

4. This Regulation comes into force on 21 October 2004, except for Chapter IV and section 2 as regards the application of the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997 as regards the application of the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, which will come into force on 1 January 2006. However, the levies and fees provided for in sections 95 to 97, introduced by section 1 of this Regulation, will be indexed in accordance with section 153 of the Building Act (R.S.Q., c. B-1.1) as of 1 January 2005.

6527

Gouvernement du Québec

O.C. 897-2004, 22 September 2004

Publication of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec

WHEREAS, on 7 February 2002, the Gouvernement du Québec and the Crees of Québec entered into the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec;

WHEREAS that Agreement was approved by the Gouvernement du Québec on 20 March 2002 by Order in Council 289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of 22 May 2002, in accordance with Order in Council 507-2002 dated 1 May 2002;

WHEREAS, under section 13.2 of that Agreement, it may be amended from time to time with the consent of Québec and the Cree Regional Authority;

WHEREAS the parties agreed that it was expedient to make amendments to that Agreement in forest matters and in other matters;

WHEREAS the parties to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec have negotiated an agreement amending that Agreement;

WHEREAS the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec was approved by Order in Council 1161-2003 dated 5 November 2003 and signed on 12 December 2003;

WHEREAS section 21 of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec provides that it must be published in French and English, in Part 2 of the *Gazette officielle du Québec*;

WHEREAS, under paragraph 7 of section 3 of the Regulation respecting the *Gazette officielle du Québec* made by Order in Council 1259-97 dated 24 September 1997, that Agreement constitutes a document whose publication in the French edition of Part 2 of the *Gazette officielle du Québec* may be required by the Government;

WHEREAS, under paragraph 6 of section 4 of that Regulation, such a document may also be published in the English edition of Part 2 of the *Gazette officielle du Québec* where the Government so orders;

IT IS ORDERED, therefore, on the recommendation of the Minister for Canadian Intergovernmental Affairs and Native Affairs:

THAT the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, entered into on 12 December 2003 by the Gouvernement du Québec and the Crees of Québec, be published in the French and English editions of Part 2 of the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

AGREEMENT AMENDING THE AGREEMENT
CONCERNING A NEW RELATIONSHIP BETWEEN
LE GOUVERNEMENT DU QUÉBEC AND THE
CREES OF QUÉBEC

AGREEMENT AMENDING THE AGREEMENT
CONCERNING A NEW RELATIONSHIP

BETWEEN

LE GOUVERNEMENT DU QUÉBEC, represented here by Mr. Jean Charest, Prime Minister of Québec, by Mr. Sam Hamad, Minister of Natural Resources, Wildlife and Parks, by Mr. Pierre Corbeil, Minister for Forests, Wildlife and Parks, and by Mr. Benoît Pelletier, Minister for Canadian Intergovernmental Affairs and Native Affairs,

herein designated as “Québec”

AND

THE CREES OF QUÉBEC, acting through the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority, represented here by Mr. Ted Moses, Grand Chief and Chairman, and by Mr. Paul Gull, Deputy-Grand Chief and Vice-Chairman,

herein designated as the “Crees”.

WHEREAS the Gouvernement du Québec, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority have concluded, on February 7, 2002, the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec;

WHEREAS this Agreement had been approved by the Crees of Québec through a referendum of the Cree Nation;

WHEREAS this Agreement was approved by the Gouvernement du Québec on March 20, 2002 through Order-in-Council no. 289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of May 22, 2002;

WHEREAS the National Assembly has adopted the Act to ensure the implementation of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec (S.Q., 2002, c. 25) that was sanctioned on June 13, 2002;

WHEREAS section 13.2 of the Agreement provides that it may be amended from time to time with the consent of Québec and of the Cree Regional Authority;

WHEREAS section 3.6 of the Agreement provides more specifically that the forestry regime applicable in the Territory referred to in this Agreement will evolve over the duration of the Agreement taking into account the principles set out therein and the recommendations of the Cree-Québec Forestry Board;

WHEREAS delays that were longer than originally provided for in the Agreement were incurred for the delimitation of the traplines, the final determination of the new management units and for other matters;

WHEREAS it is deemed appropriate to delay for one year the date of filing and the date of the coming into force of the forest management plans based on the new delimitation of the forest management units and to provide, notably, for year 2005-2006, transitional measures which will allow the integration into annual forest management plans of the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of the Agreement;

WHEREAS it is appropriate to further amend the Agreement with respect to forestry and other matters;

WHEREAS these modifications will allow a better cooperation and a fair and harmonious application of the measures regarding forestry provided for in the Agreement;

WHEREAS the Gouvernement du Québec also intends to submit to the National Assembly a bill which main purpose is to delay for one year the date of the filing and of the coming into force of the forest management plans based on the new delimitation of the forest management units, for the whole territory of Québec, in order to take into account the delays incurred for the delimitation of the forest management units for the whole of Québec.

THE PARTIES AGREE TO THE FOLLOWING :

1. Section 3.7.3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec is replaced by the following :

“**3.7.3** During the transitional period from April 1st, 2002 to the adoption of the next generation of general forest management plans (April 2006), the Ministère des Ressources naturelles, de la Faune et des Parcs (MRNFP) will take appropriate steps to ensure that the relevant data are compiled for each Cree trapline so as to be able to integrate into the annual forest management plans the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of this Chapter.

The limits of the Cree traplines established within the Territory will be used as territorial reference units for the purposes of application of the adapted forestry regime as soon as possible and at the latest by April 1st, 2004.”

2. Section 3.13.3 of this Agreement is amended by replacing therein the last sentence by the following: “The coordination table will report to the Standing Liaison Committee established in accordance with Chapter 11 of the Agreement prior to September 1st, 2003.”

3. Section 3.67 of this Agreement is replaced by the following :

“**3.67** Schedule C, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4), Part V (C-5) and Part VI (C-6), forms an integral part of this Chapter.”

4. Section 7.2 of this Agreement is replaced by the following :

“7.2 The said annual payment from Québec shall be in the amounts determined pursuant to sections 7.3 to 7.14 hereof and shall be paid by Québec to the Recipient of Funding, which shall forthwith become the owner thereof.”.

5. Section 8.1 of this Agreement is amended by replacing therein the last sentence by the following: “Québec will endeavour to have this legislation adopted during the course of the 2002 calendar year and in force during the course of the 2003 calendar year.”

6. Section 10.9 of this Agreement is amended by replacing therein the second sentence by the following: “It is intended that these negotiations be completed by December 31st, 2004 at the latest.”

7. Section 10.10 of this Agreement is replaced by the following:

“10.10 At the latest December 31st, 2003, Québec will appoint one member of the Board of Directors of the SDBJ from among the James Bay Crees and in consultation with the CRA.”.

8. Section 9 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: “For the first general plans following the signing of the Agreement, this information shall be made available as soon as possible and at the latest by December 31st, 2003.”

9. Section 59 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the second sentence by the following: “These draft directives shall be transmitted to the Minister before April 1st, 2004.”.

10. Section 60 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: “This process shall be finalized before January 1st, 2005.”

11. Section 61 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: “For the period ending March 31st, 2006, a first report covering the period ending March 31st, 2005 and a second report covering the period from April 1st, 2005 to March 31st, 2006 will be provided to the members of the joint working groups.”.

12. Section 63 of Part IV (C-4) of Schedule C of this Agreement is replaced by the following:

“63. Since forest management activities are projected for the Territory between the date of signing of the Agreement and the coming into force of the next general forest management plans, the parties agree to take all necessary measures to ensure that the present adapted forestry regime is operational and progressively integrated into the annual cutting programs for 2002-2003, 2003-2004, 2004-2005 and 2005-2006 in the following manner.”.

13. Section 74 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the first sentence by the following sentences: “Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2003-2004 annual plan.”.

14. Section 76 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the first sentence by the following sentences: “Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2004-2005 annual plan.”.

15. Subsection 5.4 of Part IV (C-4) of Schedule C of this Agreement, which includes section 77, is replaced by the following:

“5.3.1 Annual forest management plan and annual forest management permits 2005-2006

76.1 For the year 2005-2006, the Ministère des Ressources naturelles, de la Faune et des Parcs will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1st, 2004:

— a list of affected traplines equivalent to that provided for in section 64 of Part IV (C-4) of the present Schedule; and

— a synthesis map of the existing five-year plan.

76.2 Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2005-2006 annual plan. The information must be available in September 2004 for integration into the planning of annual forest management plans for 2005-2006 that are to be filed by December 1st, 2004.

76.3 The Minister of Natural Resources, Wildlife and Parks will, in the 2005-2006 forest management permits of agreement holders, reduce the volume of timber that they were authorized to harvest under their agreements and under the Forest Act, taking into account, as of that year, the results of the calculation of the annual allowable cut carried out for the territories of the new management units, and obtained pursuant to the preparation of the 2006-2011 general forest management plans, if the results of this calculation made on the basis of the new forest management units indicate a reduction of the allowable cut as compared to the existing annual allowable cut.

For this purpose, the Minister will determine for the 2005-2006 year a new annual allowable cut, by species or group of species, for each of the common areas situated in whole or in part within the Territory of the Agreement, and which shall be the sum of the results of the calculation of the annual allowable cut of the forest management units or of the parts thereof which overlap the concerned common area; the determination of the annual allowable cut of a part of a forest management unit is made on the basis of the area of that part which overlaps the concerned common area as a percentage of the whole forest management unit.

If the result of the calculation of the new annual allowable cut of the common area represents a reduction in allowable cut, the Minister will determine, by species or group of species, the reduction applicable to such common area and will apportion this reduction among all agreement holders of the common area, according to the species or group of species in question, on a pro rata basis according to the volumes assigned to each agreement holder. However, the Minister reserves the right to vary the reduction of the volumes between agreement holders to account for the impacts on regional or local economic activity of the apportionment of the reduction among them.

76.4 The annual forest management plans for 2005-2006 of a common area must, as much as possible, and considering the stand composition, distribute throughout the common area the whole of the cutting, taking into account the reductions of the volumes which have been calculated for each forest management unit or part of a forest management unit which overlaps with the concerned common area.

5.4 Modifications to the five-year forest management plans related to the application of the transitional measures

77. The five-year forest management plans shall not be interpreted as having the effect of limiting or preventing the application of the transitional measures provided for in the present section.

77.1 During the transitional period, the application of the new measures of the adapted forestry regime may result in modifications to forestry planning. Considering that these modifications will be studied in detail during the approval process for each annual forest management plan, the parties hereto agree that the agreement holders must integrate this new information into the five-year forest management plans without further formalities.

5.4.1 Particular provisions applicable to the five-year forest management plans which are scheduled to come into force on April 1st, 2004 or on April 1st, 2005

I- Preparation of the five-year forest management plans

77.2 The five-year forest management plans which are scheduled to come into force on April 1st, 2004 or April 1st, 2005, as the case may be, and which are scheduled to end on March 31st, 2006, will have to include a particular section which will regroup the information to be integrated, such as the sites of interest to the Crees, the forested areas presenting wildlife interest to the Crees and information concerning harmonization measures.

77.3 The joint working groups shall ensure the participation of the Crees in the elaboration of the five-year forest management plans and shall ensure the availability of the information, notably with respect to the precise location of the sites of interest to the Crees and of the forested areas presenting wildlife interest to the Crees as well as the consistency of the selected measures with those agreed to in the section entitled "Modalities of the adapted forestry regime" of Chapter 3 of the Agreement. To this end, the joint working groups participate in the elaboration of the content of the working maps related to the location of the sites of special interest to the Crees.

77.4 The Ministère des Ressources naturelles, de la Faune et des Parcs notifies the agreement holders of the location of the sites of interest to the Crees and of the forested areas presenting wildlife interest to the Crees. The agreement holders undertake the preparation of the five-year plan accordingly.

77.5 From that time, and during the entire process of preparing the five-year plans, the agreement holders and the Cree tallyman shall cooperate regarding the choice of location of residual forest blocks to be conserved in the areas of Cree wildlife interest, regarding road network development plans and regarding harmonization measures to prevent conflictual uses. Amongst other things, the exercise is aimed at allowing the Crees to transmit Cree knowledge that will permit the identification of their concerns other than the location of sites of special interest and of the forested areas presenting wildlife interest which have already been provided.

77.6 The joint working groups shall follow the progress of the elaboration of the five-year plans by ensuring that, on the date of the filing of such plans, the information referred to in section 77.2 and available on that date, is integrated therein.

77.7 Sections 31 to 34 of Part IV (C-4) of the present Schedule concerning land use conflicts apply as the case may be.

II- Approval of the five-year forest management plans

77.8 Following the submission of a five-year forest management plan, the Minister of Natural Resources, Wildlife and Parks shall verify, among other things, that the five-year plan includes the information provided by the Crees concerning the sites of interest to the Crees and the forested areas of wildlife interest to the Crees. He shall also verify that the planned activities (silvicultural treatments and other forest management activities) respect the provisions of the Agreement.

77.9 Plans deemed not to be in conformity by the Minister of Natural Resources, Wildlife and Parks are returned to the agreement holders in order that the appropriate corrections be made. The Minister informs the Cree-Québec Forestry Board and the concerned joint working groups accordingly.

77.10 Plans deemed by the Minister to be in conformity are forwarded to the concerned joint working group and a notice specifying its conformity is sent to the Cree-Québec Forestry Board.

77.11 In the event that the five-year plan is deemed not to be in conformity by the concerned joint working group, it shall inform the Minister and shall make appropriate recommendations within thirty (30) days of receipt of the plan. The Minister shall re-evaluate the conformity of the five-year plan in light of the recommendations of the joint working group.

77.12 The joint working groups or certain of their members may refer to the Cree-Québec Forestry Board any dispute, problem or concern relative to a five-year forest management plan and the Board shall treat the matter in conformity with its mandate. The Cree-Québec Forestry Board may obtain from the Ministère des Ressources naturelles, de la Faune et des Parcs, by means of a specific request, a copy of any five-year forest management plan or modifications to such plan.

The joint working groups may at this stage assist the concerned communities to participate in the consultations, if the council of each Cree community so chooses, within the framework of the information and public consultation process.

77.13 After having proceeded to make changes, as the case may be, the Minister shall proceed to the final approval of the five-year forest management plans and send a notice to the Cree party on the concerned joint working group and to the Cree-Québec Forestry Board as well as a copy of the modifications he has made to the joint working group.

III- Modifications to the five-year forest management plans

77.14 Modifications to the five-year forest management plans referred to in section 77.2 which involve a modification other than the one referred to in section 77.1 are subject to the same process of preparation and approval as described in sections 77.2 to 77.13.”.

16. Schedule C of this Agreement is amended by adding the following after Part V (C-5):

“PART VI (C-6) SALVAGE OF TIMBER IN CASE OF NATURAL DISASTERS

1. The parties agree that problems exist with respect to the salvage of timber in the Territory referred to in the present Agreement following natural disasters such as forest fires, windfalls, infestations of insects or cryptogamic diseases where substantial damage has been caused to timber stands in a forest area.

2. The parties agree to undertake discussions in order to resolve these problems, in the spirit of Chapter 3 of the present Agreement.

To this end, a working group shall be set up as of the execution of the Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec comprising three (3) representatives designated by the Minister of Natural Resources, Wildlife and Parks and three (3) representatives designated by the Cree Regional Authority.

At the outset of the discussions, each party will prepare a report to be remitted to the other party. The parties will thereafter decide whether it is appropriate to prepare a joint report. The parties will submit a final report to the Cree-Québec Forestry Board or to the Standing Liaison Committee at the latest on September 30th, 2004.”

17. Section 10 of Schedule D of this Agreement is replaced by the following:

“**10.** The parties will make their best efforts to ensure that the final transfer by Québec is completed no later than March 31st, 2005.”.

FINAL PROVISIONS

18. The boundaries of the Cree traplines within the Territory referred to in the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec and which shall be specified by the Cree Regional Authority on or before January 30th, 2004 shall be deemed to be the specified trapline boundaries referred to in section 3.7.2 of that Agreement and these boundaries will be used thereafter for the purposes of applying the adapted forestry regime.

19. The new management units on the basis of which the 2006-2011 general forest management plans will be prepared are those set out in the map reproduced in Schedule I attached to this Agreement.

The subsequent general forest management plans will also be prepared on the basis of these new units, which may however be modified in accordance with the provisions set out in the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec.

The new management units set out in the map reproduced in Schedule I are deemed determined in accordance with section 3.8.9 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec.

20. Considering that certain parts of common areas overlap certain traplines situated north of the Territory referred to in Chapter 3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec (north of the northern limit established by the Minister and made public on December 19, 2002), it is agreed that until the expiration of the transitional period ending March 31st, 2006 these parts of common areas will be treated by the Ministère des Ressources naturelles, de la Faune et des Parcs as if they were not part of the common areas.

21. Québec shall publish this Agreement in French and in English in Part 2 of the *Gazette officielle du Québec* and will submit to the National Assembly legislation useful to facilitate its implementation, including in particular an amendment to section 95.6 of the Forest Act (R.S.Q., c. F-4.1) in order to add at the end the words “, and the amendments that may be made to that agreement from time to time by the parties.”

22. Section 4 of this Agreement has effect since February 7th, 2002.

23. This Agreement comes into force on the day of its signature by the parties and ceases to have effect on March 31st, 2052 unless the parties agree otherwise by mutual consent.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED AT QUÉBEC ON THIS 12TH DAY OF DECEMBER 2003.

FOR LE GOUVERNEMENT DU QUÉBEC	FOR THE GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) AND THE CREE REGIONAL AUTHORITY
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JEAN CHAREST,
Prime Minister

TED MOSES,
*Grand Chief of the Grand
Council of the Crees
(Eeyou Istchee)
Chairman of the Cree
Regional Authority*

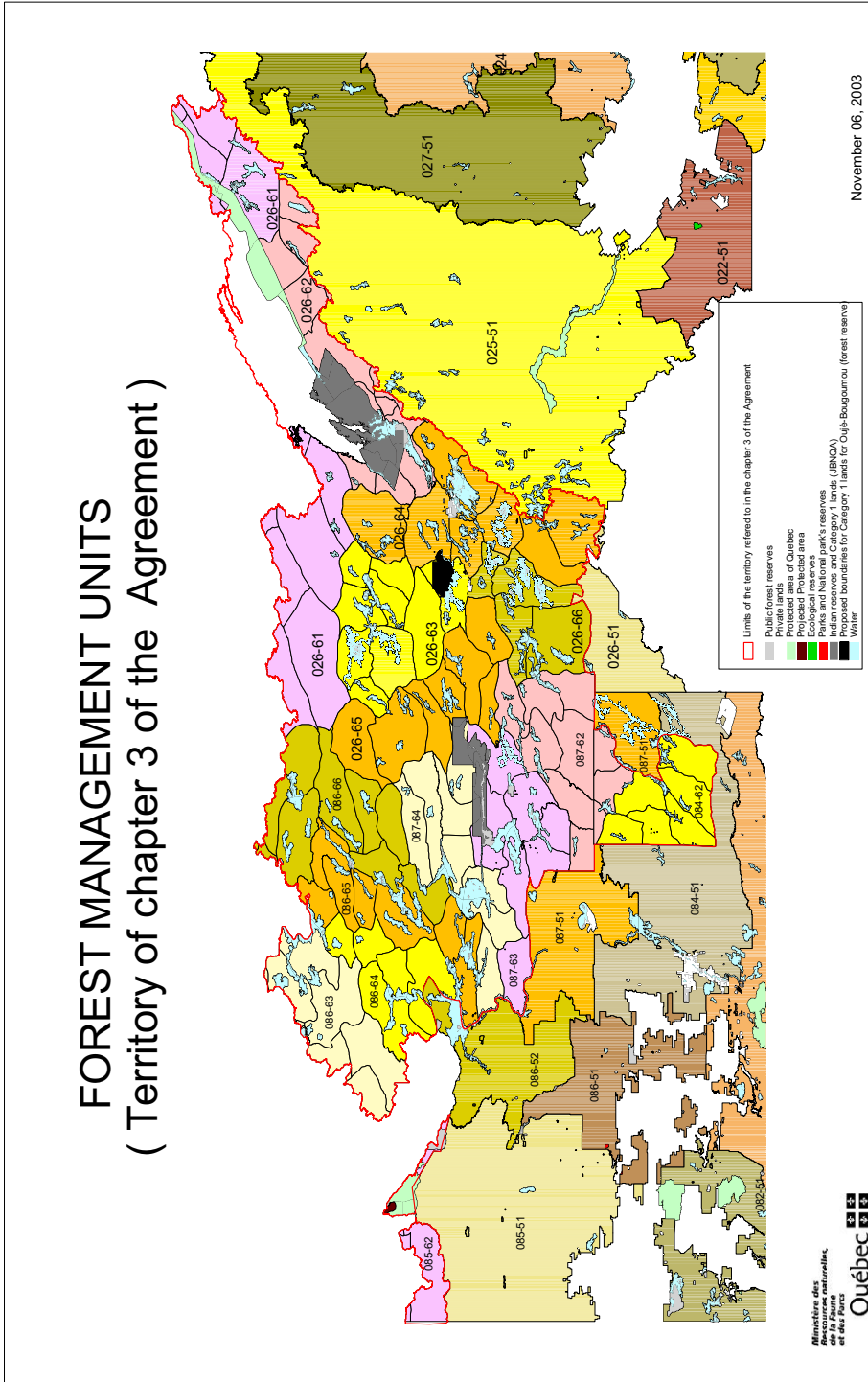
BENOÎT PELLETIER,
*Minister for Canadian
Inter-governmental
Affairs and Native Affairs*

PAUL GULL,
*Deputy-Grand Chief of the
Grand Council of the
Crees (Eeyou Istchee)
Vice-Chairman of the
Cree Regional Authority*

SAM HAMAD,
*Minister of Natural
Resources,
Wildlife and Parks*

PIERRE CORBEIL,
*Minister for Forests,
Wildlife and Parks*

FOREST MANAGEMENT UNITS (Territory of chapter 3 of the Agreement)



November 06, 2003

Limits of the territory referred to in the chapter 3 of the Agreement

- Public forest reserves
- Private lands
- Province of Québec
- Projected Protected area
- Ecological reserves
- Indian reserves and Category 1 lands (INQIA)
- Proposed boundaries for Category 1 lands for Oujé-Bougoumou (forest reserve)
- Water

Ministère des
forêts, de la faune
et des parcs
Québec