



Province of Alberta

FORESTS (GROWING ALBERTA'S FOREST SECTOR) AMENDMENT ACT, 2020

Statutes of Alberta, 2020
Chapter 34

Assented to December 9, 2020

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Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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Bill 40

FORESTS (GROWING ALBERTA'S FOREST SECTOR) AMENDMENT ACT, 2020

Chapter 34

(Assented to December 9, 2020)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cF-22

1 The *Forests Act* is amended by this Act.

2 The following is added before the enacting clause:

Preamble

WHEREAS Alberta's vast and abundant forests are an important part of the province's diverse ecosystem that contribute to biodiversity and clean air and water for the benefit of current and future generations of Albertans, including Indigenous peoples;

WHEREAS Alberta is a world leader in environmentally sustainable forest policies and practices that are grounded in science and based on the principles and practices of sustainable forest management;

WHEREAS the forest industry is a significant contributor to Alberta's economy, and the Government of Alberta and the forest industry work together to ensure that the forest industry remains innovative, productive and competitive;

WHEREAS security of access to a sustainable timber supply is the basis of the forest industry's ability to contribute to Alberta's economic prosperity;

WHEREAS the Government of Alberta recognizes the threat from a changing climate to Alberta's forests, including the

increased risk of wildfires and pests, and the potential of forests to mitigate climate impacts; and

WHEREAS Alberta seeks to manage threats to forests from wildfires and pests, to find opportunities to reduce risks from wildfires to human life and communities, and to promote healthy ecosystems;

3 The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.

4 Section 1 is amended

(a) by adding the following after clause (d):

(d.1) “forest management unit” means an area of forest land established by the director as a forest management unit under section 14(1);

(b) by repealing clause (h);

(c) by repealing clause (k) and substituting the following:

(k) “quota holder” means a holder of a timber quota;

(d) by repealing clause (m) and substituting the following:

(m) “timber disposition” means

(i) a forest management agreement,

(ii) a timber licence,

(iii) a timber permit, or

(iv) a timber quota referred to in section 17(5);

(m.1) “timber dues” means timber dues payable in respect of Crown timber;

(e) by repealing clause (n) and substituting the following:

(n) “timber quota” means a share of the annual allowable cut of timber specified with respect to a forest management unit, expressed as the volume or area of deciduous or coniferous timber allocated to a quota holder for harvesting.

5 Section 4 is amended**(a) by repealing clause (c) and substituting the following:**

- (c) subject to section 30, prescribing the amounts or the methods by which Crown charges, except the fees referred to in section 8.1, are to be determined;
- (c.1) respecting Crown charges, including regulations respecting
 - (i) timber appraisal procedures,
 - (ii) the time and method of payment of Crown charges, and
 - (iii) the means of enforcement of payment of Crown charges;

(b) by repealing clause (e).**6 Section 5 is amended****(a) by repealing clauses (c) and (d);****(b) by adding the following after clause (f):**

- (g) prescribing standard clauses for the purposes of section 16(1.1);
- (h) respecting matters that must be addressed in a forest management agreement under section 16(1.1)(b);
- (i) respecting transitional matters arising as a result of changes to the prescribed standard clauses referred to in clause (g).

7 Section 5.1 is amended by striking out “or guideline” and substituting “, guideline or manual”.**8 The following is added after section 8:****Fees**

8.1 The Minister may, by order, prescribe or provide for the method of prescribing

- (a) the fees and other charges to be paid in connection with the submission of anything to the Crown or for any

service or thing provided by the Crown under this Act and the regulations, and

- (b) rates to be charged for the use of employees and equipment and facilities of the Minister's department.

Documents

8.2 The director may prescribe forms, notices, records and accounts to be used under this Act or the regulations.

9 Section 14(1) is repealed and the following is substituted:

Forest management units

14(1) The director may establish forest management units on forest land.

10 Section 15 is amended

- (a) **in clause (b) by adding** “, where section 17(5) does not apply” **after** “timber quota holders”;

- (b) **by adding the following after clause (b):**

- (b.1) pursuant to the sale of timber quota certificates, where section 17(5) applies;

11 Section 16 is amended by adding the following after subsection (1):

- (1.1) A forest management agreement

- (a) is deemed to include the standard clauses set out in the regulations,
- (b) must include clauses addressing the matters set out in the regulations, and
- (c) may include any other clauses negotiated between the parties.

12 Section 17 is amended by adding the following after subsection (4):

(5) Notwithstanding section 18(4), the director may authorize a timber quota holder to harvest Crown timber under the quota holder's timber quota without obtaining a timber licence.

(6) With the exception of section 25(6), every provision under the Act or regulations that applies in respect of a timber licence applies, with any necessary modifications, in respect of a timber quota referred to in subsection (5).

13 Section 18(5) is amended by striking out “5-year” and substituting “5- or 10-year”.

14 Section 21 is amended

(a) **by repealing subsection (1) and substituting the following:**

Timber licence

21(1) Where section 17(5) does not apply, a timber quota holder shall be issued a timber licence on compliance with subsection (2).

(b) **in subsection (5)**

- (i) **by striking out** “as prescribed by the licence, the Act or the regulations” **and substituting** “as determined in accordance with the regulations”;
- (ii) **in clause (b) by adding** “forest” **before** “management unit”.

15 Section 22 is amended

(a) **by repealing subsection (2)(c) and substituting the following:**

- (c) pay the applicable fees and costs as determined in accordance with the regulations or an order made under section 8.1.

(b) **in subsection (5)**

- (i) **by striking out** “as prescribed by the permit, the Act or the regulations” **and substituting** “as determined in accordance with the regulations”;
- (ii) **in clause (b) by adding** “forest” **before** “management unit”.

16 Section 23 is repealed.

17 Section 24 is amended by striking out “an agreement, licence or permit” **and substituting** “a timber disposition”.

18 Section 25 is amended

(a) **by repealing subsection (3)(b) and substituting the following:**

(b) cancel it, or

(b) **by repealing subsection (5)(b) and substituting the following:**

(b) a suspended or cancelled forest management agreement,

19 Section 28(4) is amended

(a) **by striking out** “a timber licence or timber permit” **and substituting** “a timber quota to which section 17(5) applies, timber licence or timber permit”;

(b) **by striking out** “licence or permit” **and substituting** “quota, licence or permit”.

20 Section 29 is amended

(a) **in subsection (1)**

(i) **by striking out** “a timber licence or timber permit or a party to a forest management agreement” **and substituting** “a timber disposition”;

(ii) **by striking out** “or party”;

(b) **in subsection (2)**

(i) **by striking out** “a timber licence or timber permit or a party to a forest management agreement” **and substituting** “a timber disposition”;

(ii) **by striking out** “or party’s”.

21 Section 30 is repealed and the following is substituted:

Rates of timber dues

30(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the methods by which the amounts of timber dues are to be determined;
- (b) prescribing the frequency with which the amounts of timber dues are to be determined by the methods referred to in clause (a);
- (c) prescribing the amounts of timber dues other than those determined by the methods referred to in clause (a).

(2) A regulation made under subsection (1) may provide that the Minister shall

- (a) determine which information is to be used to determine the amounts of timber dues by the methods referred to in subsection (1)(a), and
- (b) publish the amounts of timber dues determined by the methods referred to in subsection (1)(a).

22 Section 35(1)(b) is repealed and the following is substituted:

- (b) on the holder of the timber disposition, in the case of a seizure made under section 34(1)(b).

23 The following is added after section 76:

Transitional

77(1) If a forest management agreement is entered into before the coming into force of section 16(1.1), section 16(1.1) does not apply to that forest management agreement.

(2) If negotiations in respect of a forest management agreement have commenced but no forest management agreement has been entered into in respect of those negotiations before the coming into force of section 16(1.1), section 16(1.1) applies to any forest management agreement that is entered into as a result of those negotiations on or after the coming into force of that section.

24(1) This Act, except sections 6(b), 11 and 23, has effect on May 1, 2021.

(2) Sections 6(b), 11 and 23 come into force on Proclamation.

