

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

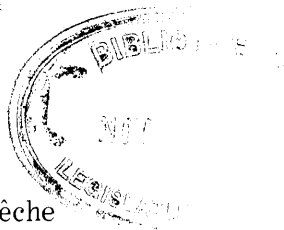
Bill 28

**An Act respecting hunting and fishing rights in the
James Bay and New Québec territories**

First reading
Second reading
Third reading

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Ministre du tourisme, de la chasse et de la pêche



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill is meant to implement Section 24 of the Agreement concerning James Bay and Northern Québec, which sets out the basic structure of a Hunting, Fishing and Trapping Regime established through negotiations carried on with the Native people benefiting by the Agreement.

The bill, after establishing the priority of the principle of wild-life conservation, acknowledges and grants the Native people the right to hunt, fish and trap in the traditional way. The bill is further intended to specify the terms and conditions of the exercise of such rights and determine the areas in the Territory contemplated in the Agreement where the Crees and where the Inuit may exercise the rights so acknowledged.

The bill reasserts the right of non-Natives to do sport hunting and sport fishing in the Territory contemplated in the Agreement and the power to carry on outfitting operations and commercial fisheries. It determines the conditions governing such activities.

The bill also gives priority to the activities of the Native people relating to the wildlife resources in the Territory and grants the Crees and the Inuit an exclusive right to hunt and fish in areas corresponding to Category I and II lands, and an exclusive right to trap in most of the Territory contemplated in the Agreement. The bill also grants the Native people a right of first refusal with respect to applications for outfitting operations, and reserves for their exclusive use certain species of mammals and fish, in addition to granting them priority in the allocation of the annual kill.

Finally, the bill establishes a body, called the "Hunting, Fishing and Trapping Coordinating Committee", to be a consultative body for the governments and local or regional authorities in view of their participation in the application, management and implementation of the Hunting, Fishing and Trapping Regime.

Bill 28

An Act respecting hunting and fishing rights in the James
Bay and New Québec territories

HER MAJESTY, with the advice and consent of the Assemblée
nationale du Québec, enacts as follows:

CHAPTER I

INTERPRETATION

Interpre-
tation:

“Cree
Regional
Author-
ity”;

“Kativik
Regional
Govern-
ment”;

“Native
people”;

“Band”;

“Coordi-
nating
Commit-
tee”;

“Cree com-
munity”;

1. In this act, unless the context indicates otherwise,

(a) “Cree Regional Authority” means the public corporation constituted under that name by the Act respecting the Cree Regional Authority (1978, chapter *insert here the chapter number of Bill 25*);

(b) “Kativik Regional Government” means the public corporation constituted under that name by the Act concerning Northern villages and the Kativik Regional Government (1978, chapter *insert here the chapter number of Bill 23*);

(c) “Native people” means the persons contemplated in section 10;

(d) “Band” means any of the bands within the meaning of the Indian Act (Revised Statutes of Canada, 1970, Chapter I-6) of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its incorporation as the corporation provided for in Section 9 of the Agreement and, thereafter, the said corporation;

(e) “Coordinating Committee” means the committee established by section 53;

(f) “Cree community” means a collectivity composed of all the Crees enrolled or entitled to be enrolled on a Cree community list in accordance with the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

- “Inuit community”; (g) “Inuit community” means the collectivity composed of all the Inuit enrolled or entitled to be enrolled on an Inuit community list in accordance with the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);
- “Agreement”; (h) “Agreement” means the Agreement described in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Supplementary Agreement No. 3 tabled in the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;
- “Cree village corporation”; (i) “Cree village corporation” means any Cree village corporation incorporated under the Cree Villages Act (1978, chapter *insert here the chapter number of Bill 24*);
- “northern village corporation”; (j) “northern village corporation” means any northern village corporation erected under the Act concerning Northern villages and the Kativik Regional Government (1978, chapter *insert here the chapter number of Bill 23*);
- “Inuit landholding corporation”; (k) “Inuit landholding corporation” has the same meaning as in the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 29*);
- “right to harvest”; (l) “right to harvest” means the right contemplated in Chapter VI;
- “settlement”; (m) “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;
- “Cree tallyman”; (n) “Cree tallyman” means a Cree person recognized by a Cree community as responsible for the supervision of the activities related to the exercising of the right to harvest on a Cree trapline;
- “Minister”; (o) “Minister” means the Ministre du tourisme, de la chasse et de la pêche;
- “Makivik Corporation”; (p) “Makivik Corporation” means the corporation constituted by the Act to establish the Makivik Corporation (1978, chapter *insert here the chapter number of Bill 27*);
- “Category I, IA, IB, II and III lands”; (q) “Category I, IA, IB, II and III lands” means the lands so designated and delimited under the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 29*) or, in the meantime, under the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);
- “Cree trapline”; (r) “Cree trapline” means an area where the activities related to the exercise of the right to harvest are by tradition carried on under the supervision of a Cree tallyman;

"Territory";

(s) "Territory" has the same meaning as in the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*);

"area".

(t) "area" or, as the case may be, "northern area", "middle area" and "southern area" mean the areas contemplated in section 6.

CHAPTER II

GENERAL PROVISIONS

Principle of conservation.

2. The Hunting, Fishing and Trapping Regime established by this act applies in the Territory in the manner provided in this act and is subject to the principle of conservation. "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-Natives for sport hunting and fishing.

CHAPTER III

APPLICATION OF THE WILD-LIFE CONSERVATION ACT

Provisions applicable.

3. The Wild-life Conservation Act (1969, chapter 58) and the regulations thereunder apply in the Territory; however, where any provision thereof is incompatible with any provision of this act, the latter prevails.

Duties of officers, etc.

4. The conservation officers and the functionaries and employees charged with enforcing the Wild-life Conservation Act are in the same manner charged with enforcing this act and the regulations hereunder.

Provisions applicable.

For that purpose, Division III of the Wild-life Conservation Act applies *mutatis mutandis*.

Native officer or employee.

Generally, every conservation officer or employee of the branch charged with enforcing wild-life conservation whose main duty is to supervise the enforcement of this act shall be, as far as possible, a Native person.

Licence, lease or other authorization.

5. Unless the context specifies otherwise, every reference in this act to a licence, lease or any other authorization respecting a hunting, fishing or outfitting activity refers to the licence, lease or any other authorization granted under the Wild-life Conservation Act.

Additional
require-
ments, etc.

Every requirement, term and condition relating to such licence, lease or other authorization mentioned in this act is in addition to those mentioned in the Wild-life Conservation Act and the regulations thereunder, or amends or replaces them.

CHAPTER IV

TERRITORIAL APPLICATION

Areas of
applica-
tion:
"northern
area";

6. For the carrying out of this act, the Territory is divided into three areas:

(a) the "northern area": that portion of the Territory lying north of the 50th parallel of latitude;

"middle
area";

(b) the "middle area": the area within a perimeter starting from a point located at the intersection of the Québec/Ontario boundary line with the southern line of Massicotte township; thence easterly along the southern line of Massicotte, La Peltrie, Lanouillier, Gaudet, Fénelon, Subercase, Grasset, La Pérouse and Corbière townships to the west side of lake Matagami; thence southeasterly generally, the west side of lake Matagami, the left bank of Bell river (along the northeast shore of Canica island) to the northern line of Comtois township; thence easterly along the northern line of Quévillon, Verneuil, Wilson, Ralleau, Effiat, Carpiquet and Urban townships, the western line of Belmont township, the northern line of Belmont, L'Espinay, Bresani, Chambalon, Beaucours and Feuquières townships to the eastern line of the Territory; thence northeasterly along the said line of the said Territory to the 50th parallel of latitude; thence westerly along the said parallel of latitude to its meeting with the Québec/Ontario boundary line, thence southerly along the said boundary line to the starting point;

"southern
area".

(c) the "southern area": that portion of the Territory lying south of the middle area.

Exclusion
of certain
lands in the
southern
area.

7. In the southern area, this act does not apply except:

(a) in any land classified as a Category I or II land and

(b) in the Cree traplines where, so far as necessary for the application of the exclusive trapping rights provided for in paragraph *e* of section 18, where, only Cree tallymen, their families as defined in section 19 and the Native persons authorized by those tallymen have the right to harvest.

Special
provisions
for the
middle
area.

8. In the middle area this act applies with the following restrictions:

(a) any requirement established pursuant to paragraph *b* of section 38 for the use of outfitting facilities does not apply to non-Native residents of Québec;

(b) sport fishing for all species of fish and sport hunting for black bear and wolf by non-Natives are allowed notwithstanding Chapter VIII;

(c) this area may be zoned for moose hunting for the purposes of

- (i) managing this resource,
- (ii) minimizing conflict between sport hunting by non-Natives and the activities of the Native people in exercising their right to harvest, and
- (iii) protecting the rights of the Native people and non-Natives mentioned in this act.

Special provisions for the northern area.

9. In the northern area this act applies save that non-Natives may, notwithstanding Chapter VIII, do sport hunting for wolf south of the 55th parallel of latitude and sport hunting for black bear outside the Cree traplines.

CHAPTER V

APPLICATION TO CREES AND INUIT

Cree and Inuit beneficiaries.

10. Unless otherwise provided, every reference to Crees or Inuit in this act applies only to Cree beneficiaries or Inuit beneficiaries within the terms of the Act respecting Cree and Inuit Native persons (1978, chapter *insert here the chapter number of Bill 34*) and every reference to the Native people applies to both Cree beneficiaries and Inuit beneficiaries.

Rights of Crees.

11. Only the Crees may exercise, in conformity with this act, all the rights granted by this act without distinction to the Native people in:

- (a) the southern area;
- (b) the middle area;
- (c) that portion of the northern area south of the 55th parallel of latitude except the Category I lands for the Inuit of Fort George;
- (d) that portion of the Mistassini beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3;
- (e) the Category I lands for the Crees of Great Whale River lying north of the 55th parallel of latitude.

rights of Inuit.

12. Only the Inuit may exercise, in conformity with this act, all the rights granted by this act without distinction to the Native people in:

(a) that portion of the northern area lying north of the 55th parallel of latitude except:

(i) that portion of the Mistassini beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3;

(ii) the Category I and II lands for the Crees of Great Whale River lying north of the 55th parallel of latitude;

(iii) that portion of the Fort George beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3;

(iv) that area of four thousand one hundred and forty-four square kilometers (4 144 km²) described in Schedule 1, being the Intowin reserve established under the Wild-life Conservation Act;

(b) those Category I lands for the Inuit of Fort George lying south of the 55th parallel of latitude.

Joint
rights.

13. In addition, the Crees and Inuit may exercise jointly, in conformity with this act, all the rights granted by this act without distinction to the Native people in:

(a) those Category II lands for the Crees of Great Whale River lying north of the 55th parallel of latitude;

(b) that portion of the Fort George beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3.

Special
rights.

14. In the places mentioned in section 12, the Crees of Great Whale River and Fort George may exercise the right to harvest, north of the 55th parallel of latitude, in the places where they hunted, fished and trapped until 11 November 1975 specified by a government regulation made pursuant to an agreement signed between the Cree Regional Authority and Makivik Corporation.

Special
rights.

In addition, the Crees of Fort George may exercise the right to harvest in Category I lands for the Inuit of Fort George, including the exclusive right to trap beaver under the supervision of the Cree tallyman, who may authorize any Inuk of Fort George to trap beaver on those lands.

Special
rights.

15. In the places mentioned in section 11,

(a) the Inuit of Great Whale River and Fort George may exercise the right to harvest south of the 55th parallel of latitude, in the places where they hunted, fished and trapped until 11 November 1975 specified by a government regulation made pursuant to an agreement signed between the Cree Regional Authority and Makivik Corporation;

(b) the right to harvest that the Inuit of Fort George may exercise in the places contemplated in paragraph *a* does not in-

clude the right to trap beaver without the authorization of the Cree tallyman in charge. It includes however the right Crees have to own and operate outfitting operations on Category I and II lands for the Crees of Fort George situated in those places.

CHAPTER VI

RIGHT TO HARVEST

Right to
harvest.

16. "Right to harvest" means the right to hunt, fish, trap, capture or kill any kind of fish or wild mammals or birds.

Exclusion
from the
right to
harvest.

17. The Government may exclude, by regulation, from the right to harvest, any wildlife requiring complete protection to ensure the continued existence of such species or a population thereof.

"Wildlife".

Unless otherwise provided, every mention of the word "wildlife" in this act means any species of fish or wild mammals or birds.

Rights in-
cluded in
the right
to harvest.

18. The right to harvest includes:

(a) the right to possess and use all equipment needed to exercise that right except any explosive, poison, firearm connected to a trap or remote control, automatic weapon, tracer bullet, non-expanding ball ammunition, air-gun or other similar equipment specified by regulation;

(b) the right to travel and establish such camps as are necessary to exercise that right;

(c) the use of the traditional hunting, fishing and trapping methods of the Native people in use on 11 November 1975, except where such methods affect public safety;

(d) the right to possess and transport within the Territory the products of the exercise of that right;

(e) the exclusive right the Native people have to trap, even for commercial purposes.

Related
activities.

19. The right to harvest refers to activities relating to the exercise of that right in the Territory for personal or community use, and fishing and trapping for commercial purposes.

Personal
use.

Personal use includes, in addition to the use for personal purposes of products from the exercise of the right to harvest, the gift, exchange and sale of such products among members of a single family.

"Family".

The word "family" is used in a broad sense and means persons allied or related by blood, or by legal or customary marriage or adoption.

Community use.

Community use includes the gift, exchange and sale of products of the exercise of the right to harvest consistent with practice on 11 November 1975 between Cree or Inuit communities or members of one or more of such communities whether or not they carry on such practice on that date. In the case of Native persons living in non-Native settlements, community use is restricted to the gift, exchange and sale between themselves of products of the exercise of the right to harvest consistent with practice on 11 November 1975, and does not include the gift and sale of such products to Cree or Inuit communities or exchange with such communities. Community use does not include the exchange of fish and meat with non-Natives or the sale of such products to such persons save in the case of commercial fisheries.

Continuous right.

20. The right to harvest may be exercised at any time of the year.

Exercise of the right over the Territory.

21. The right to harvest may be exercised over all the Territory, where this activity is physically possible and does not enter into conflict with other physical activity or public safety.

Conflicting activities.

The expression "enter into conflict with other physical activity" applies to actual physical conflict or physical interference but does not include conflicts or interference of any other nature. Without limiting the generality of the foregoing and notwithstanding the Act respecting ecological reserves (1974, chapter 29) and the Parks Act (1977, chapter 56), the creation or existence of parks, reserves, wilderness areas or ecological reserves and the grant or existence of concessions or rights with respect to forestry or mining are not in themselves considered physical activities entering into conflict with the exercise of the right to harvest and the Native people continue to have that right in such areas.

Restrictions on the right to harvest.

Restrictions on the right to harvest that the Government may impose by regulation for reasons of public safety apply 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 restriction does not in itself preclude any other activity relating to the exercise of the right to harvest.

Limitation of the right of access.

Any measure to limit access to a specific given area for reasons other than those specifically provided for in this act does not in itself exclude that area from the places where the right to harvest may be exercised.

Settlements excluded.

22. The right to harvest shall not be exercised in lands situated within non-Native settlements; however, the annexation of land by a municipality does not in itself exclude such areas

from the areas where the Native people may exercise that right, as long as such land remains vacant.

Wildlife
sanctuaries
excluded.

The right to harvest shall not be exercised where wildlife sanctuaries exist or are created; this restriction applies only to the species for whose protection such sanctuaries exist or are created and for such period of time or season as such protection is required.

"Wildlife
sanctuary".

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

Areas
covered by
lease or
licence.

In areas specified, in a lease or licence existing on 11 November 1975 and still in force on the date this section becomes effective, as being reserved for the exclusive use of an outfitter and in areas covered, on the same dates and conditions, by a fish and game lease, the right to harvest, except for the right to trap, shall not be exercised during the operating season of such outfitter, lessee or licence holder except if such outfitter, lessee or licence holder agrees otherwise with Makivik Corporation or the Cree Regional Authority concerned.

Restriction
on the
exclusive
right to
trap.

23. Notwithstanding paragraph *e* of section 18, the exclusive right to trap, including the right to trap for commercial purposes,

(a) does not apply in the New Québec, Saguenay, Abitibi, except the Waswanipi division, and Grand Lac Victoria beaver reserves, contemplated and described in Orders in Council nos 1637 and 1640 of 14 June 1967 where the Native people not party to the Agreement could be granted trapping rights;

(b) does not exclude the possibility of snaring of hare by non-Natives in and around non-Native settlements within that part of the Territory south of the 50th parallel of latitude;

(c) does not apply in any manner to the registered traplines indicated in Schedule 3;

(d) shall cease within a given area where the Native people have not trapped for so long that trapping has become necessary therein for the proper management of a wildlife species. The Minister may then, only upon the advice of the Coordinating Committee and after giving notice through the said committee to Makivik Corporation or the Cree regional authority concerned, permit non-Natives to exercise the necessary trapping activity if he finds the notice has not been taken into account within a reasonable delay. Such permission shall be discussed between the Minister and Makivik Corporation or the Cree Regional Authority; failing an agreement, the Minister may, only upon recommendation of the Coordinating Committee, permit non-Natives to trap

in the area concerned, on such conditions as he may determine, for a period not exceeding four years. At the expiration of the said period, the Native people recover the exclusive right to trap in that area; if it fails again to exercise that right, this paragraph applies again.

Cree
system of
traplines.

24. The Cree system of traplines in force on 11 November 1975 remains in force and the Minister may amend it only upon the authorization of the Cree community interested.

Beaver
reserves.

The location of the beaver reserves contemplated in Orders in Council nos 1637 and 1640 dated 14 June 1967 remains unchanged and shall not be amended by the Government except with the agreement of every Cree community interested.

Licence
or author-
ization not
required.
Exception.

25. The right to harvest may be exercised without a licence or authorization.

However the Minister, by exception and for the purposes of management, may prescribe of his own initiative or on the recommendation of the Coordinating Committee the obligation to hold leases, licences or other authorizations to exercise the right to harvest. The Native people, upon payment of the duties prescribed by the Minister, may obtain such leases, licences or authorizations from the Cree village corporations in the case of Crees and from the northern village corporations in the case of Inuit. Such duties shall be uniform and fixed at the lowest possible rate.

Right of
every
Native
person.

26. Every Native person has the right to harvest.

Exclusive
collective
right.

27. The Native people collectively have exclusive exercise of the right to harvest.

Right to
trade, etc.

28. The Native people have the right to trade and conduct commerce in all the by-products of the exercise of their right to harvest.

CHAPTER VII

COMMERCIAL FISHERIES

Establish-
ment and
operation
of com-
mercial
fisheries.

29. The Native people have, within Category I and II lands, the exclusive right to establish and operate commercial fisheries. Within Category III lands, they have the exclusive right to do so as regards the species of fish contemplated in section 33.

Applica-
tions sub-
mitted to
Coordinat-
ing Com-
mittee.

30. Every application for a commercial fisheries licence in the Territory shall first be submitted to the Coordinating Com-

mittee, which shall assess the possible or probable impact of such fisheries on the activities of the Native people in the exercise of the right to harvest, and on the sport fishing of non-Natives. The Coordinating Committee shall make recommendations to the Minister with respect to such application on the basis of its assessment.

Consent
required.

31. No application may be authorized within Category IA lands for Crees without the consent of the interested band council, or within Category IB and II lands for Crees without the consent of the interested Cree village corporation.

Consent
required.

Within Category I and II lands for Inuit, no commercial fishery may be authorized without the consent of the interested Inuit landholding corporation.

CHAPTER VIII

RESERVED SPECIES

Reserved
mammals.

32. Every mammal listed in Schedule 2 is reserved for the exclusive use of the Native people.

Reserved
fish.

33. Every fish listed in Schedule 2 is reserved for the exclusive use of the Native people.

CHAPTER IX

NON-NATIVE HUNTING AND FISHING

Sport
hunting
and sport
fishing.

34. Non-Natives have the right to do sport hunting and sport fishing and carry on the activity of commercial fishery in Category III lands, subject to this act and the regulations and to the laws and regulations of general application in these matters.

"Sport
hunting".

"Sport hunting" means hunting carried on as a sport by the use of a firearm or a bow and arrow for the sole and specific purpose of killing game.

"Sport
fishing".

"Sport fishing" means fishing carried on as a sport by the use of a line or a rod and line (angling).

Exclusive
right to
hunt and
fish.

35. Crees have the exclusive right to hunt and fish in Category I and II lands comprised in the places contemplated in section 11. Inuit have such exclusive right on the lands of the same categories comprised in the places contemplated in section 12.

Authoriza-
tion for
non-
Natives.

Notwithstanding the preceding paragraph, any non-Native except those contemplated in section 36, may hunt or fish on

the lands hereinafter designated if he is authorized and complies with the conditions established by

(a) the interested band council in the case of Category IA lands for Crees;

(b) the interested Cree village corporation in the case of Category IB and II lands for Crees;

(c) the interested Inuit landholding corporation in the case of Category I and II lands for Inuit.

Non-Native residents.

36. Notwithstanding section 35, non-Natives are authorized to do sport hunting and sport fishing in the places hereinafter mentioned if they meet the residence requirements established by

(a) the interested band council in the case of Category IA lands for Crees;

(b) the interested Cree village corporation in the case of Category IB and II lands for Crees;

(c) the interested northern village corporation in the case of Category I and II lands for Inuit.

Exception.

However, in the case of unusual and large influxes of such persons into a Native community, the interested band council, Cree village corporation or northern village corporation may determine whether and upon what terms and conditions such persons may do sport hunting or sport fishing.

Persons of Cree or Inuit ancestry.

37. Any person of Cree or Inuit ancestry not eligible for benefits and advantages under the Agreement who traditionally hunts, fishes and traps in the Territory may be permitted to exercise that right to harvest solely for personal use,

(a) in Category IA lands for Crees, by the interested band council;

(b) in Category IB and II lands for Crees, by the interested Cree village corporation;

(c) in Category I and II lands for Inuit, by the interested Inuit landholding corporation.

Hunting and fishing quotas.

However, their hunting and fishing shall not be counted in the hunting and fishing quotas allocated to the Native people under paragraph c of section 93.

Regulations applicable to non-Natives.

38. In view of giving effect to the principle of conservation provided for in section 2 and the rights and guarantees in favour of the Native people established by this act, the Government

may make regulations applicable to non-Natives who do sport hunting and sport fishing. Such regulations deal with:

(a) the number of persons and the places and times where they are permitted to hunt and fish in Category III lands;

(b) the obligation to use outfitting facilities and to be accompanied by a Native guide when hunting and fishing in the Territory;

(c) the creation of special fishing zones and big game zones north of the 50th parallel of latitude;

(d) sport hunting and sport fishing by one or more temporary labour forces involved in construction and related work.

How
regulations
made.

The regulations contemplated in paragraph *d* shall be made at the explicit request of the Coordinating Committee, which shall be involved in the establishment and review of such regulations and supervise their enforcement. Such regulations shall include *inter alia* the specific locations, installations and facilities which shall be used by such labour force for the purposes of hunting and fishing.

CHAPTER X

OUTFITTING OPERATIONS

Exclusive
right to
establish,
etc.,
outfitting
operations.
Authoriza-
tion for
non-
Natives.

39. The Native people have the exclusive right to establish and operate outfitting operations in Category I and II lands.

Notwithstanding the preceding paragraph, any non-Native may establish or operate outfitting operations

(a) in Category I and II lands for Inuit, with the express consent of the interested Inuit landholding corporation;

(b) in Category IA lands for Crees, with the express consent of the interested band council;

(c) in Category IB and II lands for Crees, with the express consent of the interested Cree village corporation.

Property
comprised
in an
outfitting
operation.

40. An outfitting operation, within the meaning of this act, consists of the establishment and its dependent buildings, minor facilities and all equipment and accessories related thereto, all sport hunting and sport fishing gear, and equipment and small craft used by an outfitter in connection with such operation.

Outfitter.

41. An outfitter, within the meaning of this act, is a person who carries on an operation which provides the public with lodging and the opportunity to do sport hunting and sport fishing or rents equipment or small craft or provides other services for

sport hunting and sport fishing purposes within a limited area described in the licence or other authorization given to such person.

Non-Native
outfitter.

42. Any non-Native operating as an outfitter in Category I and II lands on 11 November 1975 who was informed, before the date of the coming into force of this section, by the Ministère du tourisme, de la chasse et de la pêche that his outfitter's licence or his fish and game lease would not be renewed to enable the carrying out of the Agreement has, notwithstanding sections 47 and 48, a preferential right to select a site in Category III lands, except in the area contemplated in section 49, with a view to establishing and operating outfitting facilities, such selection being subject to the approval of the Coordinating Committee. Such preferential right to select does not apply in the case of an outfitting operation owned or operated by the Québec Government or the Canadian Government.

Substitution for
an
outfitter.

43. The Native people have the right to operate in place of an outfitter contemplated in section 42 and having to cease his operations, in accordance with the following terms and conditions:

(a) they must have a licence;

(b) they may enlarge, diminish or modify the services offered by that outfitter;

(c) they may purchase all or part of the equipment and facilities of that outfitter;

(d) the Cree band, the Cree village municipality or the Inuit landholding corporation may receive gratuitously the equipment or facilities of the Government which has been acting as an outfitter in the categories of lands concerned.

Removal
of
equipment
and
facilities.

That outfitter may remove the equipment and facilities the Native people have not purchased. All equipment or facilities left on the spot by that outfitter for a period of two years after ceasing his operation is deemed to have been abandoned to the Gouvernement du Québec.

Compensation.

The Government shall compensate that outfitter in conformity with his rights, if any, contained in the licence, lease or other authorization in virtue of which he was carrying on his operation.

Rights
respected.

44. Subject to this chapter, the rights of outfitters or holders of fish and game leases existing on 11 November 1975 and still valid on the date of the coming into force of this section shall be respected for the duration of their licences or leases and, at their expiration, the Minister may renew them on such conditions

as he may fix after having received the advice of the Coordinating Committee. This section is without prejudice to any agreement between the persons concerned and the interested Cree Regional Authority or Makivik Corporation.

Louis-Joliet and Vieux-Poste camps.

45. The Government may, until 10 November 1985, operate the Louis-Joliet and Vieux-Poste camps and their outposts. Not later than at the end of that term, if the request is made by the Cree Regional Authority, the Government shall transfer those camps and outposts to the Crees, in the condition they are in at the time of transfer, and their administration.

Cancellation of licence or lease.

46. The Minister may cancel the outfitter's licence, the fish and game lease or any authorization granted to any person acting on 11 November 1975 as an outfitter in Category III lands:

(a) for any offence committed by that person against the applicable laws or regulations governing the operation of that outfitter;

(b) for any other reason which, according to the recommendation of the Coordinating Committee, renders such person unsuitable to continue to operate as an outfitter.

Right of first refusal.

47. The Native people have until 10 November 2005 a right of first refusal to establish and operate outfitting facilities in Category III lands.

Restriction.

48. The right of first refusal provided for in section 47 shall not be exercised in respect of at least three non-Native applications out of every ten applications made by persons wishing to establish and operate outfitting facilities in Category III lands.

Exclusive right to act as outfitters.

49. The Crees have the exclusive right to act as outfitters and become the owners of outfitting facilities in that area of Cape Jones limited to the north by latitude 54°43', to the east by longitude 79°30', to the south by latitude 54°34' and to the west by the shore of James Bay and Hudson Bay.

Licence, lease, etc., in Category III lands.

50. In Category III lands, all applications respecting outfitting operations, for the issue, renewal or transfer of outfitter's licences, fish and game leases and other authorizations, and all applications subject to the right of first refusal of the Native people to act as an outfitter are subject to the following terms and conditions.

Application submitted to Minister.
Content of application.

Every application shall be submitted to the Minister, who shall forward a copy thereof to the Coordinating Committee.

Every application for transfer shall contain all relevant information relating to the terms and conditions of the proposed

transfer and the Minister shall forward a copy of such documents to the Coordinating Committee, which shall ascertain the *bona fide* nature of the conditions of the transfer.

Review by
Coordinat-
ing Com-
mittee.
Decision
trans-
mitted.

The Coordinating Committee shall review every such application and recommend to the Minister its acceptance or refusal.

When the Minister agrees with the recommendation of the Coordinating Committee to accept an application he shall so inform the Committee which shall forthwith transmit to the interested Cree Regional Authority or Makivik Corporation written notice of such application including all relevant information. No such notice shall be given when such application is for the renewal of a licence, lease or other authorization.

Reply.

Within four months from receipt of the notice specified in the preceding paragraph, the interested Cree Regional Authority or Makivik Corporation shall reply in writing to the Coordinating Committee indicating whether or not it or any Native person it designates intends to operate the outfitting facilities referred to in the said application.

Failure to
reply.

If the interested Cree Regional Authority or Makivik Corporation fails to reply to the Coordinating Committee within the delay stipulated in the preceding paragraph, or if it declares before the end of the said delay that neither it nor the Native person designated by it intends to operate the outfitting facilities referred to in the application, the right of first refusal of the Native people lapses with respect to that application. The Coordinating Committee shall forthwith inform the Minister, who may then issue the licence, lease or other authorization requested in the application.

Intention
to
operate
outfitting
facilities.

If, within the delay stipulated in the sixth paragraph, the interested Cree Regional Authority or Makivik Corporation informs the Coordinating Committee in writing that it or a Native person designated by it intends to operate the outfitting facilities referred to in the application, the Coordinating Committee shall forthwith so inform the Minister, who shall issue the requested licence, lease or other authorization, except where there is just cause under a law or regulation not to issue the licence, lease or authorization.

Recom-
mendation
of Co-
ordinating
Commit-
tee.

51. The Minister shall not unreasonably refuse the recommendation of the Coordinating Committee to accept any application submitted to him with respect to the operation of outfitting facilities in Category I or II lands when the application is accompanied with the consent contemplated in section 39.

Adminis-
trative
procedural
rules.

52. Such administrative procedural rules as may be necessary to give full effect to sections 50 and 51 shall be established by the Minister.

CHAPTER XI

COORDINATING COMMITTEE

Coordinat-
ing com-
mittee.

53. A coordinating committee is hereby established under the name of "Comité conjoint de chasse, de pêche et de piégeage".

Designa-
tion.

This committee may be designated under the name of "NDOO-WHO-WEESHOO-WOWN-GA-OOCH-MAHK-DICH" in Cree, of "ANNITUKVIK" in Inuttituut and of "Hunting, Fishing and Trapping Coordinating Committee" in English.

Functions.

54. The Coordinating Committee shall review and, where provided therefor by this act, manage the Hunting, Fishing and Trapping Regime established by this act and supervise the application thereof. It is also a consultative body, being as such the preferential and exclusive forum for the Native people and the governments of Québec and of Canada to formulate regulations and supervise the administration of that regime.

Composi-
tion.

55. The Coordinating Committee consists of twelve members. The Cree Regional Authority, Makivik Corporation, the governments of Québec and of Canada shall each appoint three members, all of them being removable subject to section 61.

Member-
ship
changed.

The membership of the Coordinating Committee may be changed with the unanimous consent of the Cree Regional Authority, Makivik Corporation and the governments of Québec and of Canada. The decision to change the membership comes into force on the day of its publication in the *Gazette officielle du Québec*.

Remune-
ration
and
expenses.

The remuneration of each member and the reimbursement of the warrantable expenses made by each of them shall be paid by the authority having appointed that member.

Observer.

56. The Société de développement de la Baie James shall appoint an observer to the Coordinating Committee. The observer has the same status as the members of the Coordinating Committee save that

(a) he shall not vote on any question unless he is substituting for another member under a proxy provided for in section 63;

(b) he is not entitled to discuss or to make remarks except on matters related to places situated south of the 55th parallel of latitude or questions of general interest respecting the whole Territory.

Voting
rights of
members.

57. The members of the Coordinating Committee each have one vote except

(a) when matters of exclusive Québec jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Gouvernement du Québec each have two votes, and the members appointed by the Canadian Government shall not vote;

(b) when matters of exclusive Canadian jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Government of Canada each have two votes and the members appointed by the Gouvernement du Québec shall not vote;

(c) when matters relating to areas contemplated in section 11 are being dealt with by the Coordinating Committee, the members appointed by the Cree Regional Authority each have two votes, and the members appointed by Makivik Corporation shall not vote;

(d) when matters relating to areas contemplated in section 12 are being dealt with by the Coordinating Committee, the members appointed by Makivik Corporation each have two votes, and the members appointed by the Cree Regional Authority shall not vote.

Matters of
common
interest.

58. For the purposes of the sharing of votes between the members appointed by the Cree Regional Authority and Makivik Corporation, the following matters shall be deemed of common interest to the Native people:

(a) matters relating to the areas contemplated in section 13;

(b) matters relating to part of the areas contemplated in section 11 or 12 but which, at the same time, involve a wildlife resource harvested by both the Crees and the Inuit or involving a decision which might affect the rights conferred on Inuit if it refers to any area contemplated in section 11 or on Crees if it refers to areas contemplated in section 12;

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

Matters
dealt with
by Co-
ordinating
Committee.

When such matters are being dealt with by the Coordinating Committee, each member contemplated in the first paragraph has one vote.

Chairman
and Vice-
Chairman
appointed.

59. The Cree Regional Authority, the Makivik Corporation, the Gouvernement du Québec and the Canadian Government shall appoint from among their delegates a Chairman and a Vice-Chairman in the following manner:

(a) in the first year of operation of the Coordinating Committee, the Chairman shall be appointed by the Cree Regional

Authority and the Vice-Chairman shall be appointed by Makivik Corporation;

(b) in the second year, the Chairman shall be appointed by the Gouvernement du Québec and the Vice-Chairman shall be appointed by the Canadian Government;

(c) in the third year, the Chairman shall be appointed by Makivik Corporation and the Vice-Chairman shall be appointed by the Cree Regional Authority;

(d) in the fourth year, the Chairman shall be appointed by the Canadian Government and the Vice-Chairman shall be appointed by the Gouvernement du Québec;

(e) in subsequent years the appointment of the Chairman and Vice-Chairman shall be made by turn in accordance with paragraphs *a* to *d*;

(f) in the absence of the Chairman at any meeting, an alternate Chairman shall be selected by and from among the delegates appointed by the authority that appointed the Chairman.

Function.

60. The Chairman shall preside at meetings of the Coordinating Committee and the Vice-Chairman shall act as Chairman when the Chairman does not have the right to vote pursuant to paragraph *a*, *b*, *c* or *d* of section 57.

Term of office.

61. The Chairman and the Vice-Chairman of the Coordinating Committee shall hold office for one year. The Coordinating Committee, if it considers it necessary to do so for the discharge of its office and duties, may appoint other officers from among its members.

Quorum.

62. Four members constitute a quorum at any meeting of the Coordinating Committee on condition that one delegate appointed by each authority as provided in section 55 is present. The quorum may be changed with the unanimous consent of all the members of the Coordinating Committee.

General proxy.

63. Each member of the Coordinating Committee shall upon his appointment sign a general proxy drawn up in the form stipulated by the Coordinating Committee in favour of the other members appointed by the authority that appointed him under section 55 and their substitutes. The holder of such proxy has, in addition to his voting and other rights as a member of the Coordinating Committee, the right to vote and act in place of the absent member from whom he holds the proxy.

Special proxy.

For any particular meeting, each member may execute in favour of a designated person a special proxy, which then prevails

over his general proxy signed under the preceding paragraph and has the same effect as that general proxy.

Decision
by a
majority
of votes.

64. All decisions are decided by a majority of the votes cast. The Chairman, in the case of a tie-vote, has a casting vote.

Principal
office.

65. The Coordinating Committee shall have its principal office at such place in Québec as it may determine by by-law. It may establish other offices elsewhere in Québec.

Coming
into force.

The above by-law comes into force only upon its publication in the *Gazette officielle du Québec*.

Internal
operations.

66. The Coordinating Committee may adopt by-laws regulating its own internal operations.

Meeting
convoked
upon
request.

67. The Chairman of the Coordinating Committee shall convoke a meeting of the Coordinating Committee within twenty days of receipt from any four members of a written request to that effect indicating the purpose of such meeting.

Meetings
within the
Territory.

68. As far as possible, the Coordinating Committee shall meet within the Territory. It shall meet at least four times annually.

Secretariat.

|| **69.** A secretariat shall be established for the Coordinating Committee consisting of not more than three full-time employees. The Coordinating Committee, after its first year of operation, may by unanimous agreement of its members alter the size of the secretariat. The secretariat shall be responsible to and under the direction and control of the Coordinating Committee. The Gouvernement du Québec shall maintain and fund the secretariat. ||

Functions.

70. The secretariat shall:

(a) receive and distribute when appropriate data on matters within its competence;

(b) distribute in advance the agenda of its meetings to the members of the Coordinating Committee;

(c) record the discussions and decisions of the Coordinating Committee;

(d) perform such other functions as the Coordinating Committee may determine.

Expert
advice or
assistance.

71. Members of the Coordinating Committee or the Coordinating Committee itself may call upon other persons for expert

advice or assistance. The remuneration of such persons and the warrantable expenses made by them shall be paid by the Coordinating Committee only if their services have been requested by that Committee. In other cases, the remuneration of such persons and the reimbursement of the warrantable expenses made by them shall be paid by the authority having appointed the members who called upon such persons for their services.

Information from parties signatory.

72. The parties signatory to the Agreement shall furnish the Coordinating Committee all information relevant to its business and functions.

Measures proposed and reviewed.

73. The Coordinating Committee has the right to initiate, discuss, review and propose to competent authorities all regulations or other measures relating to the Hunting, Fishing and Trapping Regime.

Drafts of regulations submitted to Committee.

74. The following shall be submitted to the Coordinating Committee for its advice:

(a) all drafts of regulations the Government intends to make relating to the Hunting, Fishing and Trapping Regime;

(b) all proposals with respect to the establishment of parks, ecological reserves, wildlife sanctuaries and similar areas situated in the Territory, except where such proposals deal with land situated within a settlement.

Recommendations.

75. The Coordinating Committee may submit recommendations to the Minister or any other interested Minister concerning the following:

(a) guidelines and other measures related to the activities of the Native people in the exercise of their right to harvest;

(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 as contemplated in section 2, including management procedures for conservation purposes;

(e) the number of non-Natives permitted to hunt and fish and the places and times at which they may hunt and fish;

(f) the allocation of Native and non-Native kills over and above the guaranteed levels of harvesting provided for in Chapter XIII;

(g) regulations respecting community use as contemplated in section 19;

- (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 wildlife requiring complete protection;
- (k) planning and policy relating to outfitters, regulations concerning outfitting operations, and the choice of sites for the establishment of outfitting facilities;
- (l) research projects related to wildlife resources;
- (m) the establishment and, so far as it affects the Hunting, Fishing and Trapping Regime, the operation of parks, ecological reserves, wildlife sanctuaries and similar areas situated in the Territory;
- (n) regulations which prohibit the possession and use of equipment and materials that might be used in connection with the exercise of the right to harvest;
- (o) regulations respecting commercial fisheries operations;
- (p) enforcement of the Hunting, Fishing and Trapping Regime.

Review of
applica-
tions.

76. The Coordinating Committee shall:

- (a) review applications for new commercial fisheries licences in conformity with section 30;
- (b) review applications for licences or leases for outfitter's operations or renewals thereof in conformity with section 50;
- (c) supervise procedures respecting the right of first refusal as provided for in sections 48 and 50;
- (d) supervise procedures for the relocation provided for in section 42;
- (e) review on the basis of past experience and the circumstances then existing, the advisability or inadvisability of renewing the right of first refusal provided for in section 47;
- (f) supervise the research contemplated in section 90.

Powers of
Committee.

77. The Coordinating Committee may

- (a) receive, maintain and distribute information necessary for the proper management of the Hunting, Fishing and Trapping Regime, especially game inventories, non-Native kills and the activities of the Native people in exercising the right to harvest;
- (b) recommend to band councils, Cree village corporations and northern village municipalities conservation measures applicable to Category I lands;

(c) participate in conformity with the Environment Quality Act (1972, chapter 49) in the assessment of impacts of future development upon the Territory, its wildlife resources and harvesting, and the economic implications of such development on Native and non-Native activity related to wildlife resources;

(d) receive and review information relating to research, studies, surveys and the data obtained therefrom, relating to the Hunting, Fishing and Trapping Regime in the Territory;

(e) make representations concerning weapon control directed to ensure public safety in the Territory;

(f) establish the upper limit of kill for moose and caribou allocated to the Native people and non-Natives and, in the middle area, make decisions relating to populations of black bears respecting their management, their hunting by non-Natives, and the activities related to such bear populations carried on by the Native people in exercising their right to harvest;

(g) recommend draft regulations relating to the matters contemplated in section 83;

(h) recommend such guidelines or programmes to band councils, Cree village corporations, northern village corporations and the Kativik Regional Government as it is necessary to adopt to control the exercise of the right to harvest.

"kill". In this act, "kill" means the number of individuals of a given species or population thereof, killed or permitted to be killed during a given period.

Regulations respecting moose, etc. Save for reasons of conservation, the Government shall make regulations to implement the measures decided by the Coordinating Committee respecting moose, caribou and black bear contemplated in subparagraph f.

List of reserved species changed. **78.** The Government shall not change the list of species contemplated in Chapter VIII except upon the unanimous recommendation of the Coordinating Committee, and on condition that every member of the Coordinating Committee appointed by the Cree Regional Authority and the Makivik Corporation has voted in person and not by proxy.

Decisions communicated. **79.** All decisions of the Coordinating Committee shall be communicated to the responsible body concerned, namely the Gouvernement du Québec, the Canadian Government, the band council, the Cree village corporation, the northern village corporation, the Cree Regional Authority or the Kativik Regional Government, for its information or so that it may implement such decision if necessary.

Approval
by
Minister.

80. All decisions of the Coordinating Committee are subject to the approval of the Minister and, if required, adoption by the Government except where stipulated otherwise in this act.

Consulta-
tion with
Committee.

81. The Minister shall consult with the Coordinating Committee on any matter respecting the administration and management of the Hunting, Fishing and Trapping Regime before

(a) proposing the making of new regulations by the Government;

(b) taking new measures of its own initiative;

(c) acting otherwise than within a recommendation submitted to him by the Coordinating Committee.

Minor
measures.

82. However, the Minister, after a first consultation with the Coordinating Committee, may prescribe as he deems expedient without consulting the Committee again in the case of certain minor measures relating to non-Natives and not affecting the Native people as regards the zoning of the areas, seasonal dates for hunting and fishing and bag limits.

CHAPTER XII

POWERS OF THE GOVERNMENT AND OF THE AUTHORITIES

Regula-
tions for
Category I
and II
lands.

83. For Category I and II lands, as regards matters relating to the protection of the wildlife resources, the Government may, as it does in Category III lands, make regulations respecting:

(a) the establishment of general hunting and fishing quotas for the Territory;

(b) the management of wildlife, to protect the health of wildlife populations;

(c) the determination of the species or of the populations of such species requiring complete protection and the protection measures necessary to ensure their survival, and

(d) the regulation and conduct of research projects related to wildlife resources.

By-laws of
local
authorities.

84. The following bodies may make by-laws, for the Native people and non-Natives, that are more restrictive than those regulations made by the Government respecting the matters contemplated in section 83:

(a) in Category IA lands for Crees, the interested band council or, upon request by the latter, the Cree Regional Authority;

(b) in Category IB and II lands for Crees, the interested Cree village corporation or, upon request by the latter, the Cree Regional Authority;

(c) in Category I and II lands for Inuit, the interested northern village corporation or, upon request by the latter, the Kativik Regional Government.

By-laws of
local and
regional
authorities.

85. In the places contemplated in section 11, in all Category IA lands for Crees, the interested band council, and in all Category IB and II lands for Crees, the interested Cree village corporation, in the places contemplated in section 12, in all Category I and II lands for Inuit, the Kativik Regional Government, and in the places contemplated in section 13, in all Category II lands, the interested Cree village corporation in conjunction with the Kativik Regional Government, may make by-laws specifically referring to the exercise of the right to harvest or to hunting and fishing by non-Natives, on the following matters:

(a) the allocation of the general quotas established under section 93 among individual Natives and non-Natives permitted to hunt and fish;

(b) the personal use and community use provided for in section 19;

(c) the control of facilities for sport hunting and sport fishing;

(d) commercial fisheries facilities;

(e) research concerning the exercise of the Native people's right to harvest;

(f) the seasons when the right to harvest may be exercised by the Native people and when non-Natives are permitted to hunt and fish and the bag and possession limits provided the by-laws made with respect to such matters are more restrictive than those regulations made by the Government;

(g) the methods of exercise of the right to harvest subject to paragraph *a* of section 18;

(h) licences and authorizations for the purposes of the application of subparagraph *a*.

Advice of
an Inuit
committee.

In the case of the Category I and II lands for Inuit situated in the places contemplated in section 12 and in the case of Category II lands situated in the places contemplated in section 13, the Kativik Regional Government shall make such by-laws on those matters solely upon the advice of a committee composed only of Inuit and established in conformity with section 248 of the Act concerning Northern villages and the Kativik Regional Government (1978, chapter *insert here the chapter number of Bill 23*). Such advice is binding for the Regional Government.

Advice of
Coordinat-
ing Com-
mittee.

86. The by-laws contemplated in sections 84 and 85 shall be submitted prior to adoption to the Coordinating Committee for its advice.

Effect of
by-laws.

87. All by-laws made pursuant to sections 84 and 85 come into effect on the date a true copy thereof, certified by the secretary of each body concerned, is submitted to the Minister, who may disallow such by-laws within ninety days from such submission.

Negative
impacts.

88. Where, after receiving the advice of the Coordinating Committee, the Government decides to make regulations to replace the guidelines or programmes referred to in paragraph *h* of section 77, it shall take care to minimize the expected negative impacts of such regulations on the exercise of the right to harvest by taking into account the effect of the regulations on:

- (a) Native food production in the Territory;
- (b) the role of the Cree tallymen;
- (c) the organization and boundaries of Cree traplines;
- (d) the accessibility of harvestable wildlife resources to the Native people;
- (e) the efficiency and cost of the activities related to the exercise of the right to harvest;
- (f) the cash incomes of the Native people.

CHAPTER XIII

GUARANTEED LEVELS OF HARVESTING

Levels of
harvesting.

89. Where game populations permit, the Native people shall have, for all wildlife species in the Territory, levels of harvesting at least equal to the average annual levels of harvesting of fish and game having been the object of fishing, hunting, trapping and killing by the Native people during the years 1975 to 1980.

Levels
established
by
negotia-
tions.

90. The guaranteed levels contemplated in section 89 shall be established by the Government. But first, and before 11 November 1980, such levels shall be established by negotiations between the Government, the Cree Regional Authority and the Makivik Corporation, at meetings of the Coordinating Committee, without applying the usual voting procedure; those levels shall be based principally upon the results of the "Research to Establish Present Levels of Native Harvesting".

Interim
guaranteed
levels.

91. During the period from the coming into force of this act to 11 November 1980, the Government shall establish interim guaranteed levels of Native harvesting determined through negotiations with the Cree Regional Authority and the Makivik Corporation and based principally upon the available results of the research contemplated in section 90. Such interim guaranteed levels may be reviewed periodically by the Government pursuant to an agreement with the Cree Regional Authority and the Makivik Corporation.

Rules on
shared
quotas.

92. Where for a given year the quotas are, by a regulation of the Government, shared among the Native people, for their activities relating to the exercise of the right to harvest, and non-Natives, for their hunting and fishing, or wherever other wildlife management techniques are applied, the following rules shall be followed, taking into account the guaranteed levels provided for in sections 90 and 91.

Right to
harvest up
to
guaranteed
levels.

If game populations permit levels of harvesting equal to the said guaranteed levels, the Native people may exercise its right to harvest up to such levels.

Surplus in
quotas
shared.

Every surplus in the quotas compared to guaranteed levels shall be shared by taking into account the needs of the Native persons allowed to carry on the activities relating to the exercise of the right to harvest and the needs of the non-Natives permitted to do sport hunting and sport fishing.

Entire
kill to
Native
people.

If game populations do not permit levels of harvesting equal to the guaranteed levels, the Native people shall be allocated the entire kill.

Sport
hunting
and sport
fishing.

In applying the rules set out in the second and third paragraphs, there shall always be some allocations of species for non-Native sport hunting and sport fishing.

Portion
allocated
through
an out-
fitter.

In applying the rules set out in the fourth paragraph, the Native people themselves may allocate a portion of the kill to non-Natives through an outfitter.

CHAPTER XIV

REGULATIONS

Regula-
tions.

93. The Government may, in addition to the regulation powers it is granted by this act, make regulations

(a) adding to the exceptions listed in paragraph a of section 18 all equipment the use and possession of which, in its opinion, should be prohibited;

(b) exempting Native persons under the age of sixteen from the obligation to be accompanied by an adult when hunting or fishing;

(c) establishing quotas, sharing them between the Native people and non-Natives and determining the kill limit, for certain species, allocated to non-Natives in accordance with the rules provided for in section 92;

(d) controlling the development activities of non-Natives which prevent the Native people from exercising its right to harvest in Category II lands;

(e) pursuant to negotiations with the Cree Regional Authority and Makivik Corporation, renewing, on its expiration, the right of first refusal contemplated in section 47.

Coming
into force.

All regulations made under this act come into force on the date of their publication in the *Gazette officielle du Québec* or any later date fixed therein.

CHAPTER XV

OFFENCES AND PENALTIES

Use of
prohibited
equipment.

94. Every person using any equipment prohibited in paragraph *a* of section 18 or the regulations is guilty of an offence and liable, in addition to payment of the costs, for a first offence to a fine of not less than \$100 nor more than \$300 or imprisonment for not more than three months, or both penalties together, and, for any subsequent offence within two years, to a fine of not less than \$500 nor more than \$1 000 or imprisonment for not more than six months.

Operation
without a
licence.

95. Every person operating as an outfitter in the Territory without holding the licence required by law is guilty of an offence and liable, in addition to payment of the costs, for a first offence to a fine of \$50 and, for any subsequent offence within two years, to a fine of not less than \$200 nor more than \$400 or imprisonment for not less than 15 days nor more than 30 days.

Right to
harvest
exercised
outside
specific
places.

96. Every person exercising all or part of his right to harvest outside the specific places where he may exercise that right under this act, is guilty of an offence and liable, in addition to payment of the costs, for a first offence to a fine of not less than \$100 nor more than \$300 or imprisonment for not more than three months, or to both penalties together, and, for any subsequent offence within two years, to a fine of not less than \$300 nor more than \$1 000 or imprisonment for not more than six months.

Infringe-
ment and
penalty.

97. Except where otherwise provided in this act, every person who infringes any provision of this act or the regulations is liable to a fine of not more than \$1 000 and costs and, in default of payment, to imprisonment for not more than twelve months or to both penalties together.

Aiding or
abetting.

98. Every person who aids or abets another person to infringe this act or the regulations is a party to such offence and is liable to the same penalties as the person who commits the infringement.

Confisca-
tion.

99. Any judgment prescribing a penalty under this act or the regulations, where game, fish, fur, arms or any other object have or has been seized, may order confiscation thereof.

Disposition
of
property
seized.

The property seized shall be disposed of in the manner determined by regulation of the Government.

CHAPTER XVI

FINAL PROVISIONS

Moneys
required.

100. The moneys required for the purposes of the application of this act and entailing charges for the Gouvernement du Québec shall be taken, for the fiscal year 1978/1979, out of the consolidated revenue fund and, for subsequent fiscal years, out of the moneys voted annually for that purpose by the Legislature.}}

Minister
responsible.

101. The Minister is responsible for the application of this act.

Coming
into force.

102. This act will come into force on the date to be fixed by proclamation of the Government.

SCHEDULE 1

DESCRIPTION OF A BLOCK OF LAND LYING SOME EIGHTY-EIGHT KILOMETRES (88 km) NORTH OF SCHEFFERVILLE, REPRESENTING, INCLUDING ITS LAKES AND WATERCOURSES, FOUR THOUSAND ONE HUNDRED AND FORTY-FOUR SQUARE KILOMETERS (4 144 km²)

That block of land described as follows:

“starting from a point located on the northwest side of Morpain lake at the intersection of that side with meridian 66°35' West; thence northerly along meridian 66°35' for a distance of seventy-one thousand one hundred and seventy metres and eight-tenths (71 178.8 m), that is, approximately to the parallel of latitude 56°20'25" North; thence in a direction approximately North 58°15' West, for a distance of some eighty-eight thousand three hundred and ninety-two metres (88 392.0 m), that is, to a point fixed by the Ministère des richesses naturelles, bearing number 942 and having approximately the coordinates 56°46' North and 67°47'45" West; from that point, in a direction approximately South 11°50' East, for a distance of some forty-six thousand three hundred and twenty-nine metres and six-tenths (46 329.6 m), that is, to another point fixed by the Ministère des richesses naturelles, bearing number 1546 and having approximately the coordinates 56°21'30" North and 67°39' West; thence in the direction South 46°30' East, for a distance of some seven thousand five hundred and eighty-nine metres and five-tenths (7 589.5 m), that is, to the east bank of the Wheeler river; in generally south and southeast directions, along the east and northeast banks of the Wheeler river and Keato lake and the northwest shore of Morpain lake to the starting point”.

In this description, the directions mentioned are by reference to meridian 67°30' West.

SCHEDULE 2

MAMMALS AND FISH EXCLUSIVELY RESERVED FOR THE NATIVE PEOPLE

1. MAMMALS

Weasel	Lynx	Pekan
Beaver	Marmot	Harbour seal
Wolverine (carcajou)	Marten	Porcupine
Ermine	Skunk	Musk-rat
Wolf	Black bear	Fox
Otter	Polar bear	Mink

2. FISH

Suckers	Hyodons (Moon-eye)
Whitefishes (non anadromous)	Hyodons (Golden-eye)
Sturgeon	Burbot

SCHEDULE 3

MAP SHOWING BEAVER RESERVES FOR CREE BENEFICIARIES
AND THE NATIVE PEOPLES NON-SIGNATORIES TO THE AGREE-
MENT, AND ZONES CONTAINING REGISTERED TRAPLINES.

