

Regulations and other Acts

Gouvernement du Québec

O.C. 1158-2019, 20 November 2019

Publication of Amendment No. 6 to 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 le Gouvernement du Québec by Décret 289-2002 dated 20 March 2002 and was published in the French and English editions of 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, the Agreement may be amended from time to time with the consent of Québec and of the Cree Regional Authority, now designated as the Cree Nation Government;

WHEREAS Amendment No. 6 to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec was approved by Décret 817-2017 dated 23 August 2017 and the signing process was completed by the parties on 20 February 2018;

WHEREAS section 2 of that Amendment 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* (chapter C-8.1.1, r. 1), the French Edition of Part 2 is to contain the French version of any other document not referred to in section 2 of the Regulation or in that section and whose publication is required by the Government;

WHEREAS, under paragraph 6 of section 4 of the Regulation, the English Edition of Part 2 is to contain the English version of any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks, the Minister Responsible for Indigenous Affairs and the Minister Responsible for Canadian Relations and the Canadian Francophonie:

THAT Amendment No. 6 to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, attached to this Order in Council, be published in the French and English editions of Part 2 of the *Gazette officielle du Québec*.

YVES OUELLET,
Clerk of the Conseil exécutif

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

AMENDMENT NO. 6

BETWEEN:

Le GOUVERNEMENT DU QUÉBEC, represented by Mr. Philippe Couillard, Premier, Mr. Luc Blanchette, Minister of Forests, Wildlife and Parks, Mr. Geoffrey Kelley, Minister responsible for Native Affairs and Mr. Jean-Marc Fournier, Minister responsible for Canadian Relations and the Canadian Francophonie,

hereinafter referred to as “Québec”

AND:

The CREES OF QUÉBEC, acting through the Grand Council of the Crees (Eeyou Istchee) and the Cree Nation Government, represented by Mr. Abel Bosum, respectively Grand Chief and Chairperson, and by Ms. Mandy Gull, respectively Deputy Grand Chief and Vice-Chairperson,

Hereinafter referred to as the “Crees”

WHEREAS on February 7, 2002, le Gouvernement du Québec, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority, now designated as the Cree nation government, entered into the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*;

WHEREAS the Crees of Québec approved the Agreement by means of a referendum of the Cree Nation;

WHEREAS the Agreement was approved by Québec on March 20, 2002 by Order-in-Council 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 adopted the *Act to ensure the implementation of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* (chapter M-35.1.2), and the Act was assented to on June 13, 2002;

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

WHEREAS section 3.6 of this Agreement provides more specifically that the forestry regime applicable in the Territory referred to in the 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 Québec and the Crees entered into the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 1161-2003 dated November 5, 2003 and signed December 12, 2003;

WHEREAS the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* was published in French and in English in Part 2 of the *Gazette officielle du Québec* of October 6, 2004;

WHEREAS Québec and the Crees entered into the *Agreement amending again the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 661-2005 dated June 29, 2005 and signed on November 2, 2005;

WHEREAS Québec and the Crees entered into the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* with respect to forestry, which was approved by Order-in-Council 958-2005 dated October 19, 2005 and signed on June 7, 2006;

WHEREAS Québec and the Crees entered into the fourth amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 1301-2005 dated December 21, 2005 and signed on May 23, 2006;

WHEREAS Québec and the Crees entered into the fifth amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 598-2006 dated June 28, 2006 and signed on November 9, 2006;

WHEREAS the last four agreements amending the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* were published in French and English in Part 2 of the *Gazette officielle du Québec* of August 29, 2007;

WHEREAS the *Sustainable Forest Development Act* (chapter A-18.1) was assented to on April 1, 2010;

WHEREAS Québec and the Crees entered into the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, which was approved by Order-in-Council 745-2012 dated July 4, 2012 and signed on July 24, 2012;

WHEREAS Québec and the Crees agree it is once again appropriate to make an amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*;

THE PARTIES AGREE AS FOLLOWS:

1. Chapter 3 and Schedules C-1, C-2, C-3, C-4, C-5 and C-6 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* are replaced by the documents attached hereto as Schedule 1.
2. Québec shall publish this Amendment in French and English in Part 2 of the *Gazette officielle du Québec*.
3. Québec shall submit appropriate legislation to the National Assembly in order to ensure the laws of Québec are consistent with this Amendment, following consultation with the Cree Nation Government, and taking into account the legislative amendments provided by *An Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec* (chapter M-35.1.2).
4. With respect to the assessment of forestry roads, the parties undertake to continue, through the the Standing Liaison Committee established under chapter 11 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, the discussions regarding the issues contemplated in the fourth paragraph of the letter-agreement approved by Order-in-Council 1382-2009 dated December 21, 2009. The Standing Liaison Committee shall send to the parties a progress report of such discussions no later than one (1) year after the execution of this Amendment.

5. In order to implement the undertaking contemplated by section 176 of the *Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Gouvernement du Québec*, section 10.17.1 is inserted after section 10.17 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* as follows:

“10.17.1 Québec undertakes to consolidate the half-time employment positions mentioned in section 10.17(b), at the latest by April 1 2017, by converting them to full-time employment positions.

In the case of positions occupied at the time of this conversion, the Wildlife Protection Officers may, however, choose to maintain the half-time status of their employment, to increase it to eight (8) months per year or to convert it to full-time employment.”

6. The parties agree to a Complementary Agreement to the James Bay and Northern Québec Agreement, which is attached hereto as Schedule 2.

7. This Agreement has effect as of May 24, 2016.

IN WITNESS WHEREOF, THE PARTIES
HAVE SIGNED

For le Gouvernement du Québec,

PHILIPPE COUILLARD,
Premier

Place and date: _____

LUC BLANCHETTE,
Minister of Forests, Wildlife and Parks

Place and date: _____

GEOFFREY KELLEY,
Minister responsible for Native Affairs

Place and date: _____

JEAN-MARC FOURNIER,
*Minister responsible for Canadian Relations
and the Canadian Francophonie*

Place and date: _____

For the GRAND COUNCIL OF THE CREES (EYYOU
ISTCHEE) and the CREE NATION GOVERNMENT

ABEL BOSUM,
Grand Chief and Chair

Place and date: _____

MANDY GULL,
Deputy Grand Chief and Vice-Chair

Place and date: _____

SCHEDULE 1

Chapter 3 – FORESTRY

GENERAL PROVISIONS

3.1 The Québec forestry regime shall apply in the Territory in a manner that allows adaptations for a:

a) greater consideration for the Cree traditional way of life;

b) greater integration of concerns relating to sustainable development;

c) participation, in the form of consultation, by the Crees in the various forest activities operations planning and management processes, notably for the finalization and the monitoring of the plans;

d) collaboration, in the form of concerted action, by the Cree Nation Government (hereinafter referred to as “CNG”) and by the Eeyou Istchee James Bay Regional Government (hereinafter referred to as “EIJBRG”) in the participation process for the planning contemplated by Schedule C-4 of this Agreement.

3.2 The adapted forestry regime applicable in the Territory will respect the principles set out in the *Sustainable Forest Development Act* (CQLR, chapter A-18.1), in the *James Bay Northern Québec Agreement* (JBNQA), in the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, executed on July 24, 2012, and will also respect the principles set out herein.

TERRITORY OF APPLICATION

3.3 The adapted forestry regime shall apply to the Territory indicated on the map attached as Schedule C-1 of this Agreement, within the boundaries of the JBNQA Territory.

ADAPTATIONS TO AND EVOLUTION OF THE FORESTRY REGIME

3.4 The provisions of this Agreement regarding forestry have, among other things, the objective of establishing an adapted forestry regime which will fix particular rules and procedures applicable to the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Crees and improved conciliation of forest activities with such activities.

3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec's forest standards apply in the Territory. Subject to section 3.75 of this Chapter, such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.

3.6 The forestry regime applicable in the Territory will evolve over the duration of this Agreement taking into account the principles set out herein, any discussions that may take place between the parties in connection with major sustainable forest development issues, and the recommendations of the Cree-Québec Forestry Board.

MODALITIES OF THE ADAPTED FORESTRY REGIME

3.7 Limits of the territorial reference units

3.7.1 For the Territory referred to in section 3.3 of this Chapter as indicated on the map attached as Schedule C-1 of this Agreement, Cree traplines correspond to the territorial reference units (TRU), as provided for in section 18 of the *Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, approved by Order-in-Council n° 1161-2003 of November 5, 2003.

3.7.2 The CNG makes available to the Ministre des Forêts, de la Faune et des Parcs (hereinafter referred to as "Ministre") shapefiles containing the locations of said traplines, and any modifications to the locations where applicable.

3.8 Determination of the development units and calculation of the allowable cuts

3.8.1 For the territory contemplated by section 3.3 of this Chapter as indicated on the map attached as Schedule C-1 of this Agreement, the development units which, in principle, are composed of groupings of Cree traplines, were established jointly by the Crees and the Ministre, as provided for in section 19 and Schedule I of the *Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, approved by Order-in-Council n° 1161-2003 of November 5, 2003, as amended by

section 12 of the *Agreement amending the Agreement concerning a new Relationship between le Gouvernement du Québec and the Crees of Québec with respect to forestry*, approved by Order-in-council 958-2005 of October 19, 2005.

3.8.2 In the event that a redefinition of the northern boundary line would be required, the Ministre shall consult with the Crees. In the event that a redefinition of the boundaries of the development units would be required, in particular when a modification to the boundaries would require a modification of the groupings of Cree traplines which form the development units, the Crees and the Ministre must proceed jointly to determine new groupings of Cree traplines, and in such case:

a) the groupings of three (3) to seven (7) traplines, with modulations if necessary, shall, as far as possible and with some exceptions, be contiguous and in a single block. To make the groupings, the following criteria shall also be taken into consideration:

— the host Cree community or the kindred relationship of the tallymen and the Cree users of certain traplines;

— the key historical and ecological factors;

— forest structure factors, to improve the distribution of age classes of forest stands.

b) Cree traplines that can only be partially included in a development unit shall be assigned an equivalence value based on the proportion of the Cree trapline that can be included in the development unit as a ratio of the total area of the trapline. Based on this, the fractions of Cree traplines included in the development unit are added to establish an equivalence value.

3.8.3 The allowable cuts and revisions thereto shall be calculated on the basis of these development units, in a manner that incorporates the rules established in this Chapter.

3.8.4 The Ministre shall provide, upon request, the data and the basis of calculation of the allowable cuts for each development unit to the responsible person designated by the Crees. The latter may make recommendations of which he will inform the joint working groups and the Cree-Québec Forestry Board.

3.8.5 If a dispute arises between the Crees and the Ministre in connection with the allowable cut calculation, the Ministre shall retain an independent specialist to make recommendations. The Cree-Québec Forestry Board may then propose a list of specialists to the Ministre. In the event that the Ministre does not select one of the specialists proposed by the Cree-Québec Forestry Board, he shall himself inform directly the Board of the reasons for his decision.

3.9 Areas of special interest to the Cree - Sites of interest to the Cree

3.9.1 Sites of interest are identified and mapped by the Crees, in cooperation with the Ministre. The total area of these sites will not exceed 1% of the total area of a trapline included in a development unit.

No forest development activities may be undertaken in these areas unless the tallyman agrees otherwise. In such cases, specific measures of protection and standards of forest development aimed at satisfying the specific needs of the Cree users will be agreed through the joint working group of each community concerned.

In addition, these sites cannot be the subject of protection measures provided for by the *Sustainable Forest Development Act*, such as biological refuges, with the exception of exceptional forest ecosystems.

3.9.2 In the absence of a Cree tallyman, or of a Cree user designated by the tallyman and able to provide the location of sites of interest to the Cree, another Cree representative may be appointed using the procedure selected by the community.

3.9.3 Sites of interest may include, notably, the following:

- a) Permanent camps;
- b) Seasonal camps;
- c) Traditional, cultural and sacred sites;
- d) Burial sites;
- e) Fruit picking areas;
- f) Archaeological sites;
- g) Sites with archaeological potential;
- h) Extension of protective strips;
- i) Portage trails;
- j) Bear dens;
- k) Waterfowl blinds;
- l) Drinking water supply sources;
- m) Other requests.

3.9.4 The CNG makes available to the Ministre shapefiles containing the locations of the sites of interest and any modifications to those locations where applicable, for forest management and development purposes.

3.9.5 Sites of interest to the Cree which, on April 1st, 2013, overlap with biological refuges entered in the register of protected areas established in accordance with the *Natural Heritage Conservation Act* (CQLR, chapter C-61.01) may be moved before December 31, 2016, at the discretion of the Cree tallyman. The prohibition mentioned in the last paragraph of section 3.9.1 of this Chapter does not apply when the Cree tallyman does not move the site of interest to the Cree.

3.10 Areas of special interest to the Cree - Conservation of forested areas presenting wildlife interest for the Cree

3.10.1 Specific management standards are applied to maintain or improve the habitat of very important wildlife species (moose, marten, beaver, hare, fish, caribou, partridge) and portions of each trapline will benefit from specific protection to improve the level of harmonization between forest development activities and traditional activities including hunting, fishing and trapping.

3.10.2 The location of these areas of wildlife interest will be under the direct responsibility of the Cree tallyman, in a spirit of cooperation with other stakeholders on the Territory. The boundaries of the areas of special interest are identified on the basis of analyses identifying certain parts of watersheds that are particularly productive or intensively used by the Crees. The surface area of these sites of wildlife interest must in principle cover 25% of the productive forest area of each trapline included in a development unit without exceeding this percentage of 25%.

3.10.3 In the absence of a Cree tallyman, or of a Cree user designated by him and capable of identifying the forested areas presenting wildlife interest for the Cree, another Cree representative may be designated according to the method chosen by the community.

3.10.4 Within the selected areas, forest development activities will be planned with the priority goal of maintaining and improving a diversity of ecoforest stands, in terms of plant species, age classes and spatial distribution. With this in mind, it is possible to intervene in order to rejuvenate certain stands while still maintaining productive habitats throughout these areas of particular interest to Cree families.

3.10.5 Within the selected areas, the following measures must be applied:

a) Only mosaic cutting should be applied in these areas, unless better techniques are developed to protect wildlife habitats;

b) when planning mosaic cutting, the terms and conditions set out in Schedule C-2 of this Agreement are applied with the following amendments:

i) at least 50% of the productive area within stands over seven (7) meters in height must be left standing. At least 10% of this area is composed of forests over ninety (90) years old;

ii) within the selected areas, the location of the residual forest blocks to be preserved is decided by the Ministre, in cooperation with the Cree tallyman;

iii) the blocks are spread over the area in such a way that they are interconnected. Where necessary, breaks in the hiding cover should not be more than thirty (30) meters wide;

iv) the residual forest must be left standing for a period long enough to allow the forest regeneration to reach a minimum average height of seven (7) meters;

c) with the consent of the Cree tallyman, the area annually subjected to harvesting could exceed the applicable annual rates listed below, to the extent that, over a maximum of two (2) years, the total area harvested respects the sum of these annual rates. In such case, logging will not be permitted in these areas during the year following the aforesaid period of two (2) years.

If an agreement cannot be reached with the Cree tallyman, the annual rate of harvesting authorized in forested areas presenting wildlife interest to the Cree will be modulated according to the level of prior disturbance in each trapline. In a trapline where the level of disturbance in the last twenty (20) years is less than 15%, new logging activities may be carried out on an annual maximum of 4% of the productive area of the forested areas presenting wildlife interest of said trapline. This annual percentage should be reduced to 3% when the overall level of disturbance is between 15% and 30%, and to 2% when the overall level of disturbance is between 30% and 40%.

3.10.6 Within the selected areas, special attention is given in order to limit the installation of major access roads built for extraction of forest products.

In cases where it is not possible to limit such installation, the reasons will be presented in the concerned integrated forest development plan.

3.10.7 The CNG makes available shapefiles containing the locations of forested areas presenting wildlife interest for the Cree, and any modifications to those locations where applicable, to the Ministre for forest management and development purposes.

3.11 Maintaining forest cover in the whole of each trapline

3.11.1 The following measures are taken to ensure the protection of a residual forest cover:

a) conservation, per trapline, of a minimum of 30% of the productive surface area composed of stands measuring more than seven (7) meters in height;

b) logging will not be permitted in traplines that have been logged or burnt over more than 40% of their productive surface area in the last twenty (20) years;

c) 75% of the logging carried out must be mosaic cutting with protection of regeneration and soils (CPRS) (see the definition of mosaic cutting in Schedule C-2), unless mutually acceptable techniques are developed to better protect wildlife habitats;

d) limit to a maximum of one hundred (100) hectares the size of a single-block cutting area in sectors where cutting with separator strips will be carried out. In addition, 40% of the total logged area must be composed of blocks of less than fifty (50) hectares;

e) with the consent of the Cree tallyman, the area annually subjected to harvesting could exceed the applicable annual rates listed below, to the extent that, over a maximum of two (2) years, the total area harvested respects the sum of these annual rates. In such case, logging will not be permitted in these areas during the year following the aforesaid period of two (2) years.

If an agreement cannot be reached with the Cree tallyman, the annual rate of harvesting authorized will be modulated according to the level of prior disturbance in each trapline. A trapline where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS up to an annual maximum of 8% of the productive forest area. This annual percentage should be reduced to 6% when the overall level of disturbance is between 15% and 30%, and to 4% when the overall level of disturbance is between 30% and 40%.

- f) protect tall regeneration, where the situation allows;
- g) use silvicultural practices that foster the maintenance of diversified habitats, in particular by avoiding the elimination of hardwood trees (see Schedule C-3 of this Agreement);
- h) develop a separate forest development approach for mixed stands (see Schedule C-3 of this Agreement);
- i) develop directives guiding the elaboration of development strategies that can take into account the protection and development of wildlife habitats (see Schedule C-3 of this Agreement).

3.12 Protection of forests adjacent to watercourses and lakes

3.12.1 The following measures are taken to ensure the protection of forests adjacent to watercourses and lakes:

- a) a twenty (20) meters wide protective strip is preserved on each side of all permanent watercourses and around lakes.
- b) In order to address concerns related to the maintaining of a variety of wildlife habitats near major rivers, along rivers more than five (5) meters wide, a forest strip more than two hundred (200) meters wide will be maintained along one of the banks. Cutting areas should be distributed alternatively along the two banks of such rivers. Therefore, only mosaic cuttings can be authorized within the two hundred (200) meters band along the banks of such rivers.
- c) To preserve the aesthetic appearance of landscapes along the shore of large lakes with a surface area of more than five square kilometers (5 km²), only mosaic cuttings will be allowed in forests that are visible from the shores of the lake, for a distance of one point five kilometer (1.5 km).

3.13 Mechanism related to biological refuges

The location of biological refuges, known but not registered as of April 1st, 2013, in the register of protected areas established in accordance with the *Natural Heritage Conservation Act*, shall be reviewed by the Ministre in order to take into account, notably, the Cree tallyman needs, including the need related to the enhancement of the protection of forests close to watercourses. The Cree tallyman needs are determined with the support of the joint working groups. Such modifications of location must be made before December 31, 2018. The prohibition mentioned in the last paragraph of section 3.9.1 does not apply to biological refuge for which the location has not been modified through this process.

3.14 Natural and human disturbances

3.14.1 If substantial damage to timber stands in a forest area is caused by a natural disturbance or human influence, special measures described in a guide annexed hereto as Schedule C-5 of this Agreement are applied through a special development plan. In such a case, sections 3.10.5, 3.11, 3.12 and Schedule C-2 of the Agreement do not apply.

3.14.2 The guide contains notably the mandatory content of a special development plan, the tools required to prepare it and special development modalities to be applied, depending on the severity of the disturbance and the condition of the trapline. The Ministre and the CNG can agree to modify the guide through a letter agreement.

3.14.3 Special development plans and amendments thereto are prepared and established in accordance with the rules applicable to the integrated forest development plans described in Schedule C-4 of this Agreement. In doing so, the Ministre must take concerted action with the Cree tallyman regarding the general outline and severity of the disturbance, the road network development and the location of salvage blocks.

3.14.4 In order to elaborate special development plans, the Ministre, among other things and when possible, uses the most appropriate methods (satellite images, aerial photos, aerial surveys) in order to establish the general outline and severity of the disturbance.

3.14.5 The areas of special interest to the Cree identified pursuant to sections 3.9 and 3.10 of this Chapter that are impacted by such a disturbance may be moved, at the discretion of the Cree tallyman.

3.14.6 As soon as possible after the completion of the special development plan, the Ministre provides the disturbance statistics to the relevant joint working group and to the CNG.

3.15 Development of the road access network

3.15.1 To facilitate the harmonization of the various uses of the Territory, the road network development must be subject to concerted action between the Ministre and the tallyman responsible for each trapline.

Due consideration shall be given to:

- a) limit the number of road connections between two traplines. In this spirit, road junctions must be planned in such a manner as to form closed circuits that do not permit easy passage to the roads of neighbouring traplines. The construction of winter roads may also be encouraged in areas where limiting connections are desirable;

b) limit the construction of new direct access routes from forestry roads to permanent watercourses and lakes except for the construction of bridges and culverts.

3.15.2 The possibility of a temporary or permanent closure of roads may be addressed through the participation process for the planning contemplated by Schedule C-4 of this Agreement. Roads which may be subjected to a temporary or permanent closure may be submitted to the Ministre by the joint working groups. The Ministre may close these roads after consulting the relevant integrated resource management panel and the relevant bodies (for the Category II lands of the Territory: the CNG; for the Category III lands of the Territory: the EIJBRG).

3.15.3 When a culvert or a bridge is constructed, the Ministre shall use the best available practices to protect the important spawning grounds. These best practices, such as those defined for the wildlife sites of interest (also known as “SFI”, for the acronym of “Site Faunique d’Intérêt”), will be described in the wildlife habitat management directives contemplated in Schedule C-3 of this Agreement. The identification of important spawning grounds can notably be made through the participation process for the planning contemplated by Schedule C-4 of this Agreement.

IMPLEMENTATION MECHANISMS

3.16 Three (3) levels of intervention are provided for: a) the Cree-Québec Forestry Board; b) the joint working groups; and (c) the joint working group coordinators.

CREE-QUÉBEC FORESTRY BOARD

3.17 The main functions of the Cree-Québec Forestry Board are to allow for close consultation of the Crees during the different steps of planning and managing forest development activities in order to implement the adapted forestry regime.

3.18 The CNG and Québec shall each appoint five (5) members to the Cree-Québec Forestry Board. In addition, a Chairperson shall be appointed to the Cree-Québec Forestry Board by le Gouvernement du Québec upon recommendation of the Ministre.

3.19 Before recommending to le Gouvernement du Québec a person to be appointed as Chairperson of the Cree-Québec Forestry Board, the Ministre must consult with the CNG on possible candidates in order to reach a joint recommendation.

3.20 Failing a joint recommendation by the Ministre and the CNG on a candidate for Chairperson of the Cree-Québec Forestry Board, the Ministre:

a) must submit a candidate to the CNG which will have a delay of thirty (30) days to accept or refuse to agree to the appointment;

b) in case of refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre must submit another candidate to the CNG which will again have a delay of thirty (30) days to accept or to refuse to agree to the appointment;

c) in case of a second refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre must submit another candidate to the CNG which will again have another delay of thirty (30) days to accept or refuse to agree to the appointment;

d) in case of a third refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre may either continue submitting other candidates to the CNG, though not obliged to do so, or recommend another candidate to le Gouvernement du Québec for appointment as Chairperson of the Cree-Québec Forestry Board.

3.21 Unless the CNG and Québec agree otherwise, the Chairperson of the Cree-Québec Forestry Board may not be employed by le Gouvernement du Québec or a Crown corporation and cannot have a financial interest in, or be an employee of, any forestry enterprise having interests in the Territory.

3.22 The members appointed by the CNG and Québec shall be appointed and replaced from time to time at the discretion of the respective appointing party. The Chairperson shall however be appointed for a fixed term not exceeding three (3) years. The term of the Chairperson is not renewable unless the CNG and Québec agree otherwise. At the end of his mandate of three (3) years, the Chairperson shall remain in office until the appointment of his successor, who shall be appointed within twelve (12) months from the end of his mandate.

3.23 The Vice-Chairperson of the Cree-Québec Forestry Board shall be appointed by the members of that Board from among those members appointed by the CNG.

3.24 The Chairperson, or any member designated by the Chairperson in his absence, presides over the meetings.

3.25 Quorum at meetings of the Cree-Québec Forestry Board shall be a majority of its members insofar as at least three (3) members appointed by the CNG and three (3) members appointed by Québec are present.

3.26 A member of the Cree-Québec Forestry Board may, upon being appointed, execute a written proxy in the form provided by the Cree-Québec Forestry Board in favour of another member. The holder of such a proxy has the right to vote and otherwise act in the 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 or her own right.

3.27 The members appointed by the CNG may be accompanied at meetings of the Cree-Québec Forestry Board by up to two (2) technical advisors who will have the right to address the Cree-Québec Forestry Board and participate in its deliberations but who will not have the right to vote. The members appointed by Québec may also be accompanied by up to two (2) technical advisors under the same conditions. The joint working group coordinators may also accompany the members in addition of the two (2) technical advisors.

3.28 Every decision at the Cree-Québec Forestry Board shall be made by a majority of the votes cast. Dissents by Board members shall be recorded and reported.

However, in the case where the decision of the Board relates to a forest planning issue, the members of a party directly in charge of said planning will not be entitled to vote. In such a case, the number of members appointed by the other party and having the right to vote shall be reduced proportionally.

3.29 The Cree-Québec Forestry Board shall meet at least six (6) times each year unless its members decide otherwise. Such meetings will be held regularly in the Territory. The Board may hold its meetings elsewhere in Québec if necessary.

3.30 A secretariat is hereby created for the needs of the Cree-Québec Forestry Board. The secretariat is located in Waswanipi. The Ministre shall make available to the secretariat all relevant and available information required for the adequate execution of its mandate and operations.

In order to implement the previous paragraph related to the location of the secretariat, the parties agree to put in place a bipartite committee in order to:

- a) evaluate the office space and lodging possibilities for the secretariat in Waswanipi;
- b) recommend to the parties ways to ensure the gradual location of the secretariat in Waswanipi for a definitive location before December 31, 2018.

The parties are equally represented on this committee.

The location of the secretariat in Waswanipi is confirmed by a letter agreement between the Ministre and the CNG.

3.31 The Cree-Québec Forestry Board may establish and adopt by-laws regulating its own internal operations, including notice and place of its meetings and other matters relating to the administration of the Cree-Québec Forestry Board. Such by laws must be in conformity with the provisions of this Chapter and will be subject to the approval of a majority of members appointed by the CNG and a majority of members appointed by Québec.

3.32 The Cree-Québec Forestry Board shall have the following main responsibilities:

- a) to monitor, analyse and assess the implementation of the forestry provisions of this Agreement which contemplate an adapted forestry regime for the Territory;
- b) to recommend to the parties, as the case may be, adjustments or modifications to the forestry provisions of this Agreement;
- c) to bring to the attention of the Ministre proposals, preoccupations and comments related to laws, regulations, policies, programs, management guides and field guides related to forestry as well as guidelines, directives or instructions related to the elaboration of all integrated forest development plans;
- d) to review the implementation mechanisms for the joint working groups regarding the elaboration, the consultations, and the monitoring of all integrated forest development plans applicable in the Territory;
- e) to be involved in the different planning processes of forest development activities in the Territory and to participate in the different stages of the management of forest activities, in particular those connected to the review of the integrated forest development plans prior to their coming into force, as well as in regard to proposed modifications to those plans. The Board will have sixty (60) days from the receipt of the tactical and operational plans and forty-five (45) days from the receipt of the modifications to make comments to the Ministre prior to the coming into force of the plans or modification thereto; the Ministre may extend these timeframes if he considers it appropriate;
- f) any other responsibilities in regard to forestry which may be assigned to it from time to time jointly by the parties.

3.33 The Ministre shall consider the comments and views of the Cree-Québec Forestry Board and shall himself inform it directly of his position or, as the case may be, of the main reasons justifying his decision, within a reasonable timeframe.

3.34 The Cree-Québec Forestry Board must produce and submit to the parties an annual report.

JOINT WORKING GROUPS

3.35 Joint working groups operate in each Cree community.

3.36 The joint working group for the community of Nemaska, Mistissini, Waskaganish and Oujé-Bougoumou is composed of four members, and the joint working group for Waswanipi is composed of six members.

3.37 The Cree members of the joint working group are appointed by the CNG. The Québec members of the joint working groups are appointed by the Ministre. Members of the joint working group cannot be in charge of the elaboration of the integrated forest development plans.

However, the responsible persons for the elaboration of integrated forest development plans may attend the meetings of the joint working groups, when requested by the Cree tallymen.

3.38 The Cree members and the Québec members shall be replaced from time to time at the discretion of the respective party.

3.39 Each joint working group may adopt any internal operating rule, such as the use of specific mapping standards and statistical tables in accordance with sections 35 and 36 of Schedule C-4 of this Agreement, that is consistent with its mandate and with the basic procedures established by joint working group coordinators.

3.40 If the parties so agree, the number of members of the joint working groups may be modified to take into account the particular circumstances of each community. However, joint working groups must be of equal representation from both parties.

3.41 Each party shall identify one representative who shall be responsible for ensuring the smooth progress of the work.

3.42 In all cases in which the joint working groups make recommendations, they may be unanimous or not. In the latter case, the respective positions of the members of the joint working groups shall be sent to the Ministre and to the Cree-Québec Forestry Board.

3.43 The joint working groups have the following mandate:

a) to integrate and implement the specific rules agreed upon in this Chapter;

b) when required, to elaborate harmonization measures flowing from the technical provisions of this Chapter;

c) to ensure that each party places all relevant and available forestry-related information at the disposal of the other party;

d) to review conflictual uses in order to find acceptable solutions;

e) to discuss any technical issues, including the acquisition of knowledge considered necessary by the joint working group;

f) to ensure the implementation of the processes relating to the elaboration, consultation and monitoring of the forest development plans;

g) to adopt internal operating rules;

h) to inform the Ministre of their proposals in regard to temporary or permanent closing of roads.

3.44 In all cases in which the Ministre receives recommendations from the joint working groups, he must take into consideration the recommendations of the joint working groups, of their members and of the conciliator appointed pursuant to Schedule C-4 of this Agreement, he must explain, within a reasonable timeframe, his position and must inform the joint working groups of his reasons for not accepting the recommendations or corrections sought, as the case may be.

3.45 The Ministre shall provide the Cree members of the joint working groups with the necessary and available ecological and forestry information as well as the data from the forest inventory (including the digital format) and computer programs developed by and for the Ministre so as to allow them to perform their activities and mandates. This includes, among others, ecoforestry maps, silvicultural and ecological guides as well as the standards established by the Ministre in respect to forest development activities.

3.46 Each joint working group shall identify the relevant documents that shall be drafted and provided in terms and language understood by the Crees and the Cree communities. It is understood that, at the very least, the Cree section of the tactical integrated forest development plans shall be entirely translated into English by the Ministre. Moreover, summaries of plans and documents deemed to

be important by each joint working group shall be provided by the Ministre in English. To this end, the parties will agree during the implementation of the present adapted forestry regime on lists of documents that are deemed important and of summaries to be provided in English.

3.47 The joint working groups shall make the information they have available to the Cree tallymen for use in the process of elaboration, consultation and monitoring of forest development plans.

3.48 If so required by the Cree tallyman, the joint working groups shall take all necessary measures to protect the confidentiality of the information derived from Cree traditional expertise and may, at their discretion, establish a system of identification and protection of such information.

This system of identification and protection of information includes the measures designed to protect the confidentiality of the information derived from Cree traditional expertise agreed in December 2006 between the Ministre and the CNG and their subsequent amendments.

3.49 The stages of the elaboration, consultation and monitoring of forest development plans are described in Schedule C-4 of this Agreement.

3.50 A copy of harvesting agreements, permits to harvest timber to supply a wood processing plant and timber sale contracts entered into by the Bureau de mise en marché des bois and their modifications, applicable to the Territory described in section 3.3 of this Chapter, is transmitted, upon request, to the Joint Working group coordinators by the Ministre. However, no confidential information pursuant to an *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, chapter A-2.1) will be so transmitted.

JOINT WORKING GROUP COORDINATORS

3.51 The main function of the coordinators of the joint working groups is to ensure that, despite their local specificities, the joint working groups contribute to the implementation of the adapted forestry regime of this Agreement.

3.52 The Cree coordinator of the joint working groups is appointed by the CNG. The Québec coordinator of the joint working groups is appointed by the Ministre.

3.53 The coordinators have the following mandate:

a) to establish basic procedures to be followed by joint working groups. Such procedures may, notably, specify the functioning of the meetings held with Cree tallymen within the context of the planning process of forest development activities;

b) to report periodically to the Cree-Québec Forestry Board of the operations of the joint working groups;

c) to provide support to and to supervise the members of the joint working groups when they address conflicting issues;

d) to provide to the joint working groups the information they require for the application of the adapted forestry regime or to acquire such information from the parties;

e) to inform the Cree-Québec Forestry Board and the respective parties of amendments or modifications to the Agreement which are, in their opinion, required to ensure the implementation of the adapted forestry regime;

f) to jointly submit to the Ministre a statement of the situation together with their recommendations, in accordance with section 20 of Schedule C-4 of this Agreement.

FUNDING

The funding of the Cree-Québec Forestry Board and the joint working groups shall be as follows:

3.54 Each party shall assume the remuneration and the travel costs of its own members on the Cree-Québec Forestry Board.

3.55 The remuneration and the expenses of the Chairperson of the Cree-Québec Forestry Board shall be assumed by Québec.

3.56 Each party shall assume the costs of the members of the joint working groups and the coordinator that they appoint.

3.57 Each party shall assume half the costs of the Cree-Québec Forestry Board and the joint working groups, it being understood that the costs are presently estimated at a total of one million dollars (\$1,000,000) per Financial Year.

3.58 Québec shall assume the reasonable costs of providing the tools and the relevant and available information for the purposes of the application of the adapted forestry regime.

EFFECT OF THE ADAPTED FORESTRY REGIME

3.59 The adapted forestry regime shall not have the effect of modifying the boundaries of the Cree traplines. Furthermore, it shall not affect the hunting, fishing and trapping rights of the Crees provided for in the JBNQA for this Territory, including the harvesting rights provided for in Section 24 of the JBNQA.

ACCESS TO FOREST RESOURCES

3.60 Québec shall guarantee to the Cree Enterprises an annual volume of three hundred fifty thousand (350,000) cubic meters of timber within the limits of the commercial forest situated in the Territory in order to encourage and facilitate employment and contracts to James Bay Crees and to Cree Enterprises. For further clarification, this timber volume is guaranteed and shall be in addition to any timber volume found on Category I lands.

3.61 This timber volume shall be allocated pursuant to the provisions of the *Sustainable Forest Development Act*. Prior recommendations may be made by the CNG to the Ministre in regard to the type of the forestry right granted.

3.62 The distribution of this timber volume is determined by the CNG, who will notify the Ministre thereof.

3.63 At the request of the Crees, all or a part of the annual timber volume provided for in section 3.60 of this Chapter may be sold on the open market by the Bureau de mise en marché des bois of the Ministre. When the Bureau is selling such timber, the sale is made upon the conditions it determines and free of administrative fees until March 31, 2022.

EMPLOYMENT AND CONTRACTS

3.64 Québec will encourage forestry enterprises operating in the Territory to employ James Bay Crees in their forestry activities and to provide contracts to James Bay Crees and Cree Enterprises and will facilitate such employment and contracts by:

- a) requiring such forestry enterprises to provide in their forestry reports:
 - i) the number of Crees employed as well as the number of contracts concluded with Crees and Cree Enterprises;
 - ii) the employment and contract opportunities expected in the subsequent year;
- b) providing such information to the CNG;
- c) facilitating and encouraging forums and discussions between the James Bay Crees and the forestry enterprises operating in the Territory in order to review employment, contracts and partnership opportunities in forest activities.

3.65 Québec encourages access by Cree Enterprises to contracts to carry out non-commercial silvicultural works. Accordingly, the opportunity to conclude contracts for 15% of the budget of non-commercial silvicultural works (including land preparation, reforestation and pre-commercial thinnings) to be carried out within the Territory

shall be offered to Cree Enterprises in priority, until March 31, 2020. This opportunity to conclude contracts that is offered in priority to Cree Enterprises depends on a quality assessment of the work carried out according to the criteria established by the Ministre.

The CNG shall, not later than December 31, 2018, agree with the Ministre on a mechanism allowing to annually identify the Cree Enterprises to which the opportunity to conclude these contracts shall be offered. This mechanism shall be based on a set of criteria, such as Cree participation in businesses, employment and contracts.

Before March 31, 2020, the CNG and the Ministre may negotiate to renew this opportunity, offered in priority, to conclude contracts for 15% of the budget of non-commercial silvicultural works (including land preparation, reforestation and pre-commercial thinnings) to be carried out in the Territory.

CREE-QUÉBEC FORESTRY ECONOMIC COUNCIL

3.66 The Cree-Québec Forestry Economic Council (CQFEC) is composed of an equal number of representatives designated by the CNG and by the Ministre. Forestry enterprises may be invited to participate in the works of the CQFEC.

3.67 The CQFEC shall promote the development of economic and business opportunities for the Crees in forest development activities. It shall also ensure the implementation of sections 3.64 to 3.70 of this Chapter.

3.68 The CNG ensures the availability of a list of Cree Enterprises that are interested in carrying out forest development activities to the CQFEC.

3.69 a) The CNG shall hold discussions with the Waswanipi Band, the Cree Nation of Mistissini, the Ouje-Bougoumou Band, the Cree Nation of Nemaska and the Crees of the First Nation of Waskaganish in order to review the options available to find better ways to use the guaranteed annual volume of section 3.60 of this Chapter, with a view to enhance Cree involvement in forestry businesses, employment and contracts;

b) The CQFEC shall:

(i) gather and provide relevant information to enhance the discussions referred to in paragraph a) of this section;

(ii) review and provide available options in order to find better ways to use the guaranteed annual volume of section 3.60 of this Chapter with a view to enhance Cree involvement in forestry businesses, employment and contracts; and

(iii) suggest to the Standing Liaison Committee ways to resolve any dispute relating to economic issues that may arise between the parties.

3.70 At the latest on December 31, 2018, the CQFEC recommends to the parties ways for the provisions of sections 3.64 to 3.70 of this Chapter to evolve in order to improve the Cree economic involvement in forest development activities.

FIREWOOD

3.71 In order to respond to the needs of the Cree trappers for firewood, non-Aboriginal holders of permits delivered to this end in virtue of the *Sustainable Forest Development Act* shall not harvest firewood within an area of seventy-five (75) hectares surrounding each permanent Cree camp. It is understood that this measure shall apply outside of the area identified around each permanent camp as a site of special interest for the Crees.

3.72 In cases where there is no firewood available near the camp, firewood cutting areas covering seventy-five (75) hectares are set aside and the Ministre will not deliver any firewood harvesting permits to non-Aboriginals within such areas.

3.73 No harvesting firewood permit for commercial purposes is delivered in forested areas presenting wildlife interest for the Cree identified pursuant to section 3.10 of this Chapter.

AGREEMENTS WITH FORESTRY ENTERPRISES

3.74 Nothing in this Agreement precludes or restricts agreements between Cree individuals or Bands and forestry enterprises.

CONFLICT AND INCOMPATIBILITY

3.75 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Sustainable Forest Development Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.

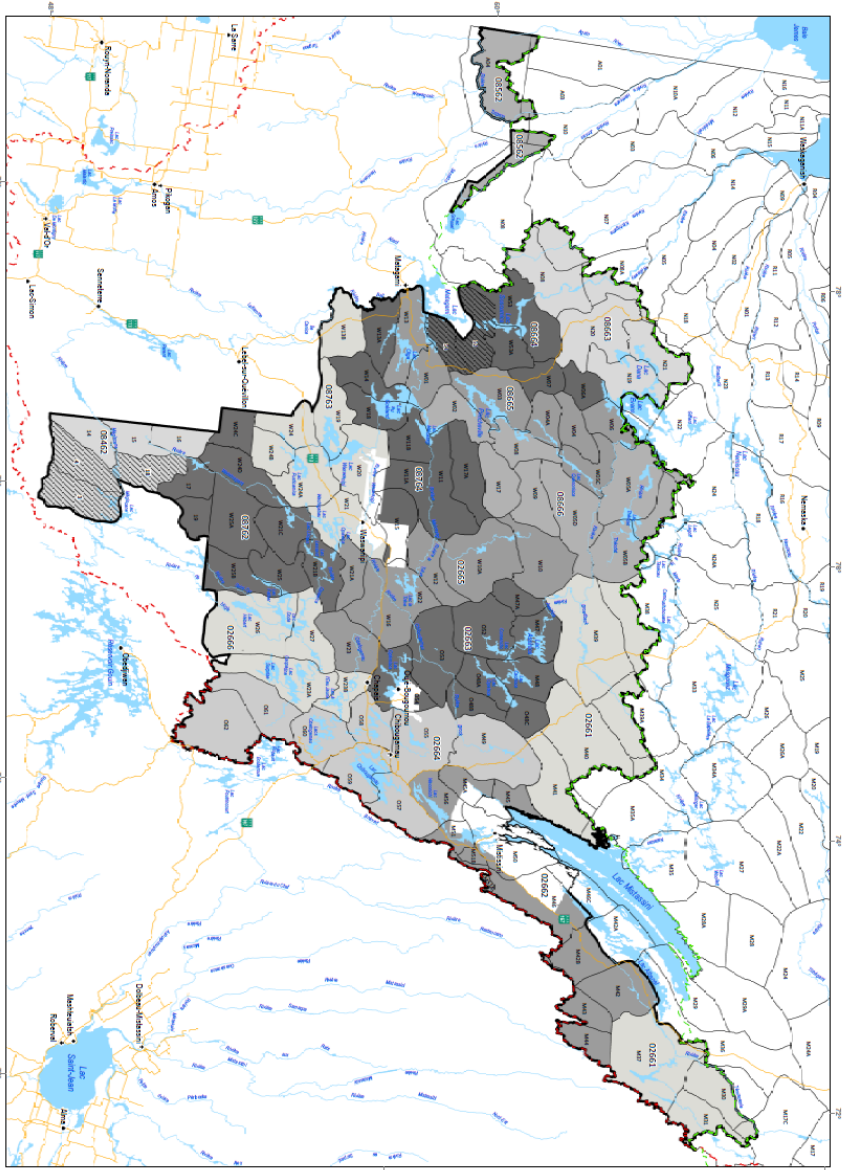
SCHEDULE

3.76 Schedule C of this Agreement, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4) and Part V (C-5) forms an integral part of this Chapter.

SCHEDULE C
FORESTRY

Part I (C-1) - MAP OF THE TERRITORY OF APPLICATION OF CHAPTER 3

Schedule C - Forestry
Part I (C-1) - Map of the Territory of Application of Chapter 3



Legend:

- Boundary of the territory of application of Chapter 3
- Timber*
- Management units
- Southern boundary of the SMOA
- Northern timber allocation limit
- Road network

* Harvest areas are subject to decisions between economic forest activity (EFO) and (SFO)

Metadata

Map projection: Lambert Conformable
Map projection: North American Datum (NAD 83 and GRS 80)

Scale

0 50 100 km

Source

Date	Organization	Year
Base Map	IGN	2004
Timber	CNS	2002
Management Units	MRFP	2015

Production

Ministère des Forêts, de la Faune et des Parcs

* Non-forest areas are not shown

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Part I, Forestry
Québec

Part II (C-2) - MOSAIC CUTTING WITH PROTECTION OF REGENERATION AND SOILS

A) Definition

Cutting with protection of regeneration and soils carried out in such a way as to preserve an area of forest between two cutting areas that is at least equivalent in area to the stand harvested.

B) Evaluation criteria

Given that the goal is to offer an alternative to the use of separator strips in a given area, logging operations must therefore be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus:

a) for each logging sector identified in an integrated operational forest development plan (PAFIO), the residual stands to be preserved and those to be cut are shown clearly on maps;

b) subject to the forest development strategies adopted in the tactical integrated forest development plan (PAFIT), in the first phase, logging priority is given to the most mature stands, in order to minimize timber losses;

c) the harvested areas vary in size. At least 20% of the blocks must be less than fifty (50) hectares and at least 70% must be less than one hundred (100) hectares. No more than 30% of the blocks are larger than one hundred (100) hectares, and no block may exceed one hundred and fifty (150) hectares;

d) the residual stands to be preserved are located in priority in mixed forests, as they are relatively rare and play an important role as wildlife habitats;

e) the forest to be preserved between two cutting areas is at least equal in size to the area of the stand harvested (this equivalency may also be calculated for a set of stands located within an annual harvesting sector);

f) the residual forest is composed of productive forest stands more than seven (7) meters high (this will include many remaining stands of twelve (12) meters high, in light of the present composition of the standing forest);

g) the residual forest between two cutting areas is at least two hundred (200) meters wide (long strips of unvarying width must be avoided);

h) the residual forest is left standing for a period long enough to allow the new growth to achieve the required level of development (minimum three (3) meters);

i) except for protective strips described at paragraph a) of section 3.12.1 of Chapter 3 of this Agreement, no residual forest may overlay an existing legally protected area or a site described at section 3.13 of Chapter 3 of this Agreement unless the cree tallyman agrees otherwise.

Part III (C-3) - MAINTENANCE OF A FOREST COVER

A) Hardwood Component in the Whole of each Cree Trapline

In pre-commercial thinning and stand release operations, special attention is given to the conservation of different habitats. For example, it is possible to:

—preserve a certain number of small fruit trees such as sorb and cherry trees;

—preserve hardwood trees in open spaces where there are no coniferous trees;

—provide for operations to be spread over two phases, two (2) or three (3) years apart, in sectors where large regenerated areas are the object of such work;

—on certain rich sites conducive to good hardwood growth, promote the maintaining of enough hardwood trees to ensure the development of mixed forests.

B) Protection of Pre-established Regeneration in the Whole of each Cree Trapline

To limit the impacts of extensive logging in the Territory, it is important to improve the protection given to pre-established regeneration, especially tall regeneration whose presence shortens the revegetation period and restores good habitats for small wildlife species such as hare.

When the conditions allow, cuttings with protection of regeneration and soils must be carried out under a special framework in order to protect tall regeneration. To do this, the following is required:

—adopt appropriate logging techniques (such as multi-functional cutting heads) that leave the best regenerating trees intact;

—select appropriate hauling equipment to limit damage to the new growth;

—survey the new growth before logging, in order to identify the stands that have tall under-storey regeneration.

C) Mixed Forest Stands Development Strategy

Given the importance of mixed stands as wildlife habitats and their rarity in the Territory, it is necessary to develop a distinct development approach for these stands. To this effect, a development guide applicable specifically to the mixed forests is elaborated by the Ministre in close collaboration with the CNG prior to April 1st, 2018. The wildlife and forest-related development objectives will be described, as well as the operational methods required to maintain and renew these stands (logging techniques, features of the stands to be preserved, etc). A copy of the development guide is forwarded to the Cree-Québec Forestry Board for comment and recommendation.

D) Wildlife Habitat Development Directives

Prior to April 1st, 2018, the Ministre elaborates, in close collaboration with the CNG, practical directives guiding the forest development planning process in order to foster the protection and development of wildlife habitats. The Ministre retains the required services of governmental expertise in this field. A copy of the directives is forwarded to the Cree- Québec Forestry Board for comment and recommendation.

Part IV (C-4) - ELABORATION, CONSULTATION AND MONITORING OF FOREST DEVELOPMENT PLANS

OBJECTIVES OF THE JOINT WORKING GROUPS

1. Without restricting the generality of the provisions of the present Agreement, the creation of joint working groups in the concerned Cree communities has, amongst others, the following objectives:

— to ensure the real and significant participation of the Crees in the planning of forest development activities in the Territory in keeping with the principles established in the Agreement;

— to ensure that forest development takes into account the protection of wildlife habitats, and;

— to resolve disputes between users in regard to forestry as they arise.

OBJECTIVES OF LOCAL INTEGRATED LAND AND RESOURCE MANAGEMENT PANELS

2. The integrated resource management table and the local integrated land and resource management panels established in accordance with the *Sustainable Forest*

Development Act and the *Agreement on Governance in the James Bay Eeyou Istchee Territory between the Cree of Eeyou Istchee and the Gouvernement du Québec* (hereinafter referred to as “local integrated land and resource management panels”) are respectively set up to pursue the following goals:

a) on the Category II lands of the Territory, to ensure that the interests and concerns of the Cree are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Prior to this, the CNG takes concerted action with the Cree tallymen and other Cree stakeholders concerned in this respect;

b) on the Category III lands of the Territory to ensure that the interests and concerns of the relevant Crees and the relevant Jamésiens are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Prior to this, the EIJBRC takes concerted action with all the relevant Cree and Jamésiens stakeholders in this respect. Cree and Jamésiens stakeholders are equally represented on those panels.

CONSULTATION WITH CREE TALLYMEN AND OTHER RELEVANT CREE STAKEHOLDERS

3. The joint working groups consult with the Cree tallymen and other relevant Cree stakeholders about forest development activities in order to provide information to the local integrated land and resource management panels prior to the elaboration and consultation process related to forest development plans.

Concerning the Category II lands of the Territory, these consultations are carried out under the supervision of the CNG, as provided for by section 2a) of this schedule. In addition, representatives of the Ministre who are members of the relevant local integrated land and resource management panels, may be invited to take part in the meetings of the joint working groups.

A) ELABORATION AND CONSULTATION PROCESS FOR FOREST DEVELOPMENT PLANS

4. The planning process is afterwards implemented in accordance with the measures provided for by the adapted forestry regime and in a manner to take into account the local objectives and the harmonization measures agreed upon by the local integrated land and resource management panels.

TACTICAL INTEGRATED FOREST DEVELOPMENT PLAN (PAFIT)

As stipulated in the *Sustainable Forest Development Act*, the tactical plan covers a five-year period and contains, among other things, the allowable cuts assigned to the unit, the sustainable forest development objectives, the forest development strategies adopted to ensure that allowable cuts are respected and its objectives are achieved, and the location of the main infrastructures and the areas of increased timber production. In the event the Ministre identifies potential areas of increased timber production in the Territory, the Ministre shall consult with the Crees.

Preparing the Tactical Plan

5. The tactical plan contains a Cree section presenting the location of the sites of interest to the Cree and the forested areas presenting wildlife interest for the Cree. It also contains a statistical overview of the state of the forest in the whole of the Cree trapline, and in the sites of interest to the Cree and the forested areas presenting wildlife interest for the Cree. In addition, it contains a register of the tactical harmonization measures adopted by the Ministre which concern the Crees. The Cree section is not subject to the public consultation process provided for by section 11 of this schedule, neither is it forwarded, as provided for by section 6 thereafter, to the relevant local integrated land and resource management panel in the Category III lands of the Territory.

6. Following the preparation of the draft tactical plan, the Ministre submits it to the relevant local integrated land and resource management panel, in order to ensure that its content is compatible with the interests and concerns of the relevant Cree stakeholders and, with regard to the Category III lands of the Territory, with those of the relevant Jamésien stakeholders. The panel must submit its recommendations to the Ministre no later than thirty (30) days after it receives the draft tactical plan.

With respect to Category II lands of the Territory, each party of the local integrated land and resource management panel can request that a concern, an interest or a local sustainable forest development objective determined by this panel and that has not been taken into account by the Ministre be submitted to a committee composed of a person designated by the CNG and a person designated by the sous-ministre des Forêts, de la Faune et des Parcs from his office. This committee has thirty (30) days, after receipt of this request, to submit its recommendations to the Ministre. The Ministre informs the parties of his decision and his reasons thereof.

With respect to Category III lands of the Territory, a local integrated land and resource management panel can request that a concern, an interest or a local sustainable forest development objective determined by this panel and that has not been taken into account by the Ministre be submitted, with the consent of the EIJBRC, to a committee composed of a person designated by the EIJBRC and a person designated by the sous-ministre des Forêts, de la Faune et des Parcs from his office. This committee has thirty (30) days, after the reception of this request, to submit its recommendations to the Ministre. The Ministre informs the parties of his decision and his reasons thereof.

7. The Ministre adjusts the draft plan if necessary.

Finalization of the Tactical Plan

8. The plan is sent to the joint working groups in each community, and to the Cree-Québec Forestry Board, which ensures that it is processed in accordance with its mandate.

9. No later than thirty (30) days after receiving the plan, the joint working groups transmit their recommendations concerning the submitted plan to the Ministre and to the Cree-Québec Forestry Board, and request any modifications that may be necessary.

10. The Ministre adjusts the plan if necessary.

11. The public consultation is then held by:

a) with regard to planning of forest development activities of the Category II lands of the Territory, the local integrated land and resource management panel;

b) with regard to planning of forest development activities of the Category III lands of the Territory, the EIJBRC;

The body responsible of public consultation sends to the Ministre, no later than thirty (30) days after the public consultation, a report summarizing the comments obtained in the course of the consultation and propose any solutions it deems appropriate where divergent opinions exist.

The Ministre participates in the public consultation in order to provide explanations on the content of the plan.

12. 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 public consultation process.

13. If necessary, the Ministre adjusts the plan before deciding on the date on which it will come into force.

Modifications to the Tactical Plan

14. Amendments to the tactical plan are subject to the same preparation and finalization process as described above.

INTEGRATED OPERATIONAL FOREST DEVELOPMENT PLAN (PAFIO)

As provided for by the *Sustainable Forest Development Act*, the operational plan basically sets out the forest operations zones in which timber harvesting or other forest development activities are planned under the tactical plan. It also contains the harmonization measures adopted by the Ministre.

15. More precisely, the PAFIO covers the period when the PAFIT applies which corresponds to a period of five (5) years.

The PAFIO also contains a register of the operational harmonization measures of land use adopted by the Ministre and which concern the Crees. This register is not subject to the public consultation process provided for by Section 27 of this Schedule, neither is it forwarded, pursuant to section 17, to the relevant local integrated land and resource management panel in the Category III lands of the Territory.

Preparation of the Operational Plan

16. Prior to the drafting of the PAFIO, the CNG forwards to the Ministre information it holds which is provided by the tallymen and which could be required for the elaboration process of the PAFIO. The joint working groups may organise meetings between Cree tallymen and the Ministre to favour a deeper understanding of the information thus forwarded. The frequency of these meetings is determined by the joint working groups.

17. Following the preparation of the draft PAFIO, it is sent to the relevant local integrated land and resource management panel, to ensure that its content is compatible with the interests and concerns of the relevant Cree stakeholders and, with regard to the Category III lands of the Territory, with those of the relevant Jamésien stakeholders.

18. Following the preparation of the draft PAFIO, the Ministre and the Cree tallyman shall cooperate concerning its content, particularly regarding the choice of location of residual forest blocks to be conserved in the forested areas presenting wildlife interest for the Cree, regarding the road network development and the improvement or repair of impassable roads, regarding the identification of important spawning grounds 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 all their concerns other than the locations of sites of special interest and the forested areas presenting wildlife interest already provided, or any other information relative to those elements composing the Cree section of the PAFIT implemented by the PAFIO. The joint working groups ensure that the Cree tallymen take part in this consultation exercise. Holders of a timber supply guarantee and holders of permits to harvest timber to supply a wood processing plant may be invited to this consultation exercise by the joint working groups.

19. The joint working groups shall provide the necessary support for the resolution of conflicts between the activities of the Crees and forest development activities. These conflicts may be raised as much by the community councils, the Cree Tallymen or by Cree users designated by a Cree Tallyman. The joint working group shall encourage direct dialogue between the parties concerned so as to favour the harmonization of land use. To achieve this, the joint working group may, for example, initiate meetings and provide the information necessary for the resolution of the conflict. Moreover, it shall document and examine these disputes and find solutions that are acceptable to the parties. If no acceptable solution is found, the coordinators examine the dispute and act as mediators.

20. If the mediation fails or at the expiry of a period of forty-five (45) days, both coordinators shall submit a joint statement of the situation to the Ministre together with their recommendations, whether such recommendations are unanimous or not. The Ministre shall thereafter appoint a conciliator. The conciliator shall be the chairman of the Cree-Québec Forestry Board or a person that is independent of the parties and of the holders of timber supply guarantee or of the holders of permits to harvest timber to supply a wood processing plant operating in the Territory, whom will be chosen from a list prepared in advance by the Cree-Québec Forestry Board.

21. The conciliator shall examine the dispute, shall hear the parties and shall present his recommendations to the parties and to the Ministre, at the latest forty-five (45) days after his appointment. The Ministre decides on the measures to apply and informs the parties of his decisions and the reasons therefore. The Ministre sends a copy of his decision to the concerned joint working groups and to the Cree-Québec Forestry Board.

22. The result of the conciliation shall not modify the results of the PAFIT elaboration process and in particular the information provided by the Cree tallyman concerning sites of interest to the Cree and forested areas presenting wildlife interest for the Cree.

23. The Ministre adjusts the draft plan if necessary.

Finalization of the PAFIO

24. The Ministre carries out an internal analysis of the PAFIO to ensure that the applicable provisions of the section entitled “Modalities of the adapted forestry regime” in Chapter 3 of this Agreement are respected, and forwards the results to the joint working groups.

25. The PAFIO shall be sent to the joint working groups of each community as well as to the Cree-Québec Forestry Board, which will treat the plan in conformity with its mandate.

26. Within thirty (30) days of the receipt of the plan, the joint working groups shall forward to the Ministre and to the Cree-Québec Forestry Board their recommendations regarding the plan submitted and shall ask, if applicable, for any necessary corrections. The joint working groups ensure, among other things, that the PAFIO respects the Cree section of the PAFIT.

27. The public consultations are then held by:

a) with regard to planning of forest development activities of the Category II lands of the Territory, the local integrated land and resource management panel;

b) with regard to planning of forest development activities of the Category III lands of the Territory, the EIJBRC.

The body responsible of the public consultation sends to the Ministre, no later than 30 days after the public consultation, a report summarizing the comments obtained in the course of said public consultation and proposes any solutions it deems appropriate where divergent opinions exist.

The Ministre participates to the public consultation in order to provide explanations on the contents of the plan.

28. 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 public consultation process.

29. The joint working groups or certain of their members may seize the Cree-Québec Forestry Board of any dispute, problem or concern relative to the PAFIO, and the Board shall treat the matter in conformity with its mandate.

30. If necessary, the Ministre adjusts the plan before deciding on the date on which it will come into force. The Ministre then sends a notice to the Cree party of the joint working group and to the Cree-Québec Forestry Board, and sends a copy of any amendments to the joint working group.

Modifications to the PAFIO

31. Modifications to the PAFIO that require a modification of the forest development activities provided for in the plan (changes in the field activities) are subject to the same process of preparation and finalization as that previously described.

Annual selection of forest operations zones

32. Each year, the Ministre selects within the PAFIO twice as many forest operation zones than what he can actually authorize during a single year, in order to enhance flexibility in the operational management of timber harvesting or of other forest development activities. The Ministre and the Cree tallyman shall cooperate concerning the content of the annual selection and hold a meeting, at least once a year, for this purpose. The joint working groups ensure that the Cree tallymen take part in this consultation exercise. Holders of a timber supply guarantee and holders of permits to harvest timber to supply a wood processing plant may be invited to this consultation exercise by the joint working groups.

32.1 Each year, the Ministre submits the annual selection to the joint working groups. In the event joint working groups identify problems or concerns regarding its content, they have thirty (30) days after receipt to submit their recommendations to the Ministre.

32.2 The Ministre adjusts the annual selection if necessary and adds to the register referred to in section 15 of this schedule any harmonization measure which is agreed upon, provided that section 31 of this schedule applies to any modification to the PAFIO which substantially change the planned forest development activities.

32.3 Forest operations zones included in an annual selection and which have to be carried over the following year, are presented again by the Ministre to the joint working groups. They may decide to invite the Ministre and the Cree tallyman to a new meeting regarding these forest operations zones.

Conformity of harvesting activities

33. Every year, the Ministre presents to the joint working groups and their coordinators the shapefile of all harvesting activities authorised by the Ministre, and the internal conformity analysis of these activities with the annual statistics of the present Agreement.

B) MONITORING OF FOREST DEVELOPMENT PLANS

Annual monitoring of forest development activities

34. The annual monitoring of forest development activities is aimed at ensuring the respect of the development strategies described in the PAFIT and the activities forecasted in the PAFIO. The forestry monitoring extends to the volumes of wood harvested, the silvicultural treatments undertaken and the application of the standards of forestry development.

35. In the Territory, particular attention shall be given, notably by the joint working groups, to monitor the application of the standards described in the present Agreement as well as the other measures that are set out in the forest development plans, particularly the measures of the Cree section of the PAFIT and those stated in the operational harmonization measures register.

In this context, the joint working groups may act as liaison agent with the planning officers of the ministère des Forêts, de la Faune et des Parcs, to favour an adequate implementation of the operational harmonization measures by holders of timber supply guarantee, holders of permits to harvest timber to supply a wood processing plant and purchasers of standing timber from the Bureau de mise en marché des bois.

36. When they deem it necessary, the joint working groups shall be involved in the process of establishing the program of the annual verification of interventions undertaken by the Ministre. The program includes notably the list of works and standards that will be verified, such as the standards set out in paragraphs c) and d) of section 3.11 of Chapter 3 and paragraph c) of Schedule C-2 of this Agreement, as well as the sampling methods that will be used.

37. The involvement of the joint working groups can take place at the stage of elaborating the annual program or upon receipt of a proposed program from the Ministre. In the latter case, the joint working groups may propose modifications to this annual program. The joint working groups make the necessary recommendations in both cases.

38. In the event that the Ministre refuses to integrate these recommendations into the annual verification program, he explains his position and shall inform the joint working groups or their members of the reasons for not accepting their recommendations.

39. The results of the forest development verification shall be provided to the joint working groups in the form of periodic progress reports on the work and in the form of annual statements of the forest development monitoring, which are prepared by the Ministre. The joint working groups first decide on the method of presenting this annual statement.

40. To allow members of the joint working groups to familiarize themselves with the various forest development activities undertaken as well as the methods of verification applied, joint visits of on-site monitoring operations in Cree traplines shall take place during the season, at a frequency to be determined by the joint working groups.

41. In addition, the information contained in the reports received by the Ministre from any person or body carrying out forest development activities in the forests in the domain of the State are provided to the joint working groups.

42. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre regarding any issue connected to the monitoring of forest development activities or such activities. The Cree-Québec Forestry Board may, upon request, obtain copies of documents produced within the framework of the annual monitoring of forest development activities.

Monitoring of the evolution of the forest

43. Each year, the Ministre performs evaluations to assess the evolution of the forest. These inventories permit an evaluation of whether the works previously performed are likely to produce the expected results. These inventories also make it possible to evaluate the evolution of the natural regeneration of forests following forest development activities.

44. To ensure that this monitoring also reflects Cree concerns, the joint working groups shall be involved in the process of establishing its program. The program includes, among other things, the list of works that will be verified as well as the sampling methods that will be used.

45. The joint working groups shall inform the Cree-Québec Forestry Board of proposals for sampling methods for the protection of wildlife habitats.

46. The joint working groups may be involved at the program elaboration stage, or upon receipt of a proposed program from the Ministre. In the latter case, the joint working groups may propose modifications to the program. In both cases, they may make recommendations.

47. The results of the forest development verification are sent to the joint working groups and to the Cree-Québec Forestry Board.

48. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre concerning the current state of the forest.

Five-year report

49. Every five (5) years, the Ministre provides the members of the joint working groups with a report concerning the verification and monitoring of the application of the standards and measures set out in the Agreement for each Cree trapline. The report will also contain a description of the state of regeneration for each development unit.

Monitoring of the forest development plans and the standards of this adapted forestry regime

50. When the joint working groups find forestry operations that are not in conformity with the PAFIT or the PAFIO in force, or with other standards of this adapted forestry regime, that the regeneration is inadequate, or any other problem resulting from forest development activities, they shall immediately inform the Cree-Québec Forestry Board and the Ministre, and make recommendations concerning the measures to be taken.

C) TRANSITIONAL MEASURES

51. Following the set-up of the local integrated land and resource management panel on the Category II lands of the Territory, the Ministre consults this panel regarding the PAFIT in force in order to ensure that the interests and concerns of the relevant Crees are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Following this consultation, the Ministre adjusts the plan if required.

52. Following the set-up of the integrated land and resource management panels by the EIJBRG, the Ministre consults these panels regarding the PAFIT in force in order to ensure that the interests and concerns of the relevant Crees and the relevant Jamésiens are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Following this consultation, the Ministre adjusts the plan if required.

Part V (C-5) - GUIDE

GUIDE

PREPARATION OF SPECIAL DEVELOPMENT PLANS FOR TIMBER DAMAGED BY NATURAL DISTURBANCES

Introduction

In December 2003, the parties agreed on an addition to Chapter 3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec (“the Agreement”), with a view of setting out the rules governing the salvage of timber damaged by natural disturbances.

Subsequently, following harmonization of the adapted forestry regime and the new forest regime described in the Sustainable Forest Development Act, the parties decided, in 2013, to produce a Guide setting out a framework for producing special development plans, which would become a schedule to Chapter 3 of the Agreement.

The Guide applies to every timber salvage operation and every operation designed to bring back production, carried out following a natural disturbance in the territory of the Agreement, as stated at section 3.3. Consequently, all salvage and production restoration activities must be carried out so as to:

- (a) mitigate the ecological and environmental impacts;
- (b) mitigate the impacts on animal populations;
- (c) mitigate the impacts on the Cree traditional way of life;
- (d) mitigate other social impacts;
- (e) generate positive economic spin-offs for Cree and non-Cree employment; and
- (f) mitigate the negative impacts for timber stocks.

All the steps and procedures presented in this guide have been prepared using the ecosystem-based approach. Therefore, timber damaged by natural disturbances can be salvaged, but salvage operations must allow the ecological integrity of the disturbed ecosystem to be maintained. Five main goals are proposed as guidelines:

1. Preservation of biodiversity:
 - Maintain sufficient diversity in fire-damaged stands.
 - Reproduce the footprint left by the natural disturbance in terms of natural forest attributes.

2. Protection of forest soils and water quality.
3. Development of natural regeneration.
4. Social acceptability.
5. Compliance with the principles of the Agreement.

“Productive forest area”: An area used for forestry, i.e. a natural forest or plantation, capable of producing 30 m³ of timber per hectare (10 cm and over) in less than 120 years (Ecoforest Mapping Standard, 1999).

As stated in articles 3.5 and 3.75 of the Agreement:

“3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec’s forest standards apply in the Territory. Subject to section 3.75 of this Chapter, such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.”

“3.75 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Sustainable Forest Development Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.”

Definitions

The following terms have the following meaning:

“Dead tree”: A tree whose cambium layer is dead throughout the base circumference. The leaves or needles may remain on the tree for some time, but are no longer green.

“Fire-damaged retention forest”: A fire-damaged forest, regardless of whether or not it is suitable for harvesting based on forest maturity criteria, which is left in place as part of a special development plan.

“Patch of fire-damaged trees”: A group of dead trees or trees at an advanced stage of decline, which were partially or completely burned.

“Patch of live trees”: A group of trees covering more than a hectare that have not been damaged by fire and exhibit no trace of fire damage at ground level or on their trunks or canopies.

“Natural disturbance”: A forest fire, windfall, insect epidemics or cryptogamic diseases likely to trigger salvage operations.

“Ecosystem-based salvage”: An ecological approach applied to planning and implementation of salvage operations in forests disturbed by fire, aimed at ensuring preservation of biodiversity and viability in all the forest ecosystems while meeting socio-economic needs with due respect for the social values associated with the forest environment.

Methodologies and Preparation of Special Plans

Note to readers: The MFFP is responsible for preparing special plans. The CNG will assess the plans when they are presented to the concerned tallymen and users by the JWG.

Table of contents of special development plan

Table of Contents: Special Development Plan for the Territory Covered by the Agreement		REMARKS
SECTION		
Production		
(1) Contact information for the concerned management unit office		
(2) Signature of the F.Eng. who supervised the plan		
(e) Names of persons responsible for producing the plan		
Introduction		
(a) Disturbance		The presence of Aboriginal communities in the area covered by the plan must be mentioned
(b) Fire number, where applicable		
(c) Reference to the Act, instructions and agreements		
(d) Purpose of the plan or addendum		
Description of the disturbance		
(a) Nature and location, extent and severity		This should include geographic coordinates of the centroid and the shape files (ArcGIS) for the disturbance polygons. Addition, in the text, of the landscape unit concerned
(b) Geographic delimitation of the event		

Table of Contents of Special Development Plan for the Territory Covered by the Agreement		REMARKS
SECTION		
		The data should be available in digital format and copied onto a CD attached to the plan
-	Characterization of the disturbance and calculation of the area by disturbance class, for the disturbance and for the trapline	Reference to a systematic classification based on the best available technique(s)
-	Mention of existing biophysical elements and infrastructures, as points of reference	
-	Map of the disturbance concerned	At trapline level, including the biophysical elements, infrastructures and past disturbances
-	Importance of prior disturbances damaged by the fire (area by type of disturbance by trapline)	
(b) Guarantee holders affected by the disturbance		
-	List of holders and their allocated volumes	
(c) Evaluation of damaged timber		
-	Ecoforest stratification (volume and area) of the damaged stands	
(d) Evaluation of timber to be salvaged		
-	Method used to calculate the volume and area of the stands to be salvaged, including:	Add the productive area of the trapline to the current table
-	Cutting level for harvesting per trapline	
-	Statistical profile of the trapline pre- and post-disturbance	
-	Conditions of the Agreement concerning relocation of sites of wildlife interest and sites of special interest (1% and 25%)	
-	Description of the ecosystem-based approach used	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
<ul style="list-style-type: none"> - Conditions applicable based on the decision of the salvage plan preparation team - Conditions applicable under Québec's forest standards, including the wildlife component, with impacts on the volumes of timber to be harvested - Breakdown of the cutting blocks (as a percentage of areas) and of volumes for the following size classes: <ul style="list-style-type: none"> - 0-50 ha - 51-150 ha - 151-250 ha - Map of cutting blocks at trapline and disturbance level - Total volume of timber to be salvaged 	<p>The following remark must appear: Québec's forest standards apply in its entirety, except for the following sections, which are adjusted for timber salvage :</p> <ul style="list-style-type: none"> -the area, location of forest operations; -the protection of lakes, watercourses and riparian areas; -the installation and use of piling, lopping, sawing and transfer areas; -the location and construction of roads; -the site of forest camps; -the regulation of forest development activities; -the application of silvicultural treatments; -the protection of forest regeneration.
(e) Conditions and results of consultation	
<ul style="list-style-type: none"> - Names of organizations and communities consulted - Other harmonization measures (including new proposed infrastructures) 	Mainly those requested by the

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
	tallymen
- Map of other harmonization measures	At trapline level
- Detailed report of the consultation	Where applicable, for each JWG meeting with the tallyman (per trapline)
(f) Anticipated period for salvage of the timber	
(g) Special salvage conditions	
- Additional protection measures	
- For sites of wildlife, recreational or special interest	
- Description and location of the proposed infrastructures	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
- Map at trapline level	
- Monitoring of operations	
- Detailed description of activities (access/transportation, etc.)	
- Appendices (monitoring sheet used)	
- Identification of designated people	
(h) Restoration of production in the areas concerned	
- Restoration of production management plan, where needed, will be included in the operational plan for subsequent years	
(i) Destination of timber to be salvaged	
- Cree companies concerned	
- Breakdown of the volume of timber to be harvested, by species and by right holders	If any
(j) Impact on timber allocations	
- Note that allocations have been met, or state any authorized excess (impact of salvaging damaged timber on the allocations of the holder(s) concerned, in each development unit concerned)	By volume concerned and harvesting period
(k) Scaling of timber	
- Mention of any separate unit	
(l) Estimate of financial assistance	
- Financial assistance estimate calculation	
(m) Approval of plan	
- Conditions of support and signature by the Associate Deputy Minister, Regional Operations	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
(n) Economic considerations - Rates and amounts of anticipated forest dues per tariff zone	
(o) Social considerations	To be completed where applicable
<i>Appendices</i>	
1. Map of disturbance	All the maps must be at trapline level and show the disturbance contour as well as the geographic coordinates (latitude and longitude) Including: - Major biophysical elements - Main past disturbances - Infrastructures (before salvage) - At least one reference point (e.g. watercourses, camps, etc.)
2. Map of cutting blocks	
3. Map of other harmonization measures	
4. Map of proposed infrastructures	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Cree-Québec Agreement	
SECTION	REMARKS
5. Operations monitoring sheet	Form used by the MFPP for monitoring
6. Map showing restoration of production	Including: - Sectors affected by land preparation, reforestation, infrastructures and other elements
7. JWG recommendation	Based on the conditions of the Agreement (to be revised)

Tools to be used when preparing a special plan

In view of the requirements to be met when preparing a special plan, the MFFP's planners cannot rely solely on standard ecoforest maps.

To begin preparing a plan, the MFFP will require:

- A satellite image to a resolution of 30 m/pixel or less
- The fire characterization map produced by the SOPFEU, or
- An in-house characterization produced in partnership with the Crees (joint flight)
- A tool to predict the regeneration potential of the fire-damaged forests (optional)

Planning and Harvesting Conditions

A. Ecosystem-based salvage

The following conditions will be applied in traplines where salvage operations are likely to be carried out.

The ecosystem-based approach specific to special plans, developed by the MFFP, will be applied in traplines where salvage operations are to be carried out. Under this approach, at least 30% of mature fire-damaged forest will be left in place as part of a special development plan, to allow for maintenance of ecosystem viability.

A.1) Management of patches of live tree

In all cases, the following principles must be applied to patches of live trees located in fire-damaged areas:

- Undamaged stands within the fire's boundaries should not be harvested, provided they cover at least one hectare and are at least 50 metres wide.
- Crossings are permitted in patches of live trees, but must not exceed 6 metres in width.
- All patches of undamaged forest within the fire perimeter must be preserved.
- Maintenance of a certain percentage will be managed operationally, when harvesting work is carried out, depending on local constraints.

A.2) Typology used

To ensure that a representative portion of fire-damaged retention forest is maintained, the area located inside the fire perimeter is characterized and broken down to show what has and has not been damaged by the fire (live vs. burned). A typology of damaged stand types, taking into account commercial stand values (mature, immature and unproductive) is used to decide on the area that will be maintained as a retention forest. A typology (six to ten types) based on a superposition of fire coverage severity and a group of ecological types is used for this.

A.3) Retention calculation

After six years of using a method in which the percentage of retention forest to be left standing was variable, the parties have now agreed to apply a single retention percentage (30%). This scenario will apply to all fires and windfalls in the territory, regardless of the level of trapline disturbance.

Thirty percent of the fire-damaged forest must be retained for each burn area.

Fire-damaged retention forests are required only in the mature portion of the fire-damaged forest (established using forest maturity criteria).

For mature stands, all elements to be left in place as a result of the various constraints and retention forest requirements are identified and compiled, and the contribution of these areas to the achievement of the retention forest target is calculated. Large retention blocks (over 20 ha), intermediate retention blocks (from 4 ha to 20 ha) and sparse retention blocks (under 4 ha) are included in the calculation.

A.4) Characteristics of retention forests

The contribution of the unsalvaged forest is compared to that of the harvested forest to check for gaps in the diversity of harvest types, identified in section A.2.

To ensure that the retention forest plays its role to the full, its size and shape must reflect certain factors. The plan should be guided by the following aims:

- Ensure that at least 50% of the retention forest is composed of blocks of more than 20 ha.
- Maintain several large blocks (and blocks of varying sizes) rather than a single-block retention forest, to ensure that all stand types are represented properly, and to ensure connectivity for the fire-damaged ecosystem.

–Make sure the different types of stands are properly represented within the blocks.

When fire-damaged retention forests must be added to make up for the gaps identified in the gap analysis, wherever possible a strip of fire-damaged forest should be left around certain types of live patches of more than one hectare, or around burn area peninsulas.

To ensure connectivity between retention forests, they should, as far as possible, be linked by strips of forest alongside watercourses, or by other forest strips.

To ensure that retention forests (fire-damaged and live) are distributed evenly, and to limit any visual impacts, 100% of the logged areas must be located less than 500 metres from retention forest areas of 10 ha or more. To address concerns regarding the visual impact of logging, the parties agree to limit the size of single-block logging areas to no more than 350 ha, by leaving wooded strips where necessary (separated by strips of at least 200 m in the case of blocks covering more than 300 hectares, and strips of at least 40 m in the case of blocks covering less than 300 hectares).

The same precautions as those stipulated in Québec's forest standards must be taken to protect waterside areas, lakes, watercourses and water quality. Increased protection is required for some mapped intermittent watercourses; in these cases, a wooded strip at least 10 metres in width must be left on both banks¹.

Where necessary, a 40-metre wide riparian strip must be left on either side of certain permanent watercourses, to allow for better connectivity between retention forests and to limit the visual impact of salvage blocks, or where the territory concerned is at high risk of erosion or leaching¹.

In addition:

– Where possible, in-forest cutting and lopping systems must be used in locations where regeneration conditions are suitable.

– Timber with no market value must be left standing.

– Where the sector permits, as many mixed strata and hardwood-dominated strata as possible must be left in the retention forest.

– Ideally, work should not be carried out on sites sensitive to harvesting (steep slopes, coarse texture, very severe fire at ground level). If harvesting is required, biological legacies should be left and/or harvesting should take place in winter.

B. Relationship between the special plan and the current annual plan

As soon as it is applied by the authorities, the special plan will replace the approved development plan (with PRAN) in the development unit concerned, for the year in question. The PRAN can be maintained if the special plan does not allow for all the Minister's forest management undertakings to be fulfilled in the area.

If the special plan causes the allowable cut to be exceeded in the first four years of the period, the plans for subsequent years in those sectors should compensate for this, by reducing harvesting in neighbouring development units for the period in which the special plan applies, and then increasing it again in subsequent years and reducing it in the area covered by the special plan.

When the allowable cut is exceeded in the last year of the five-year period, compensation is no longer possible, and the Minister must therefore give approval for harvesting carried out under the special plan. The DGSL must be informed of this, since it will prepare a note from the Minister for the Associate Deputy Minister, Regional Operations, with a copy to the chief forester.

C. Producing a preliminary special plan

Since optimal salvaging of timber depends on many factors, including the quality of the salvaged timber, it is vital that the salvage process should begin as soon as possible. Accordingly, it is agreed that a preliminary special plan will be tabled as soon as the final disturbance contour is presented to the JWG and the tallymen. The preliminary plan must be checked by the CNG before being presented to the tallymen. It must show the entire road network to be developed and some of the major cutting blocks whose total area should represent, at most, 15% of the entire special plan area. The preliminary plan can be implemented as soon as consultations with the tallyman on the fire contour have been completed.

The blocks and roads presented must be included in the final plan produced pursuant to Section A of this guide.

D. Restoration of production

In the fire-damaged area, following a salvage operation, production restoration activities may be prepared if necessary, directly in the subsequent operational plans. Depending on the state of natural regeneration, the plan

¹ Refer to the document entitled *La récolte dans les forêts brûlées – Enjeux et orientations pour un aménagement écosystémique* to see the conditions in which this would be most appropriate: <https://www.mffp.gouv.qc.ca/publications/forets/amenagement/forets-brulees-enjeux.pdf>

will be carried out in every trapline damaged by the natural disturbance, mainly with a view to speeding up tree regeneration and restoring wildlife populations, after sufficient time has been allowed for natural growth to become established.

In addition, the 30% of mature fire-damaged forest left in place as a retention area may also be restored to production after a period of ten years, depending on its capacity to regenerate itself.

The same logic will be applied to immature fire-damaged forests.

Section specific to windfall

Tools to be used when preparing a special plan

To target damaged areas accurately, only aerial photographs will be used.

Planning and Harvesting Conditions

Given that these disturbances are caused by wind, affected areas often take the form of long, thin strips where the systematic presence of retention forests would remove a significant portion of the area to be salvaged.

In addition, windfall severity is not as variable as fire severity, and it is therefore not appropriate to use a varied typology. For the purpose of special development plans, reference is made to windfall classes, and support is given only if more than 33% of the trees in a given area have been overturned.

Special windfall salvage plans will first be presented to the tallymen without retention. During the Cree consultations organized by the JWG, and depending on the specific situation, the MFFP will aim for a final retention of 30% of the damaged forest. The retention area will be arranged basically in blocks of abandoned areas or strips of windfall close to live forests, to ensure connectivity between the two environments. All this will be done in close collaboration, as described in section 18 of Schedule C-4 of this Agreement.

The 30% retention described in the previous paragraph may be lower, and may even be zero, if the tallyman and planner so agree during the consultation.

Insect epidemics section

The guidelines named *L'aménagement écosystémique dans un contexte d'épidémie de la tordeuse des bourgeons de l'épinette* (MFFP, 2014) prepared by the Forest Management and environment direction will be used as starting point for the Parties to convene of specific salvage modalities in case of Insect epidemics in the Territory.

Cryptogamic Diseases section

Since cases requiring special salvage plans for forests damaged by cryptogamic diseases are rare, the parties agree that plans will be managed on a case-by-case basis.

Section for all types of natural disturbances

Relocation of sites of interest to the Crees

In cases where a natural disturbance affects a site of interest to the Cree (pursuant to 3.9 or 3.10 of the Agreement), the joint working group will meet with the tallymen concerned, or their representatives, to decide whether or not the area should be moved within the trapline, at the tallyman's discretion. If it is agreed that the site should be moved, it must be taken into account for subsequent amendments to the tactical and operational integrated forest development plans.

Updating of the Guide

The ecosystem-based approach used for this Agreement is currently under development. This Guide may be updated annually, with the consent of the parties, to reflect new knowledge and progress made by the MFFP in its work on the application of the ecosystem-based approach to the salvage of fire-damaged timber.

Monitoring and study

In connection with the updating of this Guide, as mentioned above, the parties agree, as far as possible, to encourage the production of studies on the aspects of biodiversity, economic profitability and social acceptability of current salvage scenarios or past scenarios from the period 2002 to 2014.

Monitoring of special plans will allow, among other things, for identification of potential improvements to management practices, and for verification of the level of satisfaction of the actors involved in implementing them.

Work practices

The methods described here must always be implemented with due regard for safe working practices, established jointly with the Safety Policy. Forestry workers must be free to remove obstacles where necessary, to ensure a safe workplace.

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