

# Province of Quebec

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Population: 8,3 million of habitant (2016)<sup>1</sup>

Area: 166.7 million hectares

Forests: 76.1 million hectares<sup>2</sup>

Total area of accessible productive forests : 34,8 million hectares

Public forest: 28,2 million hectares

Private forest : 6,6 million hectares

Parks and protected areas: 15,5 million hectares or 155,885 km<sup>2</sup>, accounting for 9.35 % of Québec's total area; nearly 4643 natural sites, regulated and managed under 32 different legal or administrative designations<sup>3</sup>.

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## 1. Description:

Québec's forests account for 20% of Canada's forests and 2% of the world's forests. In terms of area, 92% of Québec's forests are under public ownership. Québec's forests extend over seven degrees of latitude and three major bioclimatic zones, each with its own highly specific characteristics. These three major zones, with their principal forest species, are the boreal forest (black spruce, balsam fir and white birch), the mixed forest (yellow birch and balsam fir), and the hardwood forest (sugar maple and yellow birch).

In 2016, the main export markets for Québec's forest products were the United States (81%), China - (4.4 %), India (2,75 %) and the United Kingdom (1.75 %). Québec's exports of forest products were valued at \$9.6 billion, including \$4.7 billion in wood products (of which lumber accounted for \$3.8 billion) and \$4.9 billion in pulp and paper industry products<sup>4</sup>.

## 2. Forest governance:

### Public lands:

Management of Québec's public forests is governed by the [Sustainable Forest Development Act](#) (chapter A-18.1), which introduces a forest regime designed to:

- ensure integrated, regionalized management of land and resources, focusing on clear, consistent objectives;
- share responsibilities with regional communities, Aboriginal communities and land users;

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<sup>1</sup> [Statistics Canada, 2016](#)

<sup>2</sup> [Ressources et industries forestières du Québec - Portrait statistique édition 2016 \(in French only\)](#)

<sup>3</sup> [MDDELCC, Registre des aires protégées \(in French only\)](#)

<sup>4</sup> [Industry Canada, Trade Data Online, juillet 2016: Includes Harmonized System Codes 44, 47 and 48.](#)

- implement ecosystem-based management;
- ensure that work carried out in the public forests is monitored and controlled;
- regulate the sale of wood on a free market and provide supplies for wood processing mills; and
- regulate forest protection activities.

With the adoption of the [Sustainable Forest Development Act](#) in 2010, the Ministère des Ressources naturelles (MRN) took over a number of responsibilities, including the preparation of forest plans, which had previously been entrusted to the forest industry.

The MRN now prepares integrated forest development plans for roughly 70 management units, in collaboration with 40 local integrated land and resource management panels set up to ensure that users' concerns are taken into account. First, the Chief Forester calculates the allowable cuts for each forest management unit. The plans are then prepared with a view to ecosystem-based management, which seeks to maintain ecosystem biodiversity and viability by reducing differences between the managed forest and the natural forest.

In the field, the MRN is also responsible for carrying out forest development work, and it entrusts certain management activities (timber harvesting, silvicultural work, infrastructure construction, etc.) to management companies or timber supply guarantee holders that have obtained the necessary certification. It is also responsible for allocating forestry rights, mainly in the form of timber supply guarantees for wood processing plants and for selling timber on the open market.

Local forests are another feature of forest development in Québec, through which local and Aboriginal communities have the opportunity to take responsibility for the management and development of areas of forest.

Sustainable forest development in Québec is also based on a network of parks and protected areas representative of the province's biodiversity. This network, which is coordinated by the Ministère du Développement durable, de la Faune et des Parcs, is the result of collaboration between several government departments including the MRN.

### **Private lands:**

Privately-owned forests cover a total area of 66,250 km<sup>2</sup> in southern Québec. Under the ownership of roughly 134,000 landowners and located near the wood processing mills, they provide between 21%.

The MRN offers technical and financial support to assist woodlot-owning forest producers with the task of managing their forests in a sustainable way. This is done through the regional agencies<sup>5</sup>.

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<sup>5</sup> The objectives of an agency are to guide and promote the development of the private forests in its territory in keeping with the principle of sustainable forest development, through the preparation of a protection and development plan and the provision of financial and technical support. To that end, the agency encourages concerted action among the persons and bodies involved in those activities.

### 3. Forest management legislation and regulations:

#### Public lands:

The *Sustainable Forest Development Act* contains provisions that address:

- multi-purpose roads
- Aboriginal communities
- division of forest lands
- forestry rights
- the Chief Forester
- timber supply guarantees
- inspections and audits
- increasing timber production
- scaling timber
- timber marketing
- forest development standards
- forestry permits
- investigations
- forest planning in developments units
- the consultation policy
- forest operations
- seizure, confiscation and disposal of timber
- sanctions/penalties
- the sustainable forest development strategy
- follow-up and monitoring
- processing of timber

There are several regulations and manuals that clarify specific aspects of the Act. For example, the [Regulation respecting standards of forest management for forests in the domain of the State](#) Sustainable Forest Development Regulation introduces management standards designed to maintain or restore the forest canopy, protect the forest environment and help reconcile management activities with the activities of other forest users and Aboriginal communities. The various regulations can be consulted on the website of the [Éditeur officiel du Québec](#). As another example, the [Manuel de planification 2013-2018 \(available in French only\)](#) is used to prepare the integrated forest development plans.

The MRN oversees all work authorized by permits, agreements and contracts. It also inspects work that has been completed, and where necessary it applies the sanctions stipulated in Québec's forest regime. For example, every person authorized to cut wood by the *Sustainable Forest Development Act* who cuts wood outside the forest development sectors indicated in his or her permit or agreement is liable to a fine of between \$4,000 and \$50,000. Similarly, every person authorized to cut wood who exceeds the authorized volume or harvests wood of an unauthorized species commits an offence and is also liable to a fine. Second and subsequent offences are punished more severely.

Finally, the MRN is responsible for the overall implementation of provincial forest laws and regulations. It must ensure compliance with the measures to allow other land uses, as well as with forest development standards and with other provisions of the *Sustainable Forest Development Act* and its regulations. In cases of non-compliance, the MRN requires the person who originally performed the work to take the remedial action it considers necessary. Where the person refuses to do this, the MRN carries out the work at the person's expense.

#### **Private lands:**

Development of Québec's privately-owned forests is governed by a number of provisions in the *Sustainable Forest Development Act* which address the following topics:

- regional agencies for private forest development;
- plans and programs;
- forest producers; and
- forestry financing program.

In Québec, wood from private forests is considered to be an agricultural product and is governed in part by the [\*Act respecting the marketing of agricultural, food and fish products\*](#). In addition to the provisions of this Act and of the *Sustainable Forest Development Act*, the Civil Code of Québec provides recourse for logging performed on private property without the consent of the landowner or in contravention of the landowner's requirements. Municipalities also have the power to regulate the cutting of trees, to oversee the application of these regulations and, where necessary, to take offenders to court. Most municipalities with private woodlots have adopted by-laws to regulate the cutting of trees, to limit the size of individual cutblock areas and to protect riparian zones or other sensitive environments. Municipalities may also demand that permits be obtained.

#### **4. Timber processing legislation and regulations:**

All wood harvested in public forests must be processed entirely in Québec, unless it is in the public interest to dispose of it in another way. All logs from public and private forests must have been scaled before being processed, so that prices can be established and regulated in accordance with current standards, and to avoid illegal logging.

The MRN applies numerous monitoring controls on logging in forests in the domain of the State:

- All transporters of logs and wood products must be in possession of a form stipulating the origin of the wood.
- All documentation concerning transportation, processing and scaling activities must be kept and may be checked, inspected on site, or audited.
- All purchasers and resellers of wood must keep up-to-date registers, and must make them available to MRN authorities for inspection.

## 5. Other relevant legislation:

In addition to the *Sustainable Forest Development Act*, the legislative framework comprises numerous other components that apply to forest development activities, including the following non-exhaustive list:

- *Act respecting land use planning and development* ([Chapter A-19.1](#))
- *Natural Heritage Conservation Act* ([Chapter C-61.01](#))
- *Act respecting the conservation and development of wildlife* ([Chapter C-61.1](#))
- *Cullers Act* ([Chapter M-12.1](#))
- *Environment Quality Act* ([Chapter Q-2](#))
- *Act respecting the lands in the domain of the State* ([Chapter T-8.1](#))
- *Act respecting threatened or vulnerable species* ([Chapter E-12.01](#))

Some areas are covered by treaties or agreements signed with Aboriginal communities. Compliance with the provisions of these treaties or agreements is required when activities are carried out in these areas. The agreements allow for forest areas to be developed with due respect for the values of the Aboriginal communities, and grant these communities more responsibility for development. The laws of Québec governing land subject to agreements include the following:

- *Act approving the Agreement concerning James Bay and Northern Québec* ([Chapter C-67](#))
- *Act approving the Northeastern Québec Agreement* ([Chapter C-67.1](#))
- *Act to ensure the implementation of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec* ([Chapter M-35.1.2](#))
- *Act respecting the land regime in the James Bay and New Québec Territories* ([Chapter R-13.1](#))

Provincial parks and protected areas are governed by the following laws:

- *Parks Act* ([Chapter P-9](#))
- *Natural Heritage Conservation Act* ([Chapter C-61.01](#))


## 6. Forest certification:

According to the Forest Products Association of Canada, by the end of 2016, Quebec had 27 million hectares of certified forest with the Sustainable Forestry Initiative (SFI) standard and 24 million hectares with the Forest Stewardship Council (FSC). Some of these territories have both forest certifications. By August 1, 2017, almost 93% of Quebec's publicly managed forest was certified.

## 7. Public engagement in forest management:

### Consultations on Provincial Objectives

Under the *Sustainable Forest Development Act*, the [Consultation Policy](#) gives a voice to the individuals and organizations with an interest in sustainable forest development and forest management. The policy (in revision) provides for consultations to be held on the main directions for sustainable development. The MRN recently consulted the general public on the following subjects:

- 2017 [Consultation sur le démantèlement de chemins forestiers sur la Côte-Nord](#) (in French only)
- 2017 [Public Consultation on the Draft Consultation Policy for Sustainable Forest Development and Forest Management Orientations](#)
- 2015 [Consultation sur les modifications des limites territoriales des unités d'aménagement](#) (in French only)
- 2011 [Public consultation on Proposals for the Selection, Establishment and Operation of Local Forests](#) 

### Consultations on Regional Objectives

Special provisions also govern consultations on the content of forest plans. Local and regional stakeholders, including Aboriginal communities and wildlife organizations, are consulted throughout the integrated forest development plan preparation process via local integrated land and resource management panels. The general public is also consulted with regard to the plans. The consultation process is described in the [Manuel de consultation du public sur les plans d'aménagement forestier intégré et les plans d'aménagement spéciaux](#) (available in French only).

### Requirements Concerning Consultation with Aboriginal Communities

The rulings in the *Haida Nation v. British Columbia (Minister of Forests)* and *Taku River Tlignit First Nation v. British Columbia (Project Assessment Director)* cases, handed down by the Supreme Court of Canada on November 18, 2004, set new requirements in the field of Aboriginal law. Indeed, those decision clarify the Crown's duty to consult and accommodate the Aboriginal people<sup>6</sup>. The consultation and accommodation requirements stipulated by the Federal Court in *Haida* and *Taku River* have been given concrete form in the *Sustainable Forest Development Act*, and especially in section 58, which creates an obligation to hold special consultations for Aboriginal communities during preparation of integrated forest development plans. The Act therefore contains separate provisions to incorporate the communities values, interests and needs.

Aboriginal communities play an important role in the planning and implementation of forest development activities. Among other things, they have access to special programs to promote training and participation in forest management, to foster the creation of jobs in the forest, and to support the communities. Special agreements, among other things for access to timber and biomass, have been signed with some Aboriginal communities.

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<sup>6</sup> [https://www.autochtones.gouv.qc.ca/publications\\_documentation/publications/guide\\_inter\\_2008\\_en.pdf](https://www.autochtones.gouv.qc.ca/publications_documentation/publications/guide_inter_2008_en.pdf)