



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 71

**An Act to amend the Forest Act and
other legislative provisions applicable
to forest management activities**

Introduction

**Introduced by
Mr. Pierre Corbeil
Minister for Forests, Wildlife and Parks**

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EXPLANATORY NOTES

The main purpose of this bill is to postpone for an additional year the date of filing and of coming into force of the forest management plans based on the new delimitation of management units. It thus maintains the provisional measures applicable to timber supply and forest management agreements and forest management agreements before the implementation of the new mode of forest management based on new units until 31 March 2007. To that end, it amends the Forest Act and other Acts as regards forest management, in particular the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.

In addition, the bill amends the special rules on forest management enacted in 2003 in order to take into account the one-year postponement of the coming into force of the new delimitation of management units. More particularly, it introduces new rules relating to the volumes of timber that an agreement holder will be authorized to harvest in a common area during the year 2005-2006, and postpones until the year 2006-2007 the rules made by that Act for the year 2005-2006. As well, the bill provides that any volumes of unharvested timber that have accumulated during the years prior to 1 April 2005 may not be harvested by agreement holders during the years 2005-2006 and 2006-2007.

The bill clarifies the manner in which a volume reduction is to be applied to the agreement holders referred to in an order made by the Minister of Natural Resources, Wildlife and Parks requiring them to carry out silvicultural treatments, if they refuse or neglect to comply with it.

LEGISLATION AMENDED BY THIS BILL:

- Forest Act (R.S.Q., chapter F-4.1);
- Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (R.S.Q., chapter M-35.1.2);
- Act to amend the Forest Act and other legislative provisions (2001, chapter 6);
- Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, chapter 16).

Bill 71

AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS APPLICABLE TO FOREST MANAGEMENT ACTIVITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 35.2 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “1 April 2006” in the first paragraph by “1 April 2007”.

2. Section 86.2 of the said Act is amended by adding the following paragraph after the second paragraph:

“When an order requiring silvicultural treatments to be carried out refers to more than one agreement holder and the holders refuse or neglect to comply with it, the reduction must be applied to all the agreement holders referred to in the order concerning the species or group of species in question, in proportion to the volume allocated to each.”

3. Section 22 of the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (R.S.Q., chapter M-35.1.2) is amended

(1) by replacing “31 March 2006” in the first paragraph by “31 March 2007”;

(2) by replacing “1 April 2006” wherever it appears in the second paragraph by “1 April 2007”.

4. Sections 159, 160, 162, 163, 175, 182 and 183 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6), amended by section 52 of chapter 16 of the statutes of 2003, are again amended by replacing “1 April 2006” wherever it appears in those sections by “1 April 2007”.

5. Section 189 of the said Act, amended by section 61 of chapter 16 of the statutes of 2003, is again amended

(1) by replacing “1 April 2006” in the first paragraph by “1 April 2007”;

(2) by replacing “31 March 2006” in the portion of text preceding subparagraph 1 of the second paragraph by “31 March 2007”;

(3) by replacing “31 March 2005” in subparagraph 2 of the second paragraph by “31 March 2006”;

(4) by replacing “1 April 2006” in subparagraph 3 of the second paragraph by “1 April 2007”;

(5) by replacing “31 August 2007” in subparagraph 4 of the second paragraph by “31 August 2008”.

6. The title of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, chapter 16) is amended by replacing “1 April 2006” by “1 April 2007”.

7. Section 13 of the said Act is amended by replacing “1 April 2005” by “1 April 2006”.

8. Section 16 of the said Act is amended by replacing “1 January of the year 2006” by “1 January of the year 2007”.

9. Section 59 of the said Act is amended by replacing “1 April 2006” by “1 April 2007”.

10. The heading of the portion of the said Act comprising sections 63 to 67 is amended by replacing “1 April 2006” by “1 April 2007”.

11. Section 64 of the said Act is replaced by the following section:

“64. Holders of a timber supply and forest management agreement or a forest management agreement who carry on their activities in the same common area must come to an agreement on a decision-making and dispute resolution mechanism for use when drawing up and implementing five-year forest management plans and annual forest management plans for forest management activities prior to 1 April 2007.

If a dispute arises on any of the matters referred to in section 55 of the Forest Act (R.S.Q., chapter F-4.1), an agreement holder may request the Minister of Natural Resources, Wildlife and Parks to impose on all the agreement holders concerned a decision-making and dispute resolution mechanism for use when drawing up and implementing a plan referred to in the first paragraph, to the extent that no such mechanism has been agreed on pursuant to the first paragraph for the plan that is the subject of the dispute.

Once the Minister has ascertained the absence of any decision-making and dispute resolution mechanism defined by the agreement holders for use when drawing up and implementing the plan that is the subject of the dispute, the Minister may impose such a mechanism on all the agreement holders concerned. The decision-making and dispute resolution mechanism comes into force on the date indicated by the Minister.”

12. Sections 66 and 67 of the said Act are replaced by the following sections:

“66. Holders of timber supply and forest management agreements and of forest management agreements are subject to sections 67 to 67.4 for the years 2005-2006 and 2006-2007.

“67. Despite the Forest Act and until management permits are revised in accordance with section 67.1 of this Act, the volume of timber that an agreement holder is authorized to harvest in a common area during the year 2005-2006, by species or group of species, may not exceed 50% of the annual volume indicated in the agreement.

“67.1. The management permits issued to agreement holders for the year 2005-2006 shall be revised by the Minister of Natural Resources, Wildlife and Parks during that year as soon as the Minister obtains the results of the calculation of the annual allowable cut for the new management units that are to serve as the basic territorial units for the preparation of the general forest management plans for the period 2007-2012.

Before revising the permits, the Minister shall first determine, by species or group of species, a new annual allowable cut for each common area, by adding up the results of the calculation of the annual allowable cut for the management units or parts of units located in the common area concerned; the annual allowable cut for a part of a forest management unit is based on the area of that part as a percentage of the total area of the unit.

If the result of the calculation of the new annual allowable cut in the common area shows an increase in forest production compared with the production indicated in the agreement of the agreement holders carrying on activities in the common area concerned, the Minister shall revise the management permits of the agreement holders concerned and allocate to them, by species or group of species, the volumes of timber they were authorized to harvest for the year 2005-2006 under the agreement.

If, on the contrary, the result of that calculation shows a drop in forest production compared with the production indicated in the agreement of the agreement holders carrying on activities in the common area concerned, the Minister shall base the revision of the management permits of the agreement holders concerned on that result.

For that purpose, the Minister shall determine the reduction applicable to the common area, by species or group of species, compared with the forest production indicated in the holders' agreement, and distribute the reduction for the species or group of species among the agreement holders in the common area in proportion to the volume allocated to each. However, the Minister may vary the amount of the reduction in volume from one agreement holder to another, depending on the impact the reduction could have on regional or local economic activity.

“67.2. For the year 2006-2007, if the result of the calculation of the new annual allowable cut in the common area in which the agreement holders carry on their activities, determined in accordance with the second paragraph of section 67.1, shows a drop in forest production compared with the production indicated in the agreement, the Minister of Natural Resources, Wildlife and Parks must reduce, in the management permits for that year, the volumes of timber the agreement holders would otherwise have been authorized to harvest under the agreement.

The volumes of timber in the permits of the agreement holders are reduced as set out in the fifth paragraph of section 67.1.

“67.3. Despite section 92.0.1 of the Forest Act, during the year 2005-2006 or 2006-2007, agreement holders may not harvest any volumes of unharvested timber that have accumulated during the years prior to 1 April 2005.

For the purpose of applying section 92.0.1 of that Act to the years 2005-2006 and 2006-2007, a reference in that section to the volume of timber allocated under a holder’s agreement is a reference to the volume of timber that an agreement holder is authorized to harvest according to section 67.1 or 67.2 of this Act.

“67.4. Insofar as possible and taking the forest composition of the territory into account, the 2006-2007 annual forest management plan for a common area must distribute the total allowable cut throughout the common area, taking into account the results of the calculation of the annual allowable cut for each of the forest management units or parts of forest management units in the common area.”

13. Section 70 of the said Act is amended by replacing “1 April 2006” in subparagraph 2 of the first paragraph by “1 April 2007”.

14. Section 72 of the said Act is amended by replacing “1 April 2006” by “1 April 2007”.

15. Section 75 of the said Act is amended by replacing “31 March 2006” in the second sentence by “31 March 2007”.

16. Section 76 of the said Act is amended by replacing “1 April 2006” by “1 April 2007”.

17. Section 77 of the said Act is amended

(1) by replacing “31 March 2005” in paragraph 2 by “31 March 2006”;

(2) by replacing “1 April 2006” in paragraph 3 by “1 April 2007”.

18. Sections 1 and 7 to 9 of this Act apply regarding forest management activities subsequent to 31 March 2007.

19. Section 2 of this Act applies to orders made before (*insert the date of assent to this Act*) regarding forest management activities specified in an annual forest management plan for 2004-2005.

20. The decision-making and dispute resolution mechanism for use when drawing up and implementing the annual forest management plans for 2004-2005 and 2005-2006, imposed by the Minister of Natural Resources, Wildlife and Parks under the second paragraph of section 64 of chapter 16 of the statutes of 2003 before (*insert the date of assent to this Act*), remains in force until 31 March 2006.

21. This Act comes into force on (*insert the date of assent to this Act*), except sections 7 to 9, which come into force on 31 March 2006.

