



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 49

An Act to amend the Forest Act and other legislative provisions and providing for special provisions applicable to the Territory of application of chapter 3 of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec for the Years 2006-2007 and 2007-2008

Introduction

**Introduced by
Mr. Pierre Corbeil
Minister of Natural Resources and Wildlife**

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EXPLANATORY NOTES

The main object of this bill is to establish new rules governing forest management activities in forests in the domain of the State.

Firstly, the bill grants the holder of a timber supply and forest management agreement the right to send, during a given year, a certain quantity of timber harvested in forests in the domain of the State to wood processing plants not referred to in the agreement. It also provides for other cases where changes in the destination of timber may be authorized by the Minister. The bill provides that, except in certain cases, an agreement holder may, with the authorization of the Minister, harvest an additional volume of timber in advance during a given year, specifying, however, that the average annual volume harvested during the period covered by the general forest management plan must not exceed the annual volume determined in the agreement for the management unit and the species or group of species concerned.

Secondly, as regards forest planning, the bill provides that the decommissioning of road infrastructures and the restoration of forest productivity are to be planned in the five-year forest management activities program included in the general plan. Also, the bill specifically grants the Minister the power to decommission a road on land in the domain of the State with a view to sustainable development and integrated management of natural resources and lands in the domain of the State, or for any reason the Minister deems in the public interest.

Thirdly, as regards the monitoring and controlling of forest management activities, the bill authorizes the Government to regulate timber marking activities and provides that annual management plans must be accompanied by silvicultural prescriptions approved by a forest engineer. In addition, the bill provides that forest management agreement or contract holders must prepare and submit to the Minister a periodic progress report on the silvicultural treatments they carry out in the management area, and determines the fines to be imposed on persons who fail to comply with that obligation. The bill also stipulates that the Minister is to supervise the forest practices of agreement holders and, to that end, verify that they respect the obligations imposed on them, while examining all forest management activities in the management area from the perspective of the forest and the environment.

The bill amends certain provisions relating to the five-year revision of agreements, particularly by modifying the provisions relating to the corrective program the Minister may impose if forest and environmental performance is deemed unsatisfactory. In addition, the bill identifies certain situations in which the Minister may at any time make minor changes to the delimitation of management units, in particular to correct a clerical or technical error committed during the delimitation or to integrate into a unit land newly acquired by the State. The bill stipulates that, in such cases and in the other cases already provided for in the Forest Act, the chief forester may at any time revise the annual allowable cut for a management unit.

The bill grants the Minister the power to delegate to a member of the personnel of the department the exercise of the powers conferred on the Minister under the Forest Act or a special Act relating to forest matters. It introduces changes to the phytosanitary testing of plants, the financial assistance granted in the form of credit for carrying out a special forest management plan, forest fire protection, the process for recognizing the status of forest producer and the functioning of regional agencies for private forest development.

Lastly, special provisions applicable to the territory of application of chapter 3 of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec for the Years 2006-2007 and 2007-2008 have been introduced in the bill to ensure that certain provisions provided for in chapter 3 of the agreement are applied. Amendments to the transitional scheme applicable to timber supply and forest management agreements and consequential provisions are also provided for in the bill.

LEGISLATION AMENDED BY THIS BILL:

- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act to amend the Forest Act and other legislative provisions (2001, chapter 6).

Bill 49

AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS AND PROVIDING FOR SPECIAL PROVISIONS APPLICABLE TO THE TERRITORY OF APPLICATION OF CHAPTER 3 OF THE AGREEMENT CONCERNING A NEW RELATIONSHIP BETWEEN LE GOUVERNEMENT DU QUÉBEC AND THE CREES OF QUÉBEC FOR THE YEARS 2006-2007 AND 2007-2008

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 3 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “the installation and maintenance of infrastructures, the carrying out of silvicultural treatments including reforestation and the use of fire, the repression of” by “installing, improving and closing infrastructures, carrying out silvicultural treatments including reforestation and the use of fire, suppressing”.
- 2.** Section 14 .3 of the Act is amended by replacing “and in sections 73.2 and 73.3” in the first sentence of the first paragraph by “in sections 73.2, 73.2.1 and 73.3”.
- 3.** Section 32 of the Act is amended by replacing “construction or improvement work on” by “work to construct, improve or decommission”.
- 4.** Section 35.10 of the Act is amended
 - (1) by replacing “corrective program referred to in section 61” in the first paragraph by “corrective programs referred to in sections 61 and 77.3”;
 - (2) by replacing “du programme correcteur” in the first sentence of the second paragraph of the French text by “d’un programme correcteur”;
 - (3) by inserting “and other forest management activities” after “the carrying out of the silvicultural treatments” in the third paragraph and by inserting “and activities” after “the carrying out of the other treatments” in that paragraph;
 - (4) by replacing “the corrective program referred to in section 61” in the fourth paragraph by “the corrective programs referred to in sections 61 and 77.3”.
- 5.** The Act is amended by inserting the following section after section 35.14:

“35.14.1. Despite section 35.14 and without going through the formalities set out in the second paragraph of that section, the Minister may modify the boundaries of a management unit to correct a clerical or technical error committed when the boundaries were set or to integrate into a unit a forest land acquired by the State after the unit was delimited.

The Minister shall make the new delimitation of the management unit public, at which time the new delimitation is to come into force.”

6. Section 35.16 of the Act is amended by inserting “to the boundaries of a management unit or” after “following a modification” in the first sentence of the second paragraph.

7. Section 36 of the Act is amended by inserting “, on the conditions the Minister determines,” after “may”.

8. The Act is amended by inserting the following section after section 43.1:

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

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

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

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

9. Section 43.2 of the Act is amended by adding the following paragraph after the first paragraph:

“The Minister may also, on the request of an agreement holder, authorize the agreement holder to send part of the round timber harvested in the course

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

10. Section 52 of the Act, replaced by section 42 of chapter 6 of the statutes of 2001, is amended by inserting “by the Minister” after “selected” in paragraph 3.

11. Section 53 of the Act, replaced by section 42 of chapter 6 of the statutes of 2001, is amended by inserting the following sentence after the first sentence: “It shall also identify, among the existing road infrastructures and the road infrastructures to be built, those to which access must be blocked or that must be decommissioned during the period covered by the general plan, and in the case of decommissioning, it shall state which roads or rights-of-way are to be returned to forest productivity.”

12. Section 59.1 of the Act, enacted by section 46 of chapter 6 of the statutes of 2001 and amended by section 17 of chapter 16 of the statutes of 2003, is again amended

(1) by inserting “or for decommissioning road infrastructures and, where applicable, returning them to forest productivity” after “for the areas referred to in section 53” in the second sentence of subparagraph 1 of the first paragraph;

(2) by adding “or, under section 43.1.1, intended for other wood processing plants” at the end of subparagraph 5 of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

“The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed and which must be forwarded to the Minister on request.”

13. Section 59.6 of the Act, enacted by section 46 of chapter 6 of the statutes of 2001 and amended by section 18 of chapter 16 of the statutes of 2003, is again amended by replacing “forest inventory data having served to validate the relevance of the silvicultural treatments included in the annual management plan” in the third paragraph by “silvicultural prescriptions accompanying the annual management plan or the forest inventory data that served to prepare the silvicultural prescriptions”.

14. Section 60 of the Act, replaced by section 47 of chapter 6 of the statutes of 2001 and amended by section 19 of chapter 16 of the statutes of 2003, is again amended

(1) by replacing “the silvicultural treatments” in subparagraph 1 of the first paragraph by “the silvicultural treatments and other forest management activities”;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

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

(3) by replacing “must be submitted to the Minister for approval” at the end of the third paragraph by “, as well as the forest inventory data relating to the evaluations, must be forwarded to the Minister on request”.

15. Section 70 of the Act, replaced by section 52 of chapter 6 of the statutes of 2001, is amended by replacing “for the processing plant mentioned in the agreement” in subparagraph 4 of the second paragraph by “for the processing plant referred to in the agreement or, under this Act, for another processing plant”.

16. Section 70.3 of the Act is replaced by the following section:

“70.3. The Minister, with a view to sustainable development, shall supervise the agreement holders’ forest practices. To that end, using a sampling technique or otherwise, the Minister shall verify whether the agreement holders fulfil their obligations under this Act and under their agreement, and analyze the impact on the forest and the environment of all forest management activities carried out in the management unit.

The Minister shall prepare an annual report on the verification for each management unit and forward a copy to the agreement holders concerned.”

17. Section 73.2 of the Act is replaced by the following sections:

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

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

On receipt of a progress report, the Minister may grant a provisional credit corresponding to the value of the silvicultural treatments or other activities which have been carried out and applicable to the payment of the prescribed dues.

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

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

“73.2.1. The Minister may, within three years after the presentation of an annual report, cancel credits already granted for silvicultural treatments or other activities mentioned in the report if it is shown, after verification, that the treatment or activity for which credits were granted did not meet the requirements set at that time to obtain those credits.

That time frame is extended to five years if it appears that the credits were granted on the basis of a report containing information the agreement holder knew to be false or misleading.”

18. Section 77 of the Act, replaced by section 62 of chapter 6 of the statutes of 2001, is amended by inserting the following paragraph after the first paragraph:

“The Minister may similarly revise the conditions set out in the agreement or impose new conditions if the Minister deems it expedient, particularly to ensure that annual yields are obtained and that the forest protection and forest development objectives assigned to the management unit are met.”

19. Section 77.3 of the Act, enacted by section 62 of chapter 6 of the statutes of 2001, is replaced by the following sections:

“77.3. Where the Minister is of the opinion that all the management activities carried out in a management unit are unsatisfactory, given the elements mentioned in subparagraph 5 of the first paragraph of section 77, the Minister may, instead of or in addition to reducing the volumes allocated under an agreement, require the agreement holder concerned to submit, on the conditions and within the time set by the Minister, a corrective program containing measures to ensure that the results determined by the Minister are attained. Where there are several agreements concerning a unit, the agreement holders must submit a common program.

The Minister shall approve the program with or without amendments. The Minister may terminate it if the agreement holder does not submit a program within the time prescribed in the first paragraph or, where there are several agreements, if the agreement holders fail to agree on a common program within that time; the agreement holder is solidarily liable with any other agreement holders concerned for the reimbursement to the Minister of the costs incurred for that purpose.

“77.3.1. If, in addition to imposing a corrective program, the Minister decides to reduce the volume allocated under the agreement, the Minister may postpone that decision and not apply the reduction in volume if the Minister finds that the corrective program has been applied satisfactorily. If the agreement holder fails to apply the corrective program to the satisfaction of the Minister, the Minister may terminate the program or carry it out at the expense of the agreement holder in accordance with section 61.1, cancel the postponement and apply the reduction in volume.”

20. Section 77.4 of the Act, enacted by section 62 of chapter 6 of the statutes of 2001, is amended by inserting “of the unit’s boundaries or” after “following a modification” in the first paragraph.

21. Section 79.2 of the Act is amended by adding the following paragraph after the first paragraph:

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

22. Section 84.6 of the Act is repealed.

23. Section 86 of the Act is amended by replacing the first paragraph by the following paragraph:

“86. A forest management permit authorizes an agreement holder to harvest, in the management unit, during the period covered by the annual forest management plan and subject to the reductions made in accordance with the law, a volume of timber of one or several species up to the annual volume set in the agreement or the volume increased under this Act, and to carry out the other forest management activities set out in the annual plan.”

24. The Act is amended by inserting the following section after section 92.0.1:

“92.0.1.1. During a year other than the last year of the period covered by the general forest management plan, and with the authorization of the

Minister, an agreement holder may harvest in advance an additional volume of timber not exceeding 10% of the annual volume allocated under an agreement for the management unit and the species or group of species concerned. However, at no time may the sum of the additional volumes harvested in advance during such years exceed, for a management unit and the species or group of species concerned, 15% of the allocations mentioned in the agreement.

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

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

25. Section 103 of the Act is amended by replacing the second sentence of the first paragraph by the following sentences: “The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed and which must be forwarded to the Minister on request.”

26. Section 106 of the Act is amended by replacing “and with sections 73.2 and 73.3” in the second paragraph by “, and in sections 73.2, 73.2.1 and 73.3”.

27. Section 120 of the Act is amended

(1) by replacing “ownership of a forest area of not less than four hectares in a single block,” in subparagraph 1 of the first paragraph by “ownership of a parcel of land or group of parcels of land that may constitute a unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (chapter F-2.1) and whose total forest area is not less than four hectares,”;

(2) by replacing the second sentence of the second paragraph by the following sentence: “The period covered by the certificate must correspond to that covered by the forest management plan, which cannot exceed 10 years.”

28. The Act is amended by inserting the following section after section 124.10:

“124.10.1. In order to standardize the rules of ethics and professional conduct applicable to agency board members, the Minister may require that all, or one or more, agencies, make the amendments the Minister determines

to their internal by-laws. The Minister may also require that an agency make the amendments the Minister determines to the provisions in its internal by-laws that deal with the quorum for meetings of the board if the Minister considers that the rules no longer facilitate the holding of meetings.

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

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

29. Section 124.18 of the Act is amended by adding the following sentences at the end of the second paragraph: “The plan is available for consultation at the agency’s head office or any other place determined by the agency. Any person or body may obtain a copy of all or part of the plan by paying the agency the cost of copying it.”

30. Section 124.21.1 of the Act is replaced by the following section:

“124.21.1. On the request of the Minister, the agency must revise its protection and development plan, on the same conditions as when preparing its initial plan.

On the same conditions, the agency may revise its plan on its own initiative.”

31. Section 124.36 of the Act is amended by adding the following paragraph after the second paragraph:

“The agency must publish its financial statements and its annual report of activities.”

32. Section 143 of the Act is amended

(1) by adding “, if the organization deems it expedient” at the end of the first sentence of the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “If the work is to be carried on outside the intensive protection zone, the costs incurred to determine the necessity of obtaining a plan and, where applicable, those relating to the preparation of the plan are to be met by the person who carries on work or causes work to be carried on in the forest.”

33. Section 155 of the Act is repealed.

34. Section 170.4 of the Act is amended by adding “or under the second paragraph of section 77.3 to establish the corrective program under that section” at the end of paragraph 1.5.

35. Section 171 of the Act is amended

(1) by adding the following subparagraph after subparagraph 9 of the first paragraph:

“(10) timber marking activities, including the obligation for the people carrying out such activities to obtain certification”;

(2) by adding the following paragraph after the third paragraph:

“In addition, the Government may determine by regulation what constitutes an offence under the provisions enacted under subparagraph 10 of the first paragraph, and the fine to which the offender is liable among those provided for in section 186.9. The amount of the fine may be applied by hectare or part of a hectare affected by the offence.”

36. Section 172 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) determine, for the purposes of the first and second paragraphs of section 43.1.1, the volume of timber that, during a given year, may be sent to wood processing plants not referred to in the holder’s agreement and the volume of timber that, during a given year, may be sent from other wood processing plants to a wood processing plant referred to in a holder’s agreement; these volumes of timber may be expressed as a percentage of the annual volumes set in the holder’s agreement or be based on any other rule for calculating them determined by regulation of the Government;”;

(2) by replacing “the fire protection program” in subparagraph 14 of the first paragraph by “any fire protection program”;

(3) by striking out subparagraph 15 of the first paragraph;

(4) by inserting the following subparagraph after subparagraph 18.3 of the first paragraph:

“(18.3.1) limit the total amount of all or part of the fees a person must pay during a given year for the examination, during that year, of the files opened under subparagraph 18.3;”.

37. Section 176 of the Act is amended

(1) by replacing “to a destination other than the processing plant specified in the permit” by “to a destination other than the processing plant or processing plants specified in the permit”;

(2) by adding the following paragraphs after the first paragraph:

“Every holder of a timber supply and forest management agreement who, contrary to section 43.1.1, sends to a processing plant specified in the permit that is not the plant referred to in the agreement, timber of a species or groups of species the holder was not authorized to send or that exceeds the volume determined in the agreement, or who sends to that plant timber that was not harvested during the year, is guilty of an offence and liable to a fine of \$40 to \$200 for each cubic metre of timber sent to that plant in contravention of this section.

The following persons are guilty of an offence and liable to a fine of \$40 to \$200 for each cubic metre of timber exceeding the volumes referred to in the first or second paragraph of section 43.1.1:

(1) every holder of a timber supply and forest management agreement who, during a given year, sends volumes of timber in excess of the volume determined in the first paragraph of section 43.1.1 to wood processing plants not referred to in the agreement;

(2) every holder of a timber supply and forest management agreement who, during a given year, allows volumes of timber from other wood processing plants in excess of the volume determined in the second paragraph of that section to be sent to the wood processing plant referred to in the agreement.”

38. Section 182 of the Act is amended by replacing “relating to the construction or improvement of a forest road” in paragraph 2 by “relating to the construction, improvement or decommissioning of a forest road”.

39. Section 186.7 of the Act is amended

(1) by replacing “an annual management plan or accompanying forest inventory data to the Minister which contains an entry which the holder knows to be false or misleading” in subparagraph 2 of the first paragraph by “to the Minister an annual management plan or accompanying silvicultural prescriptions containing an entry which the holder knows to be false or misleading, or forest inventory data that contain such an entry”;

(2) by striking out paragraph 2 of the second paragraph.

40. Section 186.9 of the Act is amended by inserting “fails to respect a standard prescribed under subparagraph 10 of the first paragraph of section 171 regarding timber marking activities or who contravenes” after “Every person who”.

41. Section 256.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Minister may also, in writing and to the extent the Minister determines, generally or specially delegate the exercise of the powers conferred on the Minister under this Act or a special Act relating to forest matters under the Minister’s administration to a member of the personnel of the department or to the incumbent of a position. If the Minister delegates a power under which the Minister is required by law to hold consultations with other ministers in the exercise of that power, the delegate must hold the necessary consultations with the departments concerned and, if no agreement is reached, so inform the Minister.”

42. The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by inserting the following section after section 11.2:

“11.3. Unless the law provides otherwise, the Minister may, with a view to sustainable development and integrated management of natural resources and lands in the domain of the State, or for any reason the Minister deems of public interest, decommission a road in the lands in the domain of the State.”

43. Section 17.1.3 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The chief forester also exercises the power to revise the annual allowable cut referred to in section 35.16 of that Act, in the cases listed in the second paragraph of that section.”;

(2) by replacing “and the reasons for them” at the end of the second paragraph by “, as well as the reasons for them or the reasons for revising them”.

44. Section 57 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6) is repealed.

45. Section 73 of the Act is amended by replacing “only for the supply of the plant mentioned in the agreement” in the second paragraph of the section 86 it replaces by “only for the supply of the plants referred to in the agreement” and by replacing “the processing plant supplied” in the third paragraph of that section by “the processing plant or plants supplied”.

46. Section 173 of the Act is amended by adding the following paragraph after the first paragraph:

“The annual report on the forest management activities carried out by the agreement holder between 1 April 2007 and 31 March 2008 must also state, in addition to the volume of round timber the agreement holder intended for the wood processing plant referred to in the agreement, the volume of round timber, by species or group of species determined in the agreement and by quality of timber, that the agreement holder, under the Forest Act, intended during that year for a wood processing plant not referred to in the agreement.”

47. Section 178 of the Act is amended by replacing “applying the new provisions of sections 77 to 77.3 of the Forest Act governing the five-year revision of agreements and, in the case of a management agreement, the provisions of section 84.6 of that Act” in the first paragraph by “applying the new provisions of sections 77 to 77.3.1 of the Forest Act governing the five-year revision of agreements”.

**SPECIAL PROVISIONS APPLICABLE TO THE TERRITORY
OF APPLICATION OF CHAPTER 3 OF THE AGREEMENT
CONCERNING THE NEW RELATIONSHIP BETWEEN LE
GOUVERNEMENT DU QUÉBEC AND THE CREES OF QUÉBEC
FOR THE YEARS 2006-2007 AND 2007-2008**

48. For the purposes of sections 3.55 to 3.59 of chapter 3 of the Agreement referred to in section 95.6 of the Forest Act (R.S.Q., chapter F-4.1), the Minister calculates, on 31 December 2006, the shortfall in the annual volume that needs to be made up to reach the annual volume of 350,000 cubic meters of timber set in section 3.59 of the Agreement.

49. The shortfall in the annual volume calculated by the Minister at 31 December 2006 must, if it cannot be made up otherwise under the Forest Act, be recovered from the holders of a timber supply and forest management agreement carrying on their activities in the common areas located wholly or partly in the territory referred to in section 95.7 of the Forest Act, except Nabakatuk Forest Products Inc. and Société en commandite Scierie Opitciwan, the holders of agreements registered as Nos. 34595031601 and 36699011101, respectively.

For that purpose, the Minister deducts from the 2006-2007 and 2007-2008 management permits of each of the agreement holders concerned a volume of timber belonging to the FSPL group of species (fir, spruce, grey pine and larch), calculated according to the rules described in section 50.

50. The Minister first determines, for each of the agreement holders concerned, the volume of FSPL that may be harvested in the part of the common areas located in the territory referred to in section 95.7 of the Forest Act by multiplying the volume the agreement holder may be authorized to harvest in the common areas under section 67 of the Act to amend the Forest Act and other legislative provisions applicable to forest management activities (2005, chapter 3) by the percentage the part of the common area located in that territory represents in relation to the total common area.

The Minister then determines the reduction in volume applicable to each agreement holder concerned. In order to do so, the Minister apportions the volume to be recovered from the agreement holders concerned in proportion to the volume each of the agreement holders is authorized to harvest in the territory referred to in section 95.7 of the Forest Act, calculated under the first paragraph.

51. If a reduction cannot be applied to an agreement holder during the year 2006-2007, it is postponed until the following year and added to the reduction for 2007-2008.

If the applicable reduction is less than 100 cubic meters of timber annually, the Minister may, in order to avoid dispersing the allowances to Cree enterprises, apply the reduction to another agreement holder, taking into account the economic impact the decision may have on that holder.

52. In applying sections 48 to 51, the Minister may require that the agreement holders concerned submit modifications to their 2006-2007 and 2007-2008 annual forest management plans within the time the Minister determines.

53. The application of sections 48 to 52 does not entitle the agreement holders to any compensation.

FINAL PROVISIONS

54. The Regulation respecting the inventory of tree plants for non-ornamental purposes, enacted by Order in Council 201-88 (1988, G.O. 2, 1276), is repealed.

55. For the purposes of sections 70.3 and 73.2 and the first paragraph of section 86 of the Forest Act, enacted by sections 16, 17 and 23 of this Act respectively, in respect of a forest management activity carried on before 1 April 2008, a reference to a management unit is a reference to a common area.

56. Sections 4 to 6, 10 to 15, 18 to 20, 34, 43, 45 and 47 of this Act apply to forest management activities carried on after 31 March 2008.

57. This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 10 to 13, 18 to 20, 22, 25 and 34, paragraph 1 of section 39 and section 47, which come into force on 31 March 2007;

(2) sections 2, 17, 23, 26 and 44, which come into force on 1 April 2007;

(3) sections 14, 24 and 45, which come into force on 1 April 2008; and

(4) section 15, which comes into force on 31 August 2009;

(5) sections 8 and 37, which come into force on the date of coming into force of the first regulation made under subparagraph 6.1 of the first paragraph of section 172 of the Forest Act, enacted by paragraph 1 of section 36 of this Act.

