant or a forestry permit to harvest shrubs to supply a wood processing plant, during the permit's term or at the time of renewal.

The conditions attached to a permit that may be revised by the Minister are those regarding the location of the activity, the volume or quantity of ligneous matter that the holder is authorized to harvest, the species or groups of species that the holder is authorized to harvest and the destination of the timber.

M.O. 2018-006, s. 41.

DIVISION VI

CONDITIONS FOR RENEWAL

M.O. 2018-006, Div. VI.

42. A permit holder is entitled to the renewal of the permit if the following conditions are met:

- (1) the permit holder has paid the dues payable for the permit;
- (2) the permit holder has complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations;
- (3) the allowable cut is sufficient;
- (4) in the case of the forestry permit to harvest timber to supply a wood processing plant, the permit holder has harvested at least 50% of the total quantities or volumes indicated in the permit for all its term.

M.O. 2018-006, s. 42.

43. The Minister may refuse to renew a permit if the plant or permit holder has ceased activities for at least 6 months.

M.O. 2018-006, s. 43.

44. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.

M.O. 2018-006, s. 44.

CHAPTER III.1

PROVISIONS RESPECTING THE FORESTRY PERMIT FOR THE HARVEST OF LABRADOR TEA FOR COMMERCIAL PURPOSES

M.O. 2020-001, s. 3.

DIVISION I

CONDITIONS FOR ISSUE

M.O. 2020-001, s. 3.

44.1. An enterprise whose economic activities include marketing products derived from Labrador tea is eligible for the issue of a forestry permit for the harvest of that resource for commercial purposes.

M.O. 2020-001, s. 3.

44.2. A permit application must be made in writing to the Minister.

The application contains the following information, as applicable:

- (1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (2) in respect of the description of the forest management activity to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out and the quantity of Labrador tea applied for;

(3) the proposed harvest methods;

(4) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application.

At the request of the Minister, the applicant must send a business plan that includes a description of the project and any other document showing that the applicant is able to operate an enterprise marketing products from that resource and has the financial resources or the financing necessary for carrying out the business plan.

M.O. 2020-001, s. 3.

44.3. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

M.O. 2020-001, s. 3.

DIVISION II

CONTENT OF PERMIT

M.O. 2020-001, s. 3.

44.4. The permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;

(3) in respect of the description of the authorized forest management activity, its nature, location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;

(4) the conditions for the authorized forest management activity, including the authorized harvest methods.

M.O. 2020-001, s. 3.

DIVISION III

DUES PAYABLE

M.O. 2020-001, s. 3.

44.5. The dues payable by the holder of a forestry permit for the harvest of Labrador tea for commercial purposes are \$20 per green metric ton harvested.

M.O. 2020-001, s. 3.

44.6. The dues referred to in section 44.5 are adjusted and published in accordance with section 7 of this Regulation.

M.O. 2020-001, s. 3.

44.7. Where no scaling is requested by the Minister, payment of the dues payable is made on the basis of the assessment of the quantities submitted by the applicant. The dues are payable upon issuance of the permit and may not be reimbursed.

Where scaling is requested, the dues are payable as of the billing date or according to the directions appearing on the permit.

M.O. 2020-001, s. 3.

DIVISION IV

CONDITIONS FOR MODIFICATION

M.O. 2020-001, s. 3.

44.8. A forestry permit issued under this Chapter may be the subject of an application for modification in one of the following cases:

(1) to modify the location of the forest management activity, insofar as the quantity of Labrador tea that the holder is authorized to harvest may not be entirely harvested at the location initially authorized in accordance with the authorized harvest methods;

(2) to be authorized to harvest new quantities of Labrador tea.

The following conditions may be modified:

(1) in respect of the authorized forest management activity, its location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;

(2) the conditions for the authorized forest management activity, including the authorized harvest methods.

M.O. 2020-001, s. 3.

44.9. An application for a permit modification must be made in writing to the Minister.

The application contains the following information, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) a description of the modifications applied for;

(4) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

In the case of an application for modification in order to modify the location of the forest management activity, an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application must, if the Minister requires it, be attached to the application.

M.O. 2020-001, s. 3.

44.10. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

M.O. 2020-001, s. 3.

DIVISION V

CONDITIONS FOR RENEWAL AND REVIEW

M.O. 2020-001, s. 3.

44.11. A forestry permit issued under this Chapter may be the subject of an application for renewal if the following conditions are met:

(1) the permit holder has

(a) paid the dues payable for the permit;

(b) complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations; and

(c) harvested at least 50% of the total of the quantity of Labrador tea indicated on the permit for all its term;

(2) the allowable harvest is sufficient.

M.O. 2020-001, s. 3.

44.12. An application for renewal of a permit must be made in writing to the Minister.

The application contains the following information, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) in respect of the description of the forest management activity to be carried out, its location, the area concerned, in hectares, and the period planned to carry it out;

(4) the modifications in respect of the harvest methods, if applicable;

(5) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application be provided to the Minister.

M.O. 2020-001, s. 3.

44.13. The Minister may, upon renewal of the permit and after having given the permit holder the opportunity to make observations, lower the quantity of Labrador tea that the permit holder is authorized to harvest in one of the following cases:

(1) the permit holder did not harvest at least 90% of the total of the quantity indicated on the permit for all its term;

(2) the allowable harvest in that territory has been lowered.

M.O. 2020-001, s. 3.

44.14. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.

M.O. 2020-001, s. 3.

CHAPTER IV

PROVISIONS RESPECTING CERTAIN FORESTRY PERMITS

M.O. 2018-006, c. IV.

DIVISION I

SCOPE

M.O. 2018-006, Div. I.

45. This Chapter applies to the permits required to carry out the following forest management activities:

(1) activities required for public utility works;

(2) activities carried out by a holder of mining rights in exercising those rights;

(3) activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) in exercising that right;

(4) activities required to create wildlife, recreational or agricultural development projects;

(5) activities carried out as part of an experimental or research project.

M.O. 2018-006, s. 45.

DIVISION II

CONDITIONS FOR ISSUE

M.O. 2018-006, Div. II.

46. The following persons and bodies are eligible for the issue of a forestry permit:

(1) for activities required for public utility works, a person or body that carries out activities required for public utility works;

(2) for activities carried out by a holder of mining rights in exercising those rights, a holder of mining rights;

(3) for activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) in exercising that right, the holder of such a right;

(4) for activities required to create wildlife, recreational or agricultural development projects:

(a) the holder of a lease for vacation resort purposes or for the construction of a rough shelter, issued under the Act respecting the lands in the domain of the State (chapter T-8.1), to complete the holder's installations;

(b) a person or body otherwise authorized by an Act to create a wildlife, recreational or agricultural development project;

(5) for activities carried out as part of an experimental or research project, a person or body associated with a teaching or research institution, with a public body or department whose main activity is research and development, which has developed such a project.

M.O. 2018-006, s. 46.

47. An application for a permit must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of each of the forest management activities to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out, the proposed destination of the ligneous matter, if known at the time of application, and an assessment of the volume or quantity of ligneous matter to be harvested;

(3) in the case of a forestry permit for activities carried out by a holder of mining rights to exercise those rights, a description of the mining activities within the meaning of the Mining Act (chapter M-13.1) as well as proof of that right;

(4) in the case of a forestry permit for activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) to exercise that right, a description of exploration, production or storage activities within the meaning of the Petroleum Resources Act as well as proof of that right;

(5) in the case of a forestry permit for activities required as part of an experimental or research project, a description of the project for which the activities are required;

(6) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

For the purposes of subparagraph 2 of the second paragraph, the Minister may require that the assessment, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber harvested will have to be scaled in accordance with section 70 of the Act. In addition, for the forest management activity, the Minister may require that the applicant provide a silvicultural prescription approved by a forest engineer.

M.O. 2018-006, s. 47; M.O. 2020-001, s. 2.

48. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

M.O. 2018-006, s. 48.

DIVISION III

CONTENT OF PERMIT

M.O. 2018-006, Div. III.

49. The permit contains at least the following information, as applicable:

- (1) in respect of the permit, its number and term;
- (2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;
- (3) in respect of the description of each of the authorized forest management activities, its nature, location, the area concerned, in hectares, and the volume or quantity of ligneous matter that the holder is authorized to harvest, for each species or group of species and based on quality;
- (4) the conditions for the authorized forest management activity;
- (5) the amount of dues payable where no scaling is required by the Minister in accordance with section 70 of the Act.

M.O. 2018-006, s. 49.

DIVISION IV

DUES PAYABLE

M.O. 2018-006, Div. IV.

50. Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of the volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be refunded.

Where scaling is required, the dues are payable as of the billing date or according to the directions appearing on the permit.

However, the Minister may, by reason of special circumstances, enter into an agreement on a payment method different from the method provided for in this section.

M.O. 2018-006, s. 50.

DIVISION V

CONDITIONS FOR MODIFICATION

M.O. 2018-006, Div. V.

51. A forestry permit issued under this Chapter may be the subject of an application for modification.

The following conditions may be modified:

- (1) the location of the authorized forest management activity;
- (2) the area concerned;
- (3) the volume or quantity of ligneous matter and the species or groups of species that the holder is authorized to harvest, only insofar as the application is to increase the volume or quantity initially authorized;
- (4) the planned period to carry out the activity;
- (5) the conditions for carrying on the authorized forest management activity.

M.O. 2018-006, s. 51.

52. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) a description of the modifications applied for.

If the volume or quantity of ligneous matter, or species or groups of species that the holder is authorized to harvest are the subject of an application for modification, an assessment made in accordance with subparagraph 2 of the second paragraph of section 47 must be attached to the application.

M.O. 2018-006, s. 52.

53. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

M.O. 2018-006, s. 53.

DIVISION VI

CONDITIONS FOR RENEWAL

M.O. 2018-006, Div. VI.

54. A forestry permit issued under this Chapter may be the subject of an application for renewal if the permit holder meets the following conditions:

- (1) the permit holder has paid the dues payable for the permit;
- (2) the permit holder has complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations.

The permit may be renewed only to allow the holder to complete the carrying out of the activities authorized by the permit.

M.O. 2018-006, s. 54.

55. An application for renewal of a permit must be made to the Minister in writing.

The application contains the following information, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application.

M.O. 2018-006, s. 55.

56. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.

M.O. 2018-006, s. 56.

CHAPTER V

PENAL

M.O. 2018-006, c. V.

57. Any person who contravenes one of the provisions of sections 20 to 23 and paragraphs 1 to 3 and 5 to 10 of section 24 of this Regulation is liable to the fine provided for in paragraph 3 of section 244 of the Act.

M.O. 2018-006, s. 57.

CHAPTER VI

TRANSITIONAL AND FINAL

M.O. 2018-006, c. VI.

58. Until 31 December 2022, section 24 must be read as follows:

« **24.** Maple trees must be tapped in accordance with the following standards:

1° trees may be tapped once a year only, between 1 January and 30 April;

2° only maple trees at least 19.1 cm in diameter at 1.30 m above the highest ground level may be tapped;

3° the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, in accordance with the following table:

Diameter of maple tree at 1.30 m above the highest ground level	Maximum number of tapholes
Between 19.1 cm and 39 cm	1
Between 39.1 cm and 59 cm	2
Between 59.1 cm and 79 cm	3
79.1 cm and more	4

4° where 2 or more tapholes are drilled in a maple tree, they must be positioned evenly around the trunk;

5° the taphole must be drilled using a bit not more than 11 mm in diameter so that the tree is not damaged;

6° the taphole must not be more than 6 cm deep, including bark thickness;

7° the tree bark must not be removed or damaged;

8° only a product registered under the Pest Control Products Act (S.C. 2002, c. 28) may be inserted into a taphole;

9° all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

10° tubing and spouts must be installed, replaced and maintained without damaging the trees.”.

M.O. 2018-006, s. 58.

59. This Regulation replaces the Regulation respecting sugar bush management in forests in the domain of the State (chapter A-18.1, r. 2) and the Regulation respecting forest royalties (chapter A-18.1, r. 11).

M.O. 2018-006, s. 59.

60. *(Omitted).*

M.O. 2018-006, s. 60.

SCHEDULE 1

(s. 17)

APPLICABLE UNIT RATES ACCORDING TO ZONES

To establish the dues payable by the holder of a sugar bush management permit, the unit rates are set according to the zone in which the sugar bush is located:

ZONE 1 (\$135 per hectare)

- (1) Administrative region 05 Estrie
- (2) Administrative region 12 Chaudière-Appalaches, except for the regional county municipalities of de Bellechasse, des Etchemins, de Montmagny and de L'Islet

(3) Administrative region 16 Montérégie

(4) Administrative region 17 Centre-du-Québec

ZONE 2 (\$104 per hectare)

- (1) The regional county municipalities of de Bellechasse, des Etchemins, de Montmagny and de L'Islet
- (2) Administrative region 03 La Capitale-Nationale, except for the regional county municipalities of de Charlevoix and de Charlevoix-Est
- (3) Administrative region 04 Mauricie, except for Municipalité régionale de comté de Mékinac and Municipalité de La Tuque

(4) Administrative region 14 Lanaudière, except for Municipalité régionale de comté de Matawinie

(5) Administrative region 15 Laurentides, except for Municipalité régionale de comté d'Antoine-Labelle

ZONE 3 (\$104 per hectare)

(1) Administrative region 01 Bas-Saint-Laurent, except for the regional county municipalities of de La Matanie, de La Matapédia, de La Mitis and de Rimouski-Neigette

(2) Municipalité régionale de comté de Mékinac

(3) Municipalité régionale de comté de Matawinie

(4) Municipalité régionale de comté d'Antoine-Labelle

ZONE 4 (\$93 per hectare)

(1) The regional county municipalities of de La Matanie, de La Matapédia, de La Mitis and de Rimouski-Neigette

(2) Administrative region 07 Outaouais, except for Municipalité régionale de comté de Pontiac

ZONE 5 (\$72 per hectare)

(1) The regional county municipalities of de Charlevoix and de Charlevoix-Est

(2) Municipalité régionale de comté de Pontiac

(3) Municipalité régionale de comté d'Avignon

(4) Municipalité de La Tuque

ZONE 6 (\$72 per hectare)

(1) Municipalité régionale de comté de Témiscamingue

(2) The regional county municipalities of de Bonaventure and de La Haute-Gaspésie

ZONE 7 (\$62 per hectare)

(1) Any other territory of Québec not comprised in zones 1 to 6.

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

M.O. 2018-006, Sch. 1.

SCHEDULE 2

(s. 17)

EQUATION FOR THE ADJUSTMENT OF UNIT RATES

The rates set in Schedule 1 are adjusted using the following equation, based on the data contained in the economic record of the Fédération des producteurs acéricoles du Québec (FPAQ):

$$\text{Adjustment rate} = A / A_{t-1}$$

Where:

A = the average of the results of the 5 years before the year preceding the year of the adjustment, calculated according to the following formula:

$$RP_c \left(1 - \left(\frac{\text{Var}_{inv}}{\text{Vol}_a} \right) \right)$$

A_{t-1} = the result of A of the preceding year (net average income per taphole).

R = average yield (lbs of syrup / taphole) of the year concerned from the economic record of the FPAQ.

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

Var_{inv} = variation of the net inventory of the year concerned from the economic record of the FPAQ, in pounds of syrup.

Vol_a = harvest volume of the year concerned from the economic record of the FPAQ, in pounds of syrup.

M.O. 2018-006, Sch. 2.



From 1 January to 31 December 2020, «A = 8.15», «A_{t-1} = 7.91», indexation rate of 8.15/7.91 = 1.0305.

UPDATES

M.O. 2018-006, 2018 G.O. 2, 3599

M.O. 2020-001, 2020 G.O. 2, 736