



Province of Alberta

FORESTS ACT

TIMBER MANAGEMENT REGULATION

Alberta Regulation 60/1973

With amendments up to and including Alberta Regulation 75/2021

Current as of May 1, 2021

Office Consolidation

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(Consolidated up to 75/2021)

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;

1.02 “audited” means audited by a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;

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 the director 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 74.2;

3.2 “community timber manufacturer” means the owner of a mill that is registered under section 74.2;

3.21 “community timber permit” means a coniferous community timber permit or deciduous community timber permit;

- 3.3 “coniferous community timber licence” means a timber disposition issued pursuant to the Act and Division 5 of Part 3 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 Division 5 of Part 3 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 the holder of a coniferous timber quota 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;
- 4.2 “deciduous community timber permit” means a timber disposition issued under the Act and Division 5 of Part 3 of this Regulation authorizing a person to harvest predominately deciduous timber and minor amounts of coniferous timber;
- 5 “deciduous timber allocation” means a quota of deciduous timber;
- 6 “deciduous timber licence” means a timber disposition authorizing the holder of a deciduous timber allocation to harvest predominantly deciduous timber 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, and includes a timber quota referred to in section 17(5) of the Act;
- 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 64 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;
- 14.2 “overcut volume” means volume over 100% of the volume authorized by a local timber permit or of the authorized quadrant volume for a quota quadrant;
- 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 personal use forest products permit issued pursuant to the Act and this regulation and may be further described as a commercial timber permittee, a community timber permittee or a local timber permittee depending on the type of permit held;
- 16.1 “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;
- 16.2 “reforestation levy” means a reforestation levy determined under section 5.1 of the *Forest Resources Improvement Regulation* (AR 152/97);

- 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
- (a) cutting, removing, harvesting, manufacturing, transporting or marketing timber or primary timber products, or
 - (b) reforestation;
- 18.1 “utilization standard” means a utilization standard as defined in the *Forests (Ministerial) Regulation*;
- 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;75/2021

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** Where section 17(5) of the Act does not apply, the holder of a timber quota shall obtain a timber licence under section 21 of the Act authorizing the harvest of the timber under that timber quota.

AR 60/73 s4;163/85;75/2021

- 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 forest management unit if the holder has paid the qualifying deposit no less than one hour before the time set for opening of the tenders.

AR 60/73 s7;75/2021

- 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 request to have a part or all of the qualifying deposit applied as a payment toward the bonus price.
AR 60/73 s10;75/2021

11 In the event that the purchaser of the timber quota defaults by failing to pay the bonus price within the 10 days, the purchaser forfeits to the Department a sum equal to 10% of the bonus price.
AR 60/73 s11;27/2010;75/2021

12 The qualifying deposit of the successful purchaser of the timber quota or allocation may be refunded to the purchaser by the director only after the bonus price has been paid in full.
AR 60/73 s12;27/2010;75/2021

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, the director 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;75/2021

15 Quotas shall not be transferred or assigned from one forest management unit to another.
AR 60/73 s15;75/2021

16 When amending the boundaries of a forest management unit, the director may also change the designation of any quota so that it is related to the amended forest management unit in which it is located.
AR 60/73 s16;27/2010;75/2021

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 that quota.

AR 60/73 s17;27/2010;75/2021

18 Where a quota holder owns two or more quotas in the same forest 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;75/2021

19 When the term and quadrant dates of quotas in the same forest 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;75/2021

Division 2 Quota Production Control

20 Repealed AR 67/96 s2.

20.1 A quota holder shall not exceed the authorized quadrant volume in respect of production for a quota quadrant.

AR 75/2021 s20.1

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 entire overcut volume in respect of the quota quadrant, the administrative penalty determined in accordance with section 172 on any overcut volume.

AR 60/73 s22;338/79;18/94;67/96;27/2010;75/2021

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 Government,
- (d) irrevocable letter of credit submitted in accordance with all of the requirements of the Department, or
- (e) repealed AR 75/2021 s14,
- (f) term savings certificates issued by a financial institution acceptable to the Government of Alberta.

(2) Repealed AR 75/2021 s14.

AR 60/73 s30;301/81;27/2002;68/2008;27/2010;31/2012;
62/2013;75/2021

31 The director may allow a holder of a timber disposition in good standing, issued pursuant to the former regulations, to convert

the holder's performance guarantee deposit to conform with the requirements of these regulations.

AR 60/73 s31;27/2010

32 Repealed AR 75/2021 s16.

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 the licensee's 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;75/2021

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, and may establish processes and criteria in respect of those sales.

AR 60/73 s38;378/78;338/79;119/94;27/2010;75/2021

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 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 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 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 section 1(6) of Schedule 1 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;75/2021

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, 33 and 34 apply with all the necessary modifications to a security referred to in section 40.

(2) Sections 29, 30, 31, 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;75/2021

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 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;75/2021

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 Repealed AR 75/2021 s22.

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 the person's 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 any administrative penalty determined in accordance with section 172 on any overcut volume.

(1.1) A person operating under the authority of a local timber permit shall not exceed the authorized volume in respect of production for that permit.

(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;75/2021

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 the permittee's 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;75/2021

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 the director 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, 33 and 34 apply with all necessary modifications to the deposit.

AR 60/73 s62;200/96;27/2010;75/2021

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 Personal Use Forest Products Permit

67(1) In this section, "personal use" means use of primary timber products for other than financial gain by a person.

(2) The director may issue a personal use forest products permit free of charge to any person for the cutting and removal of primary timber products in a quantity determined by the director that is less than 5 cubic metres for personal 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.

(3) A personal use forest products permit is effective for a period of 30 days from the date of issue and the permittee 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;236/2020;75/2021

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

AR 60/73 s68;220/77;236/2020;75/2021

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 Repealed AR 75/2021 s28.

Division 5 Community Timber Program

74.1 The director may establish a community timber program.

AR 234/2004 s5;27/2010;75/2021

74.2(1) A person may apply for registration in the community timber program as a community timber manufacturer or community logger.

(2) The director may approve a person's application for registration as a community timber manufacturer or community logger if

- (a) the number of community timber manufacturers or community loggers, as the case may be, is below the maximum limit determined under subsection (4),
- (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, and
- (c) the person meets the applicable eligibility criteria, including any additional eligibility criteria established by the director.

(3) If the director approves an application under subsection (2), the director shall register the mill owner or logger as a community timber manufacturer or community logger, respectively.

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

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

AR 234/2004 s5;238/2007;27/2010;170/2012;75/2021

74.3(1) The director may, in relation to the community timber program, sell a community timber permit or coniferous community timber licence to a community timber manufacturer or community logger.

(2) The director may specify, in respect of a community timber permit or coniferous community timber licence, the type and amount of coniferous or deciduous timber that may be harvested under the permit or licence.

(3) An applicant for a community timber permit shall deposit with the Department a security in the amount calculated under section 40.

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

AR 234/2004 s5;238/2007;27/2010;75/2021

74.4 If a community timber manufacturer or community logger ceases to meet any of the eligibility criteria required to be met under section 74.2(2)(c), the director may

- (a) suspend or cancel the community timber manufacturer's or community logger's registration in the community timber program, or
- (b) cancel the community timber permit or the coniferous community timber licence held by the community timber manufacturer or community logger, as the case may be.

AR 234/2004 s5;27/2010;75/2021

74.5 Repealed AR 238/2007 s7.

74.6(1) A community timber manufacturer shall not produce more than 21 000 cubic metres of coniferous and deciduous timber in a year from the community timber manufacturer's own timber dispositions.

(2) If, according to the records of the Department, a community timber manufacturer fails to comply with subsection (1), the community timber manufacturer shall pay, in addition to any administrative penalty determined under section 172, the timber dues payable on the timber volume exceeding 21 000 cubic metres.

AR 234/2004 s5;27/2010;170/2012;75/2021

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

permits, coniferous timber licences and deciduous community timber permits.

(2) If the total production calculated under subsection (1) for a 5-year period exceeds 2 500 000 cubic metres, the director shall reduce the authorized volume in respect of coniferous community timber permits, coniferous timber licences or deciduous community timber permits 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;75/2021

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 74.2,
- (b) cancel the 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;75/2021

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), (c) repealed AR 75/2021 s21.

AR 182/95 s6;28/99;206/2001;27/2010;170/2012;75/2021

75.1 The Minister shall by order

- (a) determine which information is to be used to determine the amounts of timber dues by the methods set out in this Regulation, and

- (b) publish the amounts of timber dues determined by the methods set out in this Regulation.

AR 182/95 s6;28/99;27/2010;75/2021

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.

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 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;75/2021

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(1) 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 must be determined in accordance with Schedule 1 and updated each year.

(2) The Minister shall publish the general rate of timber dues referred to in subsection (1) each year.

AR 182/95 s6;28/99;75/2021

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, alpine fir and larch, and
- (b) jack pine, hybrids of jack pine and hybrids of lodgepole pine in forest management units A06 to A16, L01 to L11, LO1/L51 and S23 to S25.

(3) The timber dues for a small stem log that has an average gross volume per metre of length that is less than or equal to 0.024 cubic metres after being scaled are \$0.76 per cubic metre of roundwood.

(4) The timber dues for

- (a) a tree that does not meet the utilization standard that applies in respect of the timber disposition, or
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard that applies in respect of the timber disposition

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;75/2021

81.1(1) Repealed AR 75/2021 s38.

(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 trees meeting the utilization standard that applies in respect of the timber disposition is less than 50 cubic metres;
- (b) the average number of the stand's trees meeting the utilization standard that applies in respect of the timber disposition that are 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;75/2021

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 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, as determined under section 86.

(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;75/2021

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 does not meet the utilization standard that applies in respect of the timber 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;75/2021

83 Repealed AR 28/99 s17.

84(1) The general rate of timber dues for timber that is or will be used to make oriented strand board must be determined in accordance with Schedule 2 and updated every 3 years.

(2) The Minister shall publish the general rate of timber dues referred to in subsection (1) each year.

AR 182/95 s6;75/2021

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 general rate of timber dues for deciduous timber that is or will be used to make oriented strand board, as determined under section 84.

(5) The timber dues for a small stem log that has an average gross volume per metre of length that is less than or equal to 0.024 cubic metres after being scaled 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;75/2021

86(1) 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 must be determined in accordance with Schedule 3 and updated every year.

(2) The Minister shall publish the general rate of timber dues referred to in subsection (1) each year.

AR 182/95 s6;28/99;75/2021

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 does not meet the utilization standard that applies in respect of the timber disposition, or

- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard that applies in respect of the timber disposition

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 described in Schedule 5 are the greater of

- (a) \$0.20 per cubic metre of roundwood, and
- (b) 50% of the general rate of timber dues for deciduous timber used to make pulp, as determined in accordance with section 86.

(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 for deciduous timber used to make pulp, as determined in accordance with section 86.

(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;75/2021

88(1) The general rate of timber dues for timber that is used or will be used to make veneer must be calculated in accordance with Schedule 4 and updated each year.

(2) The Minister shall publish the general rate of timber dues referred to in subsection (1) each year.

AR 182/95 s6;28/99;75/2021

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, alpine fir and larch, and
 - (b) jack pine and hybrids of jack pine and hybrids of lodgepole pine in forest management units A06 to A16, L01 to L11, LO1/L51 and S23 to S25.

(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 general rate of timber dues for coniferous timber that is or will be used to make veneer, as determined under section 88.

(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;75/2021

89.1, 89.2 Repealed AR 75/2021 s47.

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 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.

(1.1) The general rate of timber dues for deciduous timber that is harvested under the authority of a community timber permit and delivered to and manufactured in a mill owned and operated by a community timber manufacturer is the base rate.

(2) Sections 79 to 90 do not apply to timber harvested, delivered and manufactured in accordance with subsection (1) or (1.1).

AR 234/2004 s8;75/2021

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 \$1.90 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;75/2021

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 \$1.90 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;75/2021

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) \$1.90 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) Repealed AR 75/2021 s51.

AR 182/95 s6;153/97;27/2010;75/2021

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, 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;75/2021

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, 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;75/2021

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 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 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;75/2021

Part 5 Timber Harvesting

Division 1 Operations

98(1) A licensee and, at the request of the director, a commercial timber permittee or a 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;75/2021

99 A person who conducts timber operations shall measure and scale timber volumes in accordance with the *Forests (Ministerial) Regulation*.

AR 60/73 s99;75/2021

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

- (a) conduct timber operations in accordance with the approved annual operating plan,
- (a.1) conduct timber operations in accordance with the rules established under subsection (2),
- (a.2) submit plans for the purposes of conducting timber operations that comply with the rules established under subsection (2),
- (a.3) provide records to the director that are, in the director's opinion, complete and accurate,
- (a.4) provide documents, other than records, that are required to be provided under the Act or this Regulation that are, in the director's opinion, complete and accurate,
- (b) comply with the terms and conditions of the timber disposition,
- (c) repealed AR 75/2021 s55,
- (d) remove timber as it is cut,
- (e) utilize the timber in accordance with the utilization standard that applies in respect of the timber disposition,
- (f) repealed AR 75/2021 s55,
- (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 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 excavation

is 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.

AR 60/73 s100;338/79;301/81;60/91;266/2003;238/2007;
60/2017;75/2021

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 the director's order, the director may perform the work that the director 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;75/2021

103 The director may issue a temporary order on 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;75/2021

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 timber disposition with reforestation obligations shall submit to the director, within 2 years after the end of the year of cut of each area of public land cut, final spatial cut block boundaries based on information collected using remote sensing technology.

AR 60/73 s105;238/2007;27/2010;75/2021

106 Information collected using remote sensing technology for the purposes of section 105 must be collected in accordance with the standards established by the director.

AR 60/73 s106;27/2010;75/2021

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 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 the timber operations complete and accurate records in the form

approved by the director of all timber processed including a complete accounting by the receiver of all the timber and timber products shipped, and such records shall be made available to the director and to any forest officer on request.

AR 60/73 s112;163/85;18/94;27/2010;75/2021

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 director 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;75/2021

115 Unless the director requests otherwise, a licensee, community timber permittee or 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 a form approved by 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.

AR 60/73 s115;163/85;18/94;28/99;234/2004;27/2010;75/2021

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 approved by the director for each load that is to be transported, and give to the carrier 2 copies of the completed form.

(2) Notwithstanding subsection (1), the form referred to in subsection (1) 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 personal use forest products permit 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 the form referred to in subsection (1).

AR 60/73 s117;220/77;18/94;296/95;266/2003;236/2020;
75/2021

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 form that the carrier received under section 117 with respect to the load.

AR 60/73 s119;72/73;296/95;75/2021

120 Every shipper, vendor, carrier and consignee or receiver of a primary forest product shall retain in that person's 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;75/2021

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) repealed AR 75/2021 s65;
- (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) repealed AR 75/2021 s65.

(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;75/2021

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 Repealed AR 75/2021 s66.

141 Repealed AR 75/2021 s66.

AR 60/73 s141;60/91;75/2021

141.1(1) Unless otherwise authorized by the Minister, 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;75/2021

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 director 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 the timber disposition holder's 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;75/2021

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

AR 60/91 s26;27/2010;75/2021

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

AR 60/91 s26;238/2007;27/2010;75/2021

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) Repealed AR 75/2021 s71.

AR 60/91 s26;238/2007;27/2010;75/2021

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) to (2.3) Repealed AR 75/2021 s72.

(2.4) For areas cut under the authority of a coniferous timber licence, a coniferous community timber licence or a deciduous timber licence, a holder of one or more quotas

- (a) shall carry out reforestation under this Part if the holder's total combined annual allowable cut under the quota 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 for coniferous and deciduous volumes cut.

(3) to (8) Repealed AR 75/2021 s72.

AR 60/73 s142.3;75/2021

142.4(1) to (4) Repealed AR 75/2021 s73.

(4.1) A person who holds a commercial timber permit or a community timber permit 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 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;75/2021

142.5(1) to (3.2) Repealed AR 75/2021 s74.

(3.3) No reforestation levy is payable by the holder of a local timber permit that is a non-profit organization.

(3.4) The holder of a local timber permit shall pay to the Forest Resource Improvement Association of Alberta the reforestation levies for coniferous and deciduous volumes cut.

(4) No reforestation levy is payable on a local timber permit for

- (a) a tree that does not meet the utilization standard that applies in respect of that permit,
- (b) the portion of a log that is smaller in diameter than the top diameter of the utilization standard that applies in respect of the timber disposition,
- (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;75/2021

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 of the person's 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 excavation

is 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;75/2021

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 the director 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 the person 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) Repealed AR 75/2021 s76.

AR 60/73 s143;60/91;27/2010;75/2021

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

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

AR 60/91 s26;27/2010;75/2021

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, endangered or part of a research trial from the obligation to reforest the area.

AR 60/91 s26;238/2007;27/2010;75/2021

143.41 The director may in writing exempt a person cutting or intending to cut timber in an area from the reforestation obligations under this Part if, in the opinion of the Assistant Deputy Minister, the area will no longer be permanent forest land after the person completes cutting.

AR 75/2021 s79

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

AR 60/91 s26;75/2021

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 the person cut.

AR 60/91 s26;27/2010;75/2021

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 natural disturbance events, including burning, flooding or insects, or if, in the opinion of the Assistant Deputy Minister, the area is no longer permanent forest land, the director may exempt the timber disposition holder from the reforestation obligations under this Part if the director is satisfied that circumstances warrant the exemption.

AR 60/91 s26;27/2010;75/2021

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

AR 60/91 s26;75/2021

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) Repealed AR 75/2021 s83.

(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) to (4) Repealed AR 75/2021 s83.

AR 60/91 s143.9;75/2021

143.91 Repealed AR 75/2021 s84.

144 Repealed AR 75/2021 s85.

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 of the quota holder's licences or permits or those of them that are specified in the order, rather than allowing the quota holder to pay a reforestation levy pursuant to such an election.

AR 60/91 s26;27/2010;75/2021

144.2(1) The Minister may establish rules governing the source and type of forest growth 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 forest growth introduced to public land in contravention of rules established under subsection (1).

AR 60/91 s26;153/97;238/2007;27/2010;75/2021

144.3 A person shall not transport forest growth seed, cones or seedlings to be used in reforestation on public land unless the person possesses a completed document issued by, or in a form approved in writing by, the director authorizing that transportation.

AR 60/91 s26;27/2010;75/2021

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 may relieve an industrial operator from salvaging timber.

AR 60/73 s147;27/2010;75/2021

148(1) Subject to subsection (2), where land is cleared for industrial use in any part of the Green Area, any trees that meet the utilization standards that apply in respect of the timber disposition overlapping the land being cleared must be cut, lopped of roots, branches and tops and decked separately from all other trees and debris on clear land.

(2) If no utilization standard applies in respect of the overlapping timber disposition, the utilization standard that must be met under subsection (1) is 15 cm butt diameter, 10 cm top diameter and 30 cm stump height.

AR 60/73 s148;338/79;60/2017;75/2021

149 Repealed AR 75/2021 s91.

150 An industrial operator shall, within 6 months 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;75/2021

151 Subject to section 151.1, decked timber left on the site of an industrial clearing for a period exceeding 6 months after the date on which the site is cleared is forfeited to the Crown if

- (a) the director provides notice of the forfeiture in writing to the industrial disposition holder, and
- (b) the industrial disposition holder fails to provide, within 30 days of receiving the notice under clause (a), a written plan that demonstrates to the director's satisfaction that the decked timber will be removed from the land and put to some beneficial use or disposed of by sale or gift.

AR 60/73 s151;27/2010;75/2021

151.1 Decked timber left on the site of an industrial clearing after the period referred to in section 151 that is not forfeited to the Crown is considered debris and must be disposed of in accordance with section 2 of the *Forest and Prairie Protection (Ministerial) Regulation* (AR 65/2017).

AR 75/2021 s93

152 Repealed AR 75/2021 s94.

153 The volume of timber resulting from an industrial clearing that is not utilized by the applicable timber disposition holder may be charged as production against that timber disposition holder's timber quota or forest management agreement.

AR 60/73 s153;234/2004;27/2010;75/2021

Assignments

154 No assignment of a forest management agreement, timber quota, licence, community timber permit or commercial timber permit is valid until it is approved by the Department.

AR 60/73 s154;301/81;18/94;206/2001;234/2004;27/2010;
170/2012;75/2021

154.1(1) An individual who holds a 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 community timber permit, a coniferous community timber licence or the coniferous timber quota with which that licence is associated.

AR 234/2004 s18;75/2021

155 Repealed AR 205/2009 s2.

156 The assignor of a timber disposition or a timber quota shall submit to the director with the assignment the fee prescribed by the Minister.

AR 60/73 s156;338/79;18/94;234/2004;205/2009;27/2010;
75/2021

157 Repealed AR 205/2009 s4.

158 Repealed AR 75/2021 s99.

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 Repealed AR 75/2021 s99.

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 3 years of the person's 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;75/2021

164.1(1) No person shall bring into Alberta logs or other forest products cut from trees that have bark attached without obtaining the approval in writing of the director 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 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.

(4) No person shall transport within Alberta logs or other forest products cut from trees that have bark attached contrary to a restriction or prohibition imposed by the director under subsection (3).

AR 301/81 s16;238/2007;27/2010;75/2021

165(1) When a timber licence or permit or timber quota referred to in section 17(5) of the Act is issued, the holder of the licence, permit or quota may, within 30 days after the licence, permit or quota is issued, notify the director in writing of any objection to any condition of the licence, permit or quota.

(2) On receiving a notification under subsection (1), the director shall

- (a) vary the condition to the holder's satisfaction or,
- (b) if the director determines that it is not possible or desirable to vary the condition, cancel the licence, permit or quota with immediate effect.

AR 60/73 s165;18/94;27/2010;75/2021

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 the person's signature and without the use of a seal.

AR 60/73 s166;75/2021

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 that timber and primary timber products.

AR 60/73 s168;75/2021

169 Repealed AR 75/2021 s105.

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

AR 60/73 s170;27/2010;75/2021

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 Where the director is of the opinion that a person has contravened a provision of the Act or this Regulation prescribed in Schedule 6, the director may require the person to pay an administrative penalty under section 59 of the Act.

AR 60/73 s171;182/95;75/2021

172(1) Subject to subsections (2) and (3), the amount of an administrative penalty for each contravention is either or both of the following:

- (a) a daily amount for each day or part of a day on which the contravention occurs and continues, as set out in the Base Penalty Table in Schedule 6;

- (b) a one-time amount to address economic benefit where the director is of the opinion that the person has directly or indirectly derived an economic benefit as a result of the contravention.

(2) In a particular case, the Director may increase or decrease, in accordance with subsection (3), the daily amount of the administrative penalty under subsection (1)(a) from the amount set out in the Base Penalty Table on considering the following factors:

- (a) the degree of wilfulness or negligence in the contravention;
- (b) whether or not there was any mitigation relating to the contravention;
- (c) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (d) whether or not the person who receives the notice of administrative penalty has a history of non-compliance.

(3) Subject to subsection (4), the Director may increase or decrease the daily amount of an administrative penalty under subsection (2) by up to two steps per applicable factor, where each step is an amount equal to 20% of the daily amount set out in the Base Penalty Table.

(4) The maximum administrative penalty that may be imposed for the purposes of subsection (1)(a) in respect of a contravention is \$10 000 for each day or part of a day on which the contravention occurs and continues.

AR 60/73 s172;182/95;75/2021

173 When the administrative penalty is prescribed in terms of assessed timber dues the administrative 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;75/2021

173.1 An administrative penalty set out in Schedule 6 is payable in addition to the reforestation levies, where applicable, payable under Part 6.

AR 182/95 s10;75/2021

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, 2028.

AR 266/2003 s14;238/2007;39/2013;153/2019;75/2021

176 Repealed AR 75/2021 s111.

Schedule 1
General Rate of Timber Dues

**Coniferous Timber — Lumber, Pulp or Roundwood
Timber Products**

1(1) The general rate of timber dues under this Schedule in respect of a price range determined under subsection (4) is the amount determined under subsection (5) that corresponds to that price range.

(2) The Minister must determine, in accordance with section 4 of this Schedule, the cost base for any roundwood over 107 296 cubic metres in respect of which dues determination activity occurs.

(3) The cost base for the first 107 296 cubic metres of roundwood in respect of which dues determination activity occurs is 120% of the cost base determined under subsection (2).

(4) The price ranges referred to in subsection (1) are determined as follows with respect to each cost base determined under subsection (2) and (3):

- (a) for the first price range,
 - (i) the start value of the price range is \$0.01, and
 - (ii) the end value of the price range is the cost base determined under subsection (2) or (3), as applicable, for coniferous timber that is used or will be used to make lumber, pulp or roundwood timber products;
- (b) for the 2nd price range and each subsequent price range,
 - (i) the start value of the price range is the end value of the immediately preceding price range, plus \$0.01, and
 - (ii) the end value of the price range is the end value of the immediately preceding price range, plus one-quarter of an amount representing the return on capital employed, as determined by the Minister in accordance with section 4 of this Schedule.

(5) The general rate of timber dues in respect of the cost base referred to in subsection (2) and a price range determined under subsection (4) is determined as follows:

- (a) in respect of the first price range, \$1.90 per cubic metre of roundwood;

- (b) in respect of the 2nd price range, the total of
 - (i) \$1.90 per cubic metre of roundwood, and
 - (ii) 15% of the incremental price increase from the cost base referred to in subsection (4)(a)(ii) to the value of the mid-point of the 2nd price range, converted in accordance with subsection (7);
- (c) in respect of each subsequent price range, the total of
 - (i) the timber dues in respect of the immediately preceding price range, and
 - (ii) a percentage of incremental price increase between the end value of the current price range, less the end value of the immediately preceding price range, where the percentage is as follows:
 - (A) in respect of the 3rd price range to the 5th price range, 15%;
 - (B) in respect of the 6th price range to the 9th price range, 25%;
 - (C) in respect of the 10th price range to the 13th price range, 30%;
 - (D) in respect of the 14th price range to the 17th price range, 35%;
 - (E) in respect of the 18th price range and each subsequent price range, 40%

converted in accordance with subsection (7).

(6) The general rate of timber dues in respect of the cost base referred to in subsection (3) and a price range determined under subsection (4) is the amount determined under subsection (5) in respect of the corresponding price range.

(7) The amounts referred to in subsection (5)(b)(ii) and (c)(ii) must be converted from dollars per 1000 board feet of lumber produced to dollars per cubic metre, rounded to the nearest cent, using the product recovery factor.

2(1) In this section, “weekly price” means the weekly price for 1000 board feet of lumber as set out in the publication prescribed by the Minister.

(2) The general rate of timber dues payable under this Schedule with respect to a month in which dues determination activity occurs is determined by

- (a) determining the average monthly price by
 - (i) taking
 - (A) the weekly price from the last week ending in a Friday in the month immediately preceding the month in which the dues determination activity occurs, and
 - (B) the weekly prices from the 3 weeks immediately preceding the week referred to in paragraph (A),
 - (ii) converting the 4 prices referred to in subclause (i) to Canadian dollars using the applicable exchange rate for each week as set out in the publication prescribed by the Minister, and
 - (iii) averaging the 4 prices converted under subclause (ii),
- and
- (b) determining the general rate of timber dues that corresponds to the price range within which the average monthly price determined under clause (a) falls under section 1 of this Schedule.

3(1) The portion of the general rate of timber dues that must be remitted to the Forest Resource Improvement Association of Alberta as FRIAA dues within the meaning of the *Forest Resources Improvement Regulation* (AR 152/97) is the lesser of

- (a) the amount of FRIAA dues determined by the Forest Resource Improvement Association of Alberta under section 5 of the *Forest Resources Improvement Regulation* (AR 152/97), and
- (b) an amount determined as follows:
 - (i) in respect of the first price range to the 5th price range, \$0;
 - (ii) in respect of the 6th price range, by multiplying the incremental timber dues in respect of the price range by 40%;
 - (iii) in respect of the 7th price range and each subsequent price range, by multiplying the incremental timber dues in respect of the price range by 40% and adding

the amount determined under this subsection in respect of the immediately preceding price range.

(2) For the purposes of subsection (1), the incremental timber dues in respect of a price range are determined as follows:

$$A = B - C$$

where

A is the incremental timber dues in respect of a price range;

B is the general rate of timber dues determined under section 1 of this Schedule in respect of the price range;

C is the general rate of timber dues determined under section 1 of this Schedule in respect of the price range immediately preceding the price range for which the incremental timber dues are being determined.

4 In determining the cost base under section 1(2) of this Schedule and the return on capital employed for the purposes of section 1(4)(b)(ii) of this Schedule, the Minister shall consider the results of cost and revenue surveys conducted by the Department with respect to Alberta sawmills, including, as available, results relating to

- (a) log and lumber production,
- (b) forestry and logging costs, including
 - (i) costs incurred in providing goods and services in the public interest and to the Government of Alberta, such as reforestation, forest management, pest control and road building and maintenance,
 - (ii) manufacturing costs, and
 - (iii) sales and administration costs,
- (c) lumber and lumber co-product and by-product sales volume and revenue, and
- (d) capital employed.

AR 18/94 s45;182/95;28/99;266/2003;168/2005;78/2007;76/2010;
39/2013;75/2021

Schedule 2
General Rate of Timber Dues

Timber — Oriented Strand Board

1(1) The general rate of timber dues under this Schedule in respect of a price range determined under subsection (2) is the amount determined under subsection (3) that corresponds to that price range.

(2) The price ranges referred to in subsection (1) are determined as follows:

- (a) for the first price range,
 - (i) the start value of the price range is \$0.01, and
 - (ii) the end value of the price range is the cost base for deciduous timber that is used or will be used to make oriented strand board, as determined by the Minister in accordance with section 3 of this Schedule;
- (b) for the 2nd price range and each subsequent price range,
 - (i) the start value of the price range is the end value of the immediately preceding price range, plus \$0.01, and
 - (ii) the end value of the price range is the end value of the immediately preceding price range, plus \$25.

(3) The general rate of timber dues in respect of a price range determined under subsection (2) is determined as follows:

- (a) in respect of the first price range, \$0.53 per cubic metre of roundwood;
- (b) in respect of the 2nd price range, the total of
 - (i) \$0.53 per cubic metre of roundwood, and
 - (ii) 5% of the incremental price increase from the cost base referred to in subsection (2)(a)(ii) to the end value of the 2nd price range, converted in accordance with subsection (4);
- (c) in respect of each subsequent price range, the total of
 - (i) the timber dues in respect of the immediately preceding price range, and

- (ii) a percentage of incremental price increase between the end value of the current price range, less the end value of the immediately preceding price range, where the percentage is as follows:
 - (A) in respect of the 3rd price range, 7.5%;
 - (B) in respect of the 4th price range, 15%;
 - (C) in respect of the 5th price range to the 11th price range, 30%;
 - (D) in respect of the 12th price range and each subsequent price range, 50%

converted in accordance with subsection (4).

(4) The amounts referred to in subsection (3)(b)(ii) and (c)(ii) must be converted from dollars per 1000 square feet of oriented strand board produced to dollars per cubic metre, rounded to the nearest cent, using the product recovery factor.

2(1) In this section, “weekly price” means the weekly price for 1000 square feet of oriented strand board as set out in the publication prescribed by the Minister.

(2) The first quarter of a year begins on May 1.

(3) The general rate of timber dues payable under this Schedule with respect to a quarter of the year in which dues determination activity occurs is determined by

- (a) determining the average quarterly price by
 - (i) taking the weekly price from all weeks ending in a Friday in the quarter in which the dues determination activity occurs,
 - (ii) converting the prices referred to in subclause (i) to Canadian dollars using the applicable exchange rate for each week as set out in the publication prescribed by the Minister, and
 - (iii) averaging the prices converted under subclause (ii),

and

- (b) determining the general rate of timber dues that corresponds to the price range within which the average quarterly price determined under clause (a) falls under section 2 of this Schedule.

3 In determining the cost base for the purposes of section 1 of this Schedule, the Minister shall consider the results of cost and revenue surveys conducted by the Department with respect to Alberta oriented strand board mills, including, as available, results relating to

- (a) log and oriented strand board production,
- (b) forestry and logging costs, including
 - (i) costs incurred in providing goods and services in the public interest and to the Government of Alberta, such as reforestation, forest management, pest control and road building and maintenance,
 - (ii) manufacturing costs, and
 - (iii) sales and administration costs,
- (c) oriented strand board sales volume and revenue, and
- (d) capital employed.

AR 182/95 s15;265/2003;205/2009;75/2021

Schedule 3 General Rate of Timber Dues

Deciduous Timber — Pulp

1(1) The general rate of timber dues under this Schedule in respect of a price range determined under subsection (2) is the amount determined under subsection (3) that corresponds to that price range.

(2) Subject to section 3 of this Schedule, the price ranges referred to in subsection (1) are determined as follows:

- (a) for the first price range,
 - (i) the start value of the price range is \$0.01, and
 - (ii) the end value of the price range is the cost base for deciduous timber that is used or will be used to make pulp, as determined by the Minister in accordance with section 5 of this Schedule;
- (b) for the 2nd price range and each subsequent price range,
 - (i) the start value of the price range is the end value of the immediately preceding price range, plus \$0.01, and

- (ii) the end value of the price range is the end value of the immediately preceding price range, plus \$25.

(3) The general rate of timber dues in respect of a price range determined under subsection (2) is determined as follows:

- (a) in respect of the first price range, \$0.20 per cubic metre of roundwood;
- (b) in respect of each subsequent price range, the total of
 - (i) \$0.20 per cubic metre of roundwood, and
 - (ii) a percentage of the incremental price increase between the mid-point of the current price range, less the cost base, where the percentage is 2.5% in respect of the 2nd cost base and increases by 0.5% increments after every four price ranges up to a maximum of 25%, converted in accordance with subsection (4).

(4) The amount referred to in subsection (3)(b)(ii) must be converted from dollars per air-dried metric tonne of bleached kraft deciduous pulp produced per cubic metre of timber input to dollars per cubic metre, rounded to the nearest cent, using the product recovery factor.

2 The general rate of timber dues payable under this Schedule with respect to a month in which dues determination activity occurs is determined by

- (a) determining the converted monthly price by
 - (i) taking the pulp price for the month preceding the month in which the dues determination activity occurs or, if the pulp price for that month is set out as a range of prices, the mid-point of that range, as set out in the publication prescribed by the Minister, and
 - (ii) converting the price referred to in subclause (i) to Canadian dollars using the exchange rate for the month preceding the month in which the dues determination activity occurs as set out in the publication prescribed by the Minister,

and

- (b) determining the general rate of timber dues that corresponds to the price range within which the converted

monthly price determined under clause (a) falls under section 1 of this Schedule.

3(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 set out in the publication prescribed by the Minister.

(2) The start and end values of the price ranges determined under section 1(2) of this Schedule must be adjusted each May 1, starting on May 1, 2000, as follows:

- (a) by multiplying the end of the first price range that is in effect on April 30 of the immediately preceding adjustment year by the fraction determined under subsection (3);
- (b) by subtracting the amount determined under clause (a) from the end value of the first price range that is in effect on April 30 of the immediately preceding adjustment year;
- (c) by adding the difference determined under clause (b), which may be a negative amount, to the start and end values of each price range except for the start value of the first price range.

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

$$\frac{D}{E}$$

where

D is the annual price index for the year immediately preceding the adjustment year;

E is the annual price index for the year that is 2 years prior to the adjustment year.

4(1) The portion of the general rate of timber dues that must be remitted to the Forest Resource Improvement Association of Alberta as FRIAA dues within the meaning of the *Forest Resources Improvement Regulation* (AR 152/97) is the lesser of

- (a) the amount of FRIAA dues determined by the Forest Resource Improvement Association of Alberta under

section 5 of the *Forest Resources Improvement Regulation* (AR 152/97), and

- (b) an amount determined as follows:
- (i) in respect of the first price range to the 5th price range, \$0;
 - (ii) in respect of the 6th price range, an amount determined by the following formula:

$$F = (G - (H + \frac{1}{2}(H-I))) \times 40\%$$

where

F is the amount by which the timber dues in respect of the 6th price range must be adjusted;

G is the timber dues determined under section 1 of this Schedule in respect of the 6th price range;

H is the timber dues determined under section 1 of this Schedule in respect of the 5th price range;

I is the timber dues determined under section 1 of this Schedule in respect of the 4th price range;

- (iii) in respect of the 7th price range and each subsequent price range, an amount determined by multiplying the incremental dues in respect of the price range by 40% and adding the amount determined under this subsection in respect of the immediately preceding price range.

(2) For the purposes of subsection (1), the incremental timber dues in respect of a price range are determined as follows:

$$J = K - L$$

where

J is the incremental timber dues in respect of a price range;

K is the general rate of timber dues determined under section 1 of this Schedule in respect of the price range;

L is the general rate of timber dues determined under Section 1 of this Schedule in respect of the price range immediately preceding the price range for which the incremental timber dues are being determined.

5 In determining the cost base for the purposes of section 1 of this Schedule, the Minister shall consider the results of cost and revenue surveys conducted by the Department with respect to Alberta pulp mills, including, as available, results relating to

- (a) log and pulp production,
- (b) forestry and logging costs, including
 - (i) costs incurred in providing goods and services in the public interest and to the Government of Alberta, such as reforestation, forest management, pest control and road building and maintenance,
 - (ii) manufacturing costs, and
 - (iii) sales and administration costs,
- (c) pulp sales volume and revenue, and
- (d) capital employed.

AR 182/95 s15;75/2021

Schedule 4
General Rate of Timber Dues

Coniferous Timber — Veneer

1(1) The general rate of timber dues under this Schedule in respect of a price range determined under subsection (2) is the amount determined under subsection (3) that corresponds to that price range.

(2) The price ranges referred to in subsection (1) are determined as follows:

- (a) for the first price range,
 - (i) the start value of the price range is \$0.01, and
 - (ii) the end value of the price range is the cost base for coniferous timber that is or will be used to make veneer, as determined by the Minister in accordance with section 3;
- (b) for the 2nd price range and each subsequent price range,
 - (i) the start value of the price range is the end value of the immediately preceding price range, plus \$0.01, and

- (ii) the end value of the price range is the end value of the immediately preceding price range, plus \$26.50.

(3) The general rate of timber dues in respect of a price range determined under subsection (2) is determined as follows:

- (a) in respect of the first price range, \$1.90 per cubic metre of roundwood;
- (b) in respect of the 2nd price range, the total of
 - (i) \$1.90 per cubic metre of roundwood, and
 - (ii) 5% of the incremental price increase from the cost base referred to in subsection (2)(a)(ii) to the end value of the 2nd price range, converted in accordance with subsection (4);
- (c) in respect of each subsequent price range, the total of
 - (i) the timber dues in respect of the immediately preceding price range, and
 - (ii) a percentage of the incremental price increase between the end value of the current price range, less the end value of the immediately preceding price range, where the percentage is as follows:
 - (A) in respect of the 3rd price range, 7.5%;
 - (B) in respect of the 4th price range, 15%;
 - (C) in respect of the 5th price range to the 11th price range, 30%;
 - (D) in respect of the 12th price range and each subsequent price range, 50%

converted in accordance with subsection (4).

(4) The amounts referred to in subsection (3)(b)(ii) and (c)(ii) must be converted from dollars per 1000 square feet 3/8 inch of plywood produced to dollars per cubic metre, rounded to the nearest cent, using the product recovery factor.

2(1) In this section, “weekly price” means the weekly price for 1000 square feet of plywood as set out in the publication prescribed by the Minister.

(2) The general rate of timber dues payable under this Schedule with respect to a month in which dues determination activity occurs is determined by

- (a) determining the average adjusted monthly price by
 - (i) taking
 - (A) the weekly price from the last week ending in a Friday in the month immediately preceding the month in which the dues determination activity occurs, and
 - (B) the weekly prices from the 3 weeks immediately preceding the week referred to in paragraph (A),
 - (ii) adjusting each of the 4 weekly prices referred to in subclause (i) using the formula $AP = RLP \times 0.7203$, where “AP” is the adjusted price and “RLP” is the weekly price referred to in subclause (i)(A) or (B),
 - (iii) converting the 4 prices adjusted under subclause (ii) to Canadian dollars using the applicable exchange rate for each week as set out in the publication prescribed by the Minister, and
 - (iv) averaging the 4 prices converted under subclause (iii),
- and
- (b) determining the general rate of timber dues that corresponds to the price range within which the average adjusted monthly price determined under clause (a) falls under section 1 of this Schedule.

3 In determining the cost base for the purposes of section 1 of this Schedule, the Minister shall consider the results of cost and revenue surveys conducted by the Department with respect to veneer and veneer product mills, including, as available, results relating to

- (a) log and veneer production,
- (b) forestry and logging costs, including
 - (i) costs incurred in providing goods and services in the public interest and to the Government of Alberta, such as reforestation, forest management, pest control and road building and maintenance,
 - (ii) manufacturing costs, and
 - (iii) sales and administration costs,
- (c) veneer sales volume and revenue, and

(d) capital employed.

AR 182/95 s15;266/2003;27/2010;75/2021

Schedule 5
Deciduous Pulpwood Remote Zones

The deciduous pulpwood remote zones fall within the part of Alberta that lies north of the boundary line that bisects the province from east to west described below.

PART	DIRECTION	ROUTE OF TRAVEL		CORNER/VERTICES DESCRIPTION
1A	STARTING		AT	EAST BOUNDARY OF ALBERTA (BORDER BETWEEN ALBERTA AND SASKATCHEWAN)
1B	STARTING		FROM	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 092, RANGE 01, WEST OF THE 4TH MERIDIAN
2	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 92 AND 93	TO THE	NORTHWEST CORNER OF SECTION 31, TOWNSHIP 092, RANGE 06, WEST OF THE 4TH MERIDIAN
3	SOUTH	ALONG THE SHARED BOUNDARY OF RANGE 6 AND 7	TO THE	SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 091, RANGE 06, WEST OF THE 4TH MERIDIAN
4	EAST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 90 AND 91	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 090, RANGE 07, WEST OF THE 4TH MERIDIAN
5	SOUTH	ALONG THE SHARED BOUNDARY OF RANGE 6 AND 7	TO THE	SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 090, RANGE 07, WEST OF THE 4TH MERIDIAN
6	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 89 AND 90	TO THE	INTERSECTION OF THE NORTH BOUNDARY OF TOWNSHIP 89 WITH THE CENTER-LINE OF THE ATHABASCA RIVER IN: SECTION 32, TOWNSHIP 089, RANGE 09, WEST OF THE 4TH MERIDIAN
7	SOUTH AND WEST	ALONG THE CENTER-LINE OF THE ATHABASCA	TO THE	INTERSECTION OF THE CENTER-LINE OF THE ATHABASCA RIVER WITH THE WEST BOUNDARY OF RANGE 14 IN: SECTION 19,

		RIVER		TOWNSHIP 087, RANGE 14, WEST OF THE 4TH MERIDIAN
8	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 14 AND 15	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 087, RANGE 15, WEST OF THE 4TH MERIDIAN
9	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 87 AND 88	TO THE	SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 088, RANGE 22, WEST OF THE 4TH MERIDIAN
10	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 22 AND 23	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 089, RANGE 23, WEST OF THE 4TH MERIDIAN
11	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 89 AND 90	TO THE	NORTHWEST CORNER OF SECTION 34, TOWNSHIP 089, RANGE 06, WEST OF THE 5TH MERIDIAN
12	NORTH	THROUGH THE TOWNSHIP	TO THE	NORTHWEST CORNER OF SECTION 34, TOWNSHIP 090, RANGE 06, WEST OF THE 5TH MERIDIAN
13	WEST	ALONG THE SHARED BOUNDARY BETWEEN TOWNSHIP 90 AND 91	TO THE	SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 091, RANGE 06, WEST OF THE 5TH MERIDIAN
14	NORTH	THROUGH THE TOWNSHIPS	TO THE	NORTHEAST CORNER OF SECTION 33, TOWNSHIP 092, RANGE 06, WEST OF THE 5TH MERIDIAN
15	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 92 AND 93	TO THE	NORTHWEST CORNER OF SECTION 31, TOWNSHIP 092, RANGE 06, WEST OF THE 5TH MERIDIAN
16	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 6 AND 7	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 093, RANGE 07, WEST OF THE 5TH MERIDIAN
17	EAST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 93 AND 94	TO THE	SOUTHEAST CORNER OF SECTION 05, TOWNSHIP 094, RANGE 06, WEST OF THE 5TH MERIDIAN
18	NORTH	THROUGH THE TOWNSHIP	TO THE	NORTHWEST CORNER OF SECTION 33, TOWNSHIP 094, RANGE 06, WEST OF THE

				5TH MERIDIAN
19	EAST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 94 AND 95	TO THE	SOUTHEAST CORNER OF SECTION 03, TOWNSHIP 095, RANGE 06, WEST OF THE 5TH MERIDIAN
20	NORTH	THROUGH THE TOWNSHIP	TO THE	NORTHWEST CORNER OF SECTION 14, TOWNSHIP 095, RANGE 06, WEST OF THE 5TH MERIDIAN
21	EAST	THROUGH THE TOWNSHIP	TO THE	SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 095, RANGE 06, WEST OF THE 5TH MERIDIAN
22	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 5 AND 6	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 096, RANGE 06, WEST OF THE 5TH MERIDIAN
23	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 96 AND 97	TO THE	NORTHWEST CORNER OF SECTION 31, TOWNSHIP 096, RANGE 20, WEST OF THE 5TH MERIDIAN
24	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 20 AND 21	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 097, RANGE 21, WEST OF THE 5TH MERIDIAN
25	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 97 AND 98	TO THE	SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 098, RANGE 02, WEST OF THE 6TH MERIDIAN
26	NORTH	ALONG THE SHARED BOUNDARY OF RANGE 2 AND 3	TO THE	NORTHEAST CORNER OF SECTION 36, TOWNSHIP 098, RANGE 03, WEST OF THE 6TH MERIDIAN
27	WEST	ALONG THE SHARED BOUNDARY OF TOWNSHIP 98 AND 99	TO THE	INTERSECTION OF THE NORTH BOUNDARY OF TOWNSHIP 98 WITH THE CENTER-LINE OF THE CHINCHAGA RIVER IN: SECTION 36, TOWNSHIP 098, RANGE 07, WEST OF THE 6TH MERIDIAN
28A	SOUTH AND WEST	ALONG THE CENTER-LINE OF THE CHINCHAGA RIVER	TO THE	INTERSECTION OF THE CENTER-LINE OF THE CHINCHAGA RIVER WITH WEST EDGE OF RANGE 13 IN: SECTION 11, TOWNSHIP 096, RANGE 13, WEST OF THE 6TH MERIDIAN

28B	ENDING		AT	WEST BOUNDARY OF ALBERTA (BORDER BETWEEN ALBERTA AND BRITISH COLUMBIA)
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AR 60/73 Sched.;75/2021

Schedule 6 Administrative Penalties

Base Penalty Table

Actual or Potential Loss or Damage to Resource or Crown Revenue	Type of Contravention		
	Minor	Moderate	Major
Minor to none	\$200	\$1000	\$2500
Moderate	\$1000	\$2000	\$3500
Major	\$2500	\$3500	\$5000

Administrative Penalties for Contravention — Forests Act

Sections 10, 18(4), 29, 31 and 44.

Administrative Penalties for Contravention — Regulation

Sections 20.1, 22, 57(1)(b) and (c) and (1.1), 64, 68, 74.6, 98, 99, 100(1)(a), (a.1), (a.2), (a.3), (a.4), (b), (d), (e), (g), (h), (i) and (j), 101(3), 105, 112, 114, 115.1, 116.1(2), 117, 117.1, 118(1), 119, 120, 122.02, 122.03, 141.1(1), 141.3(2), 141.5, 141.6(1) and (2), 141.61, 141.7(1), 142(2), 142.8, 143(2), 143.1, 143.2(2), 144.2(2), 144.3, 146, 148, and 164.1(1) and (4).

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;75/2021



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