

Hunting, Fishing and Trapping

24.1 Definitions

For the purposes of this Section the following words and terms shall be defined as follows:

24.1.1 “Automatic weapon” means any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger.

24.1.2 “Bag limit” means the maximum number established by regulation of individuals of a species or a group of species that a hunter may take legally.

24.1.3 “Band” means an organized body of Crees declared by the Agreement, by law or by Order-in-Council to be a band.

24.1.4 “Category” means the classification of areas in the Territory as set forth in paragraph 24.3.32.

24.1.5 “Conservation” means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native people, and secondarily the satisfaction of the needs of non-Native people for sport hunting and fishing.

24.1.6 “Community use” means the use by the Native people of all products of harvesting consistent with present practice between Native communities or members of a Native community or communities, including the gift, exchange and sale of such products subject to the restrictions set forth in this Section.

24.1.7 “Coordinating Committee” means the body constituted in accordance with and pursuant to this Section.

24.1.8 “Cree Tallyman” means a Cree person recognized by a Cree community as responsible for the supervision of harvesting activity on a Cree trapline.

24.1.9 “Cree trapline” means an area where harvesting activities are by tradition carried on under the supervision of a Cree tallyman.

24.1.10 “Ecological reserve” means a territory set aside by law or by regulation to preserve such territory in its natural state, to reserve such territory for scientific research and, if need be, for education or, to safeguard animal and plant species threatened with disappearance or extinction.

24.1.11 “Family” means the extended family comprising persons related or allied by blood, or by legal or customary marriage or adoption.

24.1.12 “Fauna” means all mammals, fish and birds.

24.1.13 “Harvesting” means hunting, fishing and trapping by the Native people for the purpose of the capture or killing of individuals of any species of wild fauna, except species from time to time completely protected to ensure the continued existence of that species or a population thereof, for personal and community purposes or for commercial purposes related to the fur trade and commercial fisheries.

JBNQA, par 24.1.13

A. corr.

24.1.14 “Kill” means the number of individuals of a given species or population thereof, killed during a given period or permitted to be killed during a given time period.

24.1.15 “Native party” means, in the case of the Crees, the Grand Council of the Crees (of Québec) or its successor until the coming into force of the legislation establishing the Cree Regional Authority and thereafter the Cree Regional Authority or its successor. In the case of the Inuit, the Northern Quebec Inuit

Association or its successor until the coming into force of the legislation establishing La Société Inuit de développement – The Inuit Development Corporation and, thereafter, the said corporation or its successor.

24.1.16

- a) “Native person” is a person eligible under Section 3 of the Agreement.
- b) “Native people” means only those persons eligible pursuant to Section 3 of the Agreement.

24.1.17 “Non-Natives” means all persons not eligible in accordance with Section 3 of the Agreement.

24.1.18 “Outfitter” means a person who carries on an operation which provides the public with lodging and the opportunity to sport hunt and sport fish or rents equipment or small craft or provides other services for sport hunting and sport fishing purposes within the area specified in the permit, license or other authorization given to such person for such purposes.

24.1.19 “Outfitting operation” means the establishment and its dependant buildings, including outposts and all equipment and accessories related thereto, and all sport hunting and sport fishing gear, equipment and small craft used by an outfitter in connection with such operation.

24.1.20 “Personal use” means the use by the Native people for personal purposes of all products of harvesting including the gift, exchange and sale of all such products within the family.

24.1.21 “Possession limit” means the maximum quantity of individuals of a species or a group of species that a person is entitled to have in his possession during a specified period of time within a specified area.

24.1.22 “Registered trapline” means a territory leased and registered for the purposes of trapping of fur-bearing animals in the area specified in Schedule 1 of this Section.

24.1.23 “Reserve” means an area set aside by law or by regulation for conservation or other purposes specified in the law or regulation establishing such a reserve.

24.1.24 “Responsible Minister” means the Provincial or Federal Minister charged with responsibility with respect to a subject matter falling within the jurisdiction of the government of which he is a member.

24.1.25 “Settlement” means a permanent collectivity of habitations, buildings and facilities continuously inhabited and used, including the immediately contiguous land reasonably required to use and enjoy such habitations, buildings and facilities.

24.1.26 “Sport fishing” means fishing by non-Natives by the use only of rod and line (angling) and only for reasons of sport.

24.1.27 “Sport hunting” means hunting by non-Natives by the use only of firearms or bow and arrow and only for the specific purpose of killing game for reasons of sport.

24.1.28 “Territory” means the area defined in paragraph 24.12.1 of this Section.

24.1.29 “Wildlife” means all populations of wild fauna in the Territory.

24.1.30 “Wildlife sanctuary” means an area of land with a particular kind of environment set aside by law or by regulation for the temporary or permanent protection of certain species of animals.

24.2 Conservation

24.2.1 The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall be subject to the principle of conservation.

24.3 Harvesting

24.3.1 Every Native person shall have the right to hunt, fish and trap, including the right to capture or kill individuals of any species of wild fauna, in accordance with the provisions of this Section (hereinafter referred to as the “right to harvest”).

24.3.2 Every Native person shall have the right to harvest any species of wild fauna except species requiring complete protection from time to time within the Territory to ensure the continued existence of such species or a population thereof.

24.3.3 The Native people shall enjoy the sole and exclusive exercise of the right to harvest in accordance with the provisions of this Section.

24.3.4 The exercise of the right to harvest shall be subject to the principle of conservation, the acquired rights contemplated by paragraph 24.3.21 and such other express provisions as are specified elsewhere in the Agreement.

JBNQA, par 24.3.4
A. corr.

24.3.5 The right to harvest shall extend and may be exercised over all the Territory, subject to the limitations stipulated at Sub Section 24.12, where this activity is physically possible and does not conflict with other physical activity or public safety. Acts by parties to the Agreement or third parties to limit access to an area within the Territory for reasons other than those specifically enumerated in this Section of the Agreement shall not ipso facto exclude that area from the right to harvest.

JBNQA, par 24.3.5
A. corr.

24.3.6

a) The words “conflict with other physical activity” shall mean actual physical conflicts or physical interference but shall not include conflicts or interference of any other nature which may be perceived, anticipated or declared by any means whatsoever. Without limiting the generality of the foregoing, the creation or existence of parks, reserves, wilderness areas, ecological reserves and the grant or existence of concessions or rights with respect to forestry or mining shall not in themselves be considered conflicting physical activities and the Native people shall continue to have the right to harvest in such areas.

b) The creation or existence of wildlife sanctuaries shall operate to exclude all or part of such sanctuaries from the right to harvest but only with respect to those species for whose protection such sanctuaries are created and for such periods of time and/or season when such protection is required.

24.3.7

a) The right to harvest shall not be exercised in lands situated within existing or future non-Native settlements within the Territory.

b) The annexation of land by a municipality or any other public body shall not in itself exclude such areas from the harvesting rights of Native people as long as such lands remain vacant.

24.3.8

a) In areas specified in existing leases or permits as being reserved for the exclusive use of an outfitter and in areas presently covered by fish and game leases, the right to harvest, except for the right to trap, shall not be exercised during the operating season of such outfitters, lessees and permit holders.

b) Subject to Sub-Section 24.9 of this Section, the rights of present outfitters and present holders of fish and game leases shall be respected for the duration of the current term of their present leases or permits.

At the expiration of the current term of such leases or permits, the terms shall be reviewed by the Coordinating Committee to minimize conflicts with harvesting activity. This provision shall be without prejudice to any agreement between an outfitter, lessee or permit holder and the interested Native party.

24.3.9 Restrictions on the right to harvest for reasons of public safety shall apply primarily to the discharge of firearms, to the setting of large traps or nets in certain areas, and to other dangerous activities having due regard for others lawfully in the vicinity. Any such restrictions shall not in themselves preclude other harvesting activities.

JBNQA, par 24.3.9
A. corr.

24.3.10 Subject to conservation rules established pursuant to this Section, any restrictions in the Migratory Birds Convention Act and its regulations, the undertaking of Canada respecting the Migratory Birds Convention referred to in Sub Section 24.14 and any other exceptions specified in this Section, the Native people shall have the right to harvest at all times of the year.

JBNQA, par 24.3.10
A. corr.

24.3.11

- a) Subject to the principle of conservation, the right to harvest refers to harvesting activity pursued within the Territory, for personal and community use, commercial trapping and commercial fishing.
- b) In the case of migratory birds, personal use shall be limited to the gift or exchange of all products of harvesting within the extended family, subject to the undertakings of Canada contained in Sub Section 24.14.
- c) Community use shall include the gift, exchange and sale of all products of harvesting consistent with present practice between Native communities and/or members of the Native community or communities. For greater clarity, community use shall not exclude the gift, exchange and sale of all products of harvesting between Native communities and members of the Native community or communities not presently conducting such activity. For Native people living in non-Native settlements such as Schefferville, Matagami, Chibougamau, etc., community use shall be restricted to the gift, exchange and sale of all products of harvesting consistent with present practice between such Native people and shall not include gift, exchange and sale with Native communities. In the case of migratory birds, community use shall be limited to the gift or exchange of meat and eiderdown consistent with present practice between Native communities and/or members of the Native community or communities, subject to the undertakings of Canada contained in Sub-Section 24.14. Community use shall not include the exchange or sale of fish and meat to non-Natives except in the case of commercial fisheries.

JBNQA, par 24.3.11
A. corr.

24.3.12 The right to harvest shall include the right to possess and use all equipment reasonably needed to exercise that right with the exception of the following : explosives, poisons, firearms connected to traps and remote controls, automatic weapons, tracer bullets, non-expanding ball ammunition, air-guns, and other similar equipment, as may from time to time be prohibited by regulations passed upon recommendation by the Coordinating Committee, the whole subject to applicable laws and regulations of general application concerning weapon control, where such control is directed to public security and not to harvesting activity.

Nevertheless, Québec regulations obliging persons under the age of sixteen (16) to be accompanied by an adult when hunting or fishing shall not apply to Native people above the age of reason.

24.3.13 The right to harvest shall include the right to travel and establish such camps as are necessary to exercise that right, in accordance with the terms and conditions of the Agreement.

24.3.14 The right to harvest shall include the use of present and traditional methods of harvesting except where such methods affect public safety.

24.3.15 The right to harvest shall include the right to possess and transport within the Territory the products of harvesting activity.

24.3.16 The Native people shall have the right to trade in and conduct commerce in all the by-products of their lawful harvesting activities.

24.3.17 Subject to the restrictions and controls with respect to non-Native hunting and fishing, provided for in this Section, the right to harvest shall not be construed to prevent or limit access to the Territory by non-Natives in accordance with the provisions found elsewhere in the Agreement.

24.3.18 The exercise of the right to harvest shall not be subject to the obtaining of permits, licenses, or other authorization, save where expressly stipulated otherwise in this Section. Where, by exception, for the purposes of management, leases, permits, licenses or other authorizations are required by the responsible Minister or required on the recommendation of the Coordinating Committee, the Native people shall have the right to receive such leases, permits, licenses or other authorizations at a nominal fee through their respective local governments.

24.3.19 Subject to the provisions of this Section, the Native people shall have the exclusive right to trap in the Territory, as part of their right to harvest. This right to trap shall include the right to trap for all commercial purposes.

24.3.20 Notwithstanding the preceding paragraph in cases where Native people have not exercised their exclusive right to trap within a part of the Territory for an extended period, and where trapping activity in such part of the Territory is necessary for the proper management of a species, Québec may, only upon the advice of the Coordinating Committee and after giving reasonable notice to the interested Native party through the Coordinating Committee, permit non-Natives to exercise the necessary trapping activity in such part of the Territory, when the interested Native party fails to do so. Such permission shall be subject to an agreement between the interested Native party and Québec; failing such agreement the responsible Minister may, only upon recommendation of the Coordinating Committee, permit non-Natives to exercise such activity, and in such case the Minister shall establish the terms and conditions upon which such activities shall be exercised provided such activity shall not be permitted for a period exceeding four (4) years. At the expiration of said period, the interested Native party shall have the right to resume the exercise of its exclusive right to trap on that portion of the Territory, failing which the foregoing procedure shall apply.

JBNQA, par 24.3.20

A. corr.

24.3.21 The exclusive right to trap shall not apply to the area of the registered traplines in the southern portion of the Territory indicated on the map attached hereto as Schedule 1 of this Section.

24.3.22 This exclusive right to trap shall be without prejudice to the trapping rights, if any, exercised by the native people not party to the Agreement on the beaver reserves presently allocated to them.

JBNQA, par 24.3.22

A. corr.

24.3.23 The exclusive right to trap shall not exclude the possibility of snaring of hare by non-Natives in and around non-Native settlements within that part of the Territory below the 50th parallel of latitude.

24.3.24 Québec and Canada shall take all reasonable measures, within the scope of current programs or those programs which may from time to time be established, including economic measures, to assist the Cree and Inuit parties in establishing trappers' associations, as well as a Native controlled and run trapping industry including functions necessary to the operation of such an industry, such as marketing, promotion, registration, collection, transportation, grading, dressing, dyeing, manufacturing etc.

JBNQA, par 24.3.24
A. corr.

24.3.25 The present system of Cree traplines and the disposition of the beaver reserves presently allocated to the Crees shall continue unless otherwise agreed to by the interested Cree community or communities.

24.3.26 Within Categories I and II, the Native people shall have the exclusive right to establish and operate commercial fisheries. Within Category III the Native people shall have the exclusive right to establish and operate commercial fisheries related to the species of fish enumerated in the list of exclusive species referred to in paragraph 24.7.1 and attached as Schedule 2 to this Section.

24.3.27 All applications for commercial fisheries permits within Categories I, II or III shall be submitted to the Coordinating Committee and shall be assessed by the Coordinating Committee upon the basis of the possible or probable impact of such proposed fisheries operations upon harvesting and recreational fishing. The Coordinating Committee shall make recommendations to the responsible Minister with respect to such applications on the basis of its assessment. In the case of the Crees, no commercial fisheries shall be permitted within Category I or II without the consent of the interested local Native government. In the case of the Inuit, no commercial fisheries shall be permitted within Category I without the consent of the interested Inuit community corporation or within Category II without the consent of the interested Inuit community corporation(s) and the interested Native party.

JBNQA, par 24.3.27
A. corr.

24.3.28 The Hunting, Fishing and Trapping Regime applicable in the Territory shall be established by and in accordance with the provisions of this Section.

24.3.29 Québec shall forthwith take all necessary measures to obtain modification to any provisions of the Wildlife Conservation Act (L.Q. 1969, c. 58 as amended) or any other Provincial Act and to modify regulations thereunder which conflict with or are incompatible with the provisions of this Section. The Coordinating Committee shall advise and be consulted in this process.

24.3.30 A minimum of control or regulations shall be applied to the Native people, which shall mean *inter alia* that :

- a) When the Coordinating Committee or the responsible Federal or Provincial government decides that control of harvesting activities is necessary, the Coordinating Committee or the responsible Federal or Provincial Government shall first formulate guidelines and/or advisory programs with respect to the control of such activity. Such guidelines or advisory programs shall be encouraged and promoted by the local and/or regional governments, under reserve of the right of the responsible Federal or Provincial Government to impose such controls in the event that such guidelines and/or advisory programs do not prove to be effective.
- b) When the Coordinating Committee or the responsible Federal or Provincial Government decides that regulations are necessary the responsible Federal or Provincial Government shall make regulations with a minimum of impact on the Native people and harvesting activities by taking into account the impact on such factors as local native food production, the role of tallymen and the organization and boundaries of

Cree traplines, accessibility of different sectors of the Native populations to harvestable resources, efficiency of harvesting, cost of harvesting and Native cash incomes.

c) In general, the control of activities contemplated by this Section shall be less restrictive for Native people than for non-Natives.

24.3.31 Neither the responsible governments nor the Coordinating Committee shall change or affect the Hunting, Fishing and Trapping Regime in such a way as to infringe upon the rights of the Native people established by this Section. Without limiting the generality of the foregoing, this provision shall apply to the responsible Provincial and Federal Ministers, the provincial and federal departments involved and the individuals, bodies or agencies administering the Hunting, Fishing and Trapping Regime.

JBNQA, par 24.3.31

A. corr.

24.3.32 For the purposes of this Section only, land in the Territory shall be classified as follows :

Category I : subject to the provisions of this Section an area under the complete and exclusive control of the Native people and for the exclusive use of Native people.

Category II : an area where the Native people shall have the exclusive right to hunt and fish, which right shall include the right to permit non-Native hunting and fishing, subject to conditions concerning replacement or compensation in Sections 5 and 7 of the Agreement.

Category III : an area for the joint use of Native people and non-Natives, subject to the rights, conditions and restrictions established by the Agreement.

The principle of conservation shall apply in Categories I, II and III lands.

24.4 Coordinating Committee

24.4.1 A Hunting, Fishing and Trapping Coordinating Committee (hereinafter referred to as the “Coordinating Committee”), an expert body made up of Native and government members, is established to review, manage, and in certain cases, supervise and regulate the Hunting, Fishing and Trapping Regime established by and in accordance with the provisions of this Section.

24.4.2 The Coordinating Committee shall have twelve (12) members. The Cree Native party, the Inuit Native party, Québec and Canada shall each appoint three (3) members. Such members shall be appointed and replaced from time to time at the discretion of the respective appointing party. The appointing parties may upon unanimous consent increase or decrease the membership of the Coordinating Committee.

JBNQA, par 24.4.2

A. corr.

24.4.3 In addition to the members of the Coordinating Committee contemplated by paragraph 24.4.2, the Société de développement de la Baie James shall appoint one (1) person as an observer-member of such committee. Such observer-member shall have the rights and obligations of the other members of the Coordinating Committee except :

- a) Such observer-member shall not be entitled to vote on any matter;
- b) Such observer-member shall have the right to discuss, and to make representations with respect to, all matters pertaining to that portion of the Territory south of the 55th parallel of latitude and with respect to all matters of general interest pertaining to the entire Territory.

c) Such observer-member shall be entitled to receive a proxy executed in accordance with the provisions of paragraph 24.4.10 of this Section and in such an event shall be entitled to vote in the place and stead of the member from whom the proxy has been received.

JBNQA, par 24.4.3
A. corr.

24.4.4 The members of the Coordinating Committee shall each have one (1) vote except as hereinafter provided otherwise :

a) When matters of exclusive provincial jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Provincial Government shall each have two (2) votes, and the members appointed by the Federal Government shall not vote.

b) When matters of exclusive federal jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Federal Government shall each have two (2) votes and the members appointed by the Provincial Government shall not vote.

c) When matters of joint or mixed federal and provincial jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Provincial Government and the members appointed by the Federal Government shall each have one (1) vote.

d) When matters relating to the area of primary interest of the Crees are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party shall each have two (2) votes, and the members appointed by the Inuit Native party shall not vote.

e) When matters relating to the area of primary interest of the Inuit are being dealt with by the Coordinating Committee, the members appointed by the Inuit Native party shall each have two (2) votes, and the members appointed by the Cree Native party shall not vote.

f) When matters of common interest to the Crees and Inuit are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party and the members appointed by the Inuit Native party shall each have one (1) vote.

JBNQA, par 24.4.4
A. corr.

24.4.5 The respective parties shall appoint a Chairman and Vice-Chairman of the Coordinating Committee from among their appointees in the following manner :

a) In the first year of the operation of the Coordinating Committee, the Chairman shall be appointed by the Cree Native party and the Vice-Chairman shall be appointed by the interested Inuit Native party.

b) In the second year of the operation of the Coordinating Committee, the Chairman shall be appointed by Québec and the Vice-Chairman shall be appointed by Canada.

c) In the third year of the operation of the Coordinating Committee, the Chairman shall be appointed by the interested Inuit Native party and the Vice-Chairman shall be appointed by the Cree Native party.

d) In the fourth year of the operation of the Coordinating Committee, the Chairman shall be appointed by Canada and the Vice-Chairman shall be appointed by Québec.

e) In subsequent years the appointment of the Chairman and Vice-Chairman of the Coordinating Committee shall take place in the sequence set forth in sub-paragraphs a), b), c) and d) of this paragraph.

f) In the absence of the Chairman at any meeting, an alternate Chairman shall be selected by and from among the members appointed by the party that appointed the Chairman.

g) The Vice-Chairman shall act as Chairman only when the Chairman does not have the right to vote pursuant to paragraph 24.4.4.

JBNQA, par 24.4.5
A. corr.

24.4.6 The Chairman and Vice-Chairman shall hold office for one (1) year.

24.4.7 The Coordinating Committee may, from time to time, select from among its members such other officers as may be required to enable the Committee to fulfill its role and functions.

24.4.8 A quorum shall be four (4) members physically present provided that at least one (1) member appointed by each party is physically present.

24.4.9 The quorum mentioned in the preceding paragraph 24.4.8 may, from time to time, be changed with the unanimous consent of all members of the Coordinating Committee.

24.4.10 A member of the Coordinating Committee shall upon his appointment execute a written proxy in the form provided by the Coordinating Committee in favor of the other members, including their replacements, appointed by the party that appointed the member executing the proxy. For a particular meeting a member may execute a proxy in favor of a designated person and, in such case, such proxy shall prevail. The holder of such proxy shall have the right to vote and otherwise act in place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that the member holding the proxy is entitled to exercise in his own right.

24.4.11 All decisions shall be decided by a majority of the votes cast.

24.4.12 The Chairman shall have, in the case of a tie vote, a second and deciding vote.

24.4.13 The Coordinating Committee shall have a principal office within the Province of Québec, and may establish other offices, within the said Province.

24.4.14 The Coordinating Committee may establish rules and adopt by-laws regulating its own internal operations, including notice and place of meetings and other matters relating to the administration of the Coordinating Committee. Whenever practical, meetings will be held in the Territory.

24.4.15 The Chairman of the Coordinating Committee shall convoke a meeting of the Coordinating Committee within twenty (20) days of receipt from any four (4) members of the Coordinating Committee of a written request indicating the purpose of such meeting.

24.4.16 The Coordinating Committee shall meet at least four (4) times annually.

24.4.17 The Chairman shall preside over meetings of the Coordinating Committee.

24.4.18 A secretariat shall be established for the Coordinating Committee consisting of not more than three (3) full-time employees. After the first year of operation, the Coordinating Committee may by unanimous agreement alter the size of the secretariat. The secretariat shall be responsible to and under the direction and control of the Coordinating Committee. Québec shall maintain and fund the secretariat. The secretariat shall receive and distribute data when appropriate, report the results of meetings and decisions of the Coordinating Committee and perform such other functions as the Coordinating Committee shall from time to time determine, pursuant to this Section.

24.4.19 An official record of discussions and decisions of the Coordinating Committee shall be kept by the secretariat.

24.4.20 Agenda for meetings shall be prepared in advance and distributed to members by the secretariat.

24.4.21 Members of the Coordinating Committee or the Coordinating Committee itself may call upon other persons for expert advice or assistance. The remuneration and expenses of any such person shall be paid out of the budget of the Coordinating Committee only if the services of such person have been requested by the Coordinating Committee.

24.4.22 Each party shall pay the remuneration and expenses of the members it appoints and the experts it requests.

24.4.23 The Coordinating Committee shall be a consultative body to responsible governments, save where expressly stipulated in paragraph 24.4.30 and as such shall be the preferential and exclusive forum for Native people and governments jointly to formulate regulations and supervise the administration and management of the Hunting, Fishing and Trapping Regime.

24.4.24 The parties to the Agreement shall furnish the Coordinating Committee with all information in their possession relevant to the functions of the Coordinating Committee.

24.4.25 The Coordinating Committee shall have the right to initiate, discuss, review and propose all measures relating to the Hunting, Fishing and Trapping Regime in the Territory. The Coordinating Committee may propose regulations or other measures relating to the regulation, supervision and management of the Hunting, Fishing and Trapping Regime.

24.4.26 All regulations relating to the Hunting, Fishing and Trapping Regime proposed by responsible governments shall be submitted to the Coordinating Committee for advice before enactment. Proposals with respect to the establishment of parks, ecological reserves, wildlife sanctuaries and similar classifications of land shall be submitted to the Coordinating Committee except when such proposals deal with land situated within settlements.

24.4.27 The Coordinating Committee may submit recommendations to the responsible Provincial or Federal Minister, who shall have discretion to act upon such recommendations in accordance with paragraphs 24.4.36 and 24.4.37 concerning the following :

- a) Guidelines and other measures related to Native harvesting.
- b) Regulations relating to the Hunting, Fishing and Trapping Regime.
- c) Proposed regulations, decisions or actions resulting from previous recommendations of the Coordinating Committee.
- d) Conservation, including management procedures for conservation purposes.
- e) The number of non-Natives permitted to hunt and fish in the Territory and the places and times at which they may hunt and fish.
- f) Levels of allocation of Native and non-Native kills over and above guaranteed levels of harvesting established pursuant to this Section.
- g) Regulations respecting community use.
- h) Regulations respecting the fur trade.
- i) Positions to be adopted in international and intergovernmental negotiations relating to wildlife management, involving the Territory.
- j) Species of wild fauna requiring complete protection from time to time.
- k) Planning and policy relating to outfitting and regulations concerning outfitting operations.
- l) Research projects related to wildlife resources.

- m) Enforcement of the Hunting, Fishing and Trapping Regime.
- n) The establishment, and insofar as it affects the Hunting, Fishing and Trapping Regime, the operation of parks, ecological reserves, wildlife sanctuaries and other land similarly classified.
- o) Regulations which prohibit the possession and use of equipment for the purpose of exercising the right to harvest.
- p) Regulations respecting commercial fisheries operations.

JBNQA, par 24.4.27

A. corr.

24.4.28 The Coordinating Committee shall :

- a) Review applications for new commercial fisheries permits.
- b) Review applications for outfitters' permits or leases or renewals thereof.
- c) Supervise procedures respecting the Native people's right of first refusal for outfitting facilities.
- d) Supervise procedures for the relocation of non-Native outfitters located in Categories I and II if required.
- e) Review at the expiration of the stipulated thirty (30) year period the Native people's right of first refusal for outfitting in Category III based on past experience and circumstances including actual and future needs of the Native people and non-Natives.

24.4.29 The Coordinating Committee may :

- a) Receive, maintain and distribute information necessary for the proper management of the Hunting, Fishing and Trapping Regime, including game inventories, non-Native kills and harvesting.
- b) Recommend to local governments conservation measures for Category I.
- c) Participate in conformity with the provisions of Sections 22 and 23 of the Agreement, in the assessment of impacts of future development upon the land, wildlife resources and harvesting, and the economic implications of such development on Native and non-Native activity related to wildlife resources.
- d) To the extent possible, receive and review information relating to research, studies, surveys and the data obtained therefrom, relating to the Hunting, Fishing and Trapping Regime.
- e) Make representations concerning weapon control where such control is directed to public security.

24.4.30 The Coordinating Committee may establish the upper limit of kill for moose and caribou for Native people and non-Natives and, with respect to black bear in the buffer area, make decisions relating to the non-Native hunting, the harvesting and the management of populations thereof. Subject to the principle of conservation, decisions of the Coordinating Committee pursuant to this paragraph shall bind the responsible Minister or government, who shall make such regulations as are necessary to give effect thereto and shall bind local and regional governments.

24.4.31 The Coordinating Committee shall supervise the research to establish present levels of harvesting.

24.4.32 The responsible Minister may change the list of species reserved exclusively to the Native people, (Schedule 2 to this Section), only upon the unanimous recommendation of the Coordinating Committee provided that all members of the Coordinating Committee appointed by the Native parties and entitled to vote, voted personally and not by proxy upon such recommendation.

24.4.33 The Coordinating Committee shall operate in accordance with the provisions of this Section.

24.4.34 All proposed regulations, measures and decisions of the Coordinating Committee shall be communicated to the responsible government for attention, information and appropriate action.

24.4.35 Proposed regulations, measures or decisions shall, except where expressly stipulated otherwise, be subject to the approval of the responsible Québec Minister and, if required, adoption by the Lieutenant-Governor in Council with respect to matters falling under Provincial jurisdiction, or by the responsible Federal Minister and, if required, adoption by the Governor in Council with respect to matters falling under Federal jurisdiction. With respect to matters designated in paragraphs 24.3.30 a), 24.5.3 and 24.5.4, the Coordinating Committee may make recommendations to the responsible local or regional government.

24.4.36 Before submitting a new regulation or other decision for enactment or taking new action and before modifying or refusing to submit for enactment draft regulations or other decisions from the Coordinating Committee, the responsible Provincial or Federal Minister shall consult with the Coordinating Committee and shall endeavor to respect the views and positions of the Coordinating Committee on any matter respecting the Hunting, Fishing and Trapping Regime, the whole subject to the provisions of paragraph 24.4.37 and Sub Section 24.12.

24.4.37 In all cases where the responsible Minister modifies or decides not to act upon the recommendations of the Coordinating Committee or decides to take new actions, he shall, before acting, consult with the Coordinating Committee when his decisions relate to Native and non-Native activities and the wildlife resources in the Territory except in the case of certain minor measures relating exclusively to non-Native activity and not affecting Native interests, and in particular such measures relating to zones, seasonal dates and bag limits.

24.4.38 The Coordinating Committee in its operation shall recognize and give due consideration to the following :

- a) The exclusive trapping rights of the Native people in accordance with paragraphs 24.3.19 to 24.3.23 inclusive.
- b) The exclusive right of the Native people to the species specified in paragraph 24.7.1.
- c) The right to harvest in accordance with Sub Section 24.3.
- d) The principle of conservation as defined in paragraph 24.1.5.
- e) The principle that a minimum of control or regulations shall be applied to the Native people in accordance with paragraph 24.3.30.
- f) The importance of the exchange of information between the parties.
- g) The importance of establishing an outfitting network in the Territory adequate to accommodate the needs of non-Natives permitted to hunt and fish.
- h) The importance of controls over the number of non-Natives permitted to hunt and fish in the Territory and over the places and time where and when they may hunt and fish.
- i) The priority of Native harvesting as defined in paragraphs 24.6.1 to 24.6.5 inclusive.
- j) The difference in application of the Hunting, Fishing and Trapping Regime in Categories I, II and III.
- k) The restrictions on non-Native hunting and fishing as specified in paragraphs 24.8.1 to 24.8.11 inclusive.

- l) The economic implications of its decisions and actions upon the activity of the Native people and non-Natives related to the wildlife resources.

JBNQA, par 24.4.38
A. corr.

24.5 Powers of Native Authorities and Governments.

24.5.1 In Categories I and II, matters relating primarily to the protection of the wildlife resources rather than harvesting activity and hunting and fishing by non-Natives shall be solely the jurisdiction of the responsible Provincial or Federal Government. Such matters of sole jurisdiction shall include, inter alia, the establishment of general quotas for the Territory, the representation of the interests of the Territory at international and intergovernmental negotiations relating to wildlife management, the regulation and management of wildlife insofar as this concerns the health of wildlife populations, the determination and protection of species requiring complete protection as referred to in paragraph 24.3.2, and the regulation and conducting of research projects related to wildlife resources.

JBNQA, par 24.5.1
A. corr.

24.5.2 In Categories I and II, the responsible Provincial and Federal Governments shall exercise their powers with respect to matters referred to in paragraph 24.5.1 in the same manner as those powers are exercised with respect to Category III, namely they shall exercise those powers only upon the advice of or after consulting with the Coordinating Committee as the preferential and exclusive spokesman empowered to formulate procedures, recommendations, positions and views respecting these matters.

JBNQA, par 24.5.2
A. corr.

24.5.3 Notwithstanding the provisions of the preceding paragraphs 24.5.1 and 24.5.2, with respect to the matters referred to therein, in the case of the Crees, the Cree local government and/or regional authorities, and in the case of the Inuit, the local and/or regional government shall have the power to pass by-laws affecting Categories I and II for Native people and for non-Natives permitted to hunt and fish thereon that are more restrictive than those regulations passed by the responsible Provincial or Federal Government.

24.5.4 Subject to the power of the responsible Provincial or Federal Government to make regulations respecting the conservation of wildlife resources, in Categories I and II the Cree local governments and, in the case of the Inuit, the regional government, within their respective areas of primary and common interest, may make regulations, which regulations in the case of their area of common interest in Category II shall be made jointly, with respect to all matters specifically referring primarily to harvesting activity and to hunting and fishing by non-Natives and not primarily referring to the management of the wildlife resource itself including :

- a) The allocation of the general quotas established pursuant to this Section among individual Natives and non-Natives permitted to hunt and fish.
- b) Personal and community use.
- c) The control of facilities for sport hunting and sport fishing.
- d) Commercial fishing facilities.
- e) Research concerning Native harvesting.

- f) Seasons for harvesting and non-Native hunting and fishing and bag and possession limits, provided regulations made with respect to such matters shall be more restrictive than those regulations passed by the responsible Provincial or Federal Government.
- g) Harvesting methods subject to paragraph 24.3.12.
- h) Permits and licenses for the purpose of sub-paragraph 24.5.4 a).

In the case of the Inuit, the regional government shall make regulations solely upon the recommendation of a committee composed only of Inuit. Such recommendations shall be binding on the regional government.

JBNQA, par 24.5.4
A. corr.

24.5.5 All by-laws or regulations proposed pursuant to paragraphs 24.5.3 and 24.5.4 shall be submitted prior to adoption to the Coordinating Committee for its advice. All such by-laws or regulations shall come into effect on the date that a certified copy thereof is submitted to the responsible Provincial or Federal Minister who shall have the right within ninety (90) days from such receipt to disallow such by-laws or regulations.

24.6 Priority of Native Harvesting

24.6.1 The responsible governments and the Coordinating Committee shall apply the principle of priority of Native harvesting, as set forth in this Sub Section.

24.6.2 The principle of priority of Native harvesting shall mean that in conformity with the principle of conservation and where game populations permit, the Native people shall be guaranteed levels of harvesting equal to present levels of harvesting of all species in the Territory.

- a) Such guaranteed levels shall be established by negotiations between the Native parties and the responsible Provincial or Federal Government through the Coordinating Committee (and the normal voting procedures shall not apply in such case) and shall be based principally upon the results for the “Research to Establish Present Levels of Native Harvesting” projects presently under way and to be continued during the four (4) years following the execution of the Agreement. The said parties shall establish such guaranteed levels within five (5) years of the execution of the Agreement.
- b) Upon the execution of the Agreement, the said parties referred to in the above sub-paragraph shall forthwith establish by negotiations interim guaranteed levels of Native harvesting based principally upon the available results of the said research projects. Such interim guaranteed levels shall be reviewed periodically and may by agreement be revised.
- c) The said interim guaranteed levels shall be without prejudice to the rights and obligations of the said parties in the establishment of the guaranteed levels of harvesting.
- d) The establishment of the guaranteed levels referred to in sub-paragraphs a) and b) hereof shall be subject to the approval of the interested Native parties and the interested government parties.

24.6.3 In applying the principle of priority of Native harvesting, the responsible governments and the Coordinating Committee shall, in any given year, in allocating quotas for harvesting and non-Native hunting and fishing or in applying other game management techniques, assure that :

- a) If game populations permit levels of harvesting equal to the guaranteed levels established pursuant to paragraph 24.6.2, the Native people shall have the right to harvest up to the said guaranteed levels.

- b) In allocating wildlife resources for harvesting or non-Native hunting and fishing over and above the said guaranteed levels, the harvesting needs of the Native people and the needs of non-Natives for recreational hunting and fishing shall be taken into account.
- c) Subject to sub-paragraphs a) and b) there shall always be some allocations of species for non-Native sport hunting and sport fishing.
- d) If game populations do not permit levels of harvesting equal to the guaranteed level established pursuant to paragraph 24.6.2, the Native people shall be allocated the entire kill and may allocate a portion of this kill to non-Natives through recognized outfitting facilities.
- e) The principle of priority of Native harvesting shall also be applied with respect to such species as may not reasonably be managed by means of quotas.

JBNQA, par 24.6.3
A. corr.

24.6.4 Subject to the principle of conservation and where populations of these species permit, the principle of priority of Native harvesting as provided for in this Sub Section shall apply to marine mammals.

24.6.5 Subject to the principle of conservation and where populations of these species permit, the principle of priority of Native harvesting shall be applied to migratory birds in a manner similar or equivalent to the procedures hereinafter set forth :

- a) In conformity with the procedure provided in paragraph 24.6.2, the present levels of harvesting of migratory birds shall be established.
- b) The present level of harvesting shall be combined with the present level of non-Native hunting of such birds in the Territory to establish the total present kill for the Territory.
- c) Based upon the total kill figures for each migratory bird population and the total kill in the Territory for each migratory bird population, there shall be a determination of the percentage of the total kill from each population now being taken in the Territory.
- d) This percentage figure shall constitute a guarantee so that in any given year the Territory would be guaranteed at least the same percentage of the total kill from each population as is presently hunted and harvested.
- e) Within the Territory itself, the principle of priority for Native harvesting shall apply to the allocation of quotas or use of other management techniques in such a way as to ensure that the Native people are guaranteed a harvest based on present levels of harvesting of migratory birds.
- f) In any given year when populations permit a kill for the Territory higher than the guaranteed allocation equal to present levels of harvesting, the Native people shall be allowed a harvest equal to the guarantee based on present levels of harvesting, and the remainder of the permissible kill for the Territory shall be divided in such a way as to ensure primarily the continuance of the traditional pursuits of the Native people and secondarily so that non-Native people may satisfy their needs for recreational hunting.
- g) In any given year when the populations permit a kill for the Territory lower than the guaranteed allocation for the Native people equal to present levels of harvesting, the entire kill for the Territory shall be allocated to the Native people, who shall have the right in turn to allocate a portion of this kill to non-Native hunting through recognized outfitting facilities.
- h) This guarantee shall not operate to endanger migratory bird populations.

i) This guarantee in itself shall not operate to prohibit or reduce hunting of migratory birds elsewhere in the flyway or in Canada.

JBNQA, par 24.6.5
A. corr.

24.7 Species Reserved for Native People

24.7.1 In all areas where the Hunting, Fishing and Trapping Regime applies as set forth in Sub Section 24.12 certain species of mammals, fish and birds shall be reserved for the exclusive use of the Native people. Such exclusive use shall include the right to conduct commercial fisheries related to the various species of fish so reserved. The species contemplated by this Sub Section are listed in Schedule 2 of this Section.

24.8 Non-Native Hunting and Fishing

24.8.1 Non-Natives shall have the right to hunt and fish in Category III subject to the provisions of this Section and other applicable laws and regulations, but such hunting and fishing shall be restricted to sport hunting and sport fishing except for commercial fishing in Category III.

24.8.2 The Native people within their restrictive areas of primary interest shall have the exclusive right to hunt and fish within Categories I and II and, under reserve of the right specified in paragraph 24.8.4 of this Sub Section, non-Natives shall not have the right to hunt and fish therein save with the express authorization of and upon the terms and conditions established by the responsible Cree local government or, in the case of the Inuit, the interested Inuit community corporation with respect to Category I and the interested Inuit community corporation (s) and/or the interested Native party with respect to Category II, as the case may be. The exclusive rights provided for in this paragraph shall be strictly respected and enforced by the responsible governments in the Territory.

In the case of the Crees, the responsible Cree local government or regional authority and, in the case of the Inuit, the responsible Inuit community corporation or interested Native party may, in their respective areas of primary interest, permit persons of Cree or Inuit ancestry who are not eligible under the Agreement but who traditionally hunt, fish and trap in the Territory to exercise the right to harvest solely for personal purposes in Category I and II lands. Persons permitted to exercise the right to harvest pursuant to this paragraph shall in no event be counted for purposes of allocating quotas to the Native people.

JBNQA, par 24.8.2
A. corr.

24.8.3 Non-Natives authorized to hunt and fish pursuant to paragraph 24.8.2 shall be subject to all applicable provincial and federal laws and regulations and all applicable local and regional government by-laws and regulations.

24.8.4 Non-Natives who meet the residency requirements established for the purposes hereof by the local governments of Native communities shall be permitted to sport hunt and sport fish within Categories I and II of the Native community in which they are resident. Such non-Natives shall be subject to all applicable provincial and federal laws and regulations and all applicable local and regional government by-laws and regulations.

JBNQA, par 24.8.4
A. corr.

24.8.5 Notwithstanding the provisions of paragraph 24.8.4, in the case of unusual or large influxes of non-Natives into a Native community for whatever reason, the local government thereof may determine

whether and upon what terms and conditions such non-Natives will be permitted to sport hunt and sport fish.

24.8.6 A control shall be exercised by the responsible governments and the Coordinating Committee over the number of non-Natives permitted to hunt and fish in Category III and over the places therein and times where they may hunt and fish with a view to giving effect to the principle of conservation and the rights and guarantees in favour of the Native people established by and in accordance with this Section.

24.8.7 The use of outfitting facilities shall be considered as a principal means of controlling non-Native hunting and fishing activity in that portion of the Territory above the 50th parallel of latitude.

24.8.8 Over and above other available means of controlling the numbers of non-Natives permitted to hunt and fish in the Territory and the places and times where and when they may hunt and fish and subject to paragraph 24.8.9, Québec shall endeavor, to the extent that outfitting facilities are available, to require non-Native hunters and fishermen to use such facilities. Such requirements shall provide, to the extent deemed feasible, that non-Native hunters and fishermen be accompanied by Native guides.

24.8.9 In the event that Québec establishes requirements pursuant to paragraph 24.8.8 with respect to that portion of the Territory above the 50th parallel of latitude, such requirements shall be imposed upon non-Natives in the following order :

- a) non-residents of the Province of Québec,
- b) if further deemed necessary, non-residents of the said portion of the Territory,
- c) if further deemed necessary, non-Native residents of the said portion of the Territory.

JBNQA, par 24.8.9

A. corr.

24.8.10 The Hunting, Fishing and Trapping Regime shall apply in full to all residents of that portion of the Territory above the 50th parallel of latitude. The Coordinating Committee shall take this into account when formulating and recommending measures applicable to non-Native residents of the said portion of the Territory. Such measures may include the creation of special fishing zones and big game zones within the said portion of the Territory with a view to minimizing conflicts between Native harvesting activity and non-Native hunting and fishing.

24.8.11 When the Coordinating Committee determines that the presence of temporary labor forces or a given temporary labor force involved in construction and related work in the Territory may affect the regime including the principle of conservation and the rights and guarantees in favour of the Native people established by and in accordance with this Section, Québec shall make regulations concerning the controls and rules to apply to the sport hunting and sport fishing activity of such temporary labor forces. The Coordinating Committee shall be involved in the establishment and review of such controls and rules and supervise the procedures concerning the implementation and enforcement thereof. Such controls and rules shall include inter alia the designation of specific locations in the Territory or specific facilities which shall be used by such labor forces for the purpose of sport hunting and sport fishing. The Coordinating Committee shall be entitled to receive all information necessary for the proper exercise of its functions pursuant to this paragraph and established by such regulations.

24.9 Outfitting Regime

24.9.1 The Native people shall have the exclusive right to establish and operate outfitting facilities within Categories I and II. Non-Natives may be permitted to establish and operate such facilities within Categories I and II with the express consent of the responsible Cree local government or the responsible Inuit authority, which, wherever used in this Sub Section, in respect of Category I shall be the interested

Inuit corporation and in respect of Category II shall be the interested Inuit community corporation (s) and the interested Native party.

24.9.2 Non-Natives, including governments, presently operating as outfitters in Categories I or II may continue to operate at the discretion of the Native people, subject to the terms and conditions hereinafter set forth :

- a) The interested Cree local government and the interested Inuit authority shall have the right to require such outfitters to cease operations in Categories I or II within two (2) years of a receipt of a written notice to this effect given by the said government or authority. Such notice shall not be given during an operating season.
- b) Within two (2) years of the execution of the Agreement the interested Cree local government and the interested Inuit authority shall decide which of such outfitters shall be required to cease their operations in Categories I or II and which of such outfitters shall be permitted to continue their operations in Categories I or II and, in the latter case, upon what terms and conditions.
- c) Such outfitters permitted to continue their operations in Categories I or II, as determined pursuant to sub-paragraph b) of this paragraph, shall have the right to continue to operate on the terms and conditions established for a period of not less than five (5) years nor more than nine (9) years from the date that such outfitters are notified of such a decision, and upon the termination of the said period such outfitters shall cease their operations in Categories I or II unless the interested Cree local government or the interested Inuit authority agrees to permit them to continue such operations for a further period.
- d) The Coordinating Committee shall supervise the procedures for the relocation of such outfitters required to cease their operations in Categories I or II.
- e) The Native people shall have the right to decide whether or not they wish to operate in place of an outfitter required to cease his operation in Categories I or II in accordance with the following :
 - i) If the Native people decide to operate in place of such an outfitter they shall not be required to operate outfitting services of the same nature or scale but shall be permitted to enlarge, diminish or modify such services as they deem appropriate.
 - ii) If the Native people wish to use all or part of the facilities of such an outfitter they shall purchase such outfitting assets belonging to him as they may wish. In the event that all such assets are not purchased by the Native people, such outfitter may remove his remaining assets and shall be compensated forthwith by Québec, and not by the Native people, in accordance with the rights, if any, contained in the permits, leases or agreements in virtue of which such outfitter operated. All such assets not purchased by the Native people and not removed by the outfitter within a period of two (2) years shall thereafter be considered abandoned by such outfitter to Québec.
 - iii) In the event that the Native people decide to require government owned or operated outfitting facilities to cease operations, such facilities shall be transferred gratuitously by the government to the interested Cree band or interested Inuit authority, provided no transfers may be made by the government to individuals.
- f) Notwithstanding the right of first refusal of the Native people for outfitting facilities set forth in paragraph 24.9.3, outfitters required to cease operations in Categories I or II pursuant to paragraph 24.9.2 and who wish to relocate in Category III, shall have the preferential right to select sites and facilities subject to the approval of the Coordinating Committee. Such preferential rights shall not be accorded to a government owning or operating an outfitting facility.

g) Outfitters required to cease operations in Categories I or II after having been allowed to operate by the Native people pursuant to paragraph 24.9.2 shall be compensated by Québec to the extent of their rights, if any, contained in the permits, leases or agreements in virtue of which they operated but such compensation shall be limited to the value of the outfitting facilities in existence at the time of the execution of the Agreement.

24.9.3 Within their respective areas of interest for the Hunting, Fishing and Trapping Regime, the Native people shall have a right of first refusal to operate as outfitters in Category III for a period of thirty (30) years from the execution of the Agreement.

JBNQA, par 24.9.3
A. corr.

24.9.4 Upon the expiry of the thirty (30) year period stipulated in paragraph 24.9.3, Québec and the Native parties shall negotiate on the basis of past experience and actual and future need, whether the Native people shall be granted a renewal of the said right of first refusal. The Coordinating Committee shall be consulted and may make recommendations to the responsible Minister with respect thereto.

24.9.4A Notwithstanding the provisions in the Agreement respecting outfitting in Category III lands, the James Bay Crees shall have the exclusive right of outfitting as well as the exclusive right to own outfitting facilities and operate as outfitters for the hunting of migratory birds at Cape Jones in an area bounded to the North by the parallel of latitude 54°43', to the East by the meridian 79° 30', to the South by the parallel of latitude 54° 34' and to the West by the coast of James Bay and Hudson's Bay.

24.9.5 The outfitters operating in Category III at the time of the execution of the Agreement shall have the right to continue their operations subject to the regime for outfitters established by this Sub Section. Nevertheless, the rights of such outfitters may be revoked or terminated by the responsible Minister as a result of a breach by such outfitters of their obligations or responsibilities under the said regime or under applicable laws or regulations or for any other reason which the said Minister upon the recommendation of the Coordinating Committee may decide renders such outfitters unsuitable to continue to operate.

24.9.6 Notwithstanding paragraph 24.9.3 the Native people shall not exercise the right of first refusal referred to in the said paragraph with respect to at least three (3) non-Native applications out of every ten (10) applications respecting outfitting operations in Category III. The Coordinating Committee shall oversee the implementation of the terms of this paragraph and shall inform the parties from time to time as to the requirements for such implementation.

24.9.7 The procedure for the issuance of permits, leases and other authorizations for outfitting operations and the exercise of the right of first refusal of the Native people to operate as outfitters in Category III shall be as follows :

- a) All applications for permits, leases or other authorizations respecting outfitting operations, including renewals thereof, and the applications referred to in sub-paragraph j) shall be submitted to the responsible Provincial Minister who shall forthwith forward a copy thereof to the Coordinating Committee.
- b) The Coordinating Committee shall review all such applications taking into consideration the circumstances existing at the time, projected plans for outfitting operations and in the case of applications for transfers the bona fide nature of the terms and conditions of such transfer and on the basis of the said review shall recommend to the responsible Provincial Minister the acceptance or refusal of such application.
- c) Save for reasons of conservation, the responsible Provincial Minister shall not unreasonably refuse the recommendation of the Coordinating Committee when approved by the Cree local government

concerned or the responsible Inuit authority with respect to an application for an outfitting operation in Categories I or II.

d) When the responsible Provincial Minister agrees with the recommendation of the Coordinating Committee to accept an application he shall so inform the Coordinating Committee which shall forthwith transmit written notice of such application including all relevant information to the Cree Native party or, in the case of the Inuit Native party. No such notice shall be given when such application is for a renewal of a permit, lease or other authorization.

e) The interested Native party referred to in sub-paragraph d) shall within four (4) months from receipt of the notice specified in the said sub paragraph reply in writing to the Coordinating Committee indicating whether or not it or the person or persons designated by it intend to operate the outfitting operation referred to in said application.

f) If the interested Native party referred to in sub-paragraph d) fails to reply to the Coordinating Committee within the delay stipulated in sub paragraph e) or indicates that it does not intend to operate the outfitting operation referred to in the said application the right of first refusal of the Native People shall lapse with respect to the said application.

The Coordinating Committee shall forthwith inform the responsible Minister who may issue the permit, lease or other authorization requested by the said application.

g) If within the delay stipulated in sub paragraph e) the interested Native party indicates that it or the person or persons designated by it intend to operate the outfitting operation referred to in the said application, the Coordinating Committee shall forthwith so inform the responsible Minister who shall issue a permit, lease or other authorization to the interested Native party or to the person or persons designated by it unless for just cause stipulated in applicable laws or regulations.

h) Notwithstanding anything contained in this Sub Section, no permit, lease or other authorization respecting outfitting operations in Categories I or II shall be issued or granted without the consent of the interested Cree local government or the interested Inuit authority.

i) The party receiving a permit, lease or other authorization to establish such an outfitting operation shall proceed diligently, failing which the Coordinating Committee may recommend appropriate action to the responsible Minister.

j) In the event of a proposed transfer of an outfitting operation and facilities related thereto, the proposed transferor shall submit an application to the responsible Provincial Minister. Such application shall contain all relevant information relating to the terms and conditions of the proposed transfer.

k) The Coordinating Committee may on its own initiative recommend sites for the establishment of specific outfitting operations.

l) The responsible Provincial Minister may establish such administrative procedures as may be necessary to give full effect to the provisions of this paragraph.

JBNQA, par 24.9.7
A. corr.

24.10 Enforcement of Regime

24.10.1 A predominant number of the persons charged with enforcing the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall be Native people.

24.10.2 To give effect to and provide adequate enforcement of the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, Québec and Canada shall provide for the

training of a sufficient number of Native people as conservation officers. To give effect to the foregoing Québec and Canada shall modify, when necessary, the criteria required for acceptance as a trainee and establish and fund special facilities, courses and training programs.

24.10.3 Native people duly qualified as conservation officers shall be empowered by Québec or Canada, as the case may be, to act as Provincial conservation officers, game officers under the Migratory Birds Convention Act, fisheries officers under the Fisheries Act and such other similar enforcement officers which may from time to time be provided for under applicable laws.

24.10.4 Cree tallymen, in the area of Cree primary interest, and special police constables referred to in Section 19 may be appointed auxiliary conservation officers pursuant to section 6 of the Wildlife Conservation Act (L.Q. 1969, c.58 as amended).

24.11 Environmental Protection

24.11.1 The rights and guarantees of the Native people established by and in accordance with this Section shall be guaranteed, protected and given effect to with respect to environmental and social protection by and in accordance with Section 22 and Section 23.

JBNQA, par 24.11.1

A. corr.

24.12 Definitions of Territory

24.12.1 In this Section the word “Territory” comprises the entire area of land contemplated by the 1912 Quebec Boundary Extension Act and the 1898 Act respecting the Northwestern, Northern and Northeastern Boundaries of the Province of Québec except for the areas specified and in accordance with the conditions set forth in this Sub Section.

24.12.2 For the purpose of this Section, the Territory shall be divided into three (3) areas : a) the “southern area” b) the “buffer area” and c) the “northern area” as shown on a map attached hereto as Schedule 3.

a) The “southern area” shall be that portion of the Territory between the southern boundary of the Territory and a line commencing at the Ontario border, following the first set of township lines south of the 50th parallel of latitude being the southern boundary lines of the townships of Massicotte, LaPeltrie, Lanoullier, Gaudet, Fenelon, Subercase, Grasset and La Pérouse east to the Bell river system around the southern shore of Lake Matagami then southeast following the western bank of the Bell river (but following the northeast bank of Ile Canica) to the first set of township lines north of the 49th parallel of latitude being the northern boundaries of the townships of Quevillon, Verneuil, Wilson, Ralleau, Effiat, Carpiquet, Urban, Belmont, L’Espenay, Bressani, Chambalon, Beaucours, Feuquieres to the eastern boundary of the Territory.

b) The “buffer area” shall be that portion of the Territory between the line described in sub paragraph a) of this paragraph 24.12.2 and the 50th parallel of latitude.

c) The “northern area” shall be that portion of the Territory lying to the north of the 50th parallel of latitude.

24.12.3 The Hunting, Fishing and Trapping Regime shall apply in the three areas described in paragraph 24.12.2 as follows :

a) In the southern area, laws and regulations of general application relating to hunting, fishing and trapping shall apply and the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall not apply, save in the following cases :

- i) The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply in Categories I and II situated in this area.
 - ii) The exclusive trapping rights of the Native people referred to in paragraph 24.3.19 shall apply in this area on the Cree traplines.
 - iii) Only Cree tallymen, their families and Native people authorized by them shall have the right to harvest on Cree traplines located in this area.
- b) In the buffer area the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply save that :
- i) Any requirement established pursuant to this Section respecting the use of outfitting facilities shall not apply to non-Native residents of Québec.
 - ii) All or part of this area may be zoned for moose hunting for the purposes of managing this resource, minimizing conflict between harvesting by the Native people and sport hunting by non-Natives and protecting the rights of the Native people and non-Natives established by and in accordance with this Section.
 - iii) In this area, non-Natives shall be permitted to sport fish all species of fish, notwithstanding the provisions of paragraph 24.7.1.
 - iv) Subject to the provisions of paragraph 24.4.30 non-Natives shall be permitted in this area to sport hunt black bear notwithstanding the provisions of paragraph 24.7.1.
 - v) As provided in paragraph 24.3.23, in this area the exclusive right of the Native people to trap shall not exclude the snaring of hare by non-Natives in and around non-Native settlements.
- c) In the northern area the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply.

24.13 Areas of Primary Interest

24.13.1 For the purposes of this Section, the respective areas of primary interest and the area of common interest in the Territory of the James Bay Crees and the Inuit of Québec shall be as set forth in this Sub Section.

24.13.2 The Cree area of primary interest shall be :

- a) that portion of the Territory south of the 55th parallel of latitude with the exception of the Category I and II lands allocated to the Inuit of Fort George, and
- b) the area of the Mistassini traplines located north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 1, and
- c) the Category I lands north of the 55th parallel of latitude allocated to the James Bay Crees of Great Whale River.

24.13.3 The Inuit area of primary interest shall be :

- a) that portion of the Territory lying to the north of the 55th parallel of latitude with the exception of those areas north of the 55th parallel of latitude referred to in paragraphs 24.13.2 and 24.13.4;
- b) the Category I lands allocated to the Inuit of Fort George.

24.13.4 The area of common interest for the James Bay Crees and the Inuit of Québec shall be the Category II lands south of the 55th parallel of latitude allocated to the Inuit of Fort George, the Category II lands north of the 55th parallel of latitude allocated to the James Bay Crees of Great Whale River and the area of the traplines allocated to the James Bay Crees of Great Whale River located north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 1.

24.13.5 The Inuit of Québec and the James Bay Crees shall have the rights provided for in this Section throughout their respective areas of primary interest and the area of common interest.

24.13.6 Within the Inuit of Quebec area of primary interest, the James Bay Crees shall have the following rights :

- a) the Crees of Great Whale River shall have the right to harvest in the area north of the 55th parallel of latitude presently used by the James Bay Crees of Great Whale River as determined by mutual agreement between the Native parties;
- b) the James Bay Crees of Fort George shall have the right to harvest in the area north of the 55th parallel presently used by the James Bay Crees of Fort George as determined by mutual agreement between the Native parties.

24.13.7 Within the James Bay Cree area of primary interest, the Inuit of Québec shall have the following rights :

- a) the Inuit of Great Whale River shall have the right to harvest in the area south of the 55th parallel of latitude presently used by the Inuit of Great Whale River as determined by mutual agreement between the Native parties.
- b) the Inuit of Fort George shall have the right to harvest in the area south of the 55th parallel of latitude presently used by the Inuit of Fort George as determined by mutual agreement of the Native parties.

24.13.8 For the purposes of the voting procedure of the Coordinating Committee established by subparagraph 24.4.4 f), matters shall be deemed of common interest to the James Bay Crees and the Inuit of Québec when they involve :

- a) territorial areas of common interest as set forth in the foregoing paragraphs;
- b) discussion or consideration by the Coordinating Committee of a matter relating to a specific area within the area of primary interest of one of the Native parties but which, at the same time, involves a wildlife resource harvested by both the James Bay Crees and the Inuit of Québec or a matter related to such wildlife resource and any decision or recommendation by the Coordinating Committee in connection therewith which would affect the rights conferred by this Section in favour of the other Native party.
- c) matters of general interest pertaining to the entire Territory.

24.13.9 The Native parties may from time to time by mutual agreement modify the provisions of this Sub Section.

24.14 Migratory Birds and Marine Mammals.

24.14.1 The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply to migratory birds and marine mammals.

24.14.2 Within its responsibility for the management of migratory bird populations, Canada shall forthwith upon the execution of the Agreement endeavor to obtain a modification or amendment to the Migratory Birds Convention and/or to the application of the said Convention in and to the Territory or to the Native people in the Territory to eliminate to the extent possible all conflicts with the Hunting, Fishing

and Trapping Regime established by and in accordance with this Section and in particular, subject to the principle of conservation, to eliminate to the extent possible any conflict with the right of the Native people to harvest at all times of the year all species of wild fauna except species requiring complete protection from time to time within the Territory to ensure the continued existence of such species or a population thereof.

JBNQA, par 24.14.2
A. corr.

24.14.3 Subject to paragraphs 24.14.1 et 24.14.2 Canada shall forthwith upon the execution of the Agreement take all reasonable measures to modify or amend any particular provisions of the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or the Regulations pursuant thereto which conflict or are incompatible with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section.

24.14.4 Nothing in paragraph 24.14.2 and 24.14.3 shall be construed as constituting an amendment or an undertaking by Canada to amend the Migratory Birds Convention Act or regulations thereunder in such a way that Canada violates its obligations under the Migratory Birds Convention.

24.14.5 Subject to paragraph 24.14.1, Canada shall forthwith upon the execution of the Agreement take all reasonable measures within the limit of its jurisdiction with respect to fisheries and marine mammals, to modify or amend the particular provisions of the Fisheries Act (R.S.C. 1970, c. F-14) and the regulations pursuant thereto, the Whaling Convention Act (R.S.C. 1970, c. W-8) and the regulations pursuant thereto and any other legislation and regulations which conflict or are incompatible with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, provided that nothing in this paragraph shall require Canada to amend any legislation in such a way that Canada would breach any international treaty obligations.

24.14.6 Nothing in the Agreement and in particular in this Section of the Agreement shall be construed as constituting recognition by the Native parties of the application to them of article 2 of the Migratory Birds Convention or the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or any other legislation in so far as such legislation incorporates or refers to the said article 2.

24.14.7 Nothing in the Agreement and in particular this Section of the Agreement shall be construed as constituting recognition by Canada that article 2 of the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or any other legislation insofar as such legislation incorporates or refers to the said article 2 does not apply to the Native people, it being the position of Canada, that on the contrary, the said convention and the said Act do apply to the Native people. Subject to the provisions of the Agreement the James Bay Crees and the Inuit of Québec may avail themselves of any right or recourses, if any, in respect to migratory birds which they may have after the coming into force of the Agreement.

24.15 Amendment Clause

24.15.1 Except as otherwise provided for in this Section, the provisions of this Section may be amended with the consent of Québec and the interested Native party in matters of provincial jurisdiction and with the consent of Canada and the interested Native party in matters of federal jurisdiction. Legislation giving effect to such amendment, if required, shall be enacted only by the National Assembly on matters of provincial jurisdiction and only by Parliament on matters of federal jurisdiction.

24.16 Transitional Measures

24.16.1 In addition to the transitional measures provided for in Section 2 of the Agreement the parties to the Coordinating Committee referred to in paragraphs 24.4.2 and 24.4.3 shall within two (2) months of the execution of the Agreement appoint their respective members to the Coordinating Committee.

Québec shall convoke the first meeting of the Coordinating Committee within three (3) months of the execution of the Agreement.

24.16.2 During the transitional period the Coordinating Committee shall operate on an informal basis.

24.16.3 The Coordinating Committee shall give priority attention to the continuation and funding requirements of the “Research to Establish Present Levels of Native Harvesting” projects and shall supervise the said studies.

24.16.4 The Société de développement de la Baie James shall continue to serve as the legal entity delegated to undertake financial transactions on behalf of the parties involved in the research, subject to appropriate arrangements that may be made from time to time.

JBNQA, par 24.16.4

A. corr.

Annexe 1

CARTE RÉSERVES DES CASTORS Voir Édition 2006 p. 392

Annexe 2

Fur-bearers :

All mustelids (i.e. mink, ermine, weasels, marten, fisher, otter, skunk and wolverine)

Beaver

Lynx

Foxes

Polar bear

Muskrat

Porcupine

Woodchuck

Black bear (in the Cree traplines north of the 50th parallel)

Wolves (north of the 55th parallel)

Fresh water seals

Fish :

Whitefishes (non-anadromous)

Sturgeon

Suckers

Burbot

Hiodons (Mooneye and Goldeye)

Annexe 3

**CARTE : SOUTHERN PORTION OF TERRITORY SHOWING“SOUTHERN AREA” AND
“BUFFER AREA” (See 24.12.2).Voir Édition 2006 p. 394**