

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 105

An Act to regulate the forest management activities of holders of timber supply and forest management agreements for the years 2000-2001 and 2001-2002

Introduction

Introduced by
Mr Jacques Brassard
Minister of Natural Resources

Québec Official Publisher
2000

EXPLANATORY NOTES

The object of this bill is to establish special rules to govern the planning of forest management activities of holders of timber supply and forest management agreements for the years 2000-2001 and 2001-2002. The bill also establishes rules concerning the revision of timber supply and forest management agreements.

The rules contained in the bill prevail over any incompatible provision of the Forest Act.

LEGISLATION AMENDED BY THIS BILL :

– Forest Act (R.S.Q., chapter F-4.1).

Bill 105

AN ACT TO REGULATE THE FOREST MANAGEMENT ACTIVITIES OF HOLDERS OF TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS FOR THE YEARS 2000-2001 AND 2001-2002

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PLANNING OF THE FOREST MANAGEMENT ACTIVITIES OF HOLDERS OF TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS

DIVISION I

GENERAL PROVISION

1. This chapter establishes special rules to govern the planning of the forest management activities of the holders of timber supply and forest management agreements for the years 2000-2001 and 2001-2002. However, it does not apply to the planning of forest management activities carried out in the common areas listed in Schedule I.

DIVISION II

PROVISIONS APPLICABLE FOR 2000-2001

§1. — *Forest management activities carried out in the common areas listed in Schedule II*

2. For the year 2000-2001, the forest management permit for the supply of a wood processing plant referred to in section 86 of the Forest Act (R.S.Q., chapter F-4.1) is replaced, with regard to forest management activities carried out in the common areas listed in Schedule II, by the management permit issued under this subdivision.

The management permit is issued to the holder of a timber supply and forest management agreement by the Minister of Natural Resources once the holder's annual forest management plan has been approved.

3. The annual management plan is approved by the Minister, with or without amendment, taking into consideration the comments made concerning

the five-year plan during the public consultation held pursuant to section 58.2 of the Forest Act and, where applicable, the results of conciliation under section 58.3 of that Act.

The Minister shall also take into consideration any comments received from the James Bay Advisory Committee on the Environment.

4. The forest management permit authorizes the holder of the timber supply and forest management agreement to harvest, during the year 2000-2001, timber intended for the supply of the processing plant specified in the agreement, up to 50% of the annual volume fixed therein, and to carry out the other forest management activities described in the annual forest management plan approved by the Minister, including, in particular, reforestation and pre-commercial thinning activities.

5. The annual plan and the forest management permit are revised as soon as the Minister has approved the updating of the general forest management plan.

The updating of the general forest management plan is approved, with or without amendment, taking into consideration the comments made concerning the plan during the public consultation held pursuant to section 58.2 of the Forest Act and, where applicable, the results of conciliation under section 58.3 of that Act.

The Minister shall also take into consideration any comments received from the James Bay Advisory Committee on the Environment.

6. The Minister may, on the Minister's initiative, update a general forest management plan if the agreement holder fails to submit the updating of the plan for approval before 1 May 2000.

The Minister must, before updating a general forest management plan, make the proposed updating of the plan available for examination by the public for a period of 45 days. During this period, the Minister must consult the regional county municipality concerned and consult, in accordance with the procedure established for the purposes of section 58.2 of the Forest Act, the persons or groups having applied therefor in the first 20 days of that period. The application for consultation must be made in writing, give reasons and state the interest of the applicant in the forest to which the plan applies.

The Minister must also send the proposed updating of the general forest management plan to the James Bay Advisory Committee on the Environment, for examination and comment, if the plan concerns a forest in the domain of the state that is situated in a territory to which section 133 of the Environment Quality Act (R.S.Q., chapter Q-2) applies. The Advisory Committee must forward its comments, if any, within 90 days.

7. The revision of the annual plan and the forest management permit shall be based on the new updated forest management strategies in the general plan approved by the Minister. The revision must ensure that forest production is respected in the common area concerned during the period covered by the five-year plan.

8. The volume of timber that may be harvested under the permit is revised on the basis of

(1) the result obtained when the annual allowable cut is calculated for the updating of the general plan approved by the Minister;

(2) the volume of timber already harvested during the period covered by the five-year plan.

Notwithstanding the first paragraph, the revised volume may not exceed the volume allocated in the holder's timber supply and forest management agreement. However, the volume may be increased in accordance with section 92.0.1 of the Forest Act where forest production in the common area during the period covered by the five-year plan so permits.

9. Where volumes of timber of a species or group of species in a common area are allocated to two or more agreement holders, and where the total of all such volumes exceeds forest production for that species or group of species in the common area, the reduction in the volume of timber that each holder is authorized to harvest compared to the volume allocated in the holder's agreement shall be apportioned among the holders in proportion to the volumes allocated in their agreements in the common area concerned.

10. Agreement holders must revise their five-year forest management plan to bring it into conformity with the updating of the general plan approved by the Minister. The revised five-year plan must be submitted to the Minister for approval before 1 December 2000.

Sections 58.1 to 58.3 of the Forest Act and section 144 of the Environment Quality Act apply to the revised five-year plan before its approval.

11. No forest management permit for 2001-2002 may be issued until the updating of the general plan and the revised five-year forest management plan have been approved by the Minister.

§2. — *Forest management activities carried out in common areas listed in Schedule III*

12. For the year 2000-2001, the forest management permit for the supply of a wood processing plant referred to in section 86 of the Forest Act shall be issued, with regard to forest management activities carried out in a common area listed in Schedule III, by the Minister of Natural Resources to the holder of a timber supply and forest management agreement once the holder's annual management plan has been approved in accordance with section 13.

13. The annual forest management plan is approved by the Minister, with or without amendment, taking into consideration the comments made concerning the five-year plan established on the basis of the general forest management plan, as approved, during the public consultation held pursuant to section 58.2 of the Forest Act and, where applicable, the results of conciliation under section 58.3 of that Act.

DIVISION III

PROVISIONS APPLICABLE FOR 2001-2002

14. For the year 2001-2002, the forest management permit for the supply of a wood processing plant referred to in section 86 of the Forest Act is replaced, with regard to forest management activities carried out in a common area listed in Schedule III, by the management permit issued under this division.

The management permit is issued to the holder of a timber supply and forest management agreement by the Minister of Natural Resources once the holder's annual management plan has been approved.

15. The annual management plan is approved by the Minister, with or without amendment, taking into consideration the comments made concerning the five-year plan during the public consultation held pursuant to section 58.2 of the Forest Act and, where applicable, the results of conciliation under section 58.3 of that Act.

16. The forest management permit authorizes the holder of the timber supply and forest management agreement to harvest, during the year 2001-2002, timber intended for the supply of the processing plant specified in the agreement, up to 50% of the annual volume fixed therein, and to carry out the other forest management activities described in the annual forest management plan approved by the Minister, including, in particular, reforestation and pre-commercial thinning activities.

17. The annual plan and the forest management permit are revised as soon as the Minister has approved the updating of the general forest management plan.

The updating of the general forest management plan is approved, with or without amendment, taking into consideration the comments made concerning the plan during the public consultation held pursuant to section 58.2 of the Forest Act and, where applicable, the results of conciliation under section 58.3 of that Act.

18. The Minister may, on the Minister's initiative, update a general forest management plan if the agreement holder fails to submit the updating of the plan for approval before 1 April 2001.

The Minister must, before updating a general forest management plan, make the proposed updating of the plan available for examination by the public for a period of 45 days. During this period, the Minister must consult the regional county municipality concerned and consult, in accordance with the procedure established for the purposes of section 58.2 of the Forest Act, the persons or groups having applied therefor in the first 20 days of that period. The application for consultation must be made in writing, give reasons and state the interest of the applicant in the forest to which the plan applies.

19. Sections 7 to 9 apply, with the necessary modifications, to the revision, pursuant to this division, of the annual plan, the forest management permit, and the volume of timber that may be harvested under the permit.

20. Agreement holders must revise their five-year forest management plan to bring it into conformity with the updating of the general plan approved by the Minister. The revised five-year plan must be submitted to the Minister for approval before 1 December 2001.

Sections 58.1 to 58.3 of the Forest Act apply to the revised five-year plan before its approval.

21. No forest management permit for 2002-2003 may be issued until the updating of the general plan and the revised five-year forest management plan have been approved by the Minister.

CHAPTER II

REVISION OF TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS

22. As soon as the updating of all the general plans for the common areas of the management unit of the holder of a timber supply and forest management agreement has been approved by the Minister, the Minister shall revise the residual volume of round timber from the domain of the state that has been allocated, the area of the forest management unit or the annual yield indicated in the holder's agreement, taking into account the criteria listed in section 77 of the Forest Act. Section 78 of the Forest Act applies to a revision, pursuant to this section, of the volume of timber allocated in the agreement.

Until the holder's agreement has been revised in accordance with this section, the volume of timber revised in accordance with the rules and criteria set out in sections 8 and 9 is deemed to be the volume allocated in the agreement.

CHAPTER III

MISCELLANEOUS PROVISIONS

23. Section 92.0.1 of the Forest Act (R.S.Q., chapter F-4.1) is amended by adding “and only where the forest production of the common area during the period covered by the five-year forest management plan so permits” at the end of the third paragraph.

24. The provisions of this Act prevail over any incompatible provision of the Forest Act.

25. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE I
(Section 1)

Common areas covered by timber supply and forest management agreements in which the rules set out in this Act governing the planning of forest management activities do not apply.

1. 093-20
2. 094-02
3. 095-01
4. 095-02

SCHEDULE II
(Section 2)

Common areas covered by timber supply and forest management agreements in which the rules set out in sections 2 to 11 of this Act governing the planning of forest management activities apply.

1. All common areas not mentioned in Schedule I or Schedule III.

SCHEDULE III
(Sections 12 and 14)

Common areas covered by timber supply and forest management agreements in which the rules set out in sections 12 to 21 of this Act governing the planning of forest management activities apply.

1. 021-01
2. 021-02
3. 022-01
4. 022-02
5. 022-03
6. 022-04
7. 022-05
8. 025-01
9. 027-01
10. 031-02
11. 031-04
12. 034-03
13. 034-04
14. 051-01
15. 081-21
16. 081-22