



Province of Alberta

FORESTS ACT

TIMBER MANAGEMENT REGULATION

Alberta Regulation 60/1973

With amendments up to and including Alberta Regulation 60/2017

Office Consolidation

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Note

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(Consolidated up to 60/2017)

ALBERTA REGULATION 60/73

Forests Act

TIMBER MANAGEMENT REGULATION

1 These Regulations may be cited as the “*Timber Management Regulation*”.

AR 60/73 s1;163/85

2 In these Regulations

1 “Act” means the *Forests Act*;

1.01 “Assistant Deputy Minister” means the Assistant Deputy Minister of the Forestry Division in the Department of Environment and Sustainable Resource Development;

1.02 “audited” means audited by a certified general accountant, a certified management accountant or a chartered accountant under the *Regulated Accounting Profession Act*;

1.03 “base rate” means \$0.53 per cubic metre of roundwood;

1.1 “board foot” means the nominal volume of wood that would be contained in a solid piece of wood one inch thick measuring 12 inches long and 12 inches wide before surfacing and drying the wood;

2 “certificate” means a document issued by the director by means of which he establishes the amount of a person’s quota;

3 “commercial timber permit” means a timber disposition issued pursuant to section 22 of the Act, and sections 37 to 41 of these regulations authorizing a person to cut Crown timber;

3.1 “community logger” means a logger who is registered under section 74.3;

3.2 “community timber manufacturer” means the owner of a mill that is registered under section 74.3;

3.3 “coniferous community timber licence” means a timber disposition issued pursuant to the Act and sections 74.1 to

- 74.8 of this Regulation authorizing the holder of a coniferous timber quota to harvest predominately coniferous timber and minor amounts of deciduous timber;
- 3.4 “coniferous community timber permit” means a timber disposition issued pursuant to the Act and sections 74.1 to 74.8 of this Regulation authorizing a person to harvest predominately coniferous timber and minor amounts of deciduous timber;
- 4 “coniferous timber licence” means a timber disposition authorizing a quota holder to harvest predominantly coniferous timber and minor deciduous timber volumes;
- 4.1 “cubic metre” means the standard measure of the volume of wood contained in a tree, log, forest product or log volume used to produce a forest product, to be determined by the means established by the Minister;
- 5 “deciduous timber allocation” means a quota of deciduous timber;
- 6 “deciduous timber licence” means a timber disposition authorizing a quota holder to harvest predominantly deciduous and minor coniferous timber areas and volumes;
- 6.1 “Department” means the Department administered by the Minister;
- 7 repealed AR 18/94 s2;
- 8 “forest growth” includes all timber and plant growth on forest land;
- 9 “forest management area” refers to public lands in respect of which a forest management agreement or forest management lease has been entered into;
- 10 “Green Area” means the area outlined and coloured green on a map annexed to the Order Classifying Public Lands dated April 16th, 1963, and published in The Alberta Gazette on April 30th, 1963, as amended from time to time, or any order made in substitution therefor;
- 11 “licence” or “timber licence” means a timber disposition issued pursuant to the Act and these regulations authorizing a quota holder to cut Crown timber;

- 12 “licensee” means a person holding a timber licence issued pursuant to the Act and this regulation;
- 13 “local timber permit” means a short term timber disposition issued pursuant to the Act and sections 49 to 66 of these regulations;
- 14 “non-permanent forest land” refers to public land which in the opinion of the Assistant Deputy Minister may not be suitable or permanently available for the continued growth of forest stands;
- 14.1 repealed AR 265/2003 s2;
- 15 “permanent forest land” refers to public land which in the opinion of the Assistant Deputy Minister will be indefinitely available and which is suitable for the continued growth of forest stands;
- 16 “permittee” means a person holding a timber permit or tree tag issued pursuant to the Act and this regulation and may be further described as a commercial timber permittee, a coniferous community timber permittee or a local timber permittee depending on the type of permit held;
- 17 “roundwood timber products” means building logs, fence posts, pilings, poles, rails and similar products;
- 17.1 repealed AR 18/94 s2;
- 18 “timber operation” means any kind of activity involved in cutting, removing, manufacturing or marketing timber or primary timber products;
- 19 repealed AR 18/94 s2;
- 20 “year” means the period from May 1st to April 30th;
- 20.1 “year of cut” means the year in which cutting is completed.
- 21 repealed AR 338/79 s2.

AR 60/73 s2;220/77;378/78;338/79;163/85;
18/94;182/95;28/99;206/2001;265/2003;234/2004;27/2010;
170/2012

2.1 In addition to the products specified in section 1(j) of the Act, the following are designated as primary timber products for the purposes of the Act and its regulations:

- (a) pulp and newsprint;
- (b) oriented strand board, particle board and fibreboard;
- (c) veneer, laminated veneer lumber and plywood;
- (d) roundwood timber products;
- (e) firewood;
- (f) sawdust, wood wool, wood flour and wood shavings;
- (g) hoopwood, split poles, pickets, stakes and staves;
- (h) roughly squared timber, railway ties and cross ties and landscaping timber and ties;
- (i) lath and lath bolts;
- (j) shakes, shingles and shingle bolts;
- (k) Christmas trees, seedlings and saplings.

AR 28/99 s3

Part 1 Quotas

Division 1 Quotas Generally

3 The director may on behalf of the Crown sell timber quotas by tender, by auction or by direct sale.

AR 60/73 s3;18/94;27/2010

4 The holder of a timber quota shall obtain a timber licence pursuant to section 21 of the Act to these regulations authorizing the harvest of the timber to which he is entitled by virtue of his quota.

AR 60/73 s4;163/85

5 In order to qualify for making a tender or bid to purchase a timber quota a person shall deposit with the Department \$1,000 for each 4000 cubic metres or fraction thereof of allowable cut in a coniferous quota and for each 80 hectares or fraction thereof of allowable cut in a deciduous timber allocation up to a maximum deposit of \$10,000.00 for each tender or bid.

AR 60/73 s5;338/79;27/2010

6 Every bid or tender shall be expressed in increments of not less than \$100 and the opening bid may not be less than \$500.

AR 60/73 s6

7 A holder of a timber quota may match the highest tender received on any quota being offered for sale by tender in the same management unit provided he has paid in his qualifying deposit no less than one hour before the time set for opening of the tenders.

AR 60/73 s7

8 Whenever the highest tender is matched or there are two equal tenders, the sale shall be immediately continued by auction.

AR 60/73 s8

9 At least 10% of the price bid or tendered for a timber quota (herein called the “bonus price”) shall be paid on the day of sale and the balance shall be paid within 10 days of the day of sale.

AR 60/73 s9

10 The purchaser may at his request have a part or all of the qualifying deposit applied as a payment toward the bonus price.

AR 60/73 s10

11 In the event that the purchaser of the timber quota defaults by failing to pay the bonus price within the 10 days, he forfeits to the Department a sum equal to 10% of the bonus price.

AR 60/73 s11;27/2010

12 The qualifying deposit of the successful purchaser of the timber quota or allocation may be refunded to him by the director only after the bonus price has been paid in full.

AR 60/73 s12;27/2010

13 When a person’s bid or tender is not accepted, the Department shall retain 5% of the qualifying deposit and shall refund the balance.

AR 60/73 s13;27/2010

14(1) Whenever the director determines that the annual allowable cut for a forest management unit may be increased he may offer for sale the increase in the annual allowable cut as a new quota or quotas or prorate the additional annual allowable cut amongst the existing quota holders in the forest management unit;

(a) without charge, or

(b) upon payment of fair value as determined by the director.

(2) Notwithstanding subsection (1), the director shall prorate the additional allowable cut without charge amongst those quota holders in the forest management unit whose forest management practices contributed significantly to the increased annual allowable cut.

AR 60/73 s14;153/97;27/2010

15 Quotas shall not be transferred or assigned from one management unit to another.

AR 60/73 s15

16 When amending the boundaries of a management unit, the director may also change the designation of any quota so that it is related to the amended management unit in which it is located.

AR 60/73 s16;27/2010

17 In addition to the annual allowable cut authorized by the quota, the director may by licence allow the quota holder to harvest any size or species of trees that were not taken into account in determining the quota without charging the product derived therefrom against his quota.

AR 60/73 s17;27/2010

18 Where a quota holder owns two or more quotas in the same management unit the director, with the prior consent of the quota holder, may issue a new quota merging the entire combined interest of the original quotas.

AR 60/73 s18;27/2010

19 When the term and quadrant dates of quotas in the same management unit do not coincide, the director may adjust the term and quadrant dates of any quota to establish common term and quadrant dates for all the quotas in the unit.

AR 60/73 s19;27/2010

Division 2 Quota Production Control

20 Repealed AR 67/96 s2.

21 If production exceeds that authorized for a quota quadrant, the director shall reduce the authorized volume for the following quadrant by an amount equal to the overcut volume.

AR 60/73 s21;27/2010

22 When production in any quota quadrant exceeds 110% of the authorized quadrant volume, the quota holder shall pay to the Department, in addition to the timber dues payable on the overcut volume, a penalty payable on the overcut volume in an amount of

- (a) \$30 per cubic metre on the overcut volume for coniferous timber, and
- (b) \$10 per cubic metre on the overcut volume for deciduous timber.

AR 60/73 s22;338/79;18/94;67/96;27/2010

23 to 27 Repealed AR 67/96 s3.

Division 3 Licence Under Quota and Performance Guarantee

28 To obtain a timber licence, the quota holder shall comply with the provisions of section 21 of the Act, and in accordance therewith deposit with the Department as a performance guarantee the greater of

- (a) \$500, or
- (b) for the estimated volume of coniferous or deciduous timber to be cut, the sum of 25¢ per cubic metre for the first 4000 cubic metres, 10¢ per cubic metre for the next 30 000 cubic metres, and 2¢ per cubic metre for any volume in excess of that amount,

(c), (d) repealed AR 18/94 s7.

AR 60/73 s28;338/79;163/85;18/94;27/2010

29 The maximum total market value of performance guarantee deposits that any person may be required to maintain with the Department at any time shall not exceed \$75,000.

AR 60/73 s29;27/2010

30(1) The performance guarantee deposit may consist in whole or in part of

- (a) cash,
- (b) money order,
- (c) certified cheque in favour of the President of Treasury Board and Minister of Finance,

- (d) irrevocable letter of credit submitted in accordance with all of the requirements of the Department,
- (e) bearer bonds of the Government of Canada or Alberta assigned as to principal to the Department, or
- (f) term savings certificates issued by a financial institution acceptable to the President of Treasury Board and Minister of Finance and assigned as to principal to the Minister.

(2) Bearer bonds of the Government of Canada or Alberta placed with the Department as a performance guarantee deposit must have a current market value when they are placed with the Department which exceeds by 10% the required amount of the performance guarantee deposit.

AR 60/73 s30;301/81;27/2002;68/2008;27/2010;31/2012;
62/2013

31 In his discretion the director may allow a holder of a timber disposition in good standing, issued pursuant to the former regulations, to convert his performance guarantee deposit to conform with the requirements of these regulations.

AR 60/73 s31;27/2010

32 Where the bearer bonds are used in payment of the performance guarantee deposit, interest coupons shall be sent to the depositor as they become due unless the depositor is indebted to the Crown in which case they shall be applied by the director in payment of the debt.

AR 60/73 s32;27/2010

33 In the event that a licensee neglects to perform any requirement or obligation arising from any timber disposition, the regulations, the Act or the *Public Lands Act*, the director may fulfill the neglected obligations and apply any part of any available guarantee deposits as a payment toward the costs incurred.

AR 60/73 s33;163/85;27/2010

34 When the director is satisfied that the licensee has met all of his obligations under the Act, the *Public Lands Act*, and any regulations and dispositions issued under these Acts, the director may refund the balance of the licensee's deposit to the licensee after applying any part of the licensee's deposit in payment of any indebtedness to the Crown.

AR 60/73 s34;163/85;234/2004;27/2010

35 When the volume of timber remaining on a licence is reduced to a volume less than the annual allowable cut of the quota under which the licence was issued, the licensee may request the director to transfer up to 70% of the performance guarantee deposit to make up part of the deposit required for an additional licence, provided the amount remaining on deposit is not thereby reduced to less than \$500.

AR 60/73 s35;18/94;27/2010

36 Upon receiving a request in accordance with section 35, the director may determine the sum eligible for transfer and deal with that sum as provided in section 34, to the extent that the timber operations have been completed.

AR 60/73 s36;27/2010

Part 2 Sales

Commercial Timber Permits

37 Any person eligible under the Act may acquire authority to harvest timber by obtaining a commercial timber permit pursuant to section 22 of the Act and this regulation.

AR 60/73 s37;163/85

38 The director may sell commercial timber permits by tender, by auction or by direct sale.

AR 60/73 s38;378/78;338/79;119/94;27/2010

39(1) This section governs the bidding for commercial timber permits sold by tender or by auction.

(1.1) The director may require that a deposit in the amount specified by the director be paid prior to the making of a bid under this section.

(2) The director may establish that the bidding with respect to the sale of a commercial timber permit sold by tender or auction is restricted

- (a) to lump sum bids for all timber to be harvested under the permit regardless of the actual amount or species of timber harvested, or
- (b) to bids based on a per cubic metre of roundwood harvested for a primary species group of either coniferous or deciduous timber as determined by the director.

(3) When bidding is restricted to lump sum bids referred to in subsection (2)(a), the minimum bid is established by the director and may not be less than the total of the amounts in clauses (a) and (b):

- (a) \$1.90 times the director's estimate of the number of cubic metres of coniferous roundwood to be harvested;
- (b) the base rate times the director's estimate of the number of cubic metres of deciduous roundwood to be harvested.

(4) When bidding is restricted to volume bids referred to in subsection (2)(b), the director may establish the minimum bid.

AR 60/73 s39;338/79;18/94;182/95;28/99;168/2005;238/2007;27/2010

40(1) The security for a commercial timber permit or coniferous community timber permit must be deposited with the Department before the permit is issued and, if applicable, within the time period specified in the public sales notice.

(2) Repealed AR 238/2007 s3.

(3) The amount of the security is the total of the amounts calculated under clauses (a) and (b):

- (a) the greater of
 - (i) \$1000, and
 - (ii) based on the volume of coniferous and deciduous timber to be harvested under the permit as estimated by the director, the total of \$0.50 per cubic metre for the first 4000 cubic metres, \$0.20 per cubic metre for the next 15 000 cubic metres and \$0.04 per cubic metre for any additional cubic metres;
- (b) an amount specified by the Minister that is not less than \$1000 and not greater than the total of the amounts calculated under subclauses (i) to (iv):
 - (i) an amount calculated by multiplying the Minister's estimate of the number of cubic metres of coniferous timber to be harvested times the rate of the reforestation levy under section 143.9(4)(a)(ii)(A), as adjusted by section 144, that is in effect when the permit is issued;
 - (ii) an amount calculated by multiplying the Minister's estimate of the number of cubic metres of deciduous timber to be harvested times the rate of the reforestation levy under section 143.9(4)(b)(i), as

adjusted by section 144, that is in effect when the permit is issued;

(iii) an amount calculated by multiplying the Minister's estimate of the number of cubic metres of coniferous timber to be harvested times the average of the rates of timber dues for coniferous lumber as determined under Part A of the Table in Schedule 3 for

(A) the month that the notice of sale is given and the preceding 11 months in respect of a permit sold by tender or auction, and

(B) the month that the permit is sold and the preceding 11 months in respect of a permit sold by direct sale;

(iv) an amount calculated by multiplying the Minister's estimate of the number of cubic metres of deciduous timber to be harvested times the greater of the average rates of timber dues for

(A) deciduous pulp

(I) for the month that the notice of sale is given and the preceding 11 months in respect of a permit sold by tender or auction, or

(II) for the month that the permit is sold and the preceding 11 months in respect of a permit sold by direct sale,

and

(B) oriented strand board for the last 12 months for which a rate of dues can be determined starting from

(I) the month that the notice of sale is given in respect of a permit sold by tender or auction, or

(II) the month that the permit is sold in respect of a permit sold by direct sale.

AR 60/73 s40:338/79;28/99;238/2007;27/2010

40.1(1) This section sets out the requirements respecting the security to be deposited for a commercial timber permit sold by tender or auction in which the bidding was restricted to lump sum bids under section 39(2)(a).

(2) The security must be deposited with the director when the bid for the permit is submitted to the director.

(3) The amount of the security is the greater of

- (a) \$1000, and
- (b) based on the volume of coniferous and deciduous timber to be harvested under the permit as estimated by the director, the total of \$0.50 per cubic metre for the first 4000 cubic metres, \$0.20 per cubic metre for the next 15 000 cubic metres and \$0.04 per cubic metre for any additional cubic metres.

AR 28/99 s5;27/2010

41(1) Sections 30, 31, 32, 33 and 34 apply with all the necessary modifications to a security referred to in section 40.

(2) Sections 29, 30, 31, 32, 33 and 34 apply with all the necessary modifications to a security referred to in section 40.1.

AR 60/73 s41;301/81;28/99

Quotas and Commercial Timber Permits

42 Every competitive sale shall be advertised by public notice describing

- (a) the timber rights being offered including, in the case of a permit, the basic operating conditions,
- (b) place and time of the sale, and
- (c) the conditions and procedures of the sale.

AR 60/73 s42

43 A tender or deposit may be submitted by ordinary prepaid mail or registered mail but the sender assumes all risks of the mail being delayed, lost or misplaced.

AR 60/73 s43

44 A tender or deposit must be received by the director before the sale commences, and the director shall reject any tender or deposit submitted after the sale has commenced.

AR 60/73 s44;27/2010

45 The director may, in his discretion, make a final decision in respect to any conflict or dispute arising out of any sale by tender or auction.

AR 60/73 s45;27/2010

46 Any person intending to bid at a sale as an appointed agent or power of attorney for a prospective purchaser shall present to the officer conducting the sale at least 30 minutes before the sale commences an acceptable signed and witnessed or sealed copy of the appointment.

AR 60/73 s46

47, 48 Repealed AR 119/94 s4.

48.1 In addition to any other amounts payable in respect of a bid or tender in relation to any timber harvesting rights, the person whose bid or tender is accepted shall, within the time specified by the director, pay to the Crown an amount equal to 110% of the actual costs incurred by the Department in advertising for the sale of the timber harvesting rights.

AR 297/87 s2;27/2010

Part 3 Other Permits and Licences

Division 1 Local Timber Permits

49 The director may issue a local timber permit to any person who is eligible under the Act and who qualifies under this Regulation

- (a) to cut up to 50 cubic metres of timber for personal non-commercial use by that person and not for resale,
- (b) to cut up to the volume designated by the director of timber that is endangered by acts of nature or by development that is not authorized by or under the Act,
- (c) to cut the number of trees not exceeding 10 metres in height that is specified in the permit, or
- (d) to remove the volume of decked salvage roundwood timber that is specified in the permit.

AR 60/73 s49;220/77;338/79;301/81;200/96;28/99;27/2010

50 All local timber permits shall expire annually on the 30th day of April, unless otherwise specified on the permit.

AR 60/73 s50

51 The director may establish eligibility criteria for applicants for local timber permits under section 49.

AR 60/73 s51;200/96;27/2010

52, 52.1 Repealed AR 200/96 s4.

53 Repealed AR 182/95 s4.

54 An applicant for a local timber permit must pay to the Department a non-refundable permit fee of \$20 before the permit is issued.

AR 60/73 s54;220/77;297/87;200/96;27/2010

55 The director shall not issue a local timber permit unless all of the timber dues and reforestation levies in connection with the permit have been paid.

AR 60/73 s55;102/73;301/81;18/94;27/2010

56 Repealed AR 182/95 s4.

57(1) A person operating under the authority of a local timber permit

- (a) is exempt from holding and protection charges,
- (b) shall have the permit in his possession while harvesting or removing any of the primary timber products for which the permit was issued or transporting them on a public highway within the meaning of section 111.1(1)(d),
- (c) shall comply with the terms and conditions of the permit where the permit was issued for the removal of decked salvage roundwood timber, and
- (d) is required to pay to the Department at the completion of operations or on the date of expiry of the permit, whichever is sooner, any unpaid timber dues on the total volume cut and the penalty on the overcut volume.

(2) The Department may charge interest at the rate of one per cent per month on any timber dues owing in respect of a local timber

permit after serving notice in writing 30 days in advance of the commencement of interest charges.

AR 60/73 s57;220/77;163/85;18/94;200/96;27/2010

58 Repealed AR 18/94 s14.

59 The director may refund any prepaid timber dues and reforestation charges for uncut timber and any surplus performance deposit to a permittee who has completed his operations and has fully complied with the Act and the regulations, if an application for a refund is made within one year of the expiry date of the permit.

AR 60/73 s59;220/77;27/2010

60 Notwithstanding section 59, the director may refuse any refunds where the permit was issued for dead, diseased, damaged or endangered timber, or where operations have not been conducted in accordance with the requirements of the Act, these regulations and the terms and conditions of the permit.

AR 60/73 s60;27/2010

61 Repealed AR 200/96 s7.

62 When in the director's opinion it is desirable that an applicant for a local timber permit deposit with him a performance guarantee deposit, the applicant shall submit a performance deposit in the amount calculated under section 40 and the provisions of sections 30, 31, 32, 33 and 34 apply with all necessary modifications to the deposit.

AR 60/73 s62;200/96;27/2010

63 Repealed AR 200/96 s9.

64 Any logging operations undertaken by authority of local timber permit shall be conducted only by the permittee, unless otherwise authorized in writing by the director.

AR 60/73 s64;27/2010

65, 66 Repealed AR 200/96 s10.

Division 2 Forest Product Tag

67(1) On receipt of a non-refundable permit fee of \$5, the director may issue a Forest Products Tag in the TM 66 tag form to any person for the cutting and removal of up to the following quantities of primary timber products for use exclusively on land owned or controlled by that person or the spouse or adult interdependent partner or children of that person or jointly by 2 or more of any such persons:

- (a) 20 trees for transplanting, under 2.5 metres in height,
- (b) 3 trees for use as Christmas trees, under 2.5 metres in height, or
- (c) 5 cubic metres of roundwood timber.

(2) The Forest Products Tag is effective for a period of 30 days from the date of issue and is exempt from the payment of timber dues.

AR 60/73 s67;298/73;220/77;338/79;297/87;18/94;182/95;200/96;
109/2003;27/2010

68 A person who takes primary forest products from public land pursuant to section 67 shall carry the permit with him while transporting the primary forest products and shall comply with the conditions specified on the permit.

AR 60/73 s68;220/77

69 No reforestation need be done or reforestation levy paid in respect of operations conducted pursuant to section 67.

AR 60/73 s69;220/77

Division 3 Repealed AR 200/96 s12.

Division 4 Custom Milling

70 No operator of any mill or plant may do custom sawing, planing, treating or otherwise processing timber until he has obtained an annual permit in Form TM 11 authorizing his operation.

AR 60/73 s70

71 No mill or plant operator may accept from any person timber or primary timber products for custom processing until that person produces to the operator a completed Form TM 9 or provides an

affidavit giving the legal description of privately owned land, Indian Reserve or Metis Settlement on which the timber was harvested.

AR 60/73 s71;238/2007

72 A mill or plant operator shall maintain in the form and manner prescribed by the director, subject to the Act, regulations and any Ministerial order, accurate and complete records of all the timber he processes and upon request shall produce the books and records for inspection by a forest officer.

AR 60/73 s72;27/2010

73 A mill or plant operator shall forward all his books, affidavits and records to the director, at the request of the director.

AR 60/73 s73;27/2010

74 Within one month from the date of relocating his office, mill or plant, an operator shall in writing notify the director of the change of location.

AR 60/73 s74;27/2010

Division 5 Community Timber Program

74.1 In order to support the maintenance of a viable community timber program in Alberta, the director may issue a coniferous community timber permit or a coniferous community timber licence to a person who is eligible under the Act and this Division.

AR 234/2004 s5;27/2010

74.2(1) An owner of a mill that produces primary timber products is eligible to apply for registration as a community timber manufacturer if,

- (a) according to the records of the Department of Environment and Sustainable Resource Development and exclusive of fire killed volume, the mill owner delivered to its mill from all sources at least one cubic metre but not more than 21 000 cubic metres in aggregate of coniferous timber during any of the previous 3 years ending April 30, 2003, or
- (b) the owner demonstrates to the satisfaction of the director that the mill met the requirement in clause (a) under a previous owner.

(2) A person is eligible to apply for registration as a community logger if, according to the records of the Department of Environment and Sustainable Resource Development, that person had participated in the logger portion of the Community Timber Program during any of the previous 3 years ending April 30, 2003.

(3) An eligible mill owner or an eligible logger must inform the director of that person's interest to operate as a community timber manufacturer or a community logger not later than August 31, 2004.

(4) Notwithstanding subsections (1) to (3), if

- (a) the number of community timber manufacturers or community loggers is below the maximum limit set out in section 74.3(2), and
- (b) the director is of the opinion that an additional community timber manufacturer or community logger, as the case may be, is desirable for the maintenance of a viable community timber program in Alberta,

a person may apply for registration as a community timber manufacturer or community logger, as the case may be.

AR 234/2004 s5;238/2007;27/2010;170/2012

74.3(1) On approval by the director, the director shall register eligible mill owners as community timber manufacturers and eligible loggers as community loggers.

(2) The director shall determine the maximum number of community timber manufacturers and community loggers that may be registered.

(3) The director must maintain a list of active community timber manufacturers and community loggers.

AR 234/2004 s5;238/2007;27/2010

74.4(1) The director may sell coniferous community timber permits and coniferous community timber licences by direct sale to community timber manufacturers and community loggers.

(2) The director may grant a coniferous community timber permit or a coniferous community timber licence to a community timber manufacturer or a community logger in exchange for a commercial timber permit or a coniferous timber licence held by that person on July 31, 2004.

(3) An applicant for a coniferous community timber permit shall submit a performance guarantee deposit in the amount calculated

under section 40 and the provisions of sections 30, 31, 32, 33 and 34 apply with all necessary modifications to the deposit.

(4) A coniferous community timber permit may be issued for a period not exceeding 5 years.

AR 234/2004 s5;27/2010

74.5 Repealed AR 238/2007 s7.

74.6 If, according to the records of the Department of Environment and Sustainable Resource Development, a community timber manufacturer produced 21 000 cubic metres or more of coniferous timber during the preceding year from the community timber manufacturer's own timber dispositions, the community timber manufacturer shall pay to the Department, in addition to the timber dues, a penalty of \$30 per cubic metre on the timber volume that exceeds 21 000 cubic metres.

AR 234/2004 s5;27/2010;170/2012

74.7(1) The director shall calculate the production from all coniferous community timber permits and coniferous timber licences for a 5-year period commencing May 1, 2004 and for each subsequent 5-year period from that date.

(2) If the production calculated under subsection (1) for a 5-year period exceeds 2 500 000 cubic metres, the director shall reduce the authorized volume for the subsequent 5-year period by an amount equal to the amount by which the production calculated under subsection (1) exceeds 2 500 000 cubic metres.

AR 234/2004 s5;27/2010

74.8(1) The director may establish operational requirements for community timber manufacturers and community loggers.

(2) If a community timber manufacturer or community logger fails to comply with the operational requirements, the director may

- (a) suspend or cancel the community timber manufacturer's or community logger's registration under section 74.3,
- (b) cancel the coniferous community timber permit or the coniferous community timber licence held by the community timber manufacturer, or
- (c) if the community timber manufacturer complies with the requirements in section 21 or 22 of the Act for a coniferous timber licence or a commercial timber permit,

issue a coniferous timber licence or a commercial timber permit.

AR 234/2004 s5;238/2007;27/2010

Part 4 Crown Charges

75 In this Part,

- (a) “dues determination activity” means the activity specified by the director under section 78.1 used to determine when timber dues are calculated;
- (b) “ground rules” in respect of timber harvested under a disposition means the ground rules specified in the disposition or, if none are specified in the disposition, the *Alberta Timber Harvest Planning and Operating Ground Rules* published by the Department of Environment and Sustainable Resource Development and approved by the director;
- (c) “utilization standard” means, in respect of a log, the utilization standard for the log established in the timber disposition under which the log is harvested.

AR 182/95 s6;28/99;206/2001;27/2010;170/2012

Division 1 General

76 For the purposes of the calculation of timber dues, the director’s or the Minister’s, as the case may be, determination of the following matters is final:

- (a) whether timber is used or will be used to make a particular primary timber product;
- (b) whether timber is used or will be used for a particular purpose;
- (c) when timber or a primary timber product is sold;
- (d) when timber is scaled, manufactured or delivered to a mill.

AR 182/95 s6;28/99;27/2010

76.1 For the purposes of the calculation of timber dues, the director may deem that timber harvested under a disposition has been scaled or sold or a primary timber product has been

manufactured or sold if the timber or primary timber product, in the director's opinion,

- (a) has been wasted or allowed to deteriorate beyond a useful state,
- (b) has been destroyed by acts of nature or by man,
- (c) has been given away,
- (d) is lost or has been stolen,
- (e) has not been disposed of within a reasonable period of time, or
- (f) has been used for any purpose by the disposition holder.

AR 28/99 s9;27/2010

77 The director may reduce the timber dues payable or not require the payment of timber dues in respect of timber that is located in a research area.

AR 182/95 s6;28/99;234/2004;27/2010

Division 2 General Rates of Timber Dues

78(1) This Division establishes the general rates of timber dues for timber harvested under the authority of

- (a) a forest management agreement,
- (b) a timber licence,
- (c) a commercial timber permit sold by direct sale, or
- (d) a coniferous community timber permit.

(2) This Division is subject to any provision respecting timber dues contained in a forest management agreement or a deciduous timber licence.

AR 182/95 s6;153/97;28/99;234/2004

78.1(1) The director is responsible for determining whether timber dues under a disposition to which this Division applies are calculated when timber harvested under the disposition is scaled or sold or when a primary timber product derived from that timber is manufactured or sold by the disposition holder.

(2) The director may from time to time change when timber dues to which this Division applies are to be calculated if

- (a) the change is agreed to by the disposition holder who is liable to pay the timber dues, or
- (b) the director gives the disposition holder liable to pay the timber dues written notice of the change at least 30 days before the change is to become effective.

AR 28/99 s12;27/2010

79 If more than one exception to the general rates of timber dues applies to timber, only the lowest rate of timber dues is payable.

AR 182/95 s6

80 Subject to section 5 of the *Forest Resources Improvement Regulation* (AR 152/97), the general rate of timber dues for coniferous timber that is used or will be used to make lumber, pulp or roundwood timber products is calculated in accordance with Schedule 3.

AR 182/95 s6;28/99

81(1) This section sets out exceptions to the general rate of timber dues for coniferous timber that is used or will be used to make lumber, pulp or roundwood timber products.

(2) The timber dues are \$0.95 per cubic metre of roundwood for

- (a) balsam fir, white bark pine, alpine fir and larch, and
- (b) jack pine, hybrids of jack pine and hybrids of lodgepole pine in forest management units A04 to A14, L01 to L09, L51 and S07.

(3) The timber dues for a small stem log that has, after being scaled in accordance with the *Scaling Regulation* (AR 403/92), an average gross volume per metre of length that is less than or equal to 0.024 cubic metres are \$0.76 per cubic metre of roundwood.

(4) The timber dues for

- (a) a tree that is not merchantable as defined by the harvesting ground rules that apply to the disposition, or
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard for the log

are \$0.27 per cubic metre of roundwood.

(5) The exceptions to the general rates of timber dues set out in subsections (2) to (4) apply only if the timber is scaled or measured to the satisfaction of the director and is recorded and identified separately to the satisfaction of the director.

(6) If the director is satisfied that a percentage of the timber in an area has suffered significant damage due to fire, wind, insects or disease, the timber dues for that percentage of timber harvested from the area are \$0.95 per cubic metre of roundwood.

(7) If the director is satisfied that in an area of 4 hectares or more, 15% or more of the coniferous timber is dead or is damaged by interior rot or other defects, the timber dues for that percentage of timber harvested from the area are \$0.95 per cubic metre of roundwood.

(8) If the director is satisfied that pine or spruce has been cut from overstocked pine or spruce stands for the purpose of improving the stand's yield at final harvest, the timber dues for the pine or spruce that has been cut are \$0.95 per cubic metre of roundwood.

(9) If the director is satisfied that timber has been cut to perpetuate an unevenly aged stand of coniferous timber and reforestation is required to return the stand to a fully stocked state at rotation age, the timber dues for the timber cut are \$1.90 per cubic metre of roundwood.

(10) If the director is satisfied that a percentage of coniferous timber in an area is endangered by acts of nature or by development that is not authorized under the Act, the timber dues for that percentage of coniferous timber harvested from the area are \$1.90 per cubic metre of roundwood.

AR 182/95 s6;28/99;242/2000;266/2003;168/2005;27/2010

81.1(1) In this section, "merchantable trees" in respect of trees in an area covered by a disposition means merchantable trees as defined by the harvesting ground rules that apply to the disposition and includes both coniferous and deciduous trees.

(2) In addition to the exceptions in section 81, this section sets out exceptions to the general rate of timber dues for coniferous timber that is used or will be used to make pulp.

(3) The timber dues for timber harvested from a marginal stand as described in subsection (4) are \$0.76 per cubic metre of roundwood if

- (a) the stand has been designated as a marginal stand in the annual operating plan of the disposition holder, and

- (b) the timber is scaled or measured to the satisfaction of the director and recorded and identified separately to the satisfaction of the director.

(4) A marginal stand is a contiguous area of timber of not less than 4 hectares in size composed of timber that has similar characteristics and meets one or more of the following conditions:

- (a) the average volume of roundwood per hectare of the stand's merchantable trees is less than 50 cubic metres;
- (b) the average number of the stand's merchantable trees required to make one cubic metre of roundwood is 6 or more;
- (c) the stand meets the characteristics determined by the director.

AR 28/99 s15;168/2005;27/2010

81.2(1) In addition to the exceptions in section 81, this section sets out exceptions to the general rate of timber dues for coniferous timber that is used or will be used to make roundwood timber products.

(2) If a roundwood timber product

- (a) exceeds 2.4 metres but does not exceed 3 metres in length and has a peeled top diameter that does not exceed 7 centimetres, or
- (b) does not exceed 2.4 metres in length and has a peeled top diameter that does not exceed 9 centimetres,

the timber dues for the timber from which the roundwood timber product is made are \$0.27 per cubic metre of roundwood.

(3) If a roundwood timber product has a length or diameter greater than those described in subsection (2) and

- (a) exceeds 6.8 metres in length but does not exceed 7.4 metres in length and has a peeled top diameter that does not exceed 7 centimetres,
- (b) exceeds 5.6 metres in length but does not exceed 6.8 metres in length and has a peeled top diameter that does not exceed 11 centimetres,
- (c) exceeds 4.4 metres in length but does not exceed 5.6 metres in length and has a peeled top diameter that does not exceed 13 centimetres,

- (d) exceeds 2.2 metres in length but does not exceed 4.4 metres in length and has a peeled top diameter that does not exceed 15 centimetres, or
- (e) does not exceed 2.2 metres in length and has a peeled top diameter that does not exceed 17 centimetres,

the timber dues for the timber from which the roundwood timber product is made are the base rate.

AR 28/99 s15

81.3(1) In this section,

- (a) “large coniferous logs” means coniferous logs that are used or will be used to make pulp and that do not fall within any of the exceptions in section 81 or 81.1;
- (b) “pulp mill production levels” for a year in respect of a mill operated by a disposition holder means the amount of coniferous pulp that the holder plans to manufacture at the mill in the year;
- (c) “special fibre shortage” means the situation described in subsection (2);
- (d) “special timber dues” means the special timber dues set out in subsection (4).

(2) For the purposes of this section, a special fibre shortage exists if a disposition holder is unable to purchase a supply of fibre that is suitable for the making of pulp due to

- (a) the availability of the fibre from traditional suppliers of the disposition holder being reduced due to the occurrence of a natural disaster or any fire, or
- (b) temporary disruptions in the production of fibre from traditional suppliers of the disposition holder.

(3) Subject to the provisions of this section, if, in accordance with good business practices, a disposition holder would purchase fibre suitable for the making of pulp to maintain pulp mill production levels in a year instead of using large coniferous logs harvested under the holder’s disposition and the holder, after making his best efforts, is unable to purchase the supply of fibre because of a special fibre shortage, the timber dues for any large coniferous logs used by the holder to make pulp are, for the period specified by the director under subsection (7), the special timber dues.

(4) The special timber dues payable by the disposition holder are the greater of

- (a) \$1.90 per cubic metre of roundwood, and
- (b) the general rate for deciduous timber that is used to make pulp calculated in accordance with Schedule 5.

(5) If a disposition holder uses large coniferous logs to make pulp in the situation described in subsection (3), the special timber dues apply to those logs only if

- (a) the holder applies to the director to have the special timber dues apply to the large coniferous logs,
- (b) the holder provides any information that the director requires respecting the situation described in subsection (3), and
- (c) the director approves the application.

(6) When the director receives an application from a disposition holder under subsection (5), the director shall provide the holder with a decision within 14 days of receiving the information that the director requires under subsection (5).

(7) If there are reasonable grounds to believe that the situation in subsection (3) applies to the disposition holder who has made an application under subsection (5), the director shall approve the application of the special timber dues to the large coniferous logs used by the holder to make pulp for the period specified by the director.

AR 28/99 s15;168/2005;27/2010

82(1) The general rate of timber dues for deciduous timber used to make lumber is the base rate.

(2) The timber dues for lumber made from

- (a) a deciduous tree that is not merchantable as defined by the harvesting ground rules that apply to the disposition, or
- (b) the portion of a deciduous log that is smaller in diameter than the top diameter of the utilization standard for the log

are \$0.27 per cubic metre of roundwood.

(3) The exception to the general rates of timber dues set out in subsection (2) applies only if the timber is scaled or measured to the satisfaction of the director and is recorded and identified separately to the satisfaction of the director.

AR 182/95 s6;28/99;168/2005;27/2010

83 Repealed AR 28/99 s17.

84 The general rate of timber dues for timber that is or will be used to make oriented strand board shall be calculated in accordance with Schedule 4.

AR 182/95 s6

85(1) This section sets out exceptions to the general rate of timber dues for timber that is or will be used to make oriented strand board.

(2) The timber dues for balsam poplar are the base rate.

(2.1) Repealed AR 28/99 s18.

(3) The timber dues for timber harvested north of township 96 or south of township 38 are the base rate.

(4) If the director is satisfied that a percentage of timber in an area is dead, the timber dues for that percentage of timber harvested from the area are \$0.27 per cubic metre of roundwood.

(4.1) If the director is satisfied that deciduous timber harvested under the authority of a coniferous timber permit is incidental to the harvesting operations, the timber dues for the deciduous timber harvested from the area are the base rate.

(4.2) If the director is satisfied that a percentage of timber in an area is endangered by acts of nature or by development that is not authorized by or under the Act, the timber dues for that percentage of timber harvested from the area are the base rate.

(4.3) If the director is satisfied that the distance by road using a reasonable route from the location where the timber is harvested to the mill in which the timber is made into oriented strand board is 150 kilometres or greater, the timber dues for that timber are 50% of the rate specified in Schedule 4.

(5) The timber dues for a small stem log that, after being scaled in accordance with the *Scaling Regulation* (AR 195/2002), has an average gross volume per metre of length that is less than or equal to 0.024 cubic metres are the base rate.

(6) The exceptions to the general rate of timber dues set out in subsections (2) to (5) apply only if the timber is recorded and identified separately to the satisfaction of the director.

AR 182/95 s6;200/96;28/99;265/2003;27/2010

86 Subject to section 5 of the *Forest Resources Improvement Regulation* (AR 152/97), the general rate of timber dues for deciduous timber that is used or will be used to make pulp is calculated in accordance with Schedule 5.

AR 182/95 s6;28/99

87(1) This section sets out exceptions to the general rate of timber dues for deciduous timber that is used or will be used to make pulp.

(2) Repealed AR 28/99 s20.

(3) The timber dues for

- (a) a tree that is not merchantable as defined by the harvesting ground rules that apply to the disposition, or
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard for the log

are \$0.27 per cubic metre of roundwood.

(3.1) Repealed AR 28/99 s20.

(4) The exceptions to the general rate of timber dues set out in subsection (3) apply only if the timber is scaled or measured to the satisfaction of the director and is recorded and identified separately to the satisfaction of the director.

(5) The timber dues for timber harvested in the remote zones shown on Schedule 5.1 are the greater of

- (a) \$0.20 per cubic metre of roundwood, and
- (b) 50% of the general rate of timber dues calculated in accordance with Schedule 5.

(6) If the director is satisfied that a percentage of timber in an area is dead, endangered by acts of nature or by development that is not authorized under the Act, the timber dues for that percentage of timber harvested from the area are the lesser of

- (a) the base rate, and
- (b) the general rate of timber dues calculated in accordance with Schedule 5.

(7) If the director is satisfied that deciduous timber harvested under the authority of a coniferous timber permit is incidental to the harvesting operations, the timber dues for the deciduous timber harvested from the area are the base rate.

AR 182/95 s6;200/96;28/99;266/2003;168/2005;27/2010

88 The general rate of timber dues for timber that is used or will be used to make veneer is calculated in accordance with Schedule 6.

AR 182/95 s6;28/99

89(1) This section sets out exceptions to the general rate of timber dues for timber that is used or will be used to make veneer.

(2) The timber dues are the base rate for

- (a) balsam poplar, aspen, balsam fir, whitebark pine, alpine fir and larch, and
- (b) jack pine and hybrids of jack pine and hybrids of lodgepole pine in forest management units A03 to A13, L01 to L09, L51 and S07.

(2.1) If the director is satisfied that a percentage of timber in an area is dead, the timber dues for that percentage of timber harvested from the area are the base rate.

(2.2) If the director is satisfied that the distance by road using the most direct route from the location where the timber is harvested to the mill in which the timber is made into veneer is 150 kilometres or greater, the timber dues for that timber are 50% of the rate calculated under item 1 of Schedule 6.

(3) The exceptions to the general rates of timber dues set out in subsections (2), (2.1) and (2.2) apply only if the timber is recorded and identified separately to the satisfaction of the director.

(4) The timber dues for timber harvested north of township 96 or south of township 38 are the base rate.

AR 182/95 s6;200/96;28/99;266/2003;27/2010

89.1 The general rate of timber dues for coniferous timber that is used or will be used to make laminated veneer lumber is calculated in accordance with Schedule 7.

AR 242/2000 s3

89.2(1) This section sets out exceptions to the general rate of timber dues for coniferous timber that is used or will be used to make laminated veneer lumber.

(2) The timber dues are \$0.70 per cubic metre of roundwood for

- (a) balsam fir, white bark pine, alpine fir and larch, and

- (b) jack pine, hybrids of jack pine and hybrids of lodgepole pine in forest management units A04 to A14, L01 to L09, L51 and S07.

(3) The timber dues for a small stem log that has, after being scaled in accordance with the *Scaling Regulation* (AR 403/92), an average gross volume per metre of length that is less than or equal to 0.024 cubic metres are \$0.76 per cubic metre of roundwood.

(4) The timber dues for

- (a) a tree that is not merchantable as defined by the harvesting ground rules that apply to the disposition, or
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard for the log

are \$0.27 per cubic metre of roundwood.

(5) The exceptions to the general rates of timber dues set out in subsections (2) to (4) apply only if the timber is scaled or measured to the satisfaction of the director and is recorded and identified separately to the satisfaction of the director.

(6) If the director is satisfied that a percentage of the timber in an area has suffered significant damage due to fire, wind, insects or disease, the timber dues for that percentage of timber harvested from the area are \$0.70 per cubic metre of roundwood.

(7) If the director is satisfied that in an area of 4 hectares or more, 15% or more of the coniferous timber is dead or is damaged by interior rot or other defects, the timber dues for that percentage of timber harvested from the area are \$0.70 per cubic metre of roundwood.

(8) If the director is satisfied that pine or spruce has been cut from overstocked pine or spruce stands for the purpose of improving the stand's yield at final harvest, the timber dues for the pine or spruce that has been cut are \$0.70 per cubic metre of roundwood.

(9) If the director is satisfied that timber has been cut to perpetuate an unevenly aged stand of coniferous timber and reforestation is required to return the stand to a fully stocked state at rotation age, the timber dues for the timber cut are \$1.40 per cubic metre of roundwood.

(10) If the director is satisfied that a percentage of coniferous timber in an area is endangered by acts of nature or by development that is not authorized under the Act, the timber dues for that percentage of timber harvested from the area are \$1.40 per cubic metre.

AR 242/2000 s3;266/2003;168/2005;27/2010

90 The general rate of timber dues for firewood is the base rate.

AR 182/95 s6

90.1(1) The general rate of timber dues for coniferous timber that is harvested under the authority of a coniferous community timber permit or a coniferous community timber licence and delivered to and manufactured in a mill owned and operated by a community timber manufacturer is \$2.50 per cubic metre of roundwood.

(2) Sections 79 to 90 do not apply to timber harvested, delivered and manufactured in accordance with subsection (1).

AR 234/2004 s8

91(1) The holder of a forest management agreement is liable to pay timber dues in respect of timber for which the holder is, under the terms of the forest management agreement, entitled to compensation from persons other than the Crown.

(2) The timber dues under this section are \$1.40 per cubic metre of coniferous roundwood and the base rate for deciduous roundwood.

(3) The holder of the forest management agreement shall maintain accurate records of the timber referred to in this section.

AR 182/95 s6

91.1 When timber dues under this Division are based on the timber being used to make a specified primary timber product and the timber is, in the director's opinion, used to make another primary timber product that is derived from the specified timber produced, the timber dues for the specified primary timber product apply to the derived primary timber product.

AR 28/99 s23;27/2010

92(1) In this section, "unspecified product" means a primary timber product that, in the director's opinion, is not derived from a primary timber product for which timber dues are specified in this Division.

(2) The rate of timber dues for timber that is used or will be used to make an unspecified product is 10% of the director's

determination of the net selling price of the unspecified product in the month that the dues determination activity for the unspecified product occurs.

AR 182/95 s6;28/99;27/2010

Division 3

Other Timber Dues and Crown Charges

93(1) This section sets out the timber dues payable for timber harvested under a commercial timber permit sold by tender or by auction.

(2) When the director under section 39(2)(a) restricts the bidding to lump sum bids, the timber dues are the amount of the bid on which the permit was sold.

(3) When the director under section 39(2)(b) restricts the bidding to bids based on a per cubic metre of roundwood harvested, the timber dues for the primary species group are the amount calculated in accordance with the bid on which the permit was sold, and the timber dues for timber other than the primary species group harvested under the permit are calculated using the base rate.

(4) The director may refund all or part of the timber dues paid by the commercial timber permit holder under a lump sum bid if the holder was unable to take full advantage of the right to harvest timber under the permit as a result of unforeseeable events that were beyond the control of the permittee, such as natural fire, inaccessibility to the permit area or major illness of the permittee or the permittee's immediate family.

AR 182/95 s6;28/99;27/2010

94(1) This section sets out the timber dues payable for timber harvested under a local timber permit.

(1.1) Notwithstanding any other provision of this section, the timber dues payable by the holder of a local timber permit that is a non-profit organization are nil.

(2) The timber dues for each seedling, transplant or Christmas tree are \$2.50.

(3) The timber dues for coniferous timber suitable for lumber manufacture are \$1.40 per cubic metre of roundwood.

(4) The calculation of timber dues under subsection (3) is based on the director's determination of

(a) the amount of roundwood in a permit area, and

(b) the amount of coniferous timber in the permit area that is suitable for lumber manufacture.

(5) The timber dues for all other timber are the base rate.

AR 182/95 s6;200/96;28/99;27/2010

95(1) The timber dues for timber cut, damaged or destroyed under authority granted by the Crown in right of Alberta, other than a timber disposition, are

(a) \$1.40 per cubic metre of coniferous roundwood, and

(b) the base rate for deciduous roundwood.

(2) In addition to the timber dues, the person who is granted authority referred to in subsection (1) shall pay an amount assessed by the director based on the costs of reforestation and replacement.

(2.1) No amount shall be assessed under subsection (2) with respect to timber that is cut, damaged or destroyed by a person who is required to pay compensation in respect of that timber to the holder of a licence or a commercial timber permit.

(3) The Minister may waive payment of the amount under subsection (2) if the timber cut, damaged or destroyed was done by a non-profit organization.

(4) On payment of the timber dues and the amount assessed, if any, under subsection (2), the timber becomes the property of the person who was authorized to cut, damage or destroy the timber.

(5) This section does not apply to timber that is cut, damaged or destroyed by a person who is required to pay compensation in respect of that timber to the holder of a forest management agreement.

AR 182/95 s6;153/97;27/2010

Division 4

Payment of Crown Charges

95.1(1) This Division is subject to any provision respecting timber dues contained in a forest management agreement.

(2) Notwithstanding subsection (1), nothing in a forest management agreement affects the application of sections 97.4, 97.41 and 97.42 to forest management agreements.

AR 28/99 s26

96(1) Subject to subsection (2), the timber dues under a forest management agreement, timber licence, coniferous community timber permit or commercial timber permit, other than a commercial timber permit sold by lump sum bid, are due and owing to the Department on the last day of the month in which the dues determination activity for that disposition occurs, unless the director agrees otherwise in writing.

(2) The timber dues under a forest management agreement, timber licence or commercial timber permit for timber that is used or will likely be used to make oriented strand board, other than a commercial timber permit sold by lump sum bid, are due and owing on the last day of the quarter of the year in which the dues determination activity for that disposition occurs.

AR 182/95 s6;28/99;265/2003;234/2004;27/2010

97 Repealed AR 28/99 s26.

97.1 Timber dues referred to in section 95 are due and owing

- (a) when the authority to cut, damage or destroy the timber is granted, or
- (b) in the case of exploration under the *Exploration Regulation* (Alta. Reg. 32/90) or the *Metallic and Industrial Minerals Exploration Regulation* (Alta. Reg. 95/91), when the final plan in respect of the exploration is filed with the director.

AR 182/95 s6;27/2010

97.2 Repealed AR 28/99 s27.

97.3 Any reforestation charges that are payable in respect of timber are due and owing when the timber dues in respect of that timber are due and owing.

AR 182/95 s6

97.4(1) The director may, on the application of a person who holds a forest management agreement, timber licence or commercial timber permit, other than a commercial timber permit sold by lump sum bid, establish a schedule that sets out dates for the calculation of timber dues in respect of timber harvested under the disposition.

(2) A dues calculation date established under subsection (1) in respect of timber must not exceed 12 months from the date that the dues determination activity for that timber actually occurred.

(3) A dues calculation date established under subsection (1) in respect of timber harvested under a disposition is, for the purposes of this Regulation, deemed to be the date that the dues determination activity occurred in respect of that timber.

(4) Notwithstanding section 96, when the director establishes a dues calculation date under subsection (1) in respect of timber, the timber dues in respect of that timber are due and owing on that dues calculation date.

AR 182/95 s6;28/99;27/2010

97.41(1) The director may in writing allow a person to pay timber dues that are due and owing under a forest management agreement, timber licence, coniferous community timber permit or commercial timber permit, other than a commercial timber permit sold by lump sum bid, by deferred monthly or quarterly payments.

(2) A deferred monthly or quarterly payment in respect of timber dues must not exceed 12 months from the month that the timber dues originally became due and owing.

AR 28/99 s28;234/2004;27/2010

97.42(1) If any amount assessed under the Act and its regulations remains unpaid for more than 30 days after the amount becomes due and owing, the director may in writing allow for payment of the amount by monthly instalments over a period specified by the director.

(2) The period for making monthly instalments referred to in subsection (1) must not exceed 5 years from the date that the director allows the amount to be paid by instalments and, in the case of an amount owing in respect of a disposition, automatically ends on the date that the disposition is no longer in force.

AR 28/99 s28;27/2010

97.5(1) If any amount in excess of \$100 assessed under authority of the *Forests Act* and regulations remains unpaid for a period of more than 30 days after the date that the amount becomes due and owing, interest at the rate of 1% per month compounded monthly on the total amount owing shall be charged from the date on which the amount became due and owing.

(1.1) When the director establishes a dues calculation date under section 97.4(1) in respect of timber and the timber dues are not paid on the dues calculation date, interest at the rate of 1% per month compounded monthly on the amount of those timber dues shall be charged from the dues calculation date.

(2) Interest that is payable pursuant to subsection (1) or (2) shall be computed within the first 2 weeks of each month and added to the unpaid balance.

(3) When payment of an amount that is due and owing is deferred under section 97.41 or is payable by monthly instalments under section 97.42, interest under subsection (1) stops accruing from the date that the director agrees to the deferred or instalment payment, but interest under subsection (1) accrues from the date that a deferred or instalment payment becomes overdue.

(4) When interest accrues under subsection (3) in respect of an overdue deferred payment under section 97.41, the interest is calculated on the overdue deferred payment.

(5) When interest accrues under subsection (3) in respect of an overdue instalment payment under section 97.42, the interest is calculated on the original unpaid amount referred to in section 97.42 less the total of any monthly instalments paid under section 97.42.

AR 182/95 s6;28/99;27/2010

97.6 Holding and protection charges that are

(a) assessed on the basis of the total area described within the boundaries of a commercial timber permit or a coniferous community timber permit are

(i) \$0.10 per hectare or fraction of hectare for a permit authorizing the removal of dead, damaged, diseased or endangered timber,

(ii) \$0.25 per hectare or fraction of hectare for a permit authorizing the removal of green coniferous timber, and

(iii) \$0.10 per hectare or fraction of hectare for a permit authorizing the removal of green deciduous timber,

and

(b) assessed on the basis of the authorized annual cut are

(i) \$0.02 per cubic metre for a deciduous timber allocation, and

(ii) \$0.15 per cubic metre for coniferous quotas,

and are payable annually in advance on or before May 1 of each year.

AR 182/95 s6;234/2004

Part 5 Timber Harvesting

Division 1 Operations

98(1) A licensee and, at the request of the director, a commercial timber permittee or a coniferous community timber permittee shall submit to the director for approval an annual operating plan in accordance with the operating practices referred to in subsection (2)

- (a) before the 1st day of March if operations are to commence between the 1st day of May and the 31st day of October,
- (b) before the 1st day of September if operations are to commence between the 1st day of November and the following 30th day of April, or
- (c) notwithstanding clauses (a) and (b), before a time specified by the director.

(2) The director may establish rules respecting operating practices for licensees and permittees referred to in this section.

(3) An annual operating plan shall be prepared in the form and manner determined by the director.

AR 60/73 s98;60/91;234/2004;238/2007;27/2010

99 All timber producers shall measure and scale timber volumes in accordance with the procedures and scaling regulations established by the Minister.

AR 60/73 s99

100(1) Every person who harvests timber on public land shall

- (a) conduct timber operations in accordance with the approved annual operating plan and the rules referred to in subsection (2),
- (b) comply with the terms and conditions of the timber disposition,
- (c) cut timber progressively,
- (d) remove and manufacture timber as it is cut,
- (e) avoid excessive waste when cutting timber and manufacturing timber products,

- (f) cut all timber at the height not more than 30 centimetres above average ground level,
- (g) dispose of all limbs, tops and other debris in accordance with the requirements stated in the *Forest and Prairie Protection (Ministerial) Regulation*,
- (h) maintain all his campsites in a tidy and sanitary condition,
- (i) ensure that
 - (i) the disposal of any refuse or debris, or
 - (ii) the location of any structure or excavationis in a place and is done in a manner that does not impede the natural flow of water in any watercourse or contaminate or pollute any river, stream, lake, well or other body or source of water, and
- (j) avoid excessive damage to regeneration, advanced growth and residual trees, as those expressions are defined by or by the application of section 122.1.

(2) The Minister may establish rules respecting harvesting and reforestation operations for licensees and permittees.

AR 60/73 s100;338/79;301/81;60/91;266/2003;238/2007;
60/2017

101(1) The director may, in writing, direct a person engaged in a timber operation to vary any procedure and alter any method used in the timber operation within a time specified in the order for the purpose of ensuring that the operation complies with the requirements of

- (a) the Act and all other Acts of the legislature of Alberta and the regulations under those Act, and
- (b) the terms and conditions of the timber disposition authorizing the timber operation.

(2) Where a person fails to comply with a direction of the director within the time specified in the order, the director may order that the timber operation be discontinued until such time as it can be resumed in compliance with the direction under subsection (1).

(3) Every person who receives an order under subsection (2) shall immediately discontinue the timber operation referred to in the order.

AR 60/73 s101;220/77;266/2003;27/2010

102 When a person engaged in a timber operation neglects or refuses to comply with a director's order, the director may perform the work that he considers necessary to mitigate or rectify the unsatisfactory conditions resulting thereby and the person engaged in the timber operation shall reimburse the director for the cost thereof on demand.

AR 60/73 s102;27/2010

103 The director may issue a temporary order on Form TM 1 stopping the cutting and clearing of forest growth or any disturbance on forest lands wherever the director has reason to believe that such cutting, clearing or disturbance is being conducted in contravention of the Act or regulations, the *Public Lands Act* or regulations thereto or any other Act or regulation.

AR 60/73 s103;163/85;27/2010

104 The holder of a forest management agreement or a timber quota shall employ qualified professional foresters or forest technicians at the request of the director.

AR 60/73 s104;27/2010

105 The holder of a forest management agreement or forest management lease shall submit to the director with the annual operating plan aerial photographs, or other information approved by the director, of the land areas that were cut over during the previous year.

AR 60/73 s105;238/2007;27/2010

106 Every aerial photograph made by a holder of a forest management agreement or forest management lease for submission to the director shall be photographed vertically to standards acceptable to the director.

AR 60/73 s106;27/2010

107 Every map and plan made by a licensee and permittee or by a holder of a forest management agreement or forest management lease for submission to the director shall comply with the forest map standards and legends established by the director.

AR 60/73 s107;27/2010

108 Repealed AR 60/91 s17.

109 The Minister may require the use of certain marks or paints for designating trees or logs to be cut or reserved from cutting and may restrict the use of such marks or paints to designated persons.

AR 60/73 s109

110 If felled trees and any primary timber products derived therefrom are not removed from the area included within the timber disposition within twelve months from the date on which the trees were felled, they become the property of the Crown.

AR 60/73 s110;220/77

111 Where trees or primary timber products become the property of the Crown under section 110, the director may collect dues for the trees and timber products from the person holding the timber disposition which authorized the trees to be cut.

AR 60/73 s111;72/73;220/77;27/2010

Division 2 Records

111.1(1) In this Division,

- (a) “coniferous logs” means
 - (i) coniferous trees, and
 - (ii) logs from coniferous trees where the logs are greater than 2.2 metres in length,

but does not include coniferous trees that are transplants or are to be used as Christmas trees;
- (b) “private land owner” means
 - (i) in the case of privately owned land other than an Indian Reserve or a Metis settlement area, the owner of the privately owned land,
 - (ii) in the case of an Indian Reserve, a band council member, and
 - (iii) in the case of a Metis settlement area, a councillor for the Metis settlement area;
- (c) “privately owned land” means
 - (i) land held under a certificate of title by a person other than the Crown in right of Alberta,
 - (ii) land comprising an Indian Reserve, and
 - (iii) land comprising a Metis settlement area;

- (d) “public highway” includes a road in respect of which a licence of occupation has been granted under regulations authorized by the *Public Lands Act*.

(2) Where words and expressions that are defined in section 1 of the *Metis Settlements Act* are used in this Division, those words and expressions have the same meanings as in the *Metis Settlements Act*.

AR 296/95 s2

112(1) Every licensee and permittee, producer, vendor and purchaser of timber and timber products, except in the case of a purchaser who purchases from a retail outlet that in the opinion of the director is a bona fide retail outlet, shall maintain at the site of his timber operations complete and accurate records in the form described in subsection (2) of all the timber he processes including a complete accounting by the receiver of all the timber and timber products he has shipped, and such records shall be made available to the director and to any forest officer on request.

(2) The records required by subsection (1) will be maintained in the following format unless otherwise authorized by the director:

- (a) timber scaling data shall be recorded on Forms TM 32, TM 35 and TM 44,
- (b) timber production data shall be recorded on Form TM 97,
- (c) timber sales data shall be recorded on Form TM 65, and
- (d) timber purchase data shall be recorded on Form TM 196.

AR 60/73 s112;163/85;18/94;27/2010

113 Immediately before shipment or as it is being prepared for shipment timber shall be measured and the volume thereof accurately recorded.

AR 60/73 s113

114 Where the Minister prescribes a specific form for the keeping of records and requires the holder of a timber disposition to use the form the holder of the timber disposition shall complete the form in an accurate manner.

AR 60/73 s114;220/77

115(1) Unless the director requests otherwise, a licensee, a coniferous community timber permittee or a commercial timber permittee, other than a commercial timber permittee who obtains the permit by making a lump sum bid, shall submit to the director a

complete and accurate report in Form TM 7 or on another form that is acceptable to the director within 30 days following the end of each month within which the dues determination activity for timber harvested under the licence or permit occurs.

(2) The fee for filing Form TM 7 or other acceptable form beyond the 30-day period referred to in subsection (1) is \$100.

AR 60/73 s115;163/85;18/94;28/99;234/2004;27/2010

115.1(1) A person who is or was required or permitted by this Regulation to submit to the director any report, survey, statement or information shall

- (a) keep all records that come into that person's possession or the possession of any of that person's agents and that are, were or could be used for preparing the report, survey, statement or information for a period of 5 years, and
- (b) make any of the records referred to in clause (a) available on request for the purpose of an audit or examination by
 - (i) a forest officer,
 - (ii) the director,
 - (iii) the Minister, or
 - (iv) any other person authorized by the Minister.

(2) If information submitted to the Department by one or more persons for the purposes of this Regulation is inconsistent with information submitted to the Department by any other person or persons for the purposes of this Regulation, the director may disclose the information to any or all of those persons to the extent the director considers necessary to resolve the inconsistency.

AR 242/2000 s4;27/2010

116 Repealed AR 266/2003 s8.

116.1(1) The director may by notice in writing to a disposition holder require the disposition holder to provide to the director within the time specified in the notice an audited statement disclosing the information related to the disposition holder's forestry operation that the notice specifies including, without limitation, information respecting production and sales of primary timber products and reporting of timber dues and levies.

(2) A disposition holder who receives a notice under this section shall comply with it in accordance with its terms.

AR 18/94 s31;27/2010

116.2(1) On or before July 31 of each year, a community timber manufacturer shall provide to the director a statement in a format specified by the director indicating the total volume of timber delivered to the community timber manufacturer's mill from the community timber manufacturer's timber dispositions and the total volume of timber purchased and sold during the preceding year.

(2) The statement referred to in subsection (1) must be certified by a regulated member as defined in the *Regulated Forestry Profession Act*.

AR 234/2004 s14;27/2010

Transportation Records

117(1) Where timber or primary timber products are to be transported, the shipper or vendor shall, before the timber or primary timber products are transported on a public highway, accurately complete a Form TM 9 or a similar form approved by a forest officer for each load that is to be transported, and give to the carrier 2 copies of the completed form.

(2) Notwithstanding subsection (1), a Form TM 9 is not required with respect to the transporting of

- (a) roundwood that is not more than 2.2 metres in length and that was harvested from privately owned land for personal use and not for resale,
- (b) trees that are transplants or are to be used as Christmas trees and were harvested from privately owned land for personal use and not for resale, or
- (c) primary timber products that are the subject of a Forest Products Tag or TM 66 tag issued under section 67.

(3) Where a person buys timber or primary timber products from a bona fide retailer of timber or primary timber products, a bill of sale or invoice may be accepted in substitution for Form TM 9.

AR 60/73 s117;220/77;18/94;296/95;266/2003

117.1 Unless authorized by a forest officer, a person shall not haul on a public highway a load of trees or logs where the load consists of a combination of

- (a) trees or logs that were harvested from public land, and

- (b) trees or logs that were harvested from privately owned land.

AR 296/95 s4;206/2001;266/2003

117.2, 117.3 Repealed AR 266/2003 s11.

118(1) A person transporting on a public highway product that is made up of timber or primary timber products shall on the demand of a forest or peace officer produce to the officer an accurate and completed written record in the form referred to in subsection (2) for the load showing

- (a) the vehicle's licence number;
- (b) the kind of product being transported;
- (c) the number of trees or logs and the species, in the case of unprocessed timber that is being delivered to a mill that does not have a weigh scale;
- (d) the number of pieces, dimensions and volume of the product, in the case of processed timber products;
- (e) the shipper's or vendor's name and address and the receiver's name and address;
- (f) the harvest authority, in the case of timber or primary timber products harvested from land held by the Crown in right of Alberta;
- (g) the legal description, the Indian Reserve or the Metis settlement area, as the case may be, for timber or primary timber products harvested from privately owned land, an Indian Reserve or a Metis settlement area.

(2) The record referred to in subsection (1) shall be

- (a) in the applicable form referred to in section 117 for primary timber products originating within Alberta, and
- (b) in the form of a bill of sale or invoice in the case of product that is made up of primary timber products originating from outside Alberta.

(3) Where

- (a) a person does not produce a record in compliance with subsections (1) and (2), or
- (b) a form is not required of a person under section 117,

that person shall give to the forest officer or peace officer on demand a statement in writing accurately providing the information required to be given pursuant to subsection (1).

(4) Compliance with subsection (3) is not a bar to a penalty being levied for a contravention of subsection (1).

AR 60/73 s118;298/73;220/77;18/94;296/95;266/2003

119 On delivery of a load of product made up of timber or primary timber products, the carrier referred to in section 118 who transported the load shall leave with the consignee of the product a copy of every prescribed form that the carrier received under section 117 with respect to the load.

AR 60/73 s119;72/73;296/95

120 Every shipper, vendor, carrier and consignee or receiver of a primary forest product shall retain in his possession for a period of five years all documents and records connected with each sale, shipment, delivery and receipt of forest products, and shall produce same upon request for inspection by a forest officer, an officer of the Royal Canadian Mounted Police, a special constable, a peace officer or any other person authorized for the purpose by the director.

AR 60/73 s120;220/77;27/2010

121, 122 Repealed AR 18/94 s34.

Part 5.1 Transport of Lumber

122.01 In this Part, “lumber” means rough and dressed lumber.

AR 67/96 s4

122.02(1) A person transporting a load of lumber on a highway in Alberta shall, in a manner satisfactory to the director, mark each lift of lumber comprising that load with the name and location of the mill that produced that lumber.

(2) For the purposes of subsection (1), a lift must be marked on the exterior of all of the sides of the lift, except the top and bottom of the lift, so that the mark is visible to a person walking around the exterior of the vehicle transporting the lift.

(3) This section applies to all lumber being transported on a highway other than lumber that has been purchased from a bona fide retail outlet.

AR 67/96 s4;27/2010

122.03(1) Once lumber comprises a lift that is marked under section 122.02, that lumber shall not be mixed with any other lumber

- (a) while that lumber is in Alberta, or
- (b) until that lumber is sold through a bona fide retail outlet.

(2) Nothing in subsection (1)(b) shall be construed so as to permit lumber purchased through a bona fide retail outlet to be mixed with lumber that still comprises a lift marked under section 122.02.

AR 67/96 s4

Part 6 Reforestation

122.1(1) In this Part,

- (a) “establishment survey” means a survey conducted on an area to be reforested to determine if regeneration is established according to reforestation standards;
- (a.1) “performance survey” means a survey conducted after an establishment survey on an area to be reforested to determine if established regeneration is growing at a rate acceptable to the director according to the reforestation standards;
- (a.2) “reforestation” means any operation involving seed management, seedling production, site preparation, tree planting, seeding, regeneration or reforestation surveying, stand cleaning, stand tending, stand thinning, tree improvement, fertilization, drainage, pruning or site analysis that is carried out in the course of forest renewal;
- (b) “reforestation requirements” means the requirements referred to in section 141.2;
- (b.1) “reforestation standards” means the regeneration requirements for coniferous, deciduous or mixed wood reforestation, as the case may be, of the reforestation requirements;
- (c) “residual tree” means a live and healthy tree that, prior to logging of an area, has grown on that area and was not authorized to be cut;
- (d) repealed AR 238/2007 s12;

(e) “timber disposition holder” includes the former holder of a disposition that is no longer valid who has reforestation obligations under this Part;

(f) “transition date” means March 1, 1991.

(2) References in this Part to the cutting of an area shall be taken as references to the time when cut clearance is given in writing by a forest officer in respect of that area.

(3) Repealed AR 238/2007 s12.

AR 60/91 s19;18/94;206/2001;238/2007;27/2010

122.2 Repealed AR 205/2008 s2.

122.3 All orders made pursuant to this Part must be in writing.

AR 60/91 s19

122.4 The Minister or director, as the case may be, may determine the extent or the boundaries of any area for the purpose of applying any provision of this Part.

AR 60/91 s19;27/2010

Division 1 Repealed AR 238/2007 s13.

Division 2

Areas Cut on or After Transition Date

141 This Division applies only with respect to areas of public land cut on or after the transition date.

AR 60/73 s141;60/91

141.1(1) Except where this Part otherwise provides or unless otherwise authorized by the Minister pursuant to this Part, the holder of a timber disposition shall, within 2 years after the end of the year of cut of each area of public land cut, carry out such reforestation as, in the opinion of the Minister, will be needed to ensure that the reforestation standards will be met in respect of the area cut.

(2) The director may order the holder of a timber disposition who is to reforest an area of public land to reforest it to coniferous, deciduous or mixed wood standards.

AR 60/91 s26;27/2010

141.2(1) Subject to section 141.1, the director may establish reforestation requirements, including procedures and methods to be used to determine whether or not an area of public land that is required to be reforested is satisfactorily reforested, the requirements for establishment surveys and performance surveys and the methods and timing of conducting surveys under this Part.

(2) The director must publish the reforestation requirements in a manner considered appropriate by the director.

AR 60/91 s26;238/2007;27/2010

141.3(1) The Minister may establish qualifications for certification for persons undertaking specified reforestation operations on public land.

(2) A timber disposition holder shall ensure that all persons who on his behalf undertake reforestation operations that are the subject of qualifications established under subsection (1) have the applicable certification resulting from the meeting of those qualifications.

(3) The director may refuse to accept the validity of reforestation operations referred to in subsection (2) if they are undertaken by a person who does not have the applicable certification.

AR 60/91 s26;27/2010

141.4 Where the director finds the quality or accuracy of a reforestation operation to be unsatisfactory, he may suspend any certification referred to in section 141.3 of the person responsible by so advising him in writing.

AR 60/91 s26;27/2010

141.5 A person shall not on public land top or fell trees or cut or break off branches for the purpose of collecting seed cones or vegetative propagules unless authorized to do so in writing by the director.

AR 60/91 s26;238/2007;27/2010

141.6(1) Subject to section 141.61, the timber disposition holder shall submit to the director an establishment survey for an area to be reforested.

(2) If the reforestation standards have not been completely met by the end of the year in which the establishment survey is required to be submitted, the timber disposition holder shall, before the end of the following year, re-treat the area by methods and operations that were approved in writing by the director under section 143.1 prior to the commencement of the re-treatment.

AR 60/91 s26;238/2007;205/2008;27/2010

141.61(1) A timber disposition holder who at any time after the reforestation referred to in section 141.1 knows that the area to be reforested is not likely to meet the applicable reforestation standards without additional treatment, may, instead of submitting an establishment survey referred to in section 141.6(1), submit a declaration to that effect along with a written commitment to carry out the reforestation operations as necessary to meet the applicable reforestation standards.

(2) A written commitment under subsection (1) must be submitted for the approval of the director on or before the date on which an establishment survey for that area would have been required to be submitted.

AR 205/2008 s3;27/2010

141.7(1) The timber disposition holder shall submit to the director a performance survey for the area to be reforested.

(2) If, in the opinion of the director, the results of the performance survey are acceptable, reforestation is completed and no further reforestation treatments or surveys are required.

(3) Notwithstanding section 141, subsection (1) applies only to areas cut under a timber licence or timber permit after April 30, 1995.

AR 60/91 s26;238/2007;27/2010

141.8, 141.9 Repealed AR 238/2007 s16.

142(1) Where a timber disposition holder fails to completely meet the reforestation standards by the end of the year in which the survey under section 141.6(1) or 141.7, as the case may be, is required to be submitted, the director may, notwithstanding section 141.6(2), order

- (a) the suspension of some or all,
 - (i) of the operations that may be carried out under any timber disposition held by the timber disposition holder, and

- (ii) of the reforestation operations referred to in the order,

or

- (b) if any of the operations have not yet commenced, that any or all of the operations not commence.

(2) A person who is subject to an order under subsection (1) shall discontinue the operations that are the subject of the order forthwith after being notified of it or not commence them, as the case may be, until the director cancels the order or otherwise notifies the person in writing that the person may carry on or commence those operations.

AR 60/73 s142;60/91;238/2007;205/2008;27/2010

142.1 Repealed AR 238/2007 s18.

142.2 Repealed AR 205/2008 s5.

142.3(1) For areas cut under the authority of a coniferous timber licence before May 1, 1994, a holder of one or more coniferous timber quota certificates

- (a) shall carry out reforestation under this Part if his total combined annual allowable cut under the quota certificates is 200 000 cubic metres or more, or
- (b) may elect, instead of carrying out his reforestation obligations under this Part, to pay to the Department, with respect to each timber licence,
 - (i) if his total combined annual allowable cut under the quota certificates is equal to or more than 10 000 but less than 200 000 cubic metres, the reforestation levy prescribed in section 143.9(3)(a)(i) for coniferous volumes cut and in section 143.9(3)(b) for deciduous volumes cut, and
 - (ii) if that annual allowable cut is less than 10 000 cubic metres, the reforestation levy prescribed in section 143.9(3)(a)(ii) for coniferous volumes cut and in section 143.9(3)(b) for deciduous volumes cut.

(2) For areas cut under the authority of a deciduous timber licence before May 1, 1994, a holder of one or more deciduous timber allocations

- (a) shall carry out reforestation under this Part if his total combined annual allowable cut under the allocations is 200 000 cubic metres or more, or
- (b) if his total combined annual allowable cut under the allocation is less than 200 000 cubic metres, may elect instead of carrying out his reforestation obligations under this Part, to pay to the Department with respect to each timber licence, the reforestation levy prescribed in section 143.9(3)(b) for deciduous volumes cut and section 143.9(3)(a)(i) for coniferous volumes cut.

(2.1) For areas cut under the authority of a coniferous timber licence or deciduous timber licence on or after May 1, 1994 but before May 1, 1996, a holder of one or more coniferous timber quota certificates or deciduous timber allocations, as the case may be,

- (a) shall carry out reforestation under this Part if his total combined annual allowable cut under the quota certificates or allocations, as the case may be, is 200 000 cubic metres or more, or
- (b) may elect, instead of carrying out his reforestation obligations under this Part, to pay to the Department, with respect to each timber licence, if his total combined annual allowable cut under the certificates or allocations, as the case may be, is less than 200 000 cubic metres, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and section 143.9(4)(b)(i) for deciduous volumes cut.

(2.2) For areas cut under the authority of a coniferous timber licence or deciduous timber licence on or after May 1, 1996 but before September 1, 1996, a holder of one or more coniferous timber quota certificates or deciduous timber allocations, as the case may be,

- (a) shall carry out reforestation under this Part if his total combined annual allowable cut under the quota certificates or allocations, as the case may be, is 10 000 cubic metres or more, or
- (b) may elect, instead of carrying out his reforestation obligations under this Part, to pay to the Department, with respect to each timber licence, if his total combined annual allowable cut under the certificates or allocations, as the case may be, is less than 10 000 cubic metres, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and section 143.9(4)(b)(i) for deciduous volumes cut.

(2.3) For areas cut under the authority of a coniferous timber licence or deciduous timber licence on or after September 1, 1996, but before May 30, 2000, a holder of one or more coniferous timber quota certificates or deciduous timber allocations, as the case may be,

- (a) shall carry out reforestation under this Part if his total combined annual allowable cut under the quota certificates or allocations, as the case may be, is 10 000 cubic metres or more, or
- (b) may elect, instead of carrying out his reforestation obligations under this Part, to pay to the Department, with respect to each timber licence, if his total combined annual allowable cut under the certificates or allocations, as the case may be, is less than 10 000 cubic metres,
 - (i) in the case of a coniferous timber licence, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut and a reforestation levy at a nil rate for deciduous volumes cut, and
 - (ii) in the case of a deciduous timber licence, the reforestation levy prescribed in section 143.9(4)(b)(i) for deciduous volumes cut and section 143.9(4)(a)(ii) for coniferous volumes cut.

(2.4) For areas cut under the authority of a coniferous timber licence, a coniferous community timber licence or a deciduous timber licence on or after May 30, 2000, a holder of one or more coniferous timber quota certificates or deciduous timber allocations, as the case may be,

- (a) shall carry out reforestation under this Part if the holder's total combined annual allowable cut under the quota certificate or allocation, as the case may be, is 10 000 cubic metres or more, or
- (b) may elect, instead of carrying out the holder's reforestation obligations under this Part, to pay to the Forest Resource Improvement Association of Alberta, with respect to each timber licence if the holder's total combined annual allowable cut under the certificates or allocations, as the case may be, is less than 10 000 cubic metres, the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut.

- (3) If any total combined annual allowable cut referred to in subsection (1), (2), (2.1) or (2.2) changes, the holder's rights and obligations with respect to reforestation and the payment of a reforestation levy following the change and with respect to areas that have not yet been cut when the change occurs shall be determined based on the changed total combined annual allowable cut.
- (4) An election under subsection (1), (2), (2.1) or (2.2) must be made within 30 days after the date when the applicable timber licence is issued.
- (5) Where a person acquires a right to make an election under subsection (1), (2), (2.1) or (2.2) as a result of a change referred to in subsection (3), he must make the election within 30 days after the change occurs.
- (6) For the purposes of subsections (3) and (5), a change occurs on
- (a) the date of the registration of the assignment of the quota, or
 - (b) the effective date of the issue, cancellation or amendment of the quota,
- as the case may be, effecting the change in the total combined annual allowable cut.
- (7) Where a timber licence is issued before May 1, 1994, an election under subsection (1), (2) or (2.1) must be made not later than May 31, 1994.
- (8) Where a forest management agreement holder is required to pay reforestation charges under its agreement, the charges are payable at the reforestation levy rate prescribed
- (a) in section 143.9(3)(a)(i) for coniferous timber and in section 143.9(3)(b) for deciduous timber, in the case of timber cut before May 1, 1994, and
 - (b) in section 143.9(4)(a)(ii) for coniferous timber and in section 143.9(4)(b)(i) for deciduous timber, in the case of timber cut on or after May 1, 1994.

AR 60/91 s26;18/94;67/96;200/96;102/2000;234/2004;27/2010

142.4(1) A person who holds a commercial timber permit issued before May 1, 1994 shall, with respect to the area covered by the permit,

- (a) if he is not a quota holder or a forest management agreement holder,

- (i) in the case of a coniferous commercial timber permit, pay the reforestation levy prescribed in section 143.9(4)(a)(i.1) for coniferous volumes cut, and
 - (ii) in the case of a deciduous commercial timber permit, pay the reforestation levy prescribed in section 143.9(4)(b)(ii) for deciduous volumes cut and section 143.9(4)(a)(i.1) for coniferous volumes cut,
- (b) if he is a quota holder, complete such reforestation or pay such a levy as he would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
 - (c) if he is a forest management agreement holder, carry out reforestation under this Part.

(2) Notwithstanding subsection (1)(b), where the commercial timber permit was issued before the transition date and the total annual allowable cut under the coniferous or deciduous quota certificates is 200 000 cubic metres or more, the permit holder shall carry out reforestation under this Part.

(3) A person who holds a commercial timber permit issued on or after May 1, 1994 but before May 1, 1996 shall, with respect to the area covered by the permit,

- (a) if he is not a quota holder or a forest management agreement holder,
 - (i) in the case of a coniferous commercial timber permit, pay the reforestation levy prescribed in section 143.9(4)(a)(i.1) for coniferous volumes cut, and
 - (ii) in the case of a deciduous commercial timber permit, pay the reforestation levy prescribed in section 143.9(4)(b)(ii) for deciduous volumes cut and section 143.9(4)(a)(i.1) for coniferous volumes cut,
- (b) if he is a quota holder, complete such reforestation or pay such a levy as he would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
- (c) if he is a forest management agreement holder, carry out reforestation under this Part.

(4) A person who holds a commercial timber permit issued on or after May 1, 1996, but before May 30, 2000, shall, with respect to the area covered by the permit,

- (a) if the person is not a quota holder or a forest management agreement holder, pay to the Department,

- (i) in the case of a coniferous commercial timber permit, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and
 - (ii) in the case of a deciduous commercial timber permit, the reforestation levy prescribed in section 143.9(4)(b)(i) for deciduous volumes cut and section 143.9(4)(a)(ii) for coniferous volumes cut,
- (b) if the person is a quota holder, complete such reforestation or pay such a levy as the person would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
 - (c) if the person is a forest management agreement holder, carry out reforestation under this Part.

(4.1) A person who holds a commercial timber permit or a coniferous community timber permit issued on or after May 30, 2000 shall, with respect to the area covered by the permit,

- (a) if the person is not a quota holder or a forest management agreement holder, pay to the Forest Resource Improvement Association of Alberta the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut,
- (b) if the person is a quota holder, complete such reforestation or pay such a levy as the person would be required by section 142.3 to carry out or pay if that permit were a timber licence, and
- (c) if the person is a forest management agreement holder, carry out reforestation under this Part.

(5) Notwithstanding subsection (4), a person who holds a commercial timber permit sold by a lump sum bid under section 39(2)(a) shall, with respect to the area covered by the permit, carry out reforestation under this Part under terms acceptable to the director.

AR 60/91 s26;18/94;67/96;200/96;28/99;102/2000;234/2004;27/2010

142.5(1) The holder of a local timber permit shall pay the Department a reforestation levy in an amount determined by using the rates of \$1.60 per cubic metre for coniferous timber and \$0.10 per cubic metre for deciduous timber, being the rates applicable for the base period from the transition date to April 30, 1991, and, in subsequent years, by making the adjustment provided for in section 144.

(2) Notwithstanding section 141, subsection (1) only applies to local timber permits issued on or after the transition date and before May 1, 1994.

(3) Notwithstanding section 21 of the *Timber Management Amendment Regulation* (Alta. Reg. 60/91), section 128(2) and (3) continue to apply with respect to local timber permits issued before the transition date.

(3.1) The holder of a local timber permit issued on or after May 1, 1994 but before May 1, 1996 shall pay

- (a) in the case of a coniferous local timber permit, the reforestation levy prescribed in section 143.9(4)(a)(i.1) for coniferous volumes cut, and
- (b) in the case of a deciduous local timber permit, the reforestation levy prescribed in section 143.9(4)(b)(ii) for deciduous volumes cut and section 143.9(4)(a)(i.1) for coniferous volumes cut.

(3.2) The holder of a local timber permit issued on or after May 1, 1996, but before May 30, 2000, shall pay to the Department,

- (a) in the case of a coniferous local timber permit, the reforestation levy prescribed in section 143.9(4)(a)(ii) for coniferous volumes cut, and
- (b) in the case of a deciduous local timber permit, the reforestation levy prescribed in section 143.9(4)(b)(i) for deciduous volumes cut and section 143.9(4)(a)(ii) for coniferous volumes cut.

(3.3) Notwithstanding subsection (3.2), no reforestation levy is payable by the holder of a local timber permit issued on or after September 1, 1996 that is a non-profit organization.

(3.4) The holder of a local timber permit issued on or after May 30, 2000 shall pay to the Forest Resource Improvement Association of Alberta the reforestation levies prescribed in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97) for coniferous and deciduous volumes cut.

(4) Notwithstanding subsection (1), no reforestation levy is payable on a local timber permit for

- (a) a tree that is not merchantable as defined by the harvesting ground rules that apply to that permit,
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard for the log,

- (c) roundwood timber products that
 - (i) exceed 2.4 metres but do not exceed 3 metres in length and have a peeled top diameter that does not exceed 7 centimetres, or
 - (ii) do not exceed 2.4 metres in length and have a peeled top diameter that does not exceed 9 centimetres,
- (d) tamarack,
- (e) Christmas trees,
- (f) transplant trees, or
- (g) timber classified by the director as dead, diseased, damaged or endangered or timber cleared for industrial use or on land scheduled for agricultural development.
AR 60/91 s26;18/94;67/96;200/96;102/2000;266/2003;168/2005;27/2010

142.6 Notwithstanding anything to the contrary that before the transition date was contained in this Regulation or in a licence or commercial timber permit or in any agreement or other instrument and notwithstanding any election made before that date or any rights acquired under any such thing, where section 142.3 or 142.4 requires the reforestation of an area cut under a licence or permit issued before the transition date, that provision nevertheless applies with full force.

AR 60/91 s26

Division 3 Provisions of General Application

142.7 This Division applies to areas of public land regardless of the date when an area was cut.

AR 60/91 s26

142.8 A person who conducts reforestation on public land shall

- (a) conduct the reforestation in accordance with the proposed reforestation program submitted under section 143.1, as approved,
- (b) comply with the terms and conditions of the timber disposition,
- (c) dispose of all limbs, tops and other debris in accordance with the *Forest and Prairie Protection (Ministerial) Regulation*,

- (d) maintain all his campsites in a tidy and sanitary condition,
- (e) ensure that
 - (i) the disposal of any refuse or debris, or
 - (ii) the location of any structure or excavationis in a place and is done in a manner that does not impede the natural flow of water in any watercourse or contaminate or pollute any river, stream, lake, well or other body or source of water, and
- (f) avoid excessive damage to regeneration, advanced growth and residual trees.

AR 60/91 s26;60/2017

142.9 The director may order a person engaged in reforestation to vary any procedure or method used in the reforestation within the period specified in the order to ensure that the reforestation complies with the Act, the regulations, the reforestation requirements and the terms and conditions of the timber disposition to which the reforestation relates.

R 60/91 s26;205/2008;27/2010

143(1) Where a person does not comply with an order of the director made pursuant to this Part within the period specified in the order, the director may

- (a) order the suspension of some or all of the operations that may be carried out under any timber disposition held by the timber disposition holder or of the reforestation operations referred to in the suspension order, or of both, or, if any such operations have not yet commenced, order that they not commence,
- (b) perform whatever work he considers necessary to mitigate or rectify the unsatisfactory conditions resulting from the non-compliance, or
- (c) do both.

(2) A person who is subject to an order under subsection (1)(a) shall discontinue the operations that are the subject of the order forthwith after being notified of it or not commence them, as the case may be, until the director lifts the order or otherwise notifies the person in writing that he may carry on or commence those operations.

(3) Where the director performs work pursuant to subsection (1)(b), the person referred to in subsection (1) shall, on demand, reimburse the director for the cost of the work.

(4) For the purposes of this section, a direction given by the director under section 123 before the transition date is deemed to be an order made pursuant to this Part, and, if no period for compliance was specified in any such direction, the director may order a period for compliance with the direction.

AR 60/73 s143;60/91;27/2010

143.1(1) The holder of a timber disposition responsible for carrying out reforestation shall submit to the director for the director's approval his proposed reforestation program for the following year.

(2) The proposed reforestation program must contain any information concerning reforestation that the director in writing requests about any year subsequent to the following year.

(3) Where an annual operating plan is required by the disposition or by section 98, the proposed reforestation program forms part of that plan.

(4) Notwithstanding any disposition or section 98, the proposed reforestation program must be submitted

(a) before March 1, if the reforestation is to commence between the following May 1 and October 31, or

(b) before September 1, if the reforestation is to commence between the following November 1 and April 30.

(5) Notwithstanding subsection (4), the director may, by notice in writing to the disposition holder, vary the date before which that person is required to submit the proposed reforestation program to him.

(6) If the director does not approve the proposed reforestation program, he may make any order described in section 143(1)(a), for which purpose section 143(2) applies.

AR 60/91 s26;27/2010

143.2(1) Within 30 days after the completion of a reforestation project, the director may order the timber disposition holder responsible for it to provide a report detailing the project.

(2) A timber disposition holder responsible for carrying out reforestation shall, by May 15 of each year, submit to the director,

in a form satisfactory to the director, a complete and accurate report summarizing the preceding year's reforestation program.

(3) Subsection (2) does not apply to a permittee who does not hold a coniferous timber quota, a deciduous timber allocation or a forest management agreement.

AR 60/91 s26;238/2007;27/2010

143.3 The director may in writing exempt a person who carried out selective cutting or commercial thinning to improve a timber stand or for fire hazard reduction in accordance with the annual operating plan approved by the director from the obligation to reforest the area.

AR 60/91 s26;238/2007;27/2010

143.4 The director may in writing exempt a person cutting timber classified by the director as dead, damaged, diseased, a fire hazard or endangered from the obligation to reforest the area.

AR 60/91 s26;238/2007;27/2010

143.5 Where a person is exempt under section 143.3 or 143.4 from any obligation to reforest an area, he is similarly exempt from any obligation to pay any reforestation levy with respect to that reforestation.

AR 60/91 s26

143.6 The director may authorize a holder who cut an area under the authority of a timber disposition to afforest an equivalent area of other public land within the same forest management unit instead of the area he cut.

AR 60/91 s26;27/2010

143.7 If public land that is required to be reforested by a timber disposition holder has at any time after its reforestation been destroyed by burning, flooding, insects or clearing for industrial use or has been scheduled for agricultural expansion, the director may exempt him from his reforestation obligations under this Part if the director is satisfied that circumstances warrant the exemption.

AR 60/91 s26;27/2010

143.8 The expiration or termination of a timber disposition or the lapse of time does not relieve the disposition holder of his reforestation obligations under this Part.

AR 60/91 s26

143.9(1) Reforestation levies are payable on all timber cut on any area of public land except where reforestation is required to be carried out by or under this Regulation or where this Part exempts the payment of the levies.

(2) Notwithstanding anything in this Regulation except subsection (1) and section 142.5(2), reforestation levies shall be calculated based on the rates in force on the date when the timber was measured, manufactured or sold, as allowed or directed by the director, and on the volumes determined in accordance with the procedures and regulations referred to in section 99.

(2.1) Except where specifically stated in another section of this Regulation, reforestation levies are to be calculated without regard to when the timber was cut.

(2.2) Notwithstanding anything in this Regulation, the rates for reforestation levies under subsection (1) for both coniferous and deciduous timber measured, manufactured or sold, as allowed or directed by the Minister or director, as the case may be, on or after May 30, 2000 must be determined in accordance with section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97).

(3) The rates referred to in subsection (2) are the following for the base period from the transition date to April 30, 1991 and, in subsequent years until April 30, 1994, the rates ascertained by making the adjustment provided for in section 144:

- (a) in respect of coniferous timber,
 - (i) \$3.25 per cubic metre of coniferous timber cut, where this Part applies the levy in accordance with this subclause, and
 - (ii) \$2.50 per cubic metre of coniferous timber cut, where this Part applies the levy in accordance with this subclause;
- (b) \$0.25 per cubic metre of deciduous timber cut, where this Part applies the levy in accordance with this clause.

(4) The rates referred to in subsection (2) are the following for the period after May 1, 1994, adjusted in the manner provided for in section 144:

- (a) in the case of coniferous timber measured, manufactured or sold, as allowed or directed by the Minister or director, as the case may be,
 - (i) on or before April 1, 1996, \$6.00 per cubic metre;

- (i.1) on or after September 1, 1996, in the case of a levy payable for coniferous timber under section 142.4(1)(a) or (3)(a) or section 142.5(3.1), \$6.05 per cubic metre;
- (ii) after April 1, 1996, except in the case of coniferous timber falling within subclause (i.1),
 - (A) \$12.00 per cubic metre for timber harvested north of the north boundary of Township 47, and
 - (B) \$8.00 per cubic metre for timber harvested south of the north boundary of Township 47;
- (b) in the case of deciduous timber measured, manufactured or sold, as allowed or directed by the Minister or director, as the case may be,
 - (i) subject to subclause (ii), \$2.50 per cubic metre;
 - (ii) on or after September 1, 1996, in the case of a levy payable for deciduous timber under section 142.4(1)(a)(ii) or (3)(a)(ii) or section 142.5(3.1)(b), \$0.25 per cubic metre.

AR 60/91 s26;18/94;182/95;67/96;200/96;102/2000;27/2010

143.91 As soon as possible after the coming into force of this section, all cash and securities held in an amount equal to the unexpended reforestation levies paid to the Minister under this Regulation must be transferred to the Forest Resource Improvement Association of Alberta.

AR 102/2000 s6

144(1) The reforestation levies prescribed in sections 142.3, 142.4, 142.5 and 143.9 shall be adjusted, with effect from May 1 of each year commencing on May 1, 1991, using the Annual Implicit Price Index for government current expenditure in goods and services, as published by Statistics Canada, in the following formula:

$$\text{Levy for Year of Payment} = \text{Levy for Previous Year} \times \frac{\text{Annual Implicit Price Index for Year Prior to Year of Payment}}{\text{Annual Implicit Price Index for Second Year Prior to Year of Payment}}$$

(2) References in this Part to the reforestation levy shall be taken as references to the amount of the levy as adjusted under subsection (1).

AR 60/73 s144;60/91

144.1 Notwithstanding anything in this Regulation and any election under this Part, the director may order a quota holder to carry out reforestation under this Part in respect of areas under all his licences or permits or those of them that are specified in the order, rather than allowing him to pay a reforestation levy pursuant to such an election.

AR 60/91 s26;27/2010

144.2(1) The Minister may establish rules governing the source and type of tree seed and vegetative propagules used to reforest public land.

(2) A person required to reforest public land must comply with the rules set out in subsection (1).

(3) The director may require removal or disposal of all trees introduced to public land in contravention of rules established under subsection (1).

AR 60/91 s26;153/97;238/2007;27/2010

144.3 A person shall not transport tree seed, cones or tree seedlings on public land or that are to be used in reforestation on public land unless he has with him a completed document issued by, or in a form approved in writing by, the director authorizing that transportation.

AR 60/91 s26;27/2010

144.4 The director may sell, exchange or otherwise provide to the holder of a timber disposition coniferous seed or coniferous seedling trees for reforestation.

AR 60/91 s26;27/2010

145 If, in the director's opinion, seedling trees supplied in exchange for seed producing cones are negligently wasted, the person receiving the seedling trees shall, on request, pay to the Department the cost of the seedlings.

AR 60/73 s145;60/91;27/2010

Part 7 Miscellaneous

Clearing Land for Industrial Use

146 A person clearing land for industrial use shall take all necessary precautions to minimize soil erosion and to avoid pollution of waters and waterways and shall keep records of all timber produced, sold or transported.

AR 60/73 s146;60/91

147 The director, in his discretion, may relieve an industrial operator from salvaging timber.

AR 60/73 s147;27/2010

148 Where in that part of the Green Area of Alberta there are 25 or more merchantable and green coniferous trees exceeding 15 metres in height on a hectare of land about to be cleared, those trees shall be cut, lopped of roots, branches and 6 metre tops and decked separately from all other trees and debris on clear land.

AR 60/73 s148;338/79;60/2017

149 In the event that a large number of trees are to be decked and no natural clearing is available in the area, the operator may clear 0.2 hectares of deciduous or unmerchantable coniferous timber within each section of land for that purpose.

AR 60/73 s149;338/79

150 An industrial operator shall, within 60 days of clearing land, remove therefrom the decked timber and put it to some beneficial use or dispose of it by sale or gift.

AR 60/73 s150

151 Decked timber left for a period exceeding 60 days on the site of an industrial clearing is forfeited to the Crown.

AR 60/73 s151;27/2010

152 At the request of the director, a timber operator in the vicinity of decked timber forfeited to the Crown shall salvage the timber within the time allowed.

AR 60/73 s152;27/2010

153(1) Where the holder of a forest management agreement or a timber quota neglects or refuses a request from the director to salvage timber in a management unit in which he has a forest

management agreement or timber quota, the volume of unsalvaged timber may be charged as production against the timber quota or forest management agreement.

(2) The holder of a commercial timber permit or a coniferous community timber permit shall salvage decked timber located in the general vicinity of his operations when he is requested to do so by the director.

AR 60/73 s153;234/2004;27/2010

Assignments

154 No assignment of a forest management agreement, timber quota, licence, coniferous community timber permit or commercial timber permit is valid until it is approved by the Department and registered in the records of the Department of Environment and Sustainable Resource Development.

AR 60/73 s154;301/81;18/94;206/2001;234/2004;27/2010;
170/2012

154.1(1) An individual who holds a coniferous community timber permit may not assign that timber disposition except to

- (a) the individual's spouse or adult interdependent partner, son, daughter, son-in-law or daughter-in-law, whether including or excluding that individual as an assignee, or
- (b) a corporation wholly owned by the individual and the individual's spouse or adult interdependent partner, son, daughter, son-in-law, daughter-in-law, or any of them.

(2) An individual who holds a coniferous community timber licence or the coniferous timber quota with which that licence is associated may not assign that licence or quota except to a person described in subsection (1)(a).

(3) A corporation may not assign a coniferous community timber permit, a coniferous community timber licence or the coniferous timber quota with which that licence is associated.

AR 234/2004 s18

155 Repealed AR 205/2009 s2.

156(1) The assignor of a forest management agreement, a coniferous timber quota or a deciduous timber allocation shall submit to the director with the assignment

- (a) a fee of \$1250 for that assignment, and

- (b) in the case of a coniferous timber quota or a deciduous timber allocation, an additional fee of \$50 for each associated timber licence assigned.

(2) Repealed AR 205/2009 s3.

(3) The assignor of a coniferous community timber permit or coniferous community timber licence shall submit to the director with the assignment a fee of \$500.

AR 60/73 s156;338/79;18/94;234/2004;205/2009;27/2010

157 Repealed AR 205/2009 s4.

158 The assignment fee or fees prescribed by section 156(1) or (3) or section 161 shall be reduced by half when

- (a) the assignor assigns to his spouse or adult interdependent partner, son, daughter, son-in-law, daughter-in-law, whether including or excluding himself as an assignee, or
- (b) the assignment is in favor of a corporation wholly owned by the assignor and his spouse or adult interdependent partner, son, daughter, son-in-law, daughter-in-law, or any of them.

AR 60/73 s158;301/81;109/2003;234/2004;205/2009

159 Repealed AR 205/2009 s6.

160 At the request of the director a corporation acquiring or holding a timber quota shall file with the director a statement setting out the name and address of each shareholder and the number of shares held by each certified as to its correctness by a director of the corporation.

AR 60/73 s160;27/2010

161 The assignor of a commercial timber permit shall submit to the director with his assignment a fee of \$500.

AR 60/73 s161;28/99;27/2010

162 Local timber permits may not be assigned.

AR 60/73 s162

163 Every assignment made shall be an unconditional assignment of the entire interest therein of the assignor, but the assignor may also be one of the assignees.

AR 60/73 s163

General Provisions

164 The Department shall manage the forest resources in accordance with established forestry principles and in the economic interest of the public and to achieve that objective, without limiting the generality of the discretionary powers of the Department's officials, the Minister or the director, as the case may be, may

- (a) refuse to allow green timber to be harvested in an area where dead or damaged timber is available in sufficient quantities for the required use, or for any other reason;
- (b) refuse to issue a timber disposition to any person who has within three years of his application contravened the provisions of the Act or the regulations, or who is known to owe money to the Crown in right of Alberta or to the Forest Resource Improvement Association of Alberta.

AR 60/73 s164;234/2004;27/2010

164.1(1) No person shall bring into Alberta logs or other forest products cut from coniferous trees that have bark attached without obtaining the approval in writing of the director at least 3 months prior to importation.

(2) The director may withhold his approval if in his opinion the bringing into Alberta of the product referred to in subsection (1) could cause or increase the damage to forest growth by insects or disease.

(3) The director may restrict or prohibit the transportation within Alberta of logs or other forest products cut from coniferous trees that have bark attached if in the opinion of the director the movement of the products could cause or increase the damage to forest growth by insects or disease.

AR 301/81 s16;238/2007;27/2010

165 When a timber licence or permit is issued, the holder thereof shall be bound by all the conditions endorsed thereon unless within 15 days of receipt thereof the holder in writing notifies the director of an objection being raised against any condition, whereupon the director, in his discretion, may vary the condition to the holder's satisfaction or cancel the disposition.

AR 60/73 s165;18/94;27/2010

166 The execution of a quota certificate, assignment, tender or any other document by a person other than a corporation is valid to the same extent as if it were under seal if it is executed by that person by making of his signature and without the use of a seal.

AR 60/73 s166

167 Notwithstanding anything to the contrary in the charter, memorandum or articles of association of the corporation, or any statute, for the purposes of the Act and regulations any document executed by a corporation shall be deemed sufficiently executed when the corporate name and seal of the corporation has been affixed and countersigned by at least one officer of the corporation.

AR 60/73 s167

168 Every person who purchases timber and primary timber products other than from a retail outlet is responsible to determine whether or not Crown charges have been paid for timber and primary timber products he purchases.

AR 60/73 s168

169 Throughout this regulation, where a form is designated with the initials TM and a number, the form used shall be identical with that designated under the same initials and number in the *Timber Regulation* established by the Minister under authority of section 5 of the Act unless it is a substitute form specifically authorized in writing by the Minister.

AR 60/73 s169;163/85

170 Every person harvesting Crown timber shall notify the director of the new location of his office, mill or plant within 30 days of any change in such location.

AR 60/73 s170;27/2010

170.1 A person to whom an order made pursuant to this Regulation is directed shall comply with the order.

AR 60/91 s27

Penalties

171 For each contravention of any provision of the Act, the offender is liable to a penalty in the amount set out in Schedule 1.

AR 60/73 s171;182/95

172 For each contravention of any provision of these regulations for which a penalty has not been fixed, the offender is liable to a penalty in the amount set out in Schedule 2.

AR 60/73 s172;182/95

173 When the penalty is prescribed in terms of assessed timber dues the penalty is assessed in addition to payment of dues for any forest products produced and the rate of timber dues in effect at the time the violation occurred shall apply, but when the date of the violation is unknown the rate of timber dues in effect at the date of the discovery of the violation shall be applied.

AR 60/73 s173

173.1 The penalties under Schedules 1 and 2 are payable in addition to the reforestation levies, where applicable, payable under Part 6.

AR 182/95 s10

Rescission

174 Alberta Regulation 161/66 being the *Forest Management Regulations*, is rescinded.

AR 60/73 s174

175 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 30, 2020.

AR 266/2003 s14;238/2007;39/2013

176 For the purpose of ensuring that timber dues for coniferous timber are reviewed to reflect current market and financial conditions, the Minister shall delegate to an employee of the Minister's Department the authority to review the following by September 1, 2007, and at least once every 3 years, thereafter:

section 39;
section 81;
section 92;
the Table in Schedule 3.

AR 168/2005 s9

Schedule 1

Penalties for Contravention - Forests Act

<u>Contravened Section</u>	<u>Penalty</u>
10	Not less than single nor more than 4 times the General Rates of Crown Dues, with a minimum penalty of \$100, and an amount equal to the applicable reforestation levy prescribed in section 143.9(4)(a)(ii), in the case of coniferous timber and 143.9(4)(b), in the case of deciduous timber, as adjusted in accordance with section 144(1).
18(4)	Twice the General Rate of Crown Dues.
29	Not less than \$50 or more than \$500 on the first offence. Not less than \$100 or more than \$1000 on any subsequent offence which occurs within 2 years of the payment of any penalty for a previous offence of the same section.
31	Not less than \$300 nor more than \$10 000 for each offence.
44	Not less than \$50 or more than \$100 on the first offence. Not less than \$100 or more than \$200 on any subsequent offence which occurs within 2 years of the payment of any penalty for a previous offence of the same section.

AR 60/73 Sched. Tbl. 2;163/85;60/91;18/94;182/95;200/96

Schedule 2

Penalties for Contravention

<u>Contravened Section of Regulation</u>	<u>Penalty</u>
57(1)(b), 64, 68, 72, 73, 105, 112, 113, 114, 115.1, 119, 120, 169	Not less than \$50 nor more than \$500 on the first offence. Not less than \$100 nor more than \$1000 on any subsequent offence that occurs within 2 years of the payment of any penalty for a previous offence against the same section.

74, 160, 170	Not less than \$10 nor more than \$100 for each offence.
70, 109	Not less than \$50 nor more than \$100 for each offence.
71, 98, 100(1)(h), 143.1, 143.2(2), 144.3	Not less than \$100 nor more than \$500 for each offence.
57(1)(c), 99, 100(1)(a), (b), (c), (d), (f), (g), (i) and (j), 101(3), 141.3(2), 141.5, 142(2), 142.8, 143(2), 144.2, 146, 164.1	Not less than \$300 nor more than \$5000 for each offence.
122.02, 122.03	Not less than \$500 nor more than \$5000 for each offence.
100(1)(e), 111, 148, 153(2)	Where the director can readily estimate the volume of timber that has been wasted, he may assess a penalty of not less than twice and not more than 4 times the general rate of timber dues on the estimated volume. Otherwise he may assess a penalty of not less than \$100 nor more than \$1000 for each offence.
116.1	Where there is unreported volume, not less than \$1000 and not more than twice the amount of the general rate of timber dues payable on the unreported volume if that amount is greater than \$1000. Where there is not any unreported volume, not less than \$1000 nor more than \$5000.
117, 117.1	Not less than \$200 nor more than \$500 for each offence.
118(1)	Where the form is inaccurate or incomplete or the wrong form is produced, not less than \$200 nor more than \$500 for each offence. Where a form is not produced when demanded, not less than \$1000 nor more than

\$5000 for each offence.

141.1(1),
141.6(2) \$2.50 per hectare for each month of
contravention.

141.6(1), 141.61,
141.7(1) For each late submission of an acceptable
survey or commitment, the director may
assess a penalty in accordance with the
following table computed on the director's
estimate of the area involved and on the date
when the acceptable submission of the survey
or commitment is made:

Month following end of year in which acceptable submission of the survey or commitment was required by the applicable provision	Penalty to be assessed for each hectare that is the subject of the submission, where an acceptable submission of the survey or commitment is received in the relevant month listed in the first column
May	\$0.02 for each day of the month until submission received.
June	\$0.62 plus \$0.05 for each day of the month until submission received.
July	\$2.12 plus \$0.07 for each day of the month until submission received.
August	\$4.29 plus \$0.10 for each day of the month until submission received.
September	\$7.39 plus \$0.10 for each day of the month until submission received.
October	\$10.39 plus \$0.10 for each day of the month until submission received.
November	\$13.49 plus \$0.10 for each day of the month until submission received.
December	\$16.49 for submission received on any date in the month.
January February March April	\$17.30 for submission received on any date in any of the months.

	<p>The penalties shown are repeated in each consecutive year, in addition to the penalties assessed in the previous years, until acceptable submission of the survey or commitment, as the case may be, is received, although other action may also be taken by the Department as provided in the Act and the Regulation.</p>
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AR 60/73 Sched. Tbl.3;72/73;102/73;220/77;378/78;338/79;124/80;163/85;
60/91; 18/94;182/95;296/95;67/96;200/96;28/99;242/2000;266/2003;
238/2007;205/2008;27/2010

Schedule 3

General Rate of Timber Dues Coniferous Timber Used to Make Lumber, Pulp or Roundwood Timber Products

The general rate of dues payable for coniferous timber that is used or will be used to make lumber, pulp or roundwood timber products in a month in which the dues determination activity occurs (referred to as the “payment month”) is calculated as follows:

- (a) by
 - (i) taking the weekly price from the last week ending in the month preceding the payment month and the 3 immediately preceding weeks for 1000 board feet of western spruce, pine and fir that is kiln-dried, random lengths, 2” x 4”, #2 and better
 - (A) as published by Random Lengths Publications Inc. in *The Weekly Report on North American Forest Products Markets*, or
 - (B) if paragraph (A) does not apply, as provided for or estimated by the Minister,
 - (ii) adjusting each of those 4 prices to Canadian funds using the exchange rate that is prescribed by the Minister for the particular week, and
 - (iii) averaging those 4 adjusted prices,
 - (iv) repealed AR 266/2003 s16;
- (b) the general rate of dues payable per cubic metre of roundwood is the amount shown in Column 2 of the Table

that is opposite the random lengths price range in Column 1 of the Table that contains the reduced average price referred to in clause (a)(iv).

Table

Part A

For First 107 296 Cubic Metres of Roundwood in respect of which the Dues Determination Activity occurs during May 1 to April 30

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
\$0.01 - \$364.00	\$1.90
364.01 - 384.00	2.15
384.01 - 404.00	2.65
404.01 - 424.00	3.15
424.01 - 444.00	3.64
444.01 - 464.00	4.28
464.01 - 484.00	4.89
484.01 - 504.00	5.51
504.01 - 524.00	6.12
524.01 - 544.00	6.80
544.01 - 564.00	7.54
564.01 - 584.00	8.27
584.01 - 604.00	9.01
604.01 - 624.00	9.81
624.01 - 644.00	10.67
644.01 - 664.00	11.53
664.01 - 684.00	12.39
684.01 - 704.00	13.32
704.01 - 724.00	14.30
724.01 - 744.00	15.29
744.01 - 764.00	16.27
764.01 - 784.00	17.31

Column 1	Column 2
Random Lengths Price in \$ per 1000 Board Feet	Timber Dues Payable per Cubic Metre of Roundwood
784.01 - 804.00	18.42
804.01 - 824.00	19.53
824.01 - 844.00	20.64
844.01 - 864.00	21.80
864.01 - 884.00	23.03
884.01 - 904.00	24.26
904.01 - 924.00	25.49
924.01 - 944.00	26.72
944.01 - 964.00	27.95
964.01 - 984.00	29.18
984.01 - 1 004.00	30.41
1 004.01 - 1 024.00	31.64
1 024.01 - 1 044.00	32.87
1 044.01 - 1 064.00	34.10
1 064.01 - 1 084.00	35.33
1 084.01 - 1 104.00	36.56
1 104.01 - 1 124.00	37.79
1 124.01 - 1 144.00	39.02
1 144.01 - 1 164.00	40.25
1 164.01 - 1 184.00	41.48
1 184.01 - 1 204.00	42.71
1 204.01 - 1 224.00	43.94
1 224.01 - 1 244.00	45.17
1 244.01 - 1 264.00	46.40
1 264.01 - 1 284.00	47.63
1 284.01 - 1 304.00	48.86
1 304.01 - 1 324.00	50.09
1 324.01 - 1 344.00	51.32
1 344.01 - 1 364.00	52.55
1 364.01 - 1 384.00	53.78

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
1 384.01 - 1 404.00	55.01
1 404.01 - 1 424.00	56.24
1 424.01 - 1 444.00	57.47
1 444.01 - 1 464.00	58.70
1 464.01 - 1 484.00	59.93
1 484.01 - 1 504.00	61.16
1 504.01 - 1 524.00	62.39
1 524.01 - 1 544.00	63.62
1 544.01 - 1 564.00	64.85
1 564.01 - 1 584.00	66.08
1 584.01 - 1 604.00	67.31
1 604.01 - 1 624.00	68.54
1 624.01 - 1 644.00	69.77
1 644.01 - 1 664.00	71.00
1 664.01 - 1 684.00	72.23
1 684.01 - 1 704.00	73.46
1 704.01 - 1 724.00	74.69
1 724.01 - 1 744.00	75.92
1 744.01 - 1 764.00	77.15
1 764.01 - 1 784.00	78.38
1 784.01 - 1 804.00	79.61
1 804.01 - 1 824.00	80.84
1 824.01 - 1 844.00	82.07
1 844.01 - 1 864.00	83.30
1 864.01 - 1 884.00	84.53
1 884.01 - 1 904.00	85.76
1 904.01 - 1 924.00	86.99
1 924.01 - 1 944.00	88.22
1 944.01 - 1 964.00	89.45
1 964.01 - 1 984.00	90.68

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
1 984.01 - 2 004.00	91.91
2 004.01 - 2 024.00	93.14
2 024.01 - 2 044.00	94.37
2 044.01 - 2 064.00	95.60
2 064.01 - 2 084.00	96.83
2 084.01 - 2 104.00	98.06
2 104.01 - 2 124.00	99.29
2 124.01 - 2 144.00	100.52
2 144.01 - 2 164.00	101.75
2 164.01 - 2 184.00	102.98
2 184.01 - 2 204.00	104.21
2 204.01 - 2 224.00	105.44
2 224.01 - 2 244.00	106.67
2 244.01 - 2 264.00	107.90
2 264.01 - 2 284.00	109.13
2 284.01 - 2 304.00	110.36
2 304.01 - 2 324.00	111.59
2 324.01 - 2 344.00	112.82
2 344.01 - 2 364.00	114.05
2 364.01 - 2 384.00	115.28
2 384.01 - 2 404.00	116.51
2 404.01 - 2 424.00	117.74
2 424.01 - 2 444.00	118.97
2 444.01 - 2 464.00	120.20
2 464.01 - 2 484.00	121.43
2 484.01 - 2 504.00	122.66
2 504.01 - 2 524.00	123.89
2 524.01 - 2 544.00	125.12
2 544.01 - 2 564.00	126.35
2 564.01 - 2 584.00	127.58

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
2 584.01 - 2 604.00	128.81
2 604.01 - 2 624.00	130.04
2 624.01 - 2 644.00	131.27
2 644.01 - 2 664.00	132.50
2 664.01 - 2 684.00	133.73
2 684.01 - 2 704.00	134.96
2 704.01 - 2 724.00	136.19

Part B

Excess over 107 296 Cubic Metres of Roundwood in respect of which the Dues Determination Activity occurs during May 1 to April 30

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
\$0.01 - \$335.00	\$1.90
335.01 - 347.00	2.15
347.01 - 359.00	2.65
359.01 - 371.00	3.15
371.01 - 383.00	3.64
383.01 - 395.00	4.28
395.01 - 407.00	4.89
407.01 - 419.00	5.51
419.01 - 431.00	6.12
431.01 - 443.00	6.80
443.01 - 455.00	7.54
455.01 - 467.00	8.27
467.01 - 479.00	9.01
479.01 - 491.00	9.81
491.01 - 503.00	10.67
503.01 - 515.00	11.53

Column 1	Column 2
Random Lengths Price in \$ per 1000 Board Feet	Timber Dues Payable per Cubic Metre of Roundwood
515.01 - 527.00	12.39
527.01 - 539.00	13.32
539.01 - 551.00	14.30
551.01 - 563.00	15.29
563.01 - 575.00	16.27
575.01 - 587.00	17.31
587.01 - 599.00	18.42
599.01 - 611.00	19.53
611.01 - 623.00	20.64
623.01 - 635.00	21.80
635.01 - 647.00	23.03
647.01 - 659.00	24.26
659.01 - 671.00	25.49
671.01 - 683.00	26.72
683.01 - 695.00	27.95
695.01 - 707.00	29.18
707.01 - 719.00	30.41
719.01 - 731.00	31.64
731.01 - 743.00	32.87
743.01 - 755.00	34.10
755.01 - 767.00	35.33
767.01 - 779.00	36.56
779.01 - 791.00	37.79
791.01 - 803.00	39.02
803.01 - 815.00	40.25
815.01 - 827.00	41.48
827.01 - 839.00	42.71
839.01 - 851.00	43.94
851.01 - 863.00	45.17
863.01 - 875.00	46.40

Column 1	Column 2
Random Lengths Price in \$ per 1000 Board Feet	Timber Dues Payable per Cubic Metre of Roundwood
875.01 - 887.00	47.63
887.01 - 899.00	48.86
899.01 - 911.00	50.09
911.01 - 923.00	51.32
923.01 - 935.00	52.55
935.01 - 947.00	53.78
947.01 - 959.00	55.01
959.01 - 971.00	56.24
971.01 - 983.00	57.47
983.01 - 995.00	58.70
995.01 - 1 007.00	59.93
1 007.01 - 1 019.00	61.16
1 019.01 - 1 031.00	62.39
1 031.01 - 1 043.00	63.62
1 043.01 - 1 055.00	64.85
1 055.01 - 1 067.00	66.08
1 067.01 - 1 079.00	67.31
1 079.01 - 1 091.00	68.54
1 091.01 - 1 103.00	69.77
1 103.01 - 1 115.00	71.00
1 115.01 - 1 127.00	72.23
1 127.01 - 1 139.00	73.46
1 139.01 - 1 151.00	74.69
1 151.01 - 1 163.00	75.92
1 163.01 - 1 175.00	77.15
1 175.01 - 1 187.00	78.38
1 187.01 - 1 199.00	79.61
1 199.01 - 1 211.00	80.84
1 211.01 - 1 223.00	82.07
1 223.01 - 1 235.00	83.30

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
1 235.01 - 1 247.00	84.53
1 247.01 - 1 259.00	85.76
1 259.01 - 1 271.00	86.99
1 271.01 - 1 283.00	88.22
1 283.01 - 1 295.00	89.45
1 295.01 - 1 307.00	90.68
1 307.01 - 1 319.00	91.91
1 319.01 - 1 331.00	93.14
1 331.01 - 1 343.00	94.37
1 343.01 - 1 355.00	95.60
1 355.01 - 1 367.00	96.83
1 367.01 - 1 379.00	98.06
1 379.01 - 1 391.00	99.29
1 391.01 - 1 403.00	100.52
1 403.01 - 1 415.00	101.75
1 415.01 - 1 427.00	102.98
1 427.01 - 1 439.00	104.21
1 439.01 - 1 451.00	105.44
1 451.01 - 1 463.00	106.67
1 463.01 - 1 475.00	107.90
1 475.01 - 1 487.00	109.13
1 487.01 - 1 499.00	110.36
1 499.01 - 1 511.00	111.59
1 511.01 - 1 523.00	112.82
1 523.01 - 1 535.00	114.05
1 535.01 - 1 547.00	115.28
1 547.01 - 1 559.00	116.51
1 559.01 - 1 571.00	117.74
1 571.01 - 1 583.00	118.97
1 583.01 - 1 595.00	120.20

Column 1 Random Lengths Price in \$ per 1000 Board Feet	Column 2 Timber Dues Payable per Cubic Metre of Roundwood
1 595.01 - 1 607.00	121.43
1 607.01 - 1 619.00	122.66
1 619.01 - 1 631.00	123.89
1 631.01 - 1 643.00	125.12
1 643.01 - 1 655.00	126.35
1 655.01 - 1 667.00	127.58
1 667.01 - 1 679.00	128.81
1 679.01 - 1 691.00	130.04
1 691.01 - 1 703.00	131.27
1 703.01 - 1 715.00	132.50
1 715.01 - 1 727.00	133.73
1 727.01 - 1 739.00	134.96
1 739.01 - 1 751.00	136.19

AR 18/94 s45;182/95;28/99;266/2003;168/2005;78/2007;76/2010;
39/2013

Schedule 4

General Rate of Timber Dues Timber Used to Make Oriented Strand Board

1 The timber dues for timber scaled or delivered to a mill, whichever occurs first, in a quarter of the year are the rate set out in column 2 of the following table that is opposite the price range in column 1, which is the average monthly price during the same payment period for 1000 square feet (referred to as MSF) of 7/16 inch oriented strand board (referred to as OSB) as calculated under item 2 of this Schedule.

Table

COLUMN 1 OSB Price Range \$ per MSF 7/16 inch	COLUMN 2 Timber Dues \$ per cubic metre of roundwood
0.00 - 369.99	0.53
370.00 - 394.99	1.13

395.00	-	419.99	2.02
420.00	-	444.99	3.81
445.00	-	469.99	7.38
470.00	-	494.99	10.96
495.00	-	519.99	14.53
520.00	-	544.99	18.11
545.00	-	569.99	21.68
570.00	-	594.99	25.26
595.00	-	619.99	28.83
620.00	-	644.99	34.79
645.00	-	669.99	40.75
670.00	-	694.99	46.70
695.00	-	719.99	52.66
720.00	-	744.99	58.62
745.00	-	769.99	64.58
770.00	-	794.99	70.54
795.00	-	819.99	76.50

2 The average monthly price for MSF of 7/16 inch OSB in a quarter of the year is calculated by

- (a) determining for each month in the quarter of the year the average net F.O.B. mill price for MSF of 7/16 inch OSB for western Canadian mills as shown in the publication titled Random Lengths, published by Random Lengths Publications Inc.,
- (b) converting each monthly average price into Canadian dollars using the exchange rate prescribed by the Minister for each month, and
- (c) calculating the average of those converted prices for those 3 months in the quarter of the year.

AR 182/95 s15;265/2003;205/2009

Schedule 5

General Rate of Timber Dues Deciduous Timber Used to Make Pulp

1 The general rate of dues for deciduous timber that is used or will be used to make pulp in a month in which the dues determination activity occurs (referred to as the “payment month”) is calculated as follows:

- (a) by
 - (i) taking the price of northern hardwood kraft pulp delivered to the United States for the month

preceding the payment month as shown in the publication titled “Pulp and Paper Week” published by Millar Freeman Inc or, if the published prices are set out as a range of prices, by taking the mid-point of the range of prices, and

- (ii) adjusting that price to Canadian funds using the exchange rate that is prescribed by the Minister for the particular month;
- (b) the general rate of dues payable per cubic metre of roundwood is the amount shown in Column 2 of the Table that is opposite the hardwood kraft pulp price range in Column 1 of the Table that contains the adjusted price referred to in clause (a)(ii).

2(1) In this section,

- (a) “adjustment year” means the year in which an adjustment under subsection (2) is made;
- (b) “annual price index” means the annual implicit price index for gross domestic product at market prices as published in the National Economic and Financial Accounts;
- (c) “National Economic and Financial Accounts” means the National Economic and Financial Accounts published by Statistics Canada as Catalogue 13-001-XPB.

(2) The amounts in Column 1 of the Table are adjusted each May 1, starting on May 1, 2000, in the following manner:

- (a) by taking the maximum amount in the first price range in Column 1 that is in effect on April 30 of the adjustment year and multiplying it by the fraction described in subsection (3);
- (b) by taking the maximum amount in the first price range in Column 1 that is in effect on April 30 of the adjustment year and subtracting the product determined under clause (a) and the difference may be a negative amount;
- (c) by taking the difference determined under clause (b) and adding the difference to each amount in Column 1 except for “\$0.01” in Column 1.

(3) The fraction that is to be used under subsection (2)(a) on May 1 of an adjustment year is as follows:

$$\frac{\text{current annual price index}}{\text{previous annual price index}}$$

where

“current annual price index” is the annual price index for the year previous to the adjustment year as published in the National Economic and Financial Accounts for the 4th quarter of the previous year;

“previous annual price index” is the annual price index for the year that is 2 years previous to the adjustment year as published in the National Economic and Financial Accounts for the 4th quarter of the 2nd previous year.

Table

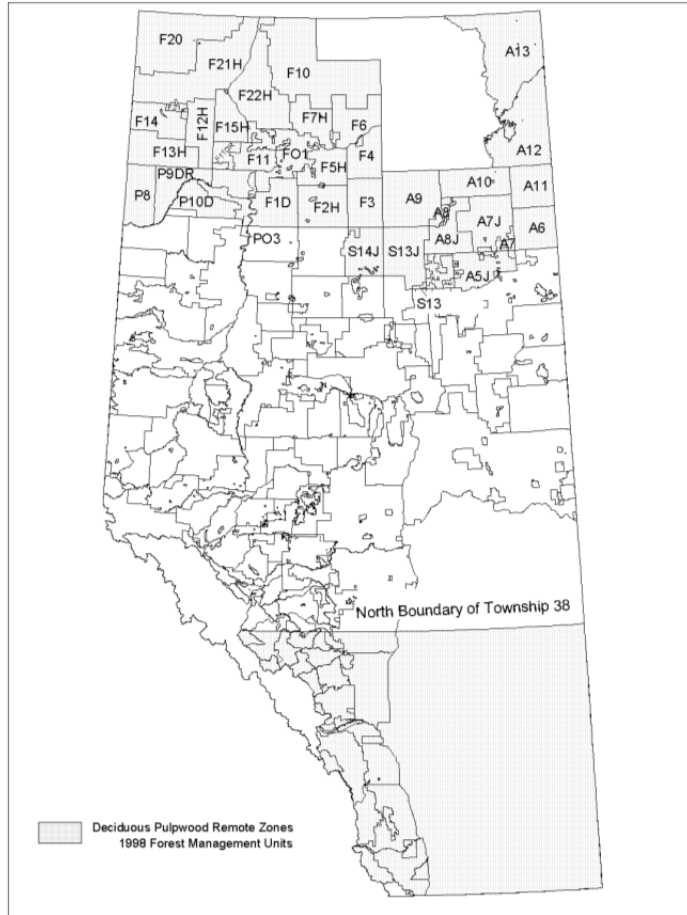
COLUMN 1		COLUMN 2
Hardwood Kraft Pulp		Timber Dues
Price Range in \$ per		Payable per
Air Dried Tonne		Cubic Metre
		of Roundwood
\$0.01	- \$749.99	\$0.20
750.00	- 774.99	0.26
775.00	- 799.99	0.39
800.00	- 824.99	0.52
825.00	- 849.99	0.65
850.00	- 874.99	0.89
875.00	- 899.99	1.04
900.00	- 924.99	1.19
925.00	- 949.99	1.35
950.00	- 974.99	1.72
975.00	- 999.99	1.90
1000.00	- 1024.99	2.08
1025.00	- 1049.99	2.25
1050.00	- 1074.99	2.75
1075.00	- 1099.99	2.96
1100.00	- 1124.99	3.16
1125.00	- 1149.99	3.36
1150.00	- 1174.99	3.99
1175.00	- 1199.99	4.22
1200.00	- 1224.99	4.45
1225.00	- 1249.99	4.68
1250.00	- 1274.99	5.43
1275.00	- 1299.99	5.68
1300.00	- 1324.99	5.94
1325.00	- 1349.99	6.19
1350.00	- 1374.99	7.08
1375.00	- 1399.99	7.36

1400.00	-	1424.99	7.64
1425.00	-	1449.99	7.92
1450.00	-	1474.99	8.92
1475.00	-	1499.99	9.23
1500.00	-	1524.99	9.54
1525.00	-	1549.99	9.84
1550.00	-	1574.99	10.98
1575.00	-	1599.99	11.31
1600.00	-	1624.99	11.64
1625.00	-	1649.99	11.97
1650.00	-	1674.99	13.24
1675.00	-	1699.99	13.59
1700.00	-	1724.99	13.95
1725.00	-	1749.99	14.31
1750.00	-	1774.99	15.70
1775.00	-	1799.99	16.08
1800.00	-	1824.99	16.46
1825.00	-	1849.99	16.85
1850.00	-	1874.99	18.36
1875.00	-	1899.99	18.77
1900.00	-	1924.99	19.18
1925.00	-	1949.99	19.59
1950.00	-	1974.99	21.23
1975.00	-	1999.99	21.67
2000.00	-	2024.99	22.10
2025.00	-	2049.99	22.53

AR 182/95 s15

Schedule 5.1

Deciduous Pulpwood Remote Zones



Schedule 6

General Rate of Timber Dues Timber Used to Make Veneer

1 The timber dues for timber made into veneer that is sold in a month are the rate set out in column 2 of the following table that is opposite the price range in column 1, which is the average price during the previous month for 1000 square feet of 3/8" plywood as calculated under item 2 of this Schedule.

Table

COLUMN 1		COLUMN 2
Plywood Price Range		Timber Dues
\$ per 1000 sq. ft. 3/8"		\$ per cubic
		metre of
		roundwood
0.00	- 279.99	0.53
280.00	- 306.49	1.13
306.50	- 332.99	2.02
333.00	- 359.49	3.81
359.50	- 385.99	7.39
386.00	- 412.49	10.96
412.50	- 438.99	14.54
439.00	- 465.49	18.12
465.50	- 491.99	21.70
492.00	- 518.49	25.27
518.50	- 544.99	28.85
545.00	- 571.49	34.81
571.50	- 597.99	40.78
598.00	- 624.49	46.74
624.50	- 650.99	52.70
651.00	- 677.49	58.66
677.50	- 703.99	64.63
704.00	- 730.49	70.59
730.50	- 756.99	76.55
757.00	- 783.49	82.51

2 The average price for 1000 square feet of 3/8" plywood for the month preceding the month in which the veneer is sold is calculated by

- (a) determining for each full week ending on a Friday of the month preceding the month in which the veneer is sold the adjusted price for each week as calculated under item 3 of this Schedule,
- (b) converting each weekly adjusted price into Canadian dollars using the exchange rate prescribed by the Minister for each week, and
- (c) calculating the average of those converted prices.

3 The adjusted price for a week is calculated by the formula:

$$AP = RLP \times .7203 \times (100\% - Y)$$

where

“AP” is the adjusted price;

“RLP” is the weekly net F.O.B. mill price of Western Plywood, CD exterior, inland mills 1/2” 4-5 ply as shown in the publication titled Random Lengths, published by Random Lengths Publications Inc.;

“Y” is the duty payable on the timber expressed as a percentage that is prescribed by the director.

4 Repealed AR 266/2003 s17.

AR 182/95 s15;266/2003;27/2010

Schedule 7

**General Rate of Timber Dues for
Coniferous Timber Used to Make
Laminated Veneer Lumber**

1(1) The general rate of timber dues for coniferous timber that is used or will be used to make laminated veneer lumber in a month in which the dues determination activity occurs (in this Schedule referred to as the “payment month”) is calculated as follows:

- (a) the producer of laminated veneer lumber (in this Schedule referred to as “the producer”) shall report to the director by the 10th day of the month following the payment month the average mill net selling price, free-on-board at the mill, received by the producer in the payment month for its sales of laminated veneer lumber, green veneer and dry veneer;
- (b) the producer shall calculate the average mill net selling price referred to in clause (a) by
 - (i) determining the producer’s total revenue for the payment month for laminated veneer lumber, green veneer and dry veneer, adjusted to bring the revenues to a free-on-board basis by deducting any shipping costs beyond the mill yard, but not deducting any discounts for brokerage fees or early payments,
 - (ii) converting any laminated veneer lumber sales in the payment month measured in cubic feet to thousands of square feet on a 3/8 inch basis by multiplying the cubic feet volume by .032 and determining a total volume of laminated veneer lumber sales in thousands of square feet on a 3/8 inch basis for the payment month,

- (iii) determining the volume of green and dry veneer sales in the payment month in thousands of square feet on a 3/8 inch basis,
 - (iv) dividing the total mill net revenues determined in subclause (i) by the sum of the laminated veneer lumber sales volumes determined in subclause (ii) and green and dry veneer sales volume determined in subclause (iii), and
 - (v) where intra-corporate transfers or sales to affiliates, associates and subsidiaries exceed 10% of the total value of sales in the payment month, subtracting any intra-corporate transfers or sales to affiliates from the calculation of the average mill net selling price;
- (c) the producer shall report by the 10th day of the month following the payment month the mill capacity utilization level;
- (d) the producer shall calculate the monthly mill capacity utilization level referred to in clause (c) by dividing the total number of days, to the nearest whole day, the laminated veneer lumber mill operated in the payment month, and dividing that number by the potential operating days in the corresponding month in Table 1, and multiplying that result by 100;
- (e) subject to clause (f), the general rate of timber dues is the amount shown in Table 2 at the intersection of the column corresponding to the reported mill capacity utilization level and the row corresponding to the monthly average mill net selling price for laminated veneer lumber and veneers;
- (f) where the producer reports mill capacity levels greater than 80% in 3 consecutive months, the general rate of dues payable per cubic metre of roundwood is the amount shown in the right-hand column (80+% mill capacity level) for all subsequent months.
- (2)** For the purposes of subsection (1)(b)(v), “affiliate”, “associate” and “subsidiary” have the meanings given to them in the *Business Corporations Act*.

Table 1

<u>Month</u>	Potential Operating <u>Days</u>
January	28.0

February	26.0
March	28.5
April	27.0
May	28.0
June	27.5
July	28.0
August	28.0
September	26.5
October	28.0
November	27.0
December	20.0

Table 2

Monthly Average Mill Net Selling Price for Laminated Veneer Lumber and Veneers (\$/MSF 3/8")			Timber Dues Rates per Cubic Metre of Roundwood					
			Mill Capacity Utilization (Operating Days as a % of Available Days in Month)					
			0 - 39.9%	40 - 49.9%	50 - 59.9%	60 - 69.9%	70 - 79.9%	80+%
		< 256.00	1.40	1.40	1.40	1.40	1.40	1.40
256.00	-	279.99	2.36	1.40	1.40	1.40	1.40	1.40
280.00	-	303.99	4.32	2.28	1.40	1.40	1.40	1.40
304.00	-	327.99	6.28	4.24	2.07	1.40	1.40	1.40
328.00	-	351.99	8.25	6.21	4.04	1.72	1.40	1.40
352.00	-	375.99	10.91	8.17	6.00	3.68	1.40	1.40
376.00	-	399.99	14.19	10.79	7.96	5.64	3.16	1.40
400.00	-	423.99	17.46	14.06	10.44	7.61	5.13	2.47
424.00	-	447.99	20.73	17.33	13.71	9.85	7.09	4.43
448.00	-	471.99	24.38	20.60	16.98	13.12	9.05	6.39
472.00	-	495.99	28.31	24.23	20.25	16.39	12.26	8.36
496.00	-	519.99	32.23	28.15	23.81	19.66	15.53	11.10
520.00	-	543.99	36.16	32.08	27.73	23.10	18.80	14.37
544.00	-	567.99	40.49	36.00	31.66	27.02	22.07	17.64
568.00	-	591.99	45.07	40.31	35.59	30.95	25.99	20.91
592.00	-	615.99	49.65	44.89	39.82	34.88	29.92	24.60
616.00	-	639.99	54.23	49.47	44.40	38.99	33.84	28.53
640.00	-	663.99	59.25	54.05	48.98	43.57	37.79	32.45

Monthly Average Mill Net Selling Price for Laminated Veneer Lumber and Veneers (\$/MSF 3/8")			Timber Dues Rates per Cubic Metre of Roundwood					
			Mill Capacity Utilization (Operating Days as a % of Available Days in Month)					
			0 - 39.9%	40 - 49.9%	50 - 59.9%	60 - 69.9%	70 - 79.9%	80+%
664.00	-	687.99	64.48	59.04	53.56	48.15	42.37	36.38
688.00	-	711.99	69.71	64.28	58.48	52.74	46.95	40.75
712.00	-	735.99	74.95	69.51	63.72	57.54	51.53	45.33
736.00	-	759.99	80.64	74.74	68.95	62.77	56.16	49.91
760.00	-	783.99	86.53	80.41	74.19	68.00	61.39	54.49
784.00	-	807.99	92.42	86.30	79.79	73.24	66.63	59.54
808.00	-	831.99	98.31	92.19	85.68	78.72	71.86	64.77
832.00	-	855.99	104.69	98.08	91.56	84.61	77.17	70.01
856.00	-	879.99	111.23	104.43	97.45	90.50	83.06	75.24
880.00	-	903.99	117.77	110.98	103.73	96.39	88.95	80.98
904.00	-	927.99	124.32	117.52	110.28	102.55	94.84	86.86
928.00	-	951.99	130.86	124.06	116.82	109.09	100.83	92.75
952.00	-	975.99	137.40	130.60	123.36	115.64	107.37	98.64
976.00	-	999.99	143.95	137.15	129.91	122.18	113.92	105.06
1,000.00	-	1,023.99	150.49	143.69	136.45	128.72	120.46	111.60
1,024.00	-	1,047.99	157.03	150.23	142.99	135.27	127.00	118.14

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