

## SECTION 7

### **Land Regime applicable to the Inuit**

#### **7.1 Category I lands – Inuit of Québec**

##### **7.1.1 Definitions**

Upon the coming into force of the Agreement, Québec shall grant to the Inuit of Québec and to the Inuit of Port Burwell in ownership for Inuit community purposes tracts of land having an area of 3130 square miles situated north of the 55th parallel of latitude.

In addition, a tract of land comprising an area of seventeen and four tenths (17.4) square miles situated south of the 55<sup>th</sup> parallel of latitude shall be granted to the Inuit of Fort George in ownership for Inuit community purposes. The land regime applicable to such lands shall be the regime set forth in this Section and such lands shall be excluded from the James Bay Municipality.

The grant of Category I lands shall be subject to the provisions hereinafter set forth in this Section.

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JBNQA, par. 7.1.1

A. corr.

Compl. A. no. 3, s. 12

##### **7.1.2 Inuit Community Corporations**

An Inuit Community Corporation shall be incorporated by special legislation of the National Assembly of Québec for each of the following communities: Akulivik (Cape Smith), Aupaluk (Hopes Advance Bay), Inukjuaq (Port Harrison), Ivujivik, George River (Kangirsualudjuaq), Wakeham Bay (Kangirsujuaq), Payne Bay (Kangirsuk), Killinek (Port Burwell), Koartak, Fort Chimo (Kuudjuaq), Great Whale River (Kuudjuarapik), Fort George (Mailasikut), Sugluk (Salluit), Leaf Bay (Tasiujaq) and Povungnituk.

A Landholding Corporation shall be incorporated for the Inuit community of Umiujaq by means of an amendment to the said legislation.

The members of the respective Inuit Community Corporations shall be those Inuit affiliated with each community as established by and in accordance with Section 3A of the Agreement.

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JBNQA, par. 7.1.2

A. corr.

Compl. A. no. 16, s. 3

Compl. A. no. 18, sch. 1, s. 14

##### **7.1.3 Title**

Title to Category I lands shall be transferred to the Inuit Community Corporations for Inuit community purposes, which shall include the use of the lands by the Inuit Community Corporations for commercial, industrial, residential or other purposes, upon the coming into force of the Agreement. Title shall not pass to the Inuit Community Corporations in those Inuit communities in which the selection of Category I lands provided for in paragraph 6.1.1 has not been completed at the coming into force of the Agreement, until the completion of such selections.

##### **7.1.4 Transitional provisions**

Until the homologation of the survey of Category I lands of each Inuit Community Corporation, provided for in paragraph 6.1.2, the lands held in title by such corporations shall be described by the map identifications provided for in Section 6 with the exception of the lands held in title by the Inuit Community

Corporation for Fort George which shall be as described in paragraph 4.3.2 of Sub-Section 4 of Annex 1 of Section 4.

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JBNQA, par. 7.1.4  
Compl. A. no. 3, s. 13

#### **7.1.5 Jurisdiction and restrictions on transfer**

Category I lands shall be under provincial jurisdiction. Category I lands or any portion thereof may not be sold or otherwise ceded except to the Crown in the right of Québec and this shall constitute a prohibition to sell or cede other than to Québec. Subject to the provisions of this Section, an Inuit Community Corporation shall enjoy the usual rights of an owner and, more particularly, may make with any person, including non-Inuit, agreements in respect of servitudes, leases and other rights of use and occupation respecting such lands.

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JBNQA, par. 7.1.5  
A. corr.

#### **7.1.6 Special Category I lands**

Within such Category I lands, there shall be Special Category I lands.

Each parcel of Special Category I lands shall be comprised of areas located along the banks of rivers or bays opposite Inuit communities, the whole as indicated on the map attached hereto as Schedule I to Section 6.

It is also agreed that such lands are subject to the regime for Category I lands and to the following provisions:

- a) the right to establish, in addition to public servitudes in favour of public bodies, agencies and corporations, in accordance with the provisions of paragraph 7.1.10, servitudes for public purposes of Québec, its agencies and mandataries.
- b) in the case of the additional servitudes for public purposes referred to in sub-paragraph a), only developments which involve an operating staff of not more than ten (10) persons per development shall be allowed;
- c) the right for Québec to give the necessary authorizations for the duration of the activities referred to in sub-paragraphs a) and b);
- d) notwithstanding anything herein contained, any other developments by Québec, its agencies and mandataries may be permitted with the consent of the Inuit Community Corporation concerned;
- e) for the purposes mentioned above, Québec, its agencies and mandataries shall at all times have access to Special Category I lands as if they were Category II lands.

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JBNQA, par. 7.1.6  
A. corr.

#### **7.1.7 Mineral rights**

##### **a) General**

##### ***Minerals and other underground rights***

In Category I lands, Québec remains the owner of the mineral and sub-surface rights with the exception of rights already granted by the Province as of the date of execution of the Agreement.

However, no minerals or other sub-surface rights can be obtained, extracted, mined or exercised from or with respect to all Category I lands without the consent of the interested Inuit Community Corporation

with rights over such lands and only upon payment of compensation agreed upon for the use of rights over such lands.

b) *Existing mineral rights*

Lands within the areas of Category I lands as shown on the attached maps but which are presently the object of mining claims, development licences, exploration permits, mining concessions and mining leases and other similar rights as presently defined in the Québec Mining Act, shall be Category III lands. However, Québec undertakes upon the expiry of these rights, or any renewal thereof, to transfer the ownership of such Category III lands to the Inuit Community Corporation concerned. If any part of such lands are taken for development under the Québec Mining Act, Québec will replace the land taken in accordance with the procedure set out for the replacement of Category II lands.

Québec undertakes to provide to the Inuit of Québec, within ninety (90) days of the execution of the Agreement, a list of the mining claims, development licences, mining concessions, mining leases, exploration permits, referred to above, within Category I lands along with the names of the holders thereof, the dates the rights were granted, the nature of the rights and the date of their expiry.

The areas of land covered by such existing mining claims, development licences, exploration permits, mining concessions and mining leases surrounded by Category I lands have been included in the calculation establishing the total area of 3,130 square miles of Inuit Category I lands.

The carrying out of work resulting from mineral rights granted prior to the execution of the Agreement on lands surrounded by or adjacent to Category I lands shall be as dealt with in paragraph 7.1.12b as on other Category III lands. For the purposes contemplated by Division XXII of the Québec Mining Act, the holders of such rights requiring the use of adjacent Category I lands may use the adjacent or surrounding Category I lands to the extent necessary to exercise their rights, subject to the provisions of paragraph 7.1.12b below. Such works may include mining operations mentioned in that paragraph. Land used pursuant to the provisions of this paragraph shall be replaced in accordance with the procedures set out for the replacement of Category II lands.

All mining exploration and operations undertaken on or over Category I lands or immediately adjacent lands, or on lands within the exterior boundaries of Category I selections, shall be subject to the provisions of the Environment and Social Protection Regime established by and in accordance with Section 23. The impact assessment shall include proposals for a land use and reclamation plan.

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JBNQA, par. 7.1.7  
A. corr.

**7.1.8 *Existing third party interests***

Lands ceded to third parties by letters patent or owned by third parties prior to the execution of the Agreement shall be Category III lands.

The holders of leases or occupation permits granted by Québec before the date of execution of the Agreement over Category I lands may continue to exercise such rights for the purposes for which such rights were granted as if the lands over which the said rights are granted were Category III lands and upon the terms and conditions of the said leases or permits until the termination of the period fixed for the exercise of such rights, unless such rights are renewed by Québec. Québec undertakes, prior to the renewal of such leases or permits, to take into consideration the zoning plan of the municipality within the boundaries of which such lands are located. The municipality undertakes to take into consideration all existing leases and permits when establishing a zoning plan.

Any rents or fees payable for such rights to Québec shall, from the coming into force of the Agreement, be remitted by Québec to the Inuit Community Corporation concerned.

Subject to the above, where such lands are situated within the boundaries of a municipality, the by-laws of such municipality shall apply to such lands and to the holders of rights therein. Such persons shall have a right to all services of a municipal nature which are offered by the local municipal government on the same terms and conditions, the whole subject to the rights of such persons and the exercise of the same.

#### **7.1.9 Governmental interests**

Main roads within Category I lands shall be Category III lands. Other existing roads within the Inuit Communities, as well as branch roads within Category I lands and leading to the Inuit communities, shall be Category I lands, but the general public shall be granted access over such roads.

The areas covered by existing landing strips, airport installations, hydroplane bases and maritime structures within Category I lands are excluded from Category I lands and shall be Category III lands.

The seashore, beds and shores of the lakes and rivers identified in the map identifications attached as Schedule 3 of Section 6 and forming an integral part hereof shall be excluded from Category I lands with respect to the shore line of such lakes and rivers and lands on both sides of such rivers and around such lakes for a distance of two hundred (200) feet shall be Category II lands. The aforesaid two hundred (200) foot restriction shall not apply for a distance of one mile in both directions along the shore line from the centre of the Inuit Community concerned.

Notwithstanding that the said lands within the two hundred (200) foot restriction remain Category II lands held by the Crown in right of Québec, the regime established herein for Category I lands shall apply to such lands except that persons navigating such rivers, lakes and seashores or travelling through such lands shall have access to such lands. Such lands shall be included in the calculation establishing the total area of Category I lands.

In front of Category I and Category II lands, the intertidal zone may be Category II lands. In front of Category III lands, the intertidal zone will remain Category III lands.

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JBNQA, par. 7.1.9

A. corr.

#### **7.1.10 Public Servitudes**

##### *A) General*

Category I lands are subject to public servitudes established by Québec or its agents or mandataries in the cases set forth in paragraphs b), c) and d) below, subject to the terms and conditions and to the provisions for compensation mentioned herein and subject to compensation in an equivalent amount of land or in money at the option of the Inuit Community Corporation concerned unless for services of direct benefit to Category I lands or to such Inuit community.

Consequently, all public bodies, agencies and corporations authorized by law will be allowed to expropriate for the purpose of establishing the following public servitudes, subject to the conditions mentioned below:

- a) infrastructures such as roads, bridges, airports, maritime structures and protection and irrigation facilities;
- b) local services such as water systems, sewers, purification plants, treatment plants, fire protection and other services generally provided by municipal governments;
- c) public utilities such as electricity, gas, oil, telecommunications and telephones;
- d) servitudes of gas or oil pipelines or transmission lines which shall be subject to the following conditions:

- i) the pipelines or transmission lines shall be situated as far away as possible from the Inuit community concerned, taking into account all circumstances, and in all cases at a distance of at least five (5) miles from the centre of the said community;
  - ii) land taken for such purposes shall be replaced or compensated in all cases subject to the conditions of the first sub-paragraph of the present paragraph.
- e) other servitudes of a similar nature established by law.

No public servitudes other than those for local purposes shall be erected on Category I lands wherever a reasonably economical alternative exists for such public servitudes on Category III or Category II lands.

In the case of the expropriation of Category I lands for public servitudes, compensation in lands or money, at the option of the Inuit Community Corporation concerned, must be effected, except in the case of public servitudes involving services of direct benefit to Category I lands or the Inuit Community concerned. Direct benefit would be determined with respect to the potential use by and/or future advantages to the Inuit community itself or the benefit to Category I lands.

Where it is not otherwise possible for Québec to establish a public servitude to achieve the above without a full use and taking of the land, Québec shall have the right to expropriate in full ownership for the purposes of the present paragraph and paragraph 7.1.6, subject to the other provisions of this Section.

All proposed public servitudes shall be subject to the Environment and Social Protection Regime established by and in accordance with Section 23 of the Agreement.

*B) Direct benefit*

Public servitudes considered to be of direct benefit to Category I lands or the Inuit Community concerned would include servitudes involving public services expressly requested by the Inuit Community, essential services for the Inuit Community provided such services are used by the Inuit residents of the community and services designed to enhance the quality of life of the Inuit inhabitants of the community.

Such servitudes would include, but not necessarily be limited to, such things as local services generally provided by municipal or local governments and by public utilities, local roads and bridges and community airports.

In all other cases not covered by the Agreement, burden of proof in establishing the direct benefit to the Category I lands of the community shall lie upon Québec.

In all cases, the Inuit Community shall have the right and opportunity to contest, in accordance with the procedure hereinafter set forth, whether a particular public servitude involves services of direct benefit to Category I lands or to the Inuit Community.

*C) Compensation in land or in money*

In the case of a servitude recognized not to be of direct benefit to Category I lands or to the Inuit Community, there shall be compensation in an equal amount of lands or, at the option of the Inuit, in an amount of money and/or lands. However, such compensation shall be by replacement of land only when such servitudes effectively withdraw portions of Category I lands from the use or enjoyment of the Inuit Community concerned.

If the Inuit Community Corporation chooses compensation in the form of land, the Inuit Community Corporation shall indicate its selection preference to Québec after notification by Québec of a decision to proceed with the proposed public servitude.

If necessary, Québec shall then propose to the Inuit Community Corporation, taking into consideration the Inuit Community Corporation's preference, an area with similar characteristics to the Category I lands

taken, insofar as is possible, and contiguous to the location of the Category I lands subject to the servitude. Such area proposed as replacement land shall be double the size of the land to be replaced. The community shall be then entitled to choose from this area a piece of land equal in size to that land taken away for the purposes of the public servitude.

This procedure will precede the taking of land for a servitude or any construction related to the servitude. However, a time limit of one hundred and twenty (120) days shall be allowed for this procedure, provided that the taking of the land for the servitude or any construction related to the servitude may proceed after sixty (60) days.

If there is no agreement on the choice of the replacement land within the period of one hundred and twenty (120) days and provided there is no contestation of the right to take the servitude, the compensation would then have to take the form of money.

If there is no agreement between the Inuit Community Corporation and Québec respecting the determination of what is direct benefit to an Inuit Community or if the Inuit Community Corporation, instead of compensation in the form of land, chooses compensation in the form of money and the parties are unable to agree as to what is adequate compensation, the decision as to whether the servitude is of direct benefit and the amount of compensation shall be fixed by the Expropriation Tribunal of Québec, unless the parties agree to submit the matter to binding arbitration.

*D) Other*

Any land effectively withdrawn from Category I lands for the purpose of establishing a servitude which has been compensated for in the form of land or money will be classified as Category III lands. In the case of a servitude not effectively withdrawing the use of the land, such land shall remain Category I land.

If the holder of the servitude no longer requires such servitude, the Inuit Community Corporation concerned shall have the option to have the land formerly subject to such servitude reclassified as Category I lands provided that the land which was allocated to the community as compensation, if such was the case, reverts to Québec to be reclassified as Category II or Category III lands depending on its status before the said land was used for compensation.

Unless the Inuit of Québec are compensated in money in respect of expropriations by Québec and subject to expropriation by Canada and the provisions of paragraph 7.1.12 a), the total area of Category I lands shall never be less than 3130 square miles without the consent of the Inuit or exceed 3130 square miles without the consent of Québec.

In respect to the above public servitudes, and servitudes for public purposes, and subject to the consent of the Lieutenant-Governor in Council, all public bodies, agencies and companies which now have or will have such powers defined in present or future laws of Québec will be able to establish such servitudes.

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JBNQA, par. 7.1.10

A. corr.

**7.1.11 Public Utilities**

Present and future public utilities will continue to remain the responsibility of competent authorities acting in accordance with provincial and federal statutes and regulations and applicable local by-laws.

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JBNQA, par. 7.1.11

A. corr.

**7.1.12 Future Occupation by Québec and Third Parties****a) Québec and its representatives**

If appropriate Crown land is not available within Category I lands, lots within the said Category I lands shall be allocated at nominal cost by the Inuit Community Corporation to the appropriate authorities for community services supplied by Québec, its agents or mandataries, such as roads, schools, hospitals, police stations and telecommunications by lease, servitude, cession or other similar contract.

**b) Mining explorations and operations under existing rights**

Where lands which are the object of existing mining claims, development licences, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Québec Mining Act are surrounded by or adjacent to Category I lands, the owners of these rights or titles for the purpose of exercising the said rights shall have the right to use Category I lands, but only to the extent necessary in order to carry out their exploration or mining operations in accordance with Division XXII of the Québec Mining Act. Nonetheless, the appropriation of the lands required for such purposes shall be done by temporary servitudes only. The indemnity to be paid to the Inuit Community Corporation by Québec for the use (other than for exploration) of such Category I lands will be equivalent replacement land. In the case of exploration, the compensation to be paid to the Inuit Community Corporation by Québec for the use of such Category I lands shall be the equivalent to what is being paid to Québec for the use of surface rights on Crown lands in similar cases.

In the event that areas of land contemplated in the immediately preceding paragraph are developed as provided hereinabove, the Inuit Community Corporation concerned shall have the right to the replacement, notwithstanding paragraph 7.2.3, of an equivalent area of land in the same manner as set forth in the procedure for the replacement of Category II lands in the case of development.

In regard to lands which will be the object of mining claims, development licences, exploration permits, mining concessions, mining leases and similar titles in the future, except the lands presently covered by any such titles which shall be governed by the special provisions hereinabove set forth, the exercise of any rights in or over Category I lands, shall be subject to the general regime set forth in this Section.

All mining exploration and operations undertaken on or over Category I lands or immediately adjacent lands, or on lands within the exterior boundaries of Category I selections, shall be subject to the provisions of the Environment and Social Protection Regime established by and in accordance with Section 23 of the Agreement. The impact assessment shall include proposals for a land use and reclamation plan.

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JBNQA, par. 7.1.12  
A. corr.

**7.1.13 Expropriation by Canada**

Notwithstanding the Expropriation Act of Canada, no Category I lands may be expropriated by Her Majesty in right of Canada without the prior consent of the Governor in Council.

Subject to the foregoing, nothing in the Agreement shall be interpreted as in any way limiting the power of Canada to expropriate for public purposes.

**7.1.14 Consultation**

Where an Inuit Community Corporation permits third parties to occupy Category I lands for projects of regional or provincial interest it shall first consult with Québec and the regional government concerned.

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JBNQA, par. 7.1.14  
A. corr.

### **7.1.15 Future Mineral Rights**

#### *a) General*

Any future exploration or exploitation of minerals within Category I lands, other than the exploration or exploitation under rights existing prior to the Agreement including the right to explore and mine extension of mineralization around the lands subject to such existing rights and subject to the provisions referred to in sub-paragraph 7.1.12b) of this Section, shall only be permitted with the consent of the Inuit Community Corporation holding the rights to the lands affected. Moreover, specific authorization from the Québec Government according to conditions specified in Québec mining laws and regulations, shall be required before any mining rights may be acquired.

#### *b) Steatite (soapstone), gravel and other similar substances*

Deposits of steatite (soapstone) or other similar substances used for traditional arts and crafts will belong to the respective Inuit Community Corporations.

Permits must be obtained by the Inuit Community Corporation from the Department of Natural Resources for the use of gravel and other similar materials generally used for earthworks and general construction for personal and community use. However, the Department of Natural Resources may not withhold such permits provided all the regulations are observed. The duties provided for under any applicable provincial legislation shall not be collected.

JBNQA, par. 7.1.15  
A. corr.

### **7.1.16 Access**

Save where derogated from in this Section, Québec laws and regulations of general application shall govern access to Category I lands.

In addition, the following provisions shall apply to access to Category I lands:

- i) the general public will have access to all roads, arteries, airports, bridges, public seaplane bases, wharves, harbours, principal rivers and lakes indicated in Schedule I to Section 6 and public buildings and lands used for public purposes;
- ii) persons involved in the construction, installation or operation of public servitudes and public utilities on or adjacent to Category I lands. Such right shall be exercised only to the extent required for such purposes;
- iii) persons involved in public administration or in rendering public services or engaged in technical surveys for public purposes on or adjacent to Category I lands, to the extent required for such purposes;
- iv) owners of any mineral or ancillary rights granted on or with respect to Category I lands and in respect to lands surrounded by Category I lands and persons engaged in the exercise thereof, to the extent required for such exercise;

and such other persons as are authorized by the Inuit Community Corporation.

Non-Native people presently residing in Category I lands shall have the right to remain until the expiration of their rights of occupancy or residency on such lands.

#### **7.1.16A Residence**

Non-Inuit spouses of Inuit beneficiaries, and their immediate families in the first degree, have the right to reside on Category I lands in accordance with the conditions established by the interested Inuit landholding corporation.

Compl. A. no. 18, sch. 1, s. 15

### **7.1.17 Taxation**

Vacant Category I lands held by the Inuit Community Corporation shall not be subject to realty, water, business or school taxes.

### **7.1.18 Exchange of lands**

Except as otherwise provided, where lands originally selected as Category I lands are expropriated or otherwise withdrawn from the use and enjoyment of the Inuit, such lands, when no longer required for the purposes for which they were expropriated or withdrawn, shall, at the option of the Inuit Community Corporation, be reclassified as Category I lands in exchange for the Category I lands obtained as compensation or, with the agreement of Québec, for an equivalent amount of other Category I lands.

Lands within a five (5) mile radius from each community which for any reason are not selectable as Category I lands may, at the option of the Inuit Community Corporation, and with the agreement of Québec, when such reason ceases to exist, be reclassified as Category I lands in exchange for an equivalent amount of Category I lands situated outside the five (5) mile radius.

## **7.2 Category II lands**

### **7.2.1 Definition**

Category II lands will comprise 35,000 square miles in the Territory north of the 55th parallel of latitude (of which 1,600 square miles shall not form part of the present regime and shall not be selected by the Inuit. These lands may, in the event of an agreement, be used by the Naskapi after having been selected by agreement with Québec.), where the Inuit shall have the exclusive right of hunting, fishing and trapping and other rights established under Section 24 of the Agreement. Other uses of Category II lands for purposes other than hunting, fishing and trapping shall be subject to the provisions set forth below.

Part of the said Category II lands shall be allocated to the Crees of Great Whale River as provided in paragraph 8.3 of Annex 1 of Section 4.

Category II lands shall remain under provincial jurisdiction.

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JBNQA, par. 7.2.1

A. corr.

Compl. A. no. 3, s. 14

### **7.2.2 Third party interests**

The lands already ceded to third parties in ownership prior to the execution of the Agreement shall be excluded from Category II lands.

Moreover, lands within the area of the said Category II lands which are subject to rights already ceded to third parties prior to the execution of the Agreement by way of leases or occupation permits, mining concessions and mining leases shall be Category III lands. At such time as the said rights revert to the Crown such lands shall be Category II lands.

Moreover, existing roads, landing strips, airport installations, seaplane bases and maritime structures shall be Category III lands and as such shall be excluded from the administrative regime applicable to Category II lands. The large bodies of water surrounded fully or partially by Category II lands but excluded from Category II lands shall be identified provisionally in Schedule 4 of Section 6.

### **7.2.3 Development**

Category II lands may be appropriated by Québec for development purposes provided such lands are replaced, or if the Native people wish and an agreement can be reached thereon, they are compensated.

Unless such activities are directly related to pre-development, the rights or the exercise thereof of non-Native people in respect to their lawful activities shall be controlled by Québec through appropriate legislation or regulations and reasonable enforcement machinery if they interfere or could reasonably be expected to interfere with the rights granted to Native people under Section 24 of the Agreement.

For the purposes of the Agreement in respect to Category II lands, “development” shall be defined as any act or deed which precludes hunting, fishing and trapping activities by Native people except for pre-development; and “pre-development” shall be defined as any act or deed of an exploratory nature exercised during a limited time with a view to decide if development will take place or not.

Except if otherwise provided herein, in the case of development, should the Inuit Community Corporation concerned choose replacement of land, such corporation shall indicate its preference to Québec as soon as the decision to proceed with the development is taken.

If there is no agreement in respect to the choice of land, Québec shall then propose to the Inuit Community taking into consideration the Inuit Community's preference, an area with similar characteristics, insofar as is possible, to Category II land and contiguous to the location of the Category II lands subject to the replacement. Such area proposed as replacement shall be double the size of the land to be replaced. The Inuit Community shall then choose from this area a piece of land contiguous to the Category II land and equal in size to that land effectively taken away for the purposes of such development as full compensation for the land taken away. Compensation may also be made by money payments mutually agreed upon.

This procedure will precede the taking of land for development or any construction related thereto. However, a time limit of one hundred and twenty (120) days shall be allowed for this procedure, provided that the taking of the land for the development of any construction related to such development may proceed after sixty (60) days.

Such development shall be subject to the Environmental Regime set forth in Section 23 of the Agreement.

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JBNQA, par. 7.2.3

A. corr.

#### **7.2.4 Public Servitudes**

All public servitudes established on Category II lands shall be without payment of compensation.

#### **7.2.5 Natural resources**

##### *a) Minerals and other underground rights*

Mineral exploration, technical surveys, mapping and diamond drilling activities may be carried out without replacement of lands and without payment of indemnity. Such activities must be carried out so as to avoid unreasonable conflict with harvesting activities.

##### *b) Steatite (soapstone)*

Every Inuk or Inuit Community Corporation may acquire without cost from the Department of Natural Resources a permit for the acquisition of steatite (soapstone) for use in traditional arts and crafts. Areas subject to such permits shall be marked by the Inuit or the Inuit Community Corporations in a manner similar to that used in claim staking.

Such areas will have to be restricted to the outcrops easily accessible to the Native people. Furthermore, the right to the soapstone will always be subordinated to the rights to other mineral substances, in such a way that it will not prevent possible mining developments on such areas.

c) *Forests*

Forestry operations on Category II lands will be defined according to management plans elaborated by Québec, which plans take into consideration the hunting, fishing and trapping activities.

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JBNQA, par. 7.2.5

A. corr.

### 7.2.6 Access

Subject to the rights of the Inuit of Québec under Section 24 of the Agreement, persons exercising a right compatible with such rights of the Inuit of Québec, as well as persons exercising some duty imposed by law, shall have access to Category II lands, may remain thereon and erect construction thereon. The exercise of such rights shall be subject to the general restrictions of law and the provisions of this Section of the Agreement and shall be subject to the following additional restrictions:

a) *Tourism and recreation*

Subject to the rights of non-Inuit set forth in the Hunting, Fishing and Trapping Regime, non-Inuit will not be allowed to hunt or fish in Category II lands, except with the consent of the Inuit.

b) *Exploration, predevelopment activities, scientific studies and administrative activities*

Persons wishing to carry out exploration, predevelopment activities, scientific studies or administrative activities shall be required to obtain an authorization for such activities from Québec. Every request for such authorization shall include the following information: the objective, the approximate number of persons involved, the nature and importance of the work to be effected, the duration of such work and a description of the installations involved.

The Inuit shall be advised of the information so given to Québec as soon as is reasonably possible.

However, works which do not involve substantial operations on the field, such as geoscientific works and mining exploration of the type provided for by the Québec Mining Act will not be subject to the presentation of the information nor the obtaining of the authorization mentioned above.

All such works shall be undertaken in such a manner as to avoid unreasonable conflict with the rights of the Inuit of Québec under the Hunting, Fishing and Trapping Regime.

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JBNQA, par. 7.2.6

A. corr.

## 7.3 Category III lands

**7.3.1** Rights of access to Category III lands shall be in accordance with legislation and regulations concerning public lands.

The regime for the use of soapstone in Category III lands shall be that applicable, *mutadis mutandis*, to Category II lands.

## 7.4 Development

**7.4.1** Notwithstanding anything else contained in the Agreement, Québec and Hydro-Québec, and their nominees and such other persons acting lawfully authorized shall have the right to develop the land and resources in Category III lands and also, for the purpose of development, Québec has the right to take Category II lands subject to the replacement or compensation as specified in this Section and such Category II lands shall then become Category III lands.

More particularly, the rights and guarantees given to the Native people by and in accordance with Section 24 of the Agreement shall be subject to the right to develop Category III and Category II lands on the part of Québec and Hydro-Québec and their nominees and such other persons as may be lawfully authorized.

However, the developers shall be submitted to the Environmental Regime which takes into account the Hunting, Fishing and Trapping Regime.

**7.4.2** Subject to laws and regulations of general application except as hereinafter provided in paragraph 7.4.3, Québec, Hydro-Québec and all public bodies, agencies and corporations authorized by law to modify or regulate the flow of rivers of Categories II and III lands even if such rivers are flowing through or adjacent to Category I lands or have downstream effect on the part of such rivers included within Category I lands, subject to the following provisions:

- a) the flow regime shall not be modified in such a way as to increase the water level above the highest previously recorded water level of the river;
- b) for the purposes of establishing or exercising the servitudes contemplated by Sub Section 7.1.10 of this Section, the water level may be raised above the highest recorded level subject to the provisions of this Section;
- c) if shore facilities or other installations or rights in connection therewith are affected by the change of water level, Québec, Hydro-Québec or the public bodies, agencies or corporations shall be responsible for actual damages to such facilities, installations or rights in connection therewith.

The special provisions of Section 8 of the Agreement shall take precedence over the provisions of the present Sub Section.

**7.4.3** Québec, Hydro-Québec and the said public bodies, agencies or corporations shall not be required to expropriate lands needed for the purposes contemplated in paragraph 7.4.2 nor to obtain any consent otherwise required for the utilization of such lands for the above purposes.

**7.5** The provisions of this Section can only be amended with the consent of Québec and the interested Native party.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.