

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund *

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172,
1st. par., subpar. 18.2)

1. The following is substituted for section 2 of the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund :

“2. The rate per cubic metre of timber on which the holder’s contribution is based shall be \$0.57 for the 2003-2004 fiscal year, that is, \$0.1425 quarterly.”

2. This Regulation comes into force on 1 April 2003.

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Gouvernement du Québec

O.C. 439-2003, 21 March 2003

Forest Act
(R.S.Q., c. F-4.1)

Forest management — Standards for forests in the domain of the State — Amendments

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State

WHEREAS, under the first paragraph of section 171 of the Forest Act (R.S.Q., c. F-4.1), the Government, by regulation, may prescribe standards of forest management on the matters mentioned therein ;

WHEREAS the Regulation respecting standards of forest management for forests in the domain of the State was made by Order in Council 496-96 dated 24 April 1996 ;

WHEREAS it is expedient to amend the Regulation to progressively implement block cutting and ensure protection for tall forest regeneration ;

WHEREAS, in accordance with sections 10 to 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS it is expedient to make the Regulation with amendments ;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it ;

WHEREAS under that section, the reason justifying such coming into force must be published with the regulation ;

WHEREAS the Government is of the opinion that it is urgent for the Regulation to come into force on 1 April 2003 since the annual management permits will be issued on that date and it is essential that provisions for block cutting be in force at the same time as the new permits so as not to compromise the implementation of that type of cutting for the 2003-2004 year of operation ;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources :

THAT the Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund was made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673).

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State *

Forest Act
(R.S.Q., c. F-4.1, s. 171, 1st par. subpars. 1, 2 and 7 to 9)

1. Section 1 of the Regulation respecting standards of forest management for forests in the domain of the State is amended

(1) by inserting the following after “grouped vacation site”,

““harvest site” means the territory delimited by the total of a permit holder’s block cutting harvest areas, the closest parts of which are less than 2 kilometres apart, and of the peripheral area of that total up to a distance of 2 kilometres; (*chantier de récolte*)”;

(2) by inserting the following after the expression “bed of a watercourse”:

““block cutting” means cutting with regeneration and soil protection carried out on a given territory so as to preserve, within the limits of the harvest site, a residual forest having the characteristics set out in section 79.2; (*coupe en mosaïque*)”;

(3) by inserting the following after the expression “forest and recreation zone”:

““forest cover density” means the relative ground cover by the ground projection of the top of trees 7 metres tall or more (*densité du couvert forestier*);” and

(4) by inserting the following after the expression “parcel”:

““priority production” means production intended for a forest area in which silvicultural treatments are to be carried out, including harvesting; (*production prioritaire*)”.

2. Section 4 is amended by substituting the following for the second sentence of the second paragraph: “Cutting with regeneration and soil protection, strip cutting with regeneration and soil protection and block cutting are, however, prohibited in the buffer strip.”.

3. Section 59 is amended

(1) by inserting the words “or block cutting” after the words “cutting with regeneration and soil protection”; and

(2) by adding the following at the end:

“Strip cutting with regeneration and soil protection is prohibited in a visual setting referred to in section 58.”.

4. The following is substituted for the second paragraph of section 60:

“The size, in such centres or network, of a management permit holder’s single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips in an area of strip cutting with regeneration and soil protection or of a block cutting harvest area may not exceed 10 hectares. In all cases, the holder of the management permit must preserve a buffer strip at least 30 metres wide on both sides of the hiking trails.”.

5. The following paragraph is added at the end of section 67:

“Nor does paragraph 2 of section 47 apply to the holder of a management permit who carries out block cutting on the territory.”.

6. Section 69 is amended

(1) by striking out the words “a maximum of” in the second paragraph; and

(2) by adding the following paragraph at the end:

“The size of a single block in a management permit holder’s block cutting harvest area in an area frequented by caribou may not exceed 50 hectares.”.

7. Section 70 is amended by inserting the following after the first paragraph:

“Where the holder of a management permit carries out strip cutting with regeneration and soil protection, the total area of the cut and residual strips may not exceed 25 hectares forming a single block in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares forming a single block in softwood and softwood-dominant mixed stands.

* The Regulation respecting standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 (1996, *G.O.* 2, 2164) was amended by the regulations made by Order in Council 1406-98 dated 28 October 1998 (1998, *G.O.* 2, 4429) and 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641).

The size of a single block of a management permit holder's block cutting harvest area in a white-tailed deer yard may not exceed 25 hectares in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares in softwood and softwood-dominant mixed stands."

8. Section 71 is amended

(1) by inserting the words "or between 2 areas of strip cutting with regeneration and soil protection," after the words "clear cutting with regeneration and soil protection" in the first paragraph; and

(2) by deleting the second paragraph.

9. The following is inserted after section 79:

"79.1. The size of a single-block in a block cutting harvest area must, in each of the 3 forest zones described in Schedule 1, comply with the standards provided for in subparagraph 1, 2 or 3 of the first paragraph of section 74, as the case may be.

Block cutting harvest areas must vary in size and shape.

The distribution of the areas referred to in the first paragraph applies annually for all the harvest areas indicated in the approved annual management plan.

79.2. A residual forest of block cutting must

(1) have within the limits of the harvest site an area at least equal to the size of the block cutting harvest areas;

(2) be at least 200 metres wide;

(3) be constituted of forest stands that are more than 7 metres tall;

(4) be constituted of forest stands having a forest cover density higher than 40% or at least 25% without exceeding 40%, provided in that case that the proportion of the residual forest area having such a density is equal to or smaller than 20%, or if the proportion exceeds 20%, is equal to or smaller than the proportion of the forest stands having such a density in forests 7 metres tall or more in the harvest site before management;

(5) be constituted of forest stands that are able to produce, as commercial species, a volume of mature rough timber of at least 50 m³/ha or a lower volume, provided in that case that the stands have a composition and area equivalent to those harvested;

(6) be constituted of forest stands belonging in a proportion of at least 20% to the same type of forest cover as those harvested; and

(7) not have been commercially harvested during the last 10 preceding years except in the cases provided for in the second paragraph of section 79.7;

For the purposes of subparagraph 2 of the first paragraph, a road or river may run through the residual forest; the treeless width of such road may not exceed 35 metres and the width of the river at the boundaries of the riparian ecotone may not exceed an average of 35 metres. The width of such a road or watercourse may not be included in the area of the residual forest nor in the width referred to in subparagraphs 1 and 2 of the preceding paragraph.

Despite subparagraph 3 of the first paragraph, 4 to 7-metre tall stands may be scattered throughout the residual forest over less than 20% of the area, provided that the forest is constituted of at least 80% of forest stands more than 7 metres tall.

79.3. Each harvest site and the residual forest having the characteristics set out in section 79.2 must be indicated in the approved annual plan.

The residual forest indicated in the management plan for a given year may not be used as a residual forest for a subsequent year, for as long as the harvest cannot be carried out in accordance with the provisions of section 79.7.

79.4. Where the holder of a forest management permit plans and carries out block cutting, cutting with regeneration and soil protection or strip cutting with regeneration and soil protection, the holder must ensure that a forest area made up of trees, bush or shrub 3 metres tall or more on average, over at least 200 metres in width is located

(1) on the perimeter of a block cutting harvest area except for the part of the perimeter alongside the 20-metre forest strip to be left around a lake or alongside a watercourse more 35 metres wide;

(2) between a residual forest and a block cutting harvest area to be used as travel corridor for wildlife.

The width of the forest area referred to in the first paragraph may, for the purposes of the first paragraph, be only 100 metres if the harvest areas forming a single block are smaller than 25 hectares.

The forest area referred to in the preceding paragraphs shall be preserved until the regeneration of the block cutting harvest area, established in accordance with section 90, is 3 metres tall or more on average.

79.5. Where the holder of a management permit carries out block cutting on the periphery of a salt lick, the forest area referred to in section 79.4 must be in contact with part of the salt lick.

79.6. Deforestation for the purposes of the construction or improvement of a road through the residual forest referred to in section 79.2 or in the forest area referred to in section 79.4 may not exceed a width of 35 metres.

79.7 The holder of a management permit may not harvest a residual forest until the expiry of a 10-year period after the date on which block cutting was carried out or, if the regeneration established in accordance with section 90 has not yet reached after that period the average height of 3 metres, until that regeneration has reached such a height.

The provisions of the first paragraph do not apply to the holder of a forest management permit who carries out either of the following treatments in a residual forest :

(1) commercial thinning or selection cutting carried out so as to be recognized by the Minister as silvicultural treatments eligible as payment of dues under section 73.1 and 73.3 of the Forest Act ; or

(2) partial cutting in a mature tree stand or in a stand that will reach maturity in less than 15 years where not more than 35% of the marketable land area of the stand is harvested, provided that after harvesting, a marketable land area of at least 15 m²/ha of well-spaced trees composed of species and proportions similar to those of the initial stand, is maintained.

79.8. The areas of cutting with regeneration and soil protection, including the total area of the cut and residual strips by strip cutting with regeneration and soil protection and the block cutting harvest areas, must be, during the reference period indicated in the following table, planned and carried out according to the standards provided for in this Regulation that apply to block cutting in a proportion at least equal to the percentage indicated in the table :

Reference period	Percentage of block cutting
From 1 April 2003 to 31 March 2004	25%
From 1 April 2004 to 31 March 2005	40%
From 1 April 2005 to 31 March 2006 and then for each 12-month period beginning on 1 April of each year	60%

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10. Section 84 is amended by substituting the following for the first sentence of the second paragraph: “In the stand, the size of a management permit holder’s single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips in an area of strip cutting with regeneration and soil protection or of a block cutting harvest area may not exceed 30 hectares.”.

11. Section 88 is amended by substituting the words “, strip cutting with regeneration and soil protection or block cutting” for the words “or strip cutting with regeneration and soil protection” in the first paragraph.

12. Section 89 is amended by substituting the following for the second paragraph :

“Where the holder of a management permit carries out cutting with regeneration and soil protection, strip cutting with regeneration and soil protection or block cutting in a forest management sector, the area occupied by the felling and hauling trails shall be less than 25% of the area of the forest management sector.

Notwithstanding the second paragraph, the area occupied by the felling and hauling trails may be greater than 25% without exceeding 33% provided that the holder of the management permit protects, between the hauling trails, the pre-established regeneration with species sought as priority production, so that

(1) the distribution coefficient of unmerchantable trees that are 5 cm high and taller, after cutting, is greater than 80% of the distribution coefficient of unmerchantable trees before cutting ;

(2) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 2 cm, is greater than 55% of the distribution coefficient of those saplings before cutting ; and

(3) the distribution coefficient of saplings, after cutting, whose diameter at stump height is wider than 6 cm, is greater than 35% of the distribution coefficient of those saplings before cutting.

The diameter at stump height of the saplings is measured 15 cm above ground level.

For the purposes of the third and fourth paragraphs, the holder of the forest management permit must submit the sampling plan of each management sector to the Minister for approval. The holder must also submit every three months, or at the latest on the next 30 June depending on whether the snow depth prevents the taking of the regeneration inventory or not, the inventory results per management sector so as to express

(1) each of the distribution coefficients, before and after cutting, referred to in subparagraphs 1 to 3 of the third paragraph; and

(2) the occupation rate of the felling and hauling trails.”.

13. This Regulation comes into force on 1 April 2003.

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A.M., 2003-002

Order of the Minister of the Environment and the Minister responsible for Wildlife and Parks dated 13 March 2003

An Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01)

CONCERNING the establishment of the list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated

THE MINISTER OF THE ENVIRONMENT AND THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING section 1 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) which stipulates that this Act applies to threatened or vulnerable wildlife and plant species designated under this Act;

CONSIDERING the first paragraph of section 9 of the Act which stipulates that the Minister of the Environment and the minister designated by the Government may establish jointly, by order, a list of threatened or vulnerable species which are likely to be so designated;

CONSIDERING order-in-council n° 59-2000 of January 26, 2000 which stipulates that the Minister for Wildlife and Parks is responsible for the provisions of this Act concerning a wildlife species or its habitat;

WHEREAS the Minister of the Environment and the Minister for Recreation, Fish and Game established in 1993 a list of threatened or vulnerable vascular plant species which are likely to be so designated, which was replaced by A.M., 2000-015 (*G.O.* of May 31, 2000) and A.M., 2001 (*G.O.* of July 25, 2001), and a list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated, which were published in the *Gazette officielle du Québec* of June 23, 1993;

ORDER the following:

Is hereby established the list of threatened or vulnerable vertebrate wildlife species which are likely to be so designated, appended hereto, replacing the list determined by ministerial order, 1993, published in the *Gazette officielle du Québec* of June 23, 1993.

Québec, 13 March 2003

ANDRÉ BOISCLAIR,
Minister of the Environment

RICHARD LEGENDRE,
*Minister responsible for
Wildlife and Parks*