

NATIONAL ASSEMBLY

FIRST SESSION

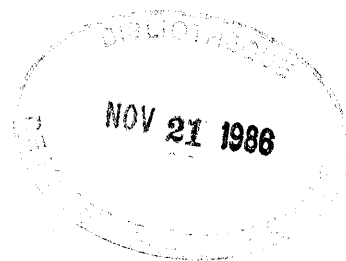
THIRTY-THIRD LEGISLATURE

Bill 150

Forest Act

Introduction

Introduced by
Mr Albert Côté
Minister for Forests



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EXPLANATORY NOTES

This bill introduces a reform of the law on forests in the public domain, and revises and updates the legislation on forest protection, development of private woodlots, timber use and wood processing.

All forest management activities in the public domain will henceforth be subject to forest management standards prescribed by regulation of the Government for the various zones described in the land use plan approved by the Government under the Act respecting the lands in the public domain. The standards will govern, in particular, with the surface and location of cutting areas, the protection of the shores of lakes and watercourses, the protection of water quality, the application of silvicultural treatments.

The bill replaces the existing methods of allocating timber rights for commercial purposes on lands in the public domain by a new system of forest management permits granted to supply timber to wood processing plants. These permits will be granted mainly in connection with timber supply and forest management licences.

Under such a licence, a licensee will be entitled to harvest a specified volume of timber, on condition that he carries out silvicultural treatments to attain the yield indicated in the licence. The volume of timber will be established in relation to the licensee's timber supply requirements and other available sources of supply. It will in no case be greater than the allowable annual cut in the forest management unit under licence.

The tariff of annual dues payable by a licensee will correspond to the market value of the allocated volume.

The bill also provides for the erection and management of public forest reserves, and for the erection of experimental forests, forest educative centres, research forests and forest stations.

As to private woodlots, the bill authorizes the Minister to prepare plans and programs to promote their development. In particular, it reaffirms the status of forest producers, and fixes their qualifications and rights.

With regard to the protection of the forest against harmful agents, the bill specifies the powers and obligations of the Minister, of timber supply and forest management licensees and owners of private woodlots. It provides for the certification of forest fire prevention and suppression organizations composed of licensees and woodlot owners. It authorizes the Minister to prepare and implement a management plan to combat tree diseases and harmful insect infestations after consultation with the timber supply and forest management licensees. Each licensee and owner concerned must share the cost of the plan.

As to timber utilization and wood processing, the bill reiterates the main elements of the existing legislation, adapting them to the proposed new system.

The Government is empowered to institute a Conseil de la recherche forestière and a Conseil de la forêt.

Lastly, the Act sets out the procedure for the replacement of existing tenures, defining the rights of holders of cancelled rights or titles and a mode of temporary tenure.

The last part of the Act consists of transitional and miscellaneous provisions to accommodate the coming into force of the Act.

Bill 150

Forest Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

MANAGEMENT OF FORESTS IN THE PUBLIC DOMAIN

CHAPTER I

SCOPE

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

CHAPTER II

FOREST MANAGEMENT

DIVISION I

MANAGEMENT PERMIT

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

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

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

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

5. No forest management permit may be issued until all the prescribed dues have been paid.

6. The dues payable by the holder of a forest management permit shall be prescribed by the Minister in each case according to the rules of calculation fixed by regulation of the Government.

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

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

The timber remains so charged wherever and in whatever form it may be, until the prescribed dues are paid.

DIVISION II

CLASSES OF FOREST MANAGEMENT PERMITS

9. Forest management permits may be issued

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

§ 1.—*Firewood*

10. The Minister shall grant 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 10m³ of timber of the species determined by the Minister, and to use the harvested wood to heat his residence.

§ 2.—*Maple stands*

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

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

- (1) a declaration attesting to his qualifications;
- (2) a description of the maple stand concerned by the application;
- (3) the description and location of existing or projected roads and buildings;
- (4) any information relating to the management of the maple stand prescribed by regulation of the Government.

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

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

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

14. A permit shall be for not less than 10 nor more than 25 hectares of land.

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

16. At the time of the second renewal of a permit, the Minister may, according to the holder's application, increase the area of the land described in the permit to a total of not over 50 hectares, if the holder meets the following requirements:

(1) he has actively managed 90% or more of the area of the maple stand for at least two years;

(2) he completed the works contemplated in paragraph 3 of section 12 not later than one year after the first renewal of his permit.

§ 3.—*Public utility*

17. The Minister shall grant a forest management permit to any public body or private firm which carries on a public utility enterprise and which applies therefor in writing.

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

§ 4.—*Mining activities*

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

20. The permit authorizes its holder to carry on 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.

§ 5.—*Wildlife or recreational development project*

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

22. The permit authorizes the holder to carry out the forest management work necessary for the achievement of the project, and shall indicate the destination of the harvested timber.

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

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

DIVISION III

STANDARDS OF FOREST MANAGEMENT

24. Every holder of a forest management permit shall, in carrying on forest management activities, comply with the standards of forest management which the Government prescribes by regulation.

The object of the standards is to ensure

- (1) the preservation or renewal of the forest cover;
- (2) the protection of all forest resources;
- (3) the compatibility of the activities carried on in various territorial units, considering their assigned uses in the land use plan approved by the Government under the Act respecting the lands in the public domain (1986, chapter *insert here the chapter number of Bill 102*).

25. The holder of a forest management permit who harvests timber shall scale it according to the scaling method prescribed by regulation of the Government.

26. 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.

27. No person may operate a machine used for a forest management activity in a lake or watercourse nor dump earth, slash, oil, chemical products or other contaminants in it while carrying on such an activity.

28. 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 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 silvicultural treatments that have been carried out to obtain the yields contemplated in timber supply and forest management licences.

DIVISION IV

FOREST ROADS

29. No person may construct a road on lands in the public domain except according to the standards of forest management prescribed under section 166.

30. No person may construct a road other than a forest road on lands in the public domain 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 forest road is a road constructed on land in the public domain in view of forest management under this Act.

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

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

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

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

CHAPTER III

FOREST MANAGEMENT FOR SUPPLY OF WOOD PROCESSING PLANTS

DIVISION I

TIMBER SUPPLY AND FOREST MANAGEMENT LICENCES

§ 1.—*Granting of licences*

35. The Minister may grant a timber supply and forest management licence to a qualified person, if forest production is sufficient and he is of opinion that it is in the public interest.

36. No one except a person authorized under Part IV to construct or operate a wood processing plant is qualified to obtain a licence.

37. The Minister shall establish and keep up to date a public register of timber supply and forest management licences, and register licences in it by deposit.

38. Licences are not transferable, although a licensee may deposit his licence as security for the fulfilment of his obligations relating to expenditures required for its implementation.

39. The licensee shall cause every instrument affecting the licence to be entered in the register referred to in section 37.

40. Where the licensee is a legal person or a partnership, its officers shall notify the Minister of any transaction resulting in a change in its control.

§ 2.—*Object of licences*

41. A timber supply and forest management licence entitles its holder to obtain, each year, on the forest land described in the licence, 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 or the licence and that he carries out silvicultural treatments in the forest area under licence to attain the annual yield indicated in the licence.

42. The annual volume of round timber from forests in the public domain allocated under the licence 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 round timber from private woodlots, chips, sawdust and shavings and imported timber.

43. In no case may the allocated volume exceed the allowable annual cut for the forest area for which it is allocated.

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

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

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

§ 3.—*Forest management unit*

46. A forest management unit is the land on which timber is allocated under a licence.

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

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

- (1) the nature and quality of the timber used by the licensee;
- (2) the distance between the forest area and the processing plant, and the available means of transport.

47. The area of a forest management unit is obtained by dividing the allocated volume by the annual yield indicated in the licence.

48. A forest management unit or part thereof may be under several licences which allocate timber of different species or groups of species to different licensees.

49. Where the Minister is of opinion that the optimal use of the timber requires it, he may also allocate, in the same unit, volumes of timber of the same species intended for different uses to several licensees.

50. Where several licensees enter into a licence in the same forest management unit, each licensee's share of the costs of construction and maintenance of roads and other works for common use shall be determined by agreement among the licensees or, failing agreement, by the Minister.

51. A forest management unit cannot be altered during the term of a licence except on the expiry of five years under section 73 or under section 75 or 77.

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

Where the deleted area has been under active forest management under a plan approved by the Minister under subdivision 4, the Government shall grant equitable compensation to the licensee.

§ 4.—*Rights and obligations of licensees*

i. PLANS

52. Every licensee shall prepare a general forest management plan respecting the forest management unit for the term of the licence, and submit it to the Minister for approval.

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

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

53. Every licensee shall also prepare a five-year forest management plan and submit it to the Minister for approval.

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

54. The licensee shall submit his general plan and five-year plan to the Minister in the form and at the time prescribed by regulation of the Government.

If the licensee fails to produce a five-year plan at the time and in the form prescribed by regulation, the Minister shall cause it to be prepared at the expense of the licensee.

55. Every licensee shall bring his general plan up to date, in the form and at the time prescribed by regulation of the Government, to take into account the five-year plan approved or prepared by the Minister.

56. Where several licences are held on the same forest management unit, the licensees shall come to an agreement on the rules of forest management in the common areas, particularly on the integration of harvests. The agreement shall appear in the five-year plan of each licensee party to the agreement.

Failing agreement, the Minister shall cause a five-year plan to be prepared for the common area, providing for the integration of forest management activities, and include it in each licensee's five-year plan. Each licensee shall in such case bear a share of the cost of preparation of the plan, and of carrying on the forest management activities described in the plan, as determined by the Minister.

57. Every licensee shall prepare an annual plan describing all forest management activities the licensee intends to carry out during the year for the implementation of the five-year plan, and submit it to the Minister for approval.

58. The annual forest management plan must be submitted in the form and at the time determined by regulation of the Government.

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

ii. FOREST MANAGEMENT ACTIVITIES

60. Every licence shall include an undertaking by the licensee to carry out every year at his own expense, in the forest management unit, all silvicultural treatments necessary for the attainment of the annual yield indicated in the licence, in accordance with the annual forest management plan and the standards of forest management applicable under section 166.

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

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

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

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

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

65. Every licensee holding a forest management permit issued under section 81 has, under his licence, the exclusive right to harvest the volume of timber allocated to him in the forest management unit, except where the forest management activities are integrated under section 56 or in accordance with section 67.

66. Where forest management activities are integrated, harvesting shall be done under the terms of the agreement among the licensees or, failing agreement, the terms fixed by the Minister under section 56.

67. The Minister may, at any time, authorize the holder of a wood processing plant permit to harvest in any forest management unit, in place of the licensee, the volume of timber required to produce chips,

sawdust and shavings that the licensee fails to provide to him, notwithstanding an express agreement to that effect.

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

68. Every holder of a plant operating permit who obtains authorization under section 67 is subject to the same obligations as a licensee respecting the management of forest areas in which he exercises his right to timber supply.

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

§ 5.—Term and revision

70. The term of a licence shall be 25 years. It comes into effect on the date of its registration by the Minister.

71. Every five years from the effective date of the licence, its term is extended for five more years if, during the preceding five years, the licensee has fulfilled his obligations under this Act.

72. Where at the end of any five-year period the Minister finds that the silvicultural treatments applied by the licensee allow the annual yield indicated in the licence to be surpassed, he shall allocate an additional volume to the licensee equal to the increase in forest production.

The additional volume shall not be taken into account in calculating dues under this Act. It cannot be reduced by the effect of section 73.

73. At the end of each five-year period, the Minister may revise the allocated volume, the area of the forest management unit or the annual yield indicated in the licence, to take account of

- (1) changes in the requirements of the wood processing plant;
- (2) changes in the availability of timber from private woodlots or of wood chips;
- (3) the average annual volume of round timber from forests in the public domain used by the plant in the last five years.

74. A licensee may invoke the arbitration procedure provided in the Code of Civil Procedure (R.S.Q., chapter C-25) if he is of opinion that the revision of his allocated volume was not made according to the criteria set forth in section 73.

Where the application appears to be justified, the arbitrator may grant compensation to the licensee for any damage suffered, or adjust the volume allocated in the licence.

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

Every licensee who carries on forest management activities in the forest management unit shall comply with the special plan. Upon his failure to comply, the volume of timber allocated in the licence shall be reduced by the volume he is required to salvage under the special plan.

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

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

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

§ 6.—*Cancellation of licences*

78. If a licensee fails to comply with his contractual obligations or the standards of forest management applicable in his forest management unit, or to pay his dues, the Minister may give him notice to remedy the default in the time allotted by the Minister.

If the licensee refuses or neglects to remedy the default within the allotted time, the Minister may cancel the licence.

79. Where the licensee despite due notice to pay of over two months, refuses or neglects to reimburse the Minister for over two

months for costs the Minister was required to assume under section 54, 56 or 61, the Minister shall cancel the licence.

80. A licence is cancelled by operation of law

(1) where the wood processing plant ceases its operations,

(2) where the licensee is under a bankruptcy order or if he makes an assignment of his property or makes a proposal in accordance with the Bankruptcy Act (R.S.C., 1970, chapter B-3).

DIVISION II

MANAGEMENT PERMITS FOR SUPPLY OF WOOD PROCESSING PLANTS

§ 1.—*Licensees*

81. The Minister shall issue a forest management permit to a timber supply and forest management licensee upon approval of his annual forest management plan.

82. A forest management permit authorizes a licensee to harvest during the year the timber required to supply the plant indicated in the licence, up to the annual volume fixed in the licence, and to carry on the other forest management activities indicated in the annual forest management plan.

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

The right vested in a licensee under the first paragraph is a real immovable right.

83. The dues payable by a permit holder are equal to the stumpage value of each species or group of species allocated to him in the management unit.

The value shall be established each year by the Minister according to the rules of calculation determined by regulation of the Government.

84. For the issue of a forest management permit, the licensee shall pay 75% of the dues, according to the payment schedule prescribed by regulation of the Government.

85. If the licensee harvests the whole of the allocated volume, he shall pay the residual amount of the dues at the expiry of his permit.

If the licensee does not harvest the whole of the allocated volume, he shall pay a proportion of the residual amount corresponding to the ratio between the harvested volume and the allocated volume.

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

This section does not apply where no forest management permit is required by the effect of section 56.

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

87. 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.

88. The Minister shall grant the permit if forest production is sufficient and so far as hardwood pulpwood salvage promotes the growth of mixed and hardwood stands in a forest area.

89. The permit authorizes the holder to harvest a volume of hardwood pulpwood to supply his wood processing plant under the terms of the permit.

CHAPTER IV

MANAGEMENT OF PUBLIC FOREST RESERVES

DIVISION I

GOVERNMENT MANAGEMENT

90. Forest areas for which no timber supply and forest management licence 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.

The standards of forest management prescribed under section 163 apply to the persons carrying on the forest management activities.

91. The Minister shall sell the timber harvested in public forest reserves by public auction, subject to section 95.

92. In order to promote the establishment or expansion of a wood processing plant, the Minister may, with the authorization of the Government, enter into an agreement for auxiliary timber supply with a person authorized to construct or operate a wood processing plant who is not a timber supply and forest management licensee.

93. The Minister may enter into an agreement with a permit holder who has submitted a long-term supply plan to him which he deems suitable and which identifies the forest producers who are under contract with him.

The Minister may, on the conditions and for the time fixed by the Government, make an undertaking to the permit holder to provide an auxiliary timber supply where a supplier has defaulted.

94. The Minister may provide the auxiliary timber supply, pursuant to his obligation under an agreement, out of the timber produced in public forest reserves if the defaulting supplier is not a timber supply and forest management licensee. If the supplier is such a licensee, the Minister shall authorize the necessary harvesting in accordance with section 67.

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

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

DIVISION II

MANAGEMENT CONTRACTS

96. The Minister may enter into a management contract by which he entrusts the person with the management of forest areas in

municipalities to remedy the parcelling out of private forests and promote the establishment or consolidation of silvicultural enterprises.

97. The forest areas contemplated in section 96 shall be managed in accordance with a forest management plan approved by the Minister.

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

99. The contractor is subject to the application of standards prescribed under section 166.

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

CHAPTER V

FOREST MANAGEMENT FOR EXPERIMENTAL, EDUCATIONAL AND RESEARCH PURPOSES

DIVISION I

EXPERIMENTAL FORESTS

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

102. 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.

103. Before erecting an experimental forest in a forest area included in a forest management unit, the Minister shall obtain the consent of the timber supply and forest management licensee.

DIVISION II

FOREST EDUCATIVE CENTRES

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

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

106. Hunting and trapping are prohibited in the territory of forest educative centres.

DIVISION III

RESEARCH FORESTS

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

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

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

110. 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.

No dues are payable on timber harvested under this section.

DIVISION IV

FOREST STATIONS

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

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

113. Hunting and trapping are prohibited in forest stations.

PART II

DEVELOPMENT OF PRIVATE WOODLOTS

CHAPTER I

PLANS AND PROGRAMS

114. The Minister may prepare or promote the preparation of plans and programs for the inventory and development of private woodlots. He may, on the conditions he determines, grant financial assistance therefor to a forest producer certified under Chapter II or to an organization composed of forest producers.

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

CHAPTER II

FOREST PRODUCER

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

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

(1) own a woodlot of not less than ten hectares in a single block or, in the case of public land, be the lessee of such an area, the main income from which is from the production of ligneous matter, maple sugar or Christmas trees; and

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

The person shall also hold, for the whole woodlot area of an assessment unit for which he applies for a reimbursement of real estate taxes,

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

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

118. Every forest producer certified under section 116 may apply for a reimbursement of real estate taxes under section 220.3 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of the assessment units determined by regulation of the Government and indicated in the certificate by the Minister.

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

(1) meet the requirements set forth in section 117;

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

(3) produce, with the application, a report containing a statement of work related to forest development and harvesting of timber products performed within the last 12 months which represents an amount of expenses equal to or greater than the amount of the real estate taxes to be reimbursed.

120. An organization which assumes the management of a research forest in a public forest reserve in accordance with section 108 may be certified by the Minister as a forest producer for the purposes of this Part and the Minister may issue a certificate to that effect to the organization.

PART III

FOREST PROTECTION

CHAPTER I

FIRE

121. The Minister may certify an organization composed of timber supply and forest management licensees and private woodlot owners

as a forest protection organization 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.

122. 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 plan must contain information, in particular, on the number of members in the organization, the equipment at its disposal and the means it intends to use to prevent and extinguish fires. The plan must be kept up to date until the Minister requires a new plan.

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.

123. Every licensee under a timber supply and forest management licence shall be a member of the forest protection organization certified by the Minister for the territory that includes his forest management unit.

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

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

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

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.

125. 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.

126. 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.

127. The Minister shall fix the amount of the indemnities payable to persons recruited by a forest protection organization to fight a fire.

128. The Minister may authorize any person designated for that purpose by a forest protection organization to act as a fire-ranger.

129. 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.

130. 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.

131. Notwithstanding section 130, 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.

132. Every person who starts a fire in or near the forest shall remain at the site until the fire is completely extinguished.

133. 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.

134. 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.

135. 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.

136. 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.

137. 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.

138. 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.

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.

139. 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 with the approval of the Minister.

140. The expenses of extinguishing a fire that broke out during an operation contemplated in section 137 or work contemplated in section 138 shall be entirely assumed by the person who was carrying it on unless he proves that the fire was not due to his fault or that of his employees.

CHAPTER II

DISEASES AND INSECT INFESTATIONS

DIVISION I

PROTECTION PLANS

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

The Minister, after consultation with the interested timber supply and forest management licensees, shall apply the plan to the territory concerned. Each licensee shall pay a proportion of the cost of implementation of the protection plan fixed by mutual agreement or, failing that, by the Minister.

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

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

DIVISION II

PHYTOSANITARY TESTS

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

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

145. 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.

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

147. 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.

148. 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.

149. The inspector shall, on request, identify himself and produce a certificate of his appointment signed by the Minister.

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

151. 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.

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

153. 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.

PART IV

UTILIZATION AND PROCESSING OF TIMBER

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

155. 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.

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

157. 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.

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

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

160. 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 annual timber consumption authorized for the various species. It shall be posted in a conspicuous place in the plant.

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

161. A permit holder must inform the Minister of any 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.

162. A permit holder who uses unprocessed timber as raw material and any person engaged in the timber business in Québec may be required to declare under oath to the Minister 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.

163. Every holder of a wood processing plant operating permit shall keep a register in the form determined by regulation of the Government. The register shall indicate the quantity of timber consumed according to the sources and the quantities of products manufactured.

Not later than 30 April each year, the permit holder shall transmit a certified copy of the part of the register covering the period from the preceding 1 April to 31 March to the Minister.

164. 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 163.

165. The Minister shall cancel an authorization contemplated in section 157 or a wood processing plant operating permit where the holder fails to comply with this Part even though more than thirty days have elapsed since he received formal notice to comply therewith from the Minister.

PART V

REGULATIONS

166. The Government, by regulation, may prescribe, in respect of the forests in the public domain, standards of forest management regarding

- (1) the surface and location of cutting areas;
- (2) the protection of the shores of lakes and watercourses;
- (3) the protection of water quality;
- (4) the installation and use of piling, lopping and sawing areas;
- (5) the location and construction of roads;
- (6) the site of forest camps;
- (7) the choice of silvicultural treatments according to the sites or the resources to be protected;
- (8) the application of silvicultural treatments.

The standards may vary from zone to zone described on the land-use plan approved by the Government in accordance with section 18 of the Act respecting the lands in the public domain.

167. The Government may, by regulation,

- (1) establish the rules of calculation of the dues payable by the holder of a management permit;
- (2) prescribe the methods for scaling timber harvested on lands in the public domain;
- (3) prescribe the information which an applicant for a maple stand 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 stand;
- (4) prescribe rules for the operation of vehicles in the forest and on forest roads, and, as the case may be, make such provisions of the Highway Safety Code (R.S.Q., chapter C-24.1) as he determines applicable thereto, and prescribe rules as to the weight and size of the vehicles, the trimming of their loads, and road signs;

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

(6) prescribe the basis and rules of calculation which the Minister shall use to establish stumpage value under section 83;

(7) prescribe the payment schedule for the dues payable by a timber supply and forest management licensee under section 84;

(8) determine the amount of dues payable under section 100;

(9) define the assessment units for which a forest producer may claim a reimbursement of real estate tax under section 220.3 of the Act respecting municipal taxation;

(10) prescribe the rate of reimbursement of the expenses related to fire extinction contemplated in section 124;

(11) prescribe the conditions to be fulfilled by an applicant for a permit under section 130, and those to be observed by the operator of a site for the elimination of industrial or domestic waste under section 134;

(12) prescribe safety standards for forest fire prevention and extinction to be observed by the persons contemplated in sections 136 and 137;

(13) prescribe the form and content of the fire protection program to be obtained from a protection organization by a person contemplated in section 138;

(14) prescribe the form of the plant inventory which a producer must submit to the Minister under section 150, and the time for submitting it;

(15) establish classes of wood processing plants;

(16) prescribe the conditions to be met by an applicant for the issue or renewal of a wood processing plant operating permit, the dues payable by him for the issue or renewal and the form of the register he must keep pursuant to section 163;

(17) prescribe the method of calculating the residual value of work contemplated in section 196;

(18) prescribe which of the regulations under this section carry a penalty pursuant to section 177 in the event of contravention.

PART VI

SANCTIONS

CHAPTER I

OFFENCES

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

169. Every person who contravenes section 26 is liable, in addition to costs, to a fine of \$200 to \$1 000.

170. Every person who contravenes section 27 is liable, in addition to costs, to a fine of \$1000 to \$5000.

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

171. Every person who contravenes section 106 or 113 is liable, in addition to costs, to a fine of \$100.

172. Every person who contravenes any provision of sections 129 to 134 or a safety standard prescribed under paragraph 11 of section 164 is liable, in addition to costs, to a fine of \$100 to \$1000.

173. Every person who transports plants without having obtained the certificate required by section 145 or who contravenes section 146 is liable, in addition to costs, to a fine of \$100 to \$500.

174. Every person who contravenes section 147 is liable, in addition to costs, to a fine of \$100 to \$1000.

175. Every person who contravenes section 154 or a provision of an order made under section 156 is liable, in addition to costs, to a fine of \$2000 to \$5000 in the case of a natural person and of \$6000 to \$15000 in the case of a legal person and, for any subsequent conviction

within two years for the same offence, to a fine of \$10 000 to \$50 000 in the case of a natural person and \$30 000 to \$150 000 in the case of a legal person.

176. Every person who contravenes any of sections 157, 159, 161 or 164 is liable, in addition to costs, to a fine of \$100 to \$500 from the thirtieth day after the sending of a notice to the offender by an authorized representative of the Minister enjoining him to comply with the applicable provisions.

177. Every person who contravenes a provision indicated pursuant to paragraph 18 of section 167 is guilty of an offence and is liable, in addition to costs, to a fine of \$500 to \$1 000.

178. Every person who contravenes a rule of forest management prescribed under paragraphs 1, 3 or 4 to 6 of section 166 is liable, in addition to costs, to a fine of \$100 to \$1 000.

The first paragraph applies from the sixth day after the sending to the offender by an authorized representative of the Minister of a first notice enjoining him to comply with the applicable rules.

179. Every person who contravenes a standard of forest management prescribed under paragraphs 2 or 7 to 9 of section 166 or contravenes section 187 is liable, in addition to costs, to a fine of \$5 to \$100 for each tree cut or not cut by him in contravention of the applicable standard.

180. Where an offence referred to in section 171, 175, 177 or 178 continues for more than one day, it is deemed a separate offence for each day or part of a day during which it continues.

Every person who, knowingly, by an act or omission attempts to aid a person to commit an offence or advises a person to commit an offence or encourages or incites him thereto is himself a party to the offence.

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

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

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

CHAPTER II

SEIZURE

183. Any employee of the department designated by the Minister may seize and put under proper custody

(1) any timber cut on or removed or carried away from land in the public domain without a permit;

(2) any timber in transit out of Québec in contravention of section 154 or an order under section 156;

(3) any timber on which exigible dues have not been paid.

In the cases contemplated in subparagraphs 1 and 2 of the first paragraph, the employee may also seize any vehicle, boat or instrument used to commit the offence.

184. The employee shall draw up the minutes specifying the date and place of seizure, the quantity of timber seized, a list of the vehicles, boats and instruments used and the name and address of the person designated as custodian.

Where the designated custodian is not the person in possession of the seized timber, the Minister may grant an indemnity to cover the costs of custody.

185. Where the employee finds that timber contemplated in section 183 is mixed with other timber, he may seize all the timber with which it is mixed as if all the timber were contemplated by section 183.

186. Unless opposition is made in accordance with the Code of Civil Procedure within fifteen days of the seizure, the Minister shall proceed with the sale of the timber and any other property seized.

PART VII

GENERAL PROVISIONS

187. No person may carry out a forest management activity within a zone of sixty metres in width on each side of any river identified as

a salmon river by the Minister of Recreation, Fish and Game without prior authorization to that effect from the Minister.

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

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

189. 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".

For the advisement of the Minister on matters relating the forest management, the Government may establish a "Conseil de la forêt".

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

PART VIII

CHANGES OF TENURE IN THE PUBLIC DOMAIN

CHAPTER I

CANCELLATION OF TIMBER LIMITS, GUARANTEES OF TIMBER SUPPLY, AGREEMENTS AND PERMITS TO CUT TIMBER

191. From 1 April 1987, all timber limits leased on the public domain 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 (R.S.Q., chapter T-9).

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

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

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

194. 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 140 of the Lands and Forests Act or affecting an agreement to supply timber entered into under section 106 of the same Act is extinguished of right from 1 April 1987.

CHAPTER II

RIGHTS OF HOLDERS OF CANCELLED TITLES

195. A person whose timber limit has been cancelled under section 93 of the Lands and Forests Act and to whom the Minister has not granted compensation on (*insert here the date of introduction of the Forest Act*) 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.

196. The indemnity paid to a person contemplated in section 195 shall be equal to the residual value of the permanent works, inventory, management and survey work and other improvements effected by that person on the cancelled timber limit before (*insert here the date of introduction of the Forest Act*). The residual value shall be established according to the method prescribed by regulation of the Government.

Where a timber supply and forest management licence 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 licence.

197. 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 sections 191 to 193 is entitled to obtain a timber supply and forest management licence from the Minister pursuant to Chapter III of Part 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 and who has not obtained a guarantee of timber supply.

198. A person not contemplated in section 195 or section 197 who on 31 March 1987 holds a wood processing plant operating permit in which he processed, during the year ending on that date and the four preceding years, timber from forests in the public domain other than salvaged timber is entitled to obtain a timber supply and forest management licence from the Minister.

199. To determine the annual volume of timber allocated to the person contemplated in section 197 or 198 under his licence, the Minister shall take into consideration, in addition to the criteria set forth in section 42, the average volume of round timber from the forests in the public domain used each year by the plant for which the timber is intended during the last five years or from the beginning of its operations if the plant has been in operation for less than five years.

200. To determine the location of the forest management unit covered by the licence of a person contemplated in section 197, the Minister shall take into consideration, in addition to the criteria set forth in section 46, the history of the location of the licensee's sources of supply and the infrastructures he has already set in place.

201. If, by the effect of section 197, 199 or 200, the inventory, management or survey work or other permanent works carried out by a person contemplated in section 197 on the territory covered by his timber limit, guarantee or agreement benefit another person, that person shall pay to the person who defrayed the cost of the work an indemnity equal to their residual value.

202. If, at the time of the cancellation of a timber supply agreement, the holder is bound by a timber supply agreement with a logging cooperative to which this section applies, the timber supply and forest management licence granted to the 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.

203. An agreement in force on 31 March 1987 by which the Government undertakes to provide an auxiliary timber supply to the operator of a wood processing plant who has not entered into a timber supply agreement in respect of that plant pursuant to section 106 of the Lands and Forests Act is deemed to have been entered into under section 92 and is renewable.

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 108.

204. The cancellations provided for in sections 191 to 193 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.

205. 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 licence under section 197 or 198 a proposal accompanied with a notice informing him of his intention to grant a licence on the basis of that proposal.

Failing agreement on amendments to the proposal, the Minister shall register it by deposit in accordance with section 37 on the expiry of sixty days from the date of receipt of the notice.

The proposal as registered by the Minister constitutes a timber supply and forest management licence.

CHAPTER III

TEMPORARY TENURE

206. For the year beginning on 1 April 1987 and for each subsequent year until the timber supply and forest management licence to which he is entitled takes effect, a person contemplated in section 197 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 42. The volume shall not exceed the average volume of round timber from forests in the public domain used at the plant from 1 April 1981 to 31 March 1986.

207. A cooperative contemplated in section 202 may obtain from the Minister for the year beginning on 1 April 1987 and for each subsequent year until a management licence takes effect in respect of the licensee with whom it is bound by agreement, a management permit in order to ensure the execution of the obligations stipulated in that agreement.

208. Every person who is entitled to a timber supply and forest management licence under section 198 is entitled from 1 April 1987, and until the licence takes effect, to obtain a volume of round timber from the forests in the public domain to supply his wood processing plant.

The volume shall be fixed by the Minister on the basis of the criteria set forth in section 199; 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 206 of an obligation to supply the volume.

209. The rights conferred by sections 206 and 208 shall be exercised in accordance with the standards of forest management prescribed under section 166.

210. The holder of a permit issued under sections 206 to 208 shall pay the dues under section 6 on the volume of timber felled and scaled.

211. Every privilege, hypothec or real right extinguished under section 194 may be renewed at the instance of the creditor, as regards the timber supply rights conferred by sections 206 and 208 or the rights conferred under a timber supply and forest management licence by means of a notice to the registrar of the appropriate registration division or, in the case of non-cadastrated lands in the public domain, to the Ministère de l'Énergie et des Ressources, 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.

212. This chapter ceases to have effect on 1 April 1990.

PART IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

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

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

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

216. Section 6 of the Act respecting the forestry fund (1980, chapter 8) is amended

(1) by replacing the words “permit to cut timber issued under the Lands and Forests Act (R.S.Q., chapter T-9)” in the first and second lines of the first paragraph by the words “forest management permit issued under the Forest Act (1986, chapter *insert here the chapter number of Bill 150*)”;

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

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

“(m) “permit holder” means a person to whom a forest management permit is issued under the Forest Act (1986, chapter *insert here the chapter number of Bill 150*), for the management of a maple stand;

“(n) “manager” means a person entrusted with the management of public lands by an agreement with the Minister under section 96 of the Forest Act [1986, chapter (*insert here the chapter number of Bill 150*)];”.

218. Section 1 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing the

definitions of “permit holder” and “manager” in paragraph 2 by the following definitions:

“ “permit holder” means a person to whom a forest management permit is issued under the Forest Act [1986, chapter *insert here the chapter number of Bill 150*] for the management of a maple stand;

“ “manager” means a person entrusted with the management of public lands by an agreement with the Minister under section 96 of the Forest Act [1986, chapter (*insert here the chapter number of Bill 150*)];”.

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

“ “transfer” means the transfer of an immovable right as well as a contract of lease and the granting of an option or of a promise of sale; the word “transfer” does not include transfer for the purpose only of securing a debt, nor reconveyance by the creditor, nor the transfer of any right contemplated in section 3 of the Mining Act (R.S.Q., chapter M-13), nor the transfer or lease of public lands effected in virtue of the Act respecting the lands in the public domain [1986, chapter (*insert here the chapter number of Bill 102*)];”.

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

“**15.** Sections 183 to 186 of the Forest Act (1986, chapter *insert here the chapter number of Bill 150*) apply, *mutatis mutandis*, to lands under the authority of the Minister and the powers conferred therein are exercised by the Minister or by any employee of the department generally or specially authorized by him for that purpose.”

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

222. Section 178 of the said Act is amended by replacing the words “management and operational plans for public forests” by the words “five-year forest management plans for the forests in the public domain”.

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

“In such a case, the local government shall obtain timber supply and forest management licences or forest management permits from the Minister of Energy and Resources who shall not refuse his authorization if the forest management conforms with the plans contemplated in the Forest Act [(1986, chapter (*insert here the chapter number of Bill 150*))].”

224. The second paragraph of section 90 of the said Act is replaced by the following paragraph:

“Forest management activities on Category II lands shall be defined according to the plans contemplated in the Forest Act [1986, chapter *insert here the chapter number of Bill 150*)].”

225. The second paragraph of section 191.40 of the said Act is replaced by the following paragraph:

“In such a case, the local government shall obtain timber supply and forest management licences or forest management permits from the Minister of Energy and Resources, who shall not refuse his authorization if the forest management conforms with the plans contemplated in the Forest Act [1986, chapter (*insert here the chapter number of Bill 150*))].”

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

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

228. This Act comes into force on 1 April 1987.