SECTION 24

Hunting, Fishing and Trapping

24.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

24.1.12 "Fauna" means all mammals, fish and birds.

24.1.13 "Harvesting" means hunting, fishing and trapping by the Native people for the purpose of the capture or killing of individuals of any species of wild fauna, except species from time to time completely protected to ensure the continued existence of that species or a population thereof, for

personal and community purposes or for commercial purposes related to the fur trade and commercial fisheries.

JBNQA, par 24.1.13
A. corr.

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

24.1.15 "Native party" means, in the case of the Crees, the Grand Council of the Crees (of Québec) or its successor until the coming into force of the legislation establishing the Cree Regional Authority and thereafter the Cree Regional Authority or its successor. In the case of the Inuit, the Northern Quebec Inuit Association or its successor until the coming into force of the legislation establishing La Société Inuit de développement – The Inuit Development Corporation and, thereafter, the said corporation or its successor.

24.1.16

a) "Native person" is a person eligible under Sections 3 or 3A of the Agreement.

b) "Native people" means only those persons eligible pursuant to Sections 3 or 3A of the Agreement.

JBNQA, par 24.1.16
Compl. A. no. 18, sch. 1, s. 17

24.1.17 "Non-Natives" means all persons not eligible in accordance with Sections 3 or 3A of the Agreement.

JBNQA, par 24.1.17
Compl. A. no. 18, sch. 1, s. 18

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

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

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

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

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

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

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

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

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

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

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

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

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

24.1.31 "Naskapi" or "Naskapi of Québec" means a person defined in subsection 1.8 of the Northeastern Québec Agreement.

Compl. A. no. 1, sch. 4, s. 1

24.1.32 "Naskapi Native party" means the Naskapis de Schefferville band, acting through its council, until the establishment of the corporation to which Category IB-N lands will be granted pursuant to section 5 of the Northeastern Québec Agreement and, thereafter, the said corporation or its successor.

Compl. A. no. 1, sch. 4, s. 2

24.1.33 "Northeastern Québec Agreement" means the agreement between the Naskapis de Schefferville band and the members thereof, le Gouvernement du Québec, la Société d'énergie de la Baie James, la Société de développement de la Baie James, la Commission hydroélectrique de Québec (Hydro-Québec), the Grand Council of the Crees (of Québec), the Northern Quebec Inuit Association and the Government of Canada, dated January 31, 1978, as amended from time to time.

Compl. A. no. 1, sch. 4, s. 3

24.1.34 "Naskapi Sector" means that portion of the Territory delineated on the map which constitutes Schedule 4 of the present Section.

Compl. A. no. 1, sch. 4, s. 4

24.2 Conservation

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

24.3 Harvesting

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

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

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

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

JBNQA, par 24.3.4
A. corr.

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

JBNQA, par 24.3.5
A. corr.

24.3.6

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

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

24.3.7

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

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

24.3.8

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

b) Subject to Sub-Section 24.9 of this Section, the rights of present outfitters and present holders of fish and game leases shall be respected for the duration of the current term of their present leases or permits. At the expiration of the current term of such leases or permits, the terms shall be reviewed by the Coordinating Committee to minimize conflicts with harvesting activity. This provision shall be without prejudice to any agreement between an outfitter, lessee or permit holder and the interested Native party.

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

JBNQA, par 24.3.9
A. corr.

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

JBNQA, par 24.3.10
A. corr.

24.3.11

a) Subject to the principle of conservation, the right to harvest refers to harvesting activity pursued within the Territory, for personal and community use, commercial trapping and commercial fishing.

b) In the case of migratory birds, personal use shall be limited to the gift or exchange of all products of harvesting within the extended family, subject to the undertakings of Canada contained in Sub Section 24.14.

c) Community use shall include the gift, exchange and sale of all products of harvesting consistent with present practice between Native communities and/or members of the Native community or communities. For greater clarity, community use shall not exclude the gift, exchange and sale of all

products of harvesting between Native communities and members of the Native community or communities not presently conducting such activity. For Native people living in non-Native settlements such as Schefferville, Matagami, Chibougamau, etc., community use shall be restricted to the gift, exchange and sale of all products of harvesting consistent with present practice between such Native people and shall not include gift, exchange and sale with Native communities. In the case of migratory birds, community use shall be limited to the gift or exchange of meat and eiderdown consistent with present practice between Native communities and/or members of the Native community or communities, subject to the undertakings of Canada contained in Sub-Section 24.14. Community use shall not include the exchange or sale of fish and meat to non-Natives except in the case of commercial fisheries.

JBNQA, par 24.3.11
A. corr.

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

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

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

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

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

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

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

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

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

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

JBNQA, par 24.3.20
A. corr.

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

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

JBNQA, par 24.3.22
A. corr.

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

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

JBNQA, par 24.3.24
A. corr.

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

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

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

JBNQA, par 24.3.27
A. corr.

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

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

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

a) When the Coordinating Committee or the responsible Federal or Provincial government decides that control of harvesting activities is necessary, the Coordinating Committee or the responsible Federal or Provincial Government shall first formulate guidelines and/or advisory programs with respect to the control of such activity. Such guidelines or advisory programs shall be encouraged and promoted by the local and/or regional governments, under reserve of the right of the responsible Federal or Provincial Government to impose such controls in the event that such guidelines and/or advisory programs do not prove to be effective.

b) When the Coordinating Committee or the responsible Federal or Provincial Government decides that regulations are necessary the responsible Federal or Provincial Government shall make regulations with a minimum of impact on the Native people and harvesting activities by taking into account the impact on such factors as local native food production, the role of tallymen and the organization and boundaries of Cree traplines, accessibility of different sectors of the Native populations to harvestable resources, efficiency of harvesting, cost of harvesting and Native cash incomes.

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

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

JBNQA, par 24.3.31
A. corr.

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

a) Category I :

subject to the provisions of this Section, the lands described in Sections 5 and 7, under the complete and exclusive control of the Crees and the Inuit and for the exclusive use of the Crees and the Inuit.

b) Category II :

the lands described in Sections 5 and 7, where the Crees and the Inuit shall have the exclusive right to hunt and fish, which right shall include the right to permit hunting and fishing by persons other than Crees or Inuit, subject to the conditions concerning replacement or compensation in Sections 5 and 7.

c) Category III :

land in the Territory defined in Sub-Section 1.6.

The principle of conservation shall apply in Category I and II lands, in Category I-N lands, in Category II-N lands and in Category III lands.

JBNQA, par 24.3.32
Compl. A. no. 1, sch. 4, s. 5

24.3A Hunting for Commercial Purposes, Keeping in Captivity and Husbandry

24.3A.1 Only the Native people shall have, in accordance with the provisions of this Sub-Section, the right to hunt for commercial purposes and species of wildlife until November 10, 2029.

Such exclusive right may be exercised in respect of the species listed in Schedule 7.

Compl. A. no. 12, sch. 1, s. 1
Compl. A. no. 30, s. 1

24.3A.2 Only the Native people shall have, in accordance with the provisions of this Sub-Section, the right of keeping in captivity and husbandry of the species of wildlife listed in Schedule 8 until November 10, 2029.

Such exclusive right shall apply only in the northern area of the Territory as defined at sub-paragraph 24.12.2c) and in the buffer area as defined at sub-paragraph 24.12.2b), except in and around non-

Native settlements in the buffer area, where non-Natives also may engage in keeping in captivity and husbandry of the species of wildlife listed in Schedule 8.

Compl. A. no. 12, sch. 1, s. 1
Compl. A. no. 30, s. 2

24.3A.3 Subject to the authorization of the responsible Native authorities designated in the first paragraph of paragraphs 24.3A.7 and 24.3A.8, the exercise of the right referred to in paragraph 24.3A.1 or 24.3A.2 may be shared with Native people or non-Natives.

Compl. A. no. 12, sch. 1, s. 1

24.3A.4 The exercise of the right to hunt for commercial purposes and of the right of keeping in captivity and husbandry of the species listed in Schedules 7 or 8 shall be subject to the obtaining of a permit, licence or other authorization issued by the responsible Québec Minister.

Any such permit, licence or other authorization shall be issued with conditions established by the Minister for a period not exceeding twelve (12) months and, in the case of the Native people, at a nominal fee.

Compl. A. no. 12, sch. 1, s. 1

24.3A.5 There shall be no hunting for commercial purposes in respect of a population of a species of wildlife permitted anywhere in the Territory in a given year unless the harvesting needs of the Native people above the interim guaranteed levels of harvesting or the guaranteed levels of harvesting that shall be established, as well as the needs of persons other than Crees, Inuit and Naskapis for sport hunting in respect of such population, may be satisfied.

Compl. A. no. 12, sch. 1, s. 1

24.3A.6 Every application for a permit, licence or other authorization for hunting for commercial purposes or for keeping in captivity and husbandry of wildlife within Categories I, II or III lands shall be submitted to the responsible Minister of Québec, who shall transmit a copy to the Coordinating Committee indicating the conditions, if any, that he proposes to establish.

The Coordinating Committee shall assess an application principally upon the basis of the possible or probable impact of such proposed hunting for commercial purposes, keeping in captivity or husbandry upon the conservation of species of wildlife or populations of such species, upon harvesting and upon sport hunting.

The Coordinating Committee shall make recommendations to the Minister with respect to such application on the basis of its assessment.

Compl. A. no. 12, sch. 1, s. 1

24.3A.7 In the case of the Crees, the responsible Québec Minister may not issue any permit, licence or other authorization for commercial hunting, keeping in captivity or husbandry of wildlife without the affirmative notice in writing of

i) the interested Cree band for Category IA lands;

ii) the interested Cree village corporation for Category IB lands and Category II lands;

iii) any interested Cree Village corporation when an area of the proposed commercial hunting or the proposed installation for keeping in captivity or husbandry in Category III lands is situated in the traplines or area of harvesting rights of a Cree community.

The interested Cree band on Category IA lands or the interested Cree village corporation on Category IB, II or III lands, may establish by by-law conditions for commercial hunting, keeping in captivity or husbandry which are more restrictive than those established by the responsible Québec Minister.

An affirmative notice is not required and by-laws do not apply in respect of keeping in captivity or husbandry of wildlife in and around non-Native settlements in the buffer area.

Compl. A. no. 12, sch. 1, s. 1

24.3A.8 In the case of the Inuit, the responsible Québec Minister may not issue any permit, licence or other authorization for commercial hunting, keeping in captivity or husbandry of wildlife without the affirmative notice in writing

i) interested Inuit landholding corporation for Category I and II lands;

ii) Makivik Corporation for Category III lands.

The interested landholding corporation on Category I or II lands or the Kativik Regional Government on Category III lands, may establish by by-law conditions for commercial hunting, keeping in captivity or husbandry which are more restrictive than those established by the responsible Québec Minister.

The Kativik Regional Government may adopt such by-laws only upon the recommendation of a committee composed solely of Inuit. Such recommendations shall bind the Kativik Regional Government.

Compl. A. no. 12, sch. 1, s. 1

24.3A.9 In Category II and III lands in the area of common interest for the Inuit and the Crees and in the areas contemplated by paragraphs 24.13.6 and 24.13.7, the responsible Québec Minister may not issue any permit, licence or other authorization for hunting for commercial purposes, keeping in captivity or husbandry of wildlife without the affirmative notice in writing of

i) the interested Inuit landholding corporation and the interested Cree village corporation in the case of Category II lands;

ii) Makivik Corporation and any interested Cree village corporation in the case of Category III lands.

No by-law respecting hunting for commercial purposes, keeping in captivity or husbandry adopted pursuant to paragraph 24.3A.7 or 24.3A.8 shall have force in any area contemplated by this paragraph unless adopted by each Native authority having by-law power in such area.

Compl. A. no. 12, sch. 1, s. 1

24.3A.10 Within the area of common interest for the Inuit and the Naskapis, the responsible Québec Minister may not issue any permit, licence or other authorization for hunting for commercial purposes,

keeping in captivity or husbandry of wildlife without the affirmative notice in writing of Makivik Corporation and the Corporation of the Naskapi Village of Schefferville.

No by-law respecting for hunting for commercial purposes, keeping in captivity or husbandry adopted pursuant to paragraph 24.3A.8 of the Agreement or paragraph 15.3A.8 of the Northeastern Québec Agreement shall have force in the area of common interest for the Inuit and the Naskapis unless adopted by each of the Kativik Regional Government and the Corporation of the Naskapi Village of Schefferville.

The Kativik Regional Government may adopt such by-laws only upon the recommendation of a committee composed solely of Inuit. Such recommendations shall bind the Kativik Regional Government.

Compl. A. no. 12, sch. 1, s. 1

24.3A.11 All by-laws proposed pursuant to the second paragraph of paragraphs 24.3A.7 to 24.3A.10 shall be submitted prior to adoption to the Coordinating Committee for its advice. All such by-laws shall come into force on the date that a certified copy thereof is submitted to the responsible Québec minister who shall have the right within 90 days from reception to disallow such by-law.

This paragraph shall not be interpreted or invoked as a denial or a recognition of rights.

Compl. A. no. 12, sch. 1, s. 1

24.3A.12 Prior to the expiry of the period stipulated in paragraphs 24.3A.1 and 24.3A.2 of the Agreement and in paragraphs 15.3A.1 and 15.3A.2 of the Northeastern Québec Agreement, Québec, the Crees, the Inuit and the Naskapis shall negotiate on the basis of past experience and actual and future need, whether the exclusive right of the Crees, the Inuit and the Naskapis of hunting for commercial purposes, keeping in captivity and husbandry of wildlife shall be renewed. The Coordinating Committee shall be consulted and may make recommendations to the responsible Minister with respect thereto.

Compl. A. no. 12, sch. 1, s. 1

24.3A.13 The grant or existence of concessions or rights with respect to resources in the Territory shall not in themselves be considered incompatible with hunting for commercial purposes, keeping in captivity or husbandry of wildlife by the Native people; likewise, hunting for commercial purposes, keeping in captivity or husbandry of wildlife by the Native people shall not in themselves be considered incompatible with the grant or existence of concessions or rights with respect to resources in the Territory.

Compl. A. no. 12, sch. 1, s. 1

Compl. A. no. 12, sch. 1, s. 1

24.4 Coordinating Committee

24.4.0 Except for sub-paragraph 24.4.27 f), for the purposes of this Sub-Section :

a) “Native person”, includes, in addition to a person defined in sub-paragraph 24.1.16 a), a person defined in subsection 1.8 of the Northeastern Québec Agreement;

b) “Native people”, includes, in addition to the persons defined in sub-paragraph 24.1.16 b), the persons defined in subsection 1.8 of the Northeastern Québec Agreement;

c) “Non-Natives” means all persons not eligible in accordance with Sections 3 or 3A of the Agreement.

Compl. A. no. 1, sch. 4, s. 6
Compl. A. no. 18, sch. 1, s. 19

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

24.4.2 The Coordinating Committee shall have sixteen (16) members. The Cree Native party and the Inuit Native party shall each appoint three (3) members, the Naskapi Native party shall appoint two (2) members and Québec and Canada shall each appoint four (4) members. Such members shall be appointed and replaced from time to time at the discretion of the respective appointing party. The appointing parties may by unanimous consent increase or decrease the membership of the Coordinating Committee. The Coordinating Committee shall determine by by-law the voting procedure applicable when any party has more votes than members.

JBNQA, par 24.4.2
A. corr.
Compl. A. no. 1, sch. 4, s. 7

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

a) Such observer-member shall not be entitled to vote on any matter;

b) Such observer-member shall have the right to discuss, and to make representations with respect to, all matters pertaining to that portion of the Territory south of the 55th parallel of latitude and with respect to all matters of general interest pertaining to the entire Territory.

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

JBNQA, par 24.4.3
A. corr.

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

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

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

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

d) When matters relating to the area of primary interest of the Crees are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party shall have between them eight (8) votes, and the members appointed by the Inuit Native party and the members appointed by the Naskapi Native party shall not vote.

e) When matters relating to the area of primary interest of the Inuit are being dealt with by the Coordinating Committee, the members appointed by the Inuit Native party shall have between them eight (8) votes, and the members appointed by the Cree Native party and the members appointed by the Naskapi Native party shall not vote.

f) When matters relating to the area of primary interest of the Naskapis are being dealt with by the Coordinating Committee, the members appointed by the Naskapi Native party shall have between them eight (8) votes, and the members appointed by the Cree Native party and the members appointed by the Inuit Native party shall not vote.

g) When matters of common interest to the Crees and Inuit are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party shall have between them four (4) votes, the members appointed by the Inuit Native party shall have between them four (4) votes and the members appointed by the Naskapi Native party shall not vote.

h) When matters of common interest to the Crees and Naskapis are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party shall have between them four (4) votes, the members appointed by the Naskapi Native party shall have between them four (4) votes and the members appointed by the Inuit Native party shall not vote.

i) When matters of common interest to the Inuit and the Naskapis are being dealt with by the Coordinating Committee, the members appointed by the Inuit Native party shall have between them four (4) votes, the members appointed by the Naskapi Native party shall have between them four (4) votes and the members appointed by the Cree Native party shall not vote.

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

JBNQA, par 24.4.4

A. corr.

Compl. A. no. 1, sch. 4, s. 8

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

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

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

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

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

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

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

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

JBNQA, par 24.4.5
A. corr.
Compl. A. no. 1, sch. 4, s. 9

24.4.6 The term of office of the Chairman and of the Vice-Chairman shall be one (1) year, and the term of office of the second Vice-Chairman, when there is one, shall also be one (1) year.

JBNQA, par 24.4.6
Compl. A. no. 1, sch. 4, s. 10

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

24.4.8

a) A quorum shall be five (5) members physically present provided that at least one (1) member appointed by each party is present physically or by proxy.

b) Notwithstanding the foregoing, the Coordinating Committee may validly act at a duly convened meeting, even without a quorum, when no representative of one of the parties is present at the meeting, provided that this same party was also not present at the preceding duly convened meeting

and, furthermore, provided that, except for the absence of the said party, the other conditions for a quorum are observed and that the Committee may vote only on those matters indicated on the agenda forwarded with the notice of the convocation of each of the said two meetings.

JBNQA, par 24.4.8
Compl. A. no. 1, sch. 4, s. 11

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

24.4.10 A member of the Coordinating Committee shall upon his appointment execute a written proxy in the form provided by the Coordinating Committee in favor of the other members, including their replacements, appointed by the party that appointed the member executing the proxy. For a particular meeting a member may execute a proxy in favor of a designated person and, in such case, such proxy shall prevail.

The holder of such proxy shall have the right to vote and otherwise act in place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that the member holding the proxy is entitled to exercise in his own right.

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

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

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

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

24.4.15 The Chairman of the Coordinating Committee shall convoke a meeting of the Coordinating Committee within twenty (20) days of receipt from any five (5) members of the coordinating Committee of a written request indicating the purpose of such meeting.

JBNQA, par. 24.4.15
Compl. A. no. 1, sch. 4, s. 12

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

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

24.4.18 A secretariat shall be established for the Coordinating Committee consisting of not more than three (3) full-time employees. After the first year of operation, the Coordinating Committee may by unanimous agreement alter the size of the secretariat.

The secretariat shall be responsible to and under the direction and control of the Coordinating Committee. Québec shall maintain and fund the secretariat. The secretariat shall receive and distribute data when appropriate, report the results of meetings and decisions of the Coordinating Committee

and perform such other functions as the Coordinating Committee shall from time to time determine, pursuant to this Section.

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

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

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

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

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

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

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

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

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

a) Guidelines and other measures related to Native harvesting.

b) Regulations relating to the Hunting, Fishing and Trapping Regime.

c) Proposed regulations, decisions or actions resulting from previous recommendations of the Coordinating Committee.

d) Conservation, including management procedures for conservation purposes.

e) The number of non-Natives permitted to hunt and fish in the Territory and the places and times at which they may hunt and fish.

f) Levels of allocation of Native and non-Native kills over and above guaranteed levels of harvesting established pursuant to this Section.

g) Regulations respecting community use.

h) Regulations respecting the fur trade.

i) Positions to be adopted in international and intergovernmental negotiations relating to wildlife management, involving the Territory.

j) Species of wild fauna requiring complete protection from time to time.

k) Planning and policy relating to outfitting and regulations concerning outfitting operations.

l) Research projects related to wildlife resources.

m) Enforcement of the Hunting, Fishing and Trapping Regime.

n) The establishment, and insofar as it affects the Hunting, Fishing and Trapping Regime, the operation of parks, ecological reserves, wildlife sanctuaries and other land similarly classified.

o) Regulations which prohibit the possession and use of equipment for the purpose of exercising the right to harvest.

p) Regulations respecting commercial fisheries operations.

q) Regulations or other measures respecting hunting for commercial purposes, keeping in captivity and husbandry of wildlife.

JBNQA, par 24.4.27
A. corr.
Compl. A. no. 12, sch. 1, s. 2

24.4.28 The Coordinating Committee shall :

a) Review applications for new commercial fisheries permits.

b) Review applications for outfitters' permits or leases or renewals thereof.

c) Supervise procedures respecting the Native people's right of first refusal for outfitting facilities.

d) Supervise procedures for the relocation of non-Native outfitters located in Categories I and II if required.

e) Review at the expiration of the stipulated thirty (30) year period the Native people's right of first refusal for outfitting in Category III based on past experience and circumstances including actual and future needs of the Native people and non-Natives.

f) Review applications for permits, licences or other authorizations for hunting for commercial purposes, keeping in captivity and husbandry of wildlife.

g) Review, prior to the expiry of the delay stipulated in paragraphs 24.3A.1 or 24.3A.2 of the Agreement and in paragraphs 15.3A.1 or 15.3A.2 of the Northeastern Québec Agreement, the exclusive right of the Native people of hunting for commercial purposes, keeping in captivity and husbandry of wildlife based on past experience and circumstances including actual and future needs of the Native people and non-Natives.

JBNQA, par 24.4.28
Compl. A. no. 12, sch. 1, s. 3

24.4.29 The Coordinating Committee may :

a) Receive, maintain and distribute information necessary for the proper management of the Hunting, Fishing and Trapping Regime, including game inventories, non-Native kills and harvesting.

b) Recommend to local governments conservation measures for Category I.

c) Participate in conformity with the provisions of Sections 22 and 23 of the Agreement, in the assessment of impacts of future development upon the land, wildlife resources and harvesting, and the economic implications of such development on Native and non-Native activity related to wildlife resources.

d) To the extent possible, receive and review information relating to research, studies, surveys and the data obtained therefrom, relating to the Hunting, Fishing and Trapping Regime.

e) Make representations concerning weapon control where such control is directed to public security.

f) Make recommendations to the responsible Native authorities referred to in paragraph 24.3A.3 of the Agreement and in paragraph 15.3A.8 of the Northeastern Québec Agreement, respecting the shared exercise of the right of hunting for commercial purposes, keeping in captivity and husbandry of wildlife.

JBNQA, par 24.4.29
Compl. A. no. 12, sch. 1, s. 4

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

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

24.4.32 The responsible Québec Minister may change the list of species reserved exclusively to the Native people, (Schedule 2 to this Section), the list of species that by be hunted for commercial purposes (Schedule 7 to this Section), or the list of species in respect of which keeping in captivity and husbandry is exclusive to the Native people (Schedule 8 to this Section) only upon the unanimous

recommendation of the Coordinating Committee provided that all members of the Coordinating Committee appointed by the Cree, Inuit and Naskapi Native parties respectively, and entitled to vote, voted personally and not by proxy upon such recommendation.

JBNQA, par 24.4.32
Compl. A. no. 12, sch. 1, s. 5

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

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

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

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

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

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

a) The exclusive trapping rights of the Crees and the Inuit in accordance with paragraphs 24.3.19 to 24.3.23 inclusive.

b) The exclusive right of the Native people to the species specified in paragraph 24.7.1.

c) The right to harvest in accordance with Sub Section 24.3.

d) The principle of conservation as defined in paragraph 24.1.5.

e) The principle that a minimum of control or regulations shall be applied to the Crees and the Inuit in accordance with paragraph 24.3.30.

f) The importance of the exchange of information between the parties.

g) The importance of establishing an outfitting network in the Territory adequate to accommodate the needs of non-Natives permitted to hunt and fish.

h) The importance of controls over the number of non-Natives permitted to hunt and fish in the Territory and over the places and time where and when they may hunt and fish.

i) The priority of harvesting by the Crees and the Inuit as defined in paragraphs 24.6.1 to 24.6.5 inclusive.

j) The difference in application of the Hunting, Fishing and Trapping Regime in Categories I, II and III.

k) The restrictions on non-Native hunting and fishing as specified in paragraphs 24.8.1 to 24.8.11 inclusive.

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

JBNQA, par 24.4.38
A. corr.
Compl. A. no. 1, sch. 4, s. 13

24.5 Powers of Native Authorities and Governments.

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

JBNQA, par 24.5.1
A. corr.

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

JBNQA, par 24.5.2
A. corr.

24.5.3 Notwithstanding the provisions of the preceding paragraphs 24.5.1 and 24.5.2, with respect to the matters referred to therein, in the case of the Crees, the Cree local government and/or regional authorities, and in the case of the Inuit, the local and/or regional government shall have the power to

pass by-laws affecting Categories I and II for Native people and for non-Natives permitted to hunt and fish thereon that are more restrictive than those regulations passed by the responsible Provincial or Federal Government.

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

a) The allocation of the general quotas established pursuant to this Section among individual Natives and non-Natives permitted to hunt and fish.

b) Personal and community use.

c) The control of facilities for sport hunting and sport fishing.

d) Commercial fishing facilities.

e) Research concerning Native harvesting.

f) Seasons for harvesting and non-Native hunting and fishing and bag and possession limits, provided regulations made with respect to such matters shall be more restrictive than those regulations passed by the responsible Provincial or Federal Government.

g) Harvesting methods subject to paragraph 24.3.12.

h) Permits and licences for the purposes of this paragraph.

JBNQA, par 24.5.4
A. corr.
Compl. A. no. 12, sch. 1, s. 6

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

24.6 Priority of Native Harvesting

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

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

a) Such guaranteed levels shall be established by negotiations between the Native parties and the responsible Provincial or Federal Government through the Coordinating Committee (and the normal voting procedures shall not apply in such case) and shall be based principally upon the results for the "Research to Establish Present Levels of Native Harvesting" projects presently under way and to be continued during the four (4) years following the execution of the Agreement. The said parties shall establish such guaranteed levels within five (5) years of the execution of the Agreement.

b) Upon the execution of the Agreement, the said parties referred to in the above sub-paragraph shall forthwith establish by negotiations interim guaranteed levels of Native harvesting based principally upon the available results of the said research projects. Such interim guaranteed levels shall be reviewed periodically and may by agreement be revised.

c) The said interim guaranteed levels shall be without prejudice to the rights and obligations of the said parties in the establishment of the guaranteed levels of harvesting.

d) The establishment of the guaranteed levels referred to in sub-paragraphs a) and b) hereof shall be subject to the approval of the interested Native parties and the interested government parties.

e) Notwithstanding sub-paragraph d) hereof, the establishment of the guaranteed levels referred to in sub-paragraph a) hereof with respect to caribou shall be subject to the approval of the interested Cree, Inuit and Naskapi Native parties and Québec.

JBNQA, par. 24.6.2
Compl. A. no. 1, sch. 4, s. 14

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

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

b) In allocating wildlife resources for harvesting or non-Native hunting and fishing over and above the said guaranteed levels, the harvesting needs of the Native people and the needs of non-Natives for recreational hunting and fishing shall be taken into account.

c) Subject to sub-paragraphs a) and b) there shall always be some allocations of species for non-Native sport hunting and sport fishing.

d) If game populations do not permit levels of harvesting equal to the guaranteed level established pursuant to paragraph 24.6.2, the Native people shall be allocated the entire kill and may allocate a portion of this kill to non-Natives through recognized outfitting facilities.

e) The principle of priority of Native harvesting shall also be applied with respect to such species as may not reasonably be managed by means of quotas.

JBNQA, par 24.6.3
A. corr.

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

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

a) In conformity with the procedure provided in paragraph 24.6.2, the present levels of harvesting of migratory birds shall be established.

b) The present level of harvesting shall be combined with the present level of non-Native hunting of such birds in the Territory to establish the total present kill for the Territory.

c) Based upon the total kill figures for each migratory bird population and the total kill in the Territory for each migratory bird population, there shall be a determination of the percentage of the total kill from each population now being taken in the Territory.

d) This percentage figure shall constitute a guarantee so that in any given year the Territory would be guaranteed at least the same percentage of the total kill from each population as is presently hunted and harvested.

e) Within the Territory itself, the principle of priority for Native harvesting shall apply to the allocation of quotas or use of other management techniques in such a way as to ensure that the Native people are guaranteed a harvest based on present levels of harvesting of migratory birds.

f) In any given year when populations permit a kill for the Territory higher than the guaranteed allocation equal to present levels of harvesting, the Native people shall be allowed a harvest equal to the guarantee based on present levels of harvesting, and the remainder of the permissible kill for the Territory shall be divided in such a way as to ensure primarily the continuance of the traditional pursuits of the Native people and secondarily so that non-Native people may satisfy their needs for recreational hunting.

g) In any given year when the populations permit a kill for the Territory lower than the guaranteed allocation for the Native people equal to present levels of harvesting, the entire kill for the Territory shall be allocated to the Native people, who shall have the right in turn to allocate a portion of this kill to non-Native hunting through recognized outfitting facilities.

h) This guarantee shall not operate to endanger migratory bird populations.

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

JBNQA, par 24.6.5
A. corr.

24.7 Species reserved for the Crees, the Inuit and the Naskapis

24.7.1 In all areas where the Hunting, Fishing and Trapping Regime applies as set forth in this Section certain species of mammals, fish and birds shall be reserved for the exclusive use of the Crees, the Inuit

and the Naskapis. Such exclusive use shall include the right to conduct commercial fisheries related to the various species of fish so reserved. The species contemplated by this Sub-Section are listed in Schedule 2 of this Section.

JBNQA, par. 24.7.1
Compl. A. no. 1, sch. 4, s. 15

JBNQA, subs. 24.7
Compl. A. no. 1, sch. 4, s. 15

24.8 Non-Native Hunting and Fishing

24.8.1 Persons other than Crees, Inuit and Naskapis shall have the right to hunt and fish in Category III but such hunting and fishing shall be restricted to sport hunting, to sport fishing and commercial fishing in Category III, the whole subject to the provisions of this Section and of section 15 of the Northeastern Québec Agreement.

In addition, such persons may hunt for commercial purposes, keep in captivity wildlife and conduct husbandry activities where provided in this Section or in Section 15 of the Northeastern Québec Agreement.

JBNQA, par. 24.8.1
Compl. A. no. 1, sch. 4, s. 16
Compl. A. no. 12, sch. 1, s. 7

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

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

JBNQA, par 24.8.2
A. corr.

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

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

JBNQA, par 24.8.4
A. corr.
Compl. A. no. 1, sch. 4, s. 17

24.8.5 Notwithstanding the provisions of paragraph 24.8.4, in the case of unusual or large influxes of persons other than Crees, Inuit and Naskapis into a Native community for whatever reason, the local government thereof may determine whether and upon what terms and conditions such persons other than Crees, Inuit and Naskapis will be permitted to sport hunt and sport fish.

JBNQA, par 24.8.5
Compl. A. no. 1, sch. 4, s. 18

24.8.6 A control shall be exercised by the responsible governments and the Coordinating Committee over the number of persons other than the Crees, the Inuit and the Naskapis permitted to sport hunt and sport fish in Category III and over the places therein and times where they may sport hunt and sport fish with a view to giving effect to the principle of conservation and the rights and guarantees in favour of the Crees, the Inuit and the Naskapis established by the Hunting, Fishing and Trapping Regime.

JBNQA, par 24.8.6
Compl. A. no. 1, sch. 4, s. 19

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

24.8.8 Over and above other available means of controlling the number of persons other than the Crees, the Inuit and the Naskapis permitted to sport hunt and sport fish in the Territory and the places and times where and when they may sport hunt and sport fish and subject to paragraph 24.8.9, Québec shall endeavour, to the extent that outfitting facilities are available, to require such persons sport hunting and sport fishing to use such facilities. Such requirements shall provide, to the extent deemed feasible, that hunters and fishermen other than Crees, Inuit or Naskapis be accompanied by Cree, Inuit or Naskapi guides.

JBNQA, par 24.8.8
Compl. A. no. 1, sch. 4, s. 20

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

a) upon non-residents of the Province of Québec,

b) if further deemed necessary, upon non-residents of the said portion of the Territory,

c) if further deemed necessary, upon residents of the said portion of the Territory.

JBNQA, par 24.8.9
A. corr.
Compl. A. no. 1, sch. 4, s. 21

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

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

24.9 Outfitting Regime

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

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

a) The interested Cree local government and the interested Inuit authority shall have the right to require such outfitters to cease operations in Categories I or II within two (2) years of a receipt of a written notice to this effect given by the said government or authority. Such notice shall not be given during an operating season.

b) Within two (2) years of the execution of the Agreement the interested Cree local government and the interested Inuit authority shall decide which of such outfitters shall be required to cease their operations in Categories I or II and which of such outfitters shall be permitted to continue their operations in Categories I or II and, in the latter case, upon what terms and conditions.

c) Such outfitters permitted to continue their operations in Categories I or II, as determined pursuant to sub-paragraph b) of this paragraph, shall have the right to continue to operate on the terms and conditions established for a period of not less than five (5) years nor more that nine (9) years from the date that such outfitters are notified of such a decision, and upon the termination of the said period such outfitters shall cease their operations in Categories I or II unless the interested Cree local government or the interested Inuit authority agrees to permit them to continue such operations for a further period.

d) The Coordinating Committee shall supervise the procedures for the relocation of such outfitters required to cease their operations in Categories I or II.

e) The Native people shall have the right to decide whether or not they wish to operate in place of an outfitter required to cease his operation in Categories I or II in accordance with the following :

i) If the Native people decide to operate in place of such an outfitter they shall not be required to operate outfitting services of the same nature or scale but shall be permitted to enlarge, diminish or modify such services as they deem appropriate.

ii) If the Native people wish to use all or part of the facilities of such an outfitter they shall purchase such outfitting assets belonging to him as they may wish. In the event that all such assets are not purchased by the Native people, such outfitter may remove his remaining assets and shall be compensated forthwith by Québec, and not by the Native people, in accordance with the rights, if any, contained in the permits, leases or agreements in virtue of which such outfitter operated. All such assets not purchased by the Native people and not removed by the outfitter within a period of two (2) years shall thereafter be considered abandoned by such outfitter to Québec.

iii) In the event that the Native people decide to require government owned or operated outfitting facilities to cease operations, such facilities shall be transferred gratuitously by the government to the interested Cree band or interested Inuit authority, provided no transfers may be made by the government to individuals.

f) Notwithstanding the right of first refusal of the Native people for outfitting facilities set forth in paragraph 24.9.3, outfitters required to cease operations in Categories I or II pursuant to paragraph 24.9.2 and who wish to relocate in Category III, shall have the preferential right to select sites and facilities subject to the approval of the Coordinating Committee. Such preferential rights shall not be accorded to a government owning or operating an outfitting facility.

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

24.9.3 Within their respective areas of primary and common interest for the Hunting, Fishing and Trapping Regime, the Crees, the Inuit and the Naskapis shall have a right of first refusal to operate as outfitters in Category III until November 10, 2029. The rights of the Crees, the Inuit and the Naskapis

to harvest outside of their respective areas of primary and common interest shall not affect the application of the right of first refusal.

JBNQA, par 24.9.3
A. corr.
Compl. A. no. 1, sch. 4, s. 22
Compl. A. no. 10, sch. I, s. 1
Compl. A. no. 26, s. 1
Compl. A. no. 28, s. 1
Compl. A. no. 30, s. 3

24.9.4 Prior to the expiry of the period ending on November 10, 2029 stipulated in paragraph 24.9.3, Québec, the Crees, the Inuit and the Naskapis shall negotiate on the basis of past experience and actual and future need, whether the said right of first refusal shall be renewed. The Coordinating Committee shall be consulted and may make recommendations to the responsible Minister with respect thereto.

JBNQA, par 24.9.4
Compl. A. no. 1, sch. 4, s. 23
Compl. A. no. 10, sch. I, s. 2
Compl. A. no. 12, sch. 1, s. 8
Compl. A. no. 26, s. 2
Compl. A. no. 28, s. 2
Compl. A. no. 30, s. 4

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

JBNQA, par 24.9.4A
Compl. A. no. 1, sch. 4, s. 24

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

24.9.6 Notwithstanding paragraph 24.9.3, the Crees, the Inuit and the Naskapis shall not exercise their right of first refusal referred to in the said paragraph with respect to at least three (3) outfitting applications in Category III from persons other than Crees, Inuit or Naskapis out of every ten (10) applications respecting such outfitting operations from any person.

The Cree, Inuit and Naskapi parties may decide in respect of which applications to establish and operate outfitting operations in Category III they shall exercise or shall not exercise the right of first refusal

provided they do not exercise the said right of first refusal with respect to at least three (3) applications from persons other than Crees, Inuit or Naskapis out of every ten (10) applications from any person.

The Coordinating Committee shall oversee the implementation of the terms of this paragraph and shall, from time to time, inform the parties as to the requirements for such implementation.

JBNQA, par 24.9.6
Compl. A. no. 1, sch. 4, s. 25
Compl. A. no. 10, sch. I, s. 3

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

a) All applications for permits, leases or other authorizations respecting outfitting operations, including renewals thereof, and the applications referred to in sub-paragraph j) shall be submitted to the responsible Provincial Minister who shall forthwith forward a copy thereof to the Coordinating Committee. Every application for the issue or the renewal of a permit shall indicate, as the case may be, the names of the partners and their respective interests in the partnership or the names of the shareholders owning full voting shares, the number of shares held by each shareholder and the number of votes attached to each share.

b) The Coordinating Committee shall review all such applications taking into consideration the circumstances existing at the time, projected plans for outfitting operations and in the case of applications for transfers the bona fide nature of the terms and conditions of such transfer and on the basis of the said review shall recommend to the responsible Provincial Minister the acceptance or refusal of such application.

c) Save for reasons of conservation, the responsible Minister of Québec shall not unreasonably refuse the recommendation of the Coordinating Committee when approved by the Cree local government concerned or the responsible Inuit authority or the Naskapi Native party with respect to an application for an outfitting operation in respectively Categories I or II of the Crees or the Inuit or Category I-N lands or Category II-N lands.

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

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

f) If the interested Cree, Inuit or Naskapi Native party referred to in sub-paragraph d) fails to reply to the Coordinating Committee within the delay stipulated in sub-paragraph e) or indicates that it does not intend to operate the outfitting operation referred to in the said application the right of

first refusal of the Crees, the Inuit or the Naskapis shall lapse with respect to the said application. The Coordinating Committee shall forthwith inform the responsible Minister of Québec who may issue the permit, lease or other authorization requested by the said application.

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

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

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

j) In the event of a proposed transfer of an outfitting operation, the holder of the outfitter's permit shall submit an application to the responsible Provincial Minister. Such application shall contain all relevant information relating to the terms and conditions of the proposed transfer.

jj) The Native party that exercises the right of first refusal at the time of an application for the transfer of an outfitting operation replaces the intended transferee from the date on which the Native party informs the Coordinating Committee in conformity with sub-paragraph e). From that date, the Native party shall have the same rights and the same obligations as the intended transferee had at the time of the offer to transfer, with such changes as are necessary with respect to the delays stipulated therein.

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

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

JBNQA, par 24.9.7
A. corr.
Compl. A. no. 1, sch. 4, s. 26
Compl. A. no. 10, sch. I, ss. 4, 5 and 6

24.9.8 The right of first refusal shall apply and be exercisable only in respect of the assets of the outfitting operation in the case of

a) a transfer in which the assets to be transferred include assets relating to activities other than those of the outfitting operation;

b) a transfer of interests in a partnership or of shares of a corporation in which the assets include assets relating to activities other than those of the outfitting operation.

If the interested Native party exercises its right of first refusal, the owner shall transfer the assets of the outfitting operation to the interested Native party.

Compl. A. no. 10, sch. I, s. 7

24.9.9 In the case of a transfer of part of the interests in a partnership or part of the shares of a corporation, the right of first refusal of the interested Native party shall apply and be exercisable in respect of the interests of all the partners or the shares of all the shareholders.

If the interested Native party exercises its right of first refusal, all the partners or shareholders shall transfer their interests or shares to the interested Native party.

Compl. A. no. 10, sch. I, s. 7

24.9.10 For the purposes of the right of first refusal, in the case of a transfer of the assets of an outfitting operation made at the time of a judicial sale or a sale by a trustee in bankruptcy, a liquidator or a sequestrator, the acquirer shall, within sixty (60) days after the sale, submit an application for a transfer of permit to the responsible Provincial Minister, in accordance with paragraph 24.9.7.

If the interested Native party exercises its right of first refusal, the acquirer shall transfer the assets of the outfitting operation to the interested Native party for an amount equal to the sale price and costs plus ten per cent.

Compl. A. no. 10, sch. I, s. 7

24.9.11 For the purposes of the right of first refusal, in the case of a transfer of the assets of an outfitting operation to a creditor realizing on security for the repayment of a debt, the creditor shall, within sixty (60) days after the assets are transferred, submit an application for a transfer of permit to the responsible Provincial Minister, in accordance with paragraph 24.9.7.

If the interested Native party exercises its right of first refusal, the creditor shall transfer the assets of the outfitting operation to the interested Native party.

Compl. A. no. 10, sch. I, s. 7

24.9.12 In the cases referred to in paragraphs 24.9.8 to 24.9.11, the interested Cree, Inuit or Naskapi Native party and any person subject to the right of first refusal of the Native people shall determine the value of the assets of the outfitting operation or the value of the interests of the partners or shares of the shareholders in respect of which the right of first refusal of the Native people may be exercised.

The said value shall be determined by agreement between the interested parties or, if there is no agreement, by an evaluator appointed in accordance with paragraph 24.9.14.

The period of four (4) months referred to in sub-paragraph e) of paragraph 24.9.7 to inform the Coordinating Committee that a Native party intends to operate the outfitting operation referred to in the application for transfer shall be computed from the date on which the value of the assets of the outfitting operation or the value of the interests of the partners or shares of the shareholders that are subject to the right of first refusal is determined.

Compl. A. no. 10, sch. I, s. 7

24.9.13 Except where there is agreement as to the terms and conditions of the sale, the interested Native party shall pay, in cash, the sale price of assets sold under paragraphs 24.9.10 and 24.9.11 or the sale price of any part of the partnership interests or shares of the corporation that was not included in the transfer application but must be transferred pursuant to paragraph 24.9.9.

The payment shall be made within thirty (30) days of the date on which the interested Cree, Inuit or Naskapi Native party informs the Coordinating Committee in accordance with sub-paragraph e) of paragraph 24.9.7.

Compl. A. no. 10, sch. I, s. 7

24.9.14 Upon a request therefor, the responsible Provincial Minister shall appoint an evaluator acceptable to the parties or, if there is no agreement between the parties, an evaluator of his own choice

a) in the event of disagreement between the parties as to the proportional value of the assets of the outfitting operation in the cases referred to in paragraph 24.9.8;

b) in the event of disagreement between partners, shareholders or the interested Native party as to the value of any part of the interests or shares that was not included in the transfer application but must be transferred in the case referred to in paragraph 24.9.9;

c) in the event of disagreement between the parties as to the proportional value of the assets of the outfitting operation where the sale included assets other than those of the outfitting operation in the case referred to in paragraph 24.9.10;

d) in the event of disagreement between the parties as to the value of the assets of the outfitting operation in the case referred to in paragraph 24.9.11.

The decision of the evaluator shall be binding upon the parties and without appeal; the evaluation costs shall be borne equally by the parties.

Compl. A. no. 10, sch. I, s. 7

24.9.15 If the responsible Provincial Minister believes that a transfer of an outfitting operation has been made otherwise than in accordance with the procedure set out in this Sub-Section or as a result of false declarations, the Minister shall notify the permit holder who shall, on receiving the notice, inform the partners or shareholders, if any.

The notice of the Minister shall require the permit holder and the partners or shareholders, if any, to comply with the provisions of this Sub-Section within the period prescribed in the notice.

Compl. A. no. 10, sch. I, s. 7

24.9.16 If the permit holder or a partner or shareholder fails to comply with the notice of the Minister within the specified period, the Minister may, after giving the permit holder an opportunity to be heard, cancel the permit.

Compl. A. no. 10, sch. I, s. 7

24.9.17 The permit holder may appeal from the decision to the Court of Québec. An appeal shall suspend the execution of the decision, unless the court orders provisional execution.

Compl. A. no. 10, sch. I, s. 7

24.9.18

a) Where an outfitter's permit is cancelled and a new permit is issued to a third party for the site covered by the cancelled permit, the third party must acquire the buildings, facilities and equipment situated thereon and used for the activities of the outfitting operation, and the party whose permit is cancelled must sell such buildings, facilities and equipment.

b) If there is no agreement between the parties as to the value of the property, the Minister shall appoint an evaluator acceptable to the parties or, if there is no agreement between the parties, an evaluator of his own choice. The decision of the evaluator shall be binding upon the parties and without appeal; the evaluation costs shall be paid equally by the parties.

Compl. A. no. 10, sch. I, s. 7

24.9.19 For the purposes of Sub-Section 24.9,

a) any direct or indirect transfer of the ownership of an outfitting operation including, in the case of a partnership or corporation that owns an outfitting operation, a change in the effective control of the partnership or corporation, shall constitute a transfer subject to the right of first refusal of the Native people;

b) changes in effective control include but are not limited to:

i) a change of the partner or shareholder holding a majority of the partnership interests or of the issued full voting shares;

ii) if no partner or shareholder holds a majority of the partnership interests or of the issued full voting shares,

1) a transaction whereby one of the partners or shareholders acquires a majority interest;

2) a transaction or the last in a series of transactions, within a period of four (4) years or less, that changes the ownership of a majority of the partnership interests or of the issued full voting shares of the corporation, except where there are no partners or shareholders other than the partners or shareholders who owned such interests or shares at the beginning of the said period;

c) any agreement for the lease or management of the outfitting operation or any other agreement to the same effect for a term of more than four (4) years shall also constitute a transfer subject to the right of first refusal of the Native people; in calculating the term of the agreement, the term of its renewal shall be taken into account if the lessee or the manager has the right to oblige the other party to renew the agreement.

Compl. A. no. 10, sch. I, s. 7

24.9.20 Notwithstanding paragraph 24.9.19, the following transfers are not subject to the right of first refusal of the Native people:

a) a transfer by succession;

b) a transfer in favour of the spouse, or an ascendant, a descendant or a collateral relation to the second degree of the holder of an outfitter's permit or, in the case of a partnership or a corporation holding such a permit, in favour of such a relative of a partner or shareholder;

c) a transfer in favour of a creditor for the sole purpose of securing the repayment of a debt;

d) a transfer where the transferor of an outfitting operation is a natural person and the transferee is a partnership or a corporation, if all the partnership interests or all the issued full voting shares of the capital stock become the property of the transferor immediately after the transfer;

e) a transfer where the transferor of an outfitting operation is a corporation or a partnership and the transferee is a natural person, if the person is, immediately before the transfer, the owner of all the partnership interests or all the issued full voting shares of the capital stock of the transferor;

f) a transfer where the transferee of an outfitting operation is a new partnership made up of two or more partnerships or a new corporation resulting from the amalgamation of two or more corporations, if all the partnership interests or all the issued full voting shares of the capital stock of the transferee are owned by persons who owned all the partnership interests or all the issued full voting shares of the former partnerships or the amalgamated corporations;

g) a transfer where the transferee of an outfitting operation is the parent corporation of the transferor, a subsidiary of the transferor or a subsidiary of a corporation that is a subsidiary of the transferor

h) a transfer where the transferor of an outfitting operation is a subsidiary of a corporation that is a subsidiary of the transferee;

i) a transfer where both the transferor and the transferee of an outfitting operation are subsidiaries of the same parent corporation or subsidiaries of one or more corporations that is or are, as the case may be, a subsidiary or subsidiaries of the same parent corporation;

j) a transfer where the transferor and the transferee of an outfitting operation are non-profit entities if, at the time of the transfer, all the members of one entity are members of the other entity.

For the purposes of sub-paragraphs g), h) and i), a corporation is a subsidiary, at a particular time, of another corporation, called the "parent corporation", where all the issued full voting shares of its capital stock are owned by the parent corporation.

Compl. A. no. 10, sch. I, s. 7

24.10 Enforcement of Regime

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

24.10.2 To give effect to and provide adequate enforcement of the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, Québec and Canada shall provide for the training of a sufficient number of Native people as conservation officers. To give effect to the foregoing

Québec and Canada shall modify, when necessary, the criteria required for acceptance as a trainee and establish and fund special facilities, courses and training programs.

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

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

24.11 Environmental Protection

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

JBNQA, par 24.11.1
A. corr.

24.12 Definitions of Territory

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

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

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

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

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

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

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

i) The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply in Categories I and II situated in this area.

ii) The exclusive trapping rights of the Native people referred to in paragraph 24.3.19 shall apply in this area on the Cree traplines.

iii) Only Cree tallymen, their families and Native people authorized by them shall have the right to harvest on Cree traplines located in this area.

iv) The exclusive right to hunt for commercial purposes shall apply on Cree traplines as provided by the terms of Sub-Section 24.3A), but only for those persons contemplated by sub-subparagraph iii).

b) In the buffer area the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply save that :

i) Any requirement established pursuant to this Section respecting the use of outfitting facilities shall not apply to non-Native residents of Québec.

ii) All or part of this area may be zoned for moose hunting for the purposes of managing this resource, minimizing conflict between harvesting by the Native people and sport hunting by non-Natives and protecting the rights of the Native people and non-Natives established by and in accordance with this Section.

iii) In this area, non-Natives shall be permitted to sport fish all species of fish, notwithstanding the provisions of paragraph 24.7.1.

iv) Subject to the provisions of paragraph 24.4.30 non-Natives shall be permitted in this area to sport hunt black bear notwithstanding the provisions of paragraph 24.7.1.

v) As provided in paragraph 24.3.23, in this area the exclusive right of the Native people to trap shall not exclude the snaring of hare by non-Natives in and around non-Native settlements.

vi) As provided at paragraph 24.3A.2, in this area the exclusive right of the Native people in respect of keeping in captivity and husbandry of wildlife shall not exclude the right of non-Natives of keeping in captivity and husbandry of wildlife in and around non-Native settlements.

c) In the northern area the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply.

JBNQA, par 24.12.3
Compl. A. no. 12, sch. 1, s. 9

24.13 Areas of primary and common interest

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

JBNQA, par. 24.13.1
Compl. A. no. 1, sch. 4, s. 27

24.13.2 The Cree area of primary interest shall be :

a) that portion of the Territory south of the 55th parallel of latitude with the exception of the Category I lands allocated to the Inuit of Fort George and with the exception of the part of the Naskapi Sector situated south of the 55th parallel; and

b) the area of the Mistassini traplines located north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 1; and

c) the Category I lands north of the 55th parallel of latitude allocated to the Crees of Great Whale River.

JBNQA, par. 24.13.2
Compl. A. no. 1, sch. 4, s. 27
Compl. A. no. 3, ss. 18, 22 and 23

24.13.3 The Inuit area of primary interest shall be :

a) that portion of the Territory lying to the north of the 55th parallel of latitude with the exception of those areas north of the 55th parallel of latitude referred to in sub-paragraphs 24.13.2 b) and 24.13.2 c) and in paragraphs 24.13.3A, 24.13.4 and 24.13.4A;

b) the Category I lands allocated to the Inuit of Fort George.

JBNQA, par. 24.13.3
Compl. A. no. 1, sch. 4, s. 27

24.13.3A The Naskapi area of primary interest shall be that part of the Naskapi Sector as shown on a map annexed hereto as Schedule 4.

Compl. A. no. 1, sch. 4, s. 27

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

JBNQA, par. 24.13.4
Compl. A. no. 1, sch. 4, s. 27
Compl. A. no. 3, ss. 19, 22 and 24

24.13.4A The area of common interest for the Inuit and the Naskapis shall be that part of the Naskapi Sector situated north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 4.

Compl. A. no. 1, sch. 4, s. 27

24.13.5

a) The Inuit and the Crees shall have the rights provided for in this Section throughout their respective areas of primary and common interest.

b) In addition, the Inuit shall have such rights throughout the area of common interest for the Inuit and the Naskapis.

c) However, as hereinafter provided, when the Inuit and the Naskapis exercise the right to harvest caribou outside of their respective areas of primary and common interest, they shall be obliged to respect not only the provisions in virtue of which they are permitted to do so but also to respect all other restrictions and conditions of the Hunting, Fishing and Trapping Regime related to the right to harvest which are in force in the area where the harvesting of caribou is taking place.

JBNQA, par. 24.13.5
Compl. A. no. 1, sch. 4, s. 27

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

a) the James Bay Crees of Whapmagoostui (Great Whale River) shall have the right to harvest and to hunt for commercial purposes and the right of keeping in captivity and husbandry of wildlife in the area north of the 55th parallel of latitude used by the James Bay Crees of Great Whale as of November 11, 1975 for harvesting purposes, as determined by mutual agreement between the Cree and Inuit Native parties;

b) the James Bay Crees of Chisasibi (Fort George) shall have the right to harvest and to hunt for commercial purposes and the right of keeping in captivity and husbandry of wildlife in the area north of the 55th parallel of latitude used by the Crees of Fort George as of November 11, 1975 for harvesting purposes, as determined by mutual agreement between the Cree and Inuit Native parties;

c) The James Bay Crees of Chisasibi (Fort George) shall have the right to harvest and to hunt for commercial purposes and the right of keeping in captivity and husbandry of wildlife in the Category I lands allocated to the Inuit of Chisasibi (Fort George). The right to harvest shall include the exclusive right to trap beaver under the control of the responsible Cree tallyman who may authorize members of the Inuit community of Chisasibi to trap beaver in these lands.

JBNQA, par. 24.13.6
Compl. A. no. 1, sch. 4, s. 27
Compl. A. no. 3, ss. 20, 22 and 25
Compl. A. no. 12, sch. 1, s. 10

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

a) the Inuit of Kuujjuarapik (Great Whale River) shall have the right to harvest and to hunt for commercial purposes and the right of keeping in captivity and husbandry of wildlife in the area south of the 55th parallel of latitude used by the Inuit of Great Whale River as of November 11, 1975 for harvesting purposes, as determined by mutual agreement between the Cree and Inuit Native parties;

b) the Inuit of Chisasibi (Fort George) shall have the right to harvest and to hunt for commercial purposes and the right of keeping in captivity and husbandry of wildlife in the area south of the 55th parallel of latitude in the zones shown on the map attached as Schedule 2 to Annexe 1 to Section 4. The right to harvest shall not include the right to trap beaver except with the authorization of the responsible Cree tallyman. The Inuit of Chisasibi shall also have the same right as the Crees to own and operate outfitting facilities in that part of the said zones situated within the Category I and II lands of the Crees of Chisasibi.

JBNQA, par. 24.13.7
Compl. A. no. 1, sch. 4, s. 27
Compl. A. no. 3, ss. 21, 22 and 26
Compl. A. no. 12, sch. 1, s. 11

24.13.7A Notwithstanding the use of the term "Native people" in the definition of "harvesting" in paragraph 24.1.13, within the part of the Cree area of primary interest indicated in Schedule 5 of this Section, the following provisions shall apply :

a) the Naskapis have the right to harvest caribou without being subject to the control of the Cree tallymen. Nevertheless, this right to harvest caribou is subject to the following provisions : in establishing the kill for Naskapis and when applying other game management techniques, the Coordinating Committee and the responsible Minister of Québec shall take into consideration the availability of resources elsewhere in the Territory and shall apply the principle of the priority of Cree harvesting in this part of the said area in conformity with Sub-Section 24.6. The number of caribou that the Naskapis may be permitted to harvest in virtue of this sub-paragraph shall be included in the total kill of caribou allocated to the Naskapis;

b) a Naskapi harvesting caribou has the right to harvest fur-bearing animals but this harvesting is limited to the purposes hereinafter described and is subject to the following restrictions :

i) this right to harvest may be exercised only while he is harvesting caribou;

ii) this right to harvest applies only in favour of the said Naskapi within this area for the purpose of harvesting caribou and only for purposes of food in case of need;

iii) this right to harvest shall in no event be the object of a quota;

iv) in the event of the harvesting of beaver, as provided in sub-paragraphs 24.13.7A b) i), ii) and iii), the Naskapis must, as soon as possible, transmit the skins to the interested Cree tallyman or, if this cannot be done, transmit the skins to the Cree local authority for the community of which the tallyman is a member;

c) a Naskapi harvesting caribou does not have the right to trap black bear but has the right to hunt black bear and moose but this right is limited to the purposes and subject to the restrictions set forth in sub-paragraph 24.13.7A b) i), ii) and iii);

d) a Naskapi harvesting caribou has the right to harvest fish and birds but this right is limited to the purposes and subject to the restrictions set forth in sub-paragraphs 24.13.7A b), i), ii) and iii). Such right does not include the right to establish commercial fisheries;

e) any fur-bearing animals, fish and birds harvested in virtue of the present paragraph 24.13.7A by a Naskapi harvesting caribou in the said part of the Cree area of primary interest shall be taken into account in computing the total kill for such species by the Naskapis;

f) the rights of the Naskapis resulting from sub-paragraphs b) and c) of the present paragraph shall in no case be interpreted as conferring upon the Naskapis a right to vote in virtue of sub-paragraphs 24.4.4 h) and 24.4.4 j);

g) the present paragraph 24.13.7A is without prejudice to the rights of the Crees in virtue of paragraph 24.3.25.

Compl. A. no. 1, sch. 4, s. 27

24.13.7B

a) That part of the Territory delimited on the map annexed as Schedule 6 to this Section situated east of the 70th meridian of longitude, south of the 58th parallel of latitude and north of the 55th parallel of latitude, except for the Inuit Category I and Inuit Category II lands, that part of the Cree area of primary interest north of the 55th parallel of latitude and east of the 70th meridian of longitude, Category IB-N lands, Category II-N lands and the area of common interest for the Inuit and the Naskapis, shall constitute a Caribou-Zone for the harvesting of caribou, in accordance with the provisions of the Hunting, Fishing and Trapping Regime, by both the Inuit and the Naskapis.

b) Nevertheless, save only in the case where they incidentally harvest caribou while travelling between an Inuit community and Schefferville, the Inuit shall exercise the right to harvest caribou in that part of the said Caribou-Zone situated south of the 56°15' parallel of latitude only when they are unable to attain the quota (s) of caribou allocated to them from among the species in the whole of the Territory because of a scarcity of said species within the area comprising the Inuit area of primary interest, the area of common interest for the Inuit and the Crees, the area of common interest for the Inuit and the Naskapis and that part of the Caribou-Zone north of the 56°15' parallel of latitude. Furthermore, the exercise of the said right to harvest caribou in that part of the Caribou-Zone situated south of the 56°15' parallel of latitude shall be subject to the approval of a majority of the representatives of the Coordinating Committee having a vote, which majority must include the Québec and the Inuit representatives. Any such approval of the Coordinating Committee shall specify the period during which the Inuit may harvest caribou in the said part of the Caribou-Zone and shall bind the responsible Minister.

Compl. A. no. 1, sch. 4, s. 27

24.13.7C Notwithstanding the use of the term “Native people” in the definition of “harvesting” in paragraph 24.1.13, in that part of the Caribou-Zone referred to in sub-paragraph 24.13.7B a) which is within the Inuit area of primary interest :

a) the Naskapis have the right to harvest caribou;

b) a Naskapi harvesting caribou has the right to harvest fur-bearing animals, fish and birds but only while harvesting caribou and only for purposes of sustenance in case of need, provided that the said harvesting of fur-bearing animals, fish and birds is ancillary to and is conducted in conjunction with

the harvesting of caribou, and provided also that any fur-bearing animals, fish and birds harvested by the Naskapis in said part of the Inuit area of primary interest form part of the respective Naskapi quotas or other allocations for such species pursuant to the terms and conditions of this Section. The right to harvest granted in this sub-paragraph to the Naskapis shall in no case be interpreted as conferring upon the Naskapis a right to vote in virtue of sub-paragraphs 24.4.4 i) and 24.4.4 j).

Compl. A. no. 1, sch. 4, s. 27

24.13.7D In that part of the Caribou-Zone referred to in sub-paragraph 24.13.7B a) which is within the Naskapi area of primary interest, subject to sub-paragraph 24.13.7B b) :

a) the Inuit have the right to harvest caribou,

b) an Inuk harvesting caribou has the right to harvest fur-bearing animals, fish and birds but only while harvesting caribou and only for purposes of sustenance in case of need, provided that the said harvesting of fur-bearing animals, fish and birds is ancillary to and is conducted in conjunction with the harvesting of caribou, and provided also that any fur-bearing animals, fish and birds harvested by the Inuit in said part of the Naskapi area of primary interest form part of the respective Inuit quotas or other allocations for such species pursuant to the terms and conditions of this Section. The right to harvest granted in this sub-paragraph to the Inuit shall in no case be interpreted as conferring upon the Inuit a right to vote in virtue of sub-paragraphs 24.4.4 i) and 24.4.4 j).

Compl. A. no. 1, sch. 4, s. 27

24.13.8 For the purposes of the voting procedure of the Coordinating Committee established by sub-paragraphs 24.4.4 g), h), i) and j), matters shall be deemed of common interest to the Crees, the Inuit and the Naskapis, or to two of them, when they involve :

a) the areas of common interest as set forth in the foregoing paragraphs;

b) discussion or consideration by the Coordinating Committee of a matter relating to a specific area within the area of primary interest of the Crees, the Inuit or the Naskapis but which, at the same time, involves a wildlife resource harvested by two or all of such groups or involves a matter related to such wildlife resource and any decision or recommendation by the Coordinating Committee in connection therewith which would affect the rights conferred by the Hunting, Fishing and Trapping Regime in favour of another of such groups;

c) matters of general interest pertaining to the entire Territory.

JBNQA, par. 24.13.8
Compl. A. no. 1, sch. 4, s. 27

24.13.9

a) The Cree and Inuit Native parties may from time to time by mutual agreement modify the provisions of paragraphs 24.13.2, 24.13.3, 24.13.4, 24.13.5 a), 24.13.6 and 24.13.7. Any such modification shall not affect the Naskapi Sector and shall not prejudice the exercise by the Naskapis of their rights outside of the said Sector.

b) Any modification in virtue of the preceding sub-paragraph must be for reasons related to the actual or anticipated distribution and population size of wildlife species or to the use of wildlife resources by Natives or non-Natives or access to or the availability of wildlife resources for Natives or non-Natives.

c) Prior to effecting a modification in virtue of sub-paragraph a) the Cree and Inuit Native parties shall consult with the Coordinating Committee.

JBNQA, par. 24.13.9
Compl. A. no. 1, sch. 4, s. 27

JBNQA, subs. 24.13
Compl. A. no. 1, sch. 4, s. 27

24.14 Migratory Birds and Marine Mammals.

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

24.14.2 Within its responsibility for the management of migratory bird populations, Canada shall forthwith upon the execution of the Agreement endeavor to obtain a modification or amendment to the Migratory Birds Convention and/or to the application of the said Convention in and to the Territory or to the Native people in the Territory to eliminate to the extent possible all conflicts with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section and in particular, subject to the principle of conservation, to eliminate to the extent possible any conflict with the right of the Native people to harvest at all times of the year all species of wild fauna except species requiring complete protection from time to time within the Territory to ensure the continued existence of such species or a population thereof.

JBNQA, par 24.14.2
A. corr.

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

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

24.14.5 Subject to paragraph 24.14.1, Canada shall forthwith upon the execution of the Agreement take all reasonable measures within the limit of its jurisdiction with respect to fisheries and marine mammals, to modify or amend the particular provisions of the Fisheries Act (R.S.C. 1970, c. F-14) and the regulations pursuant thereto, the Whaling Convention Act (R.S.C. 1970, c. W-8) and the regulations pursuant thereto and any other legislation and regulations which conflict or are incompatible with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, provided that

nothing in this paragraph shall require Canada to amend any legislation in such a way that Canada would breach any international treaty obligations.

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

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

24.15 Amendment Clause

24.15.1 Except as otherwise provided for in this Section, the provisions of this Section may be amended with the consent of Québec and the interested Cree or Inuit Native party in matters of provincial jurisdiction and with the consent of Canada and the interested Cree or Inuit Native party in matters of federal jurisdiction.

Nevertheless, none of the following Sub-Sections, paragraphs and sub-paragraphs 24.1.31, 24.1.32, 24.1.33, 24.1.34, 24.3A.10, 24.3A.11, 24.3A.12, 24.6.2 e), 24.7, 24.8.1, 24.8.6, 24.8.8, 24.9.3, 24.9.4, 24.9.6, 24.9.7, 24.13.1, 24.13.3A, 24.13.4A, 24.13.5 b), 24.13.5 c), 24.13.7A, 24.13.7B, 24.13.7C, 24.13.7D, 24.13.8, 24.13.9 a) and 24.15 nor Schedules 7 and 8 may be amended without obtaining, in addition to the consent of the parties mentioned in the present paragraph, the consent of the Naskapi Native party. With respect to Sub-Section 24.4, the consent of the Naskapi Native party shall also be required when said party has an interest in the proposed amendment. The consent of the Naskapi Native party, when such consent is required, shall be given in writing to each of the other parties having an interest.

Legislation giving effect to such amendment, if required, shall be enacted only by l'Assemblée nationale in matters of provincial jurisdiction and only by Parliament in matters of federal jurisdiction.

JBNQA, par. 24.15.1
Compl. A. no. 1, sch. 4, s. 28
Compl. A. no. 12, sch. 1, s. 12

24.16 Transitional Measures

24.16.1 In addition to the transitional measures provided for in Section 2 of the Agreement the parties to the Coordinating Committee referred to in paragraphs 24.4.2 and 24.4.3 shall within two (2) months of the execution of the Agreement appoint their respective members to the Coordinating Committee. Québec shall convoke the first meeting of the Coordinating Committee within three (3) months of the execution of the Agreement.

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

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

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

JBNQA, par 24.16.4
A. corr.

Annex 1

See plan no. 62 Beaver Preserves (Complementary Documents)

Annex 2

Fur-bearers :

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

Beaver

Lynx

Foxes

Polar bear

Muskrat

Porcupine

Woodchuck

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

Wolves (north of the 55th parallel)

Fresh water seals

Fish :

Whitefishes (non-anadromous)

Sturgeon

Suckers

Burbot

Hiodons (Mooneye and Goldeye)

Annex 3

See plan no. 63 Zone sud et Zone tampon (Complementary Documents)

JBNQA, Sch. 3
A. corr.

Annex 4

See plan no. 64 Secteur pour les Naskapis (Complementary Documents)

Compl. A. no 1, sch. 4, (Sch. 4)

Annex 5

See plan no. 65 Zone d'usage prioritaire pour les Cris (Complementary Documents)

Compl. A. no 1, sch. 4, (Sch. 5)

Annex 6

See plan no. 66 Zone-Caribou (Complementary Documents)

Compl. A. no 1, sch. 4, (Sch. 6)

Annex 7

SPECIES OF WILDLIFE FOR HUNTING FOR COMMERCIAL PURPOSES

1. Caribou

2. Willow Ptarmigan

3. Rock Ptarmigan

4. Arctic Hare

5. Snowshoe Hare

6. Spruce Grouse

Compl. A. no. 12, sch. 1, s. 13

Annex 8

SPECIES OF WILDLIFE FOR KEEPING IN CAPTIVITY AND HUSBANDRY

1. Caribou

2. Willow Ptarmigan

3. Rock Ptarmigan

4. Arctic Hare

5. Snowshoe Hare

6. Spruce Grouse

7. Muskox

Compl. A. no. 12, sch. 1, s. 13