

## **Chapter 3 -- FORESTRY**

### **GENERAL PROVISIONS**

- 3.1 The Québec forestry regime will apply in the Territory in a manner that allows:
- a) adaptations to better take into account the Cree traditional way of life;
  - b) greater integration of concerns relating to sustainable development;
  - c) participation, in the form of consultation, by the James Bay Crees in the various forest activities operations planning and management processes.
- 3.2 The forestry regime, as adapted, applicable in the Territory will respect the principles set out in the *Forest Act* (R.S.Q., c. F-4.1 as amended by S.Q., 2001, c.6), in the JBNQA, and those set out herein.

### **TERRITORY OF APPLICATION**

- 3.3 The parties agree that the present adapted forestry regime shall apply to the Territory indicated on the map attached as Annex C-1, within the boundaries of the JBNQA Territory.

### **ADAPTATIONS TO AND EVOLUTION OF THE FORESTRY REGIME**

- 3.4 The provisions of this Agreement regarding forestry have, among other things, the objective of establishing an adapted forestry regime which will fix particular rules and procedures applicable to the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Crees and improved conciliation of forest activities with such Cree activities.
- 3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec's forest standards apply in the Territory. Such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.
- 3.6 The forestry regime applicable in the Territory will evolve over the duration of this Agreement taking into account the principles set out herein and the recommendations of the Cree-Québec Forestry Board.

## **MODALITIES OF THE ADAPTED FORESTRY REGIME**

### **3.7 Limits of the territorial reference units and use of ecological data**

- 3.7.1 For the territory referred to in section 3.3 of this Chapter, traplines will be used as a basis for delimiting the territorial reference units (UTR). Given the current configuration of the common areas, however, some traplines may fall into more than one UTR. For the next general management plans which will be configured on the basis of the new management units (by September 1<sup>st</sup>, 2002 at the latest), the UTR boundaries must correspond to the boundaries of one trapline.
- 3.7.2 The Cree Regional Authority will be responsible for specifying the boundaries of Cree traplines within the Territory to a scale of 1:20,000 before April 1<sup>st</sup>, 2002. The trapline boundaries will be identified solely for the purposes of applying the adapted forestry regime including the determination of the UTRs.
- 3.7.3 During the transitional period from April 1<sup>st</sup>, 2002, to the adoption of the next generation of general forest management plans (April 2005), the ministère des Ressources naturelles (MRN) will take appropriate steps to ensure that the relevant data are compiled for each Cree trapline so as to be able to integrate into the annual forest management plans the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of this chapter.
- 3.7.4 The ecological data available for the designation of the biophysical components of those areas will be used as a basis for the technical analysis in order to guide the development of the management strategies to be favoured.

### **3.8 Determination of the new management units**

- 3.8.1 The calculation of the annual allowable cut will be determined on the basis of the new management units which will, in principle, be made of groupings of traplines. These management units will be determined in technical discussions carried out jointly by the Crees and the MRN. The objective is to determine various groupings of three (3) to seven (7) complete traplines, with modulations when necessary.
- 3.8.2 The new management units shall be made of groupings of traplines that are, as far as possible, contiguous and in a single block, allowing for exceptions. In establishing these groupings, the following criteria will also be taken into account:
- a) the host community and/or the kindred relationship of the tallymen and the Cree users of the traplines;
  - b) the key historical and ecological factors;

- c) forest structure factors, to improve the distribution of age categories;
- d) the temporary delimitation proposed as the northern limit.

3.8.3 Some traplines can only be partially included in a management unit because they are situated on the border of the northern limit of the commercial forest and/or are partially within Category I lands. In these cases, a trapline equivalence value will be applied. In order to do so, the basis applicable will be the proportion of the trapline that can be included in the management unit in relation to the total area of the trapline. On this basis, one finds the sum of the fractions of included traplines to determine the equivalence value. Thus, three traplines of which only a third of the area can be included in a management unit will be considered as the equivalent of a single complete trapline for the calculation of the number of traplines in a management unit.

3.8.4 The annual allowable cut will be calculated and revised in a way that incorporates the rules established in this chapter.

3.8.5 In the event that a modification of the northern limit would require a modification of the groupings of traplines which form the new management units as determined jointly by the Crees and the MRN, the parties must proceed jointly to determine new groupings in conformity with the previous provisions, and the other provisions of this chapter shall apply in these territories.

3.8.6 Upon signing the Agreement, a provisional Cree-Québec working team shall be constituted to determine the limits of the new management units.

3.8.7 The provisional Cree-Québec working team shall make a proposal concerning the limits on or before March 31<sup>st</sup>, 2002. The proposal shall be the object of public consultations by the Ministre des Ressources naturelles.

3.8.8 The result of this consultation will be examined by the provisional Cree-Québec working team.

3.8.9 The new management units shall be determined jointly by the provisional Cree-Québec working team before September 1<sup>st</sup>, 2002. The Ministre des Ressources naturelles shall approve the new management units and shall notify the agreement holders in conformity with the *Forest Act*. The final determination of the new management units must be in accordance with the principles and criteria of the present section.

### **3.9 Sites of special interest to the Cree - Identification of sites of interest to the Cree**

3.9.1 Sites of interest will be identified and mapped by the Crees, in cooperation with the ministère des Ressources naturelles. In most cases, the total area of these sites will not exceed 1% of the total area of a trapline included in a management unit.

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

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

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

### **3.10 Sites of special interest to the Cree - Conservation of forested areas presenting wildlife interest for the Cree**

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

3.10.2 The location of these areas of wildlife interest will be under the direct responsibility of the tallyman, in a spirit of cooperation with other stakeholders on the Territory. The boundaries of the areas of special interest may be identified on the basis of data similar to that collected in regard to the "Cree land use and identification" (1986) or on the basis of a new analysis that will identify certain parts of watersheds that are particularly productive or intensively used by the Crees. The surface area of these sites of wildlife interest will in principle cover 25% of the productive forest area of each trapline included in a management unit without exceeding this percentage of 25%.

3.10.3 Within the selected areas, forest management activities will be planned with the priority goal of maintaining and improving a diversity of ecoforest stands, in terms of plant species, age classes and spatial distribution. In the long term, this planning approach should provide a diversity of age classes similar to the structure of a "standard" forest. The current structure of the forests in the Territory is not as diversified and is likely to remain at this level for several decades. With this in mind, it is possible to intervene in order to rejuvenate certain stands while still maintaining productive habitats throughout these areas of particular interest to Cree families.

3.10.4 The following measures will be applied in order to reach a better balance in the mid term:

- a) Only mosaic cutting should be applied in these areas, unless better techniques are developed to protect wildlife habitats.
- b) The terms and conditions set out in Schedule C-2 are applied with the following amendments:
  - i) at least 50% of the productive area with stands over seven (7) meters in height must be left standing, including at least 10% in forests over ninety (90) years old;
  - ii) the location of the residual forest blocks to be preserved is decided by the agreement and contract holders in cooperation with the tallyman;
  - iii) the blocks must be spread over the area in such a way that they are interconnected. Where necessary, breaks in the cover should not be more than thirty (30) meters wide;
  - iv) the residual forest must be left standing for a period long enough to allow the regeneration to reach a minimum average height of seven (7) meters.
- c) The annual rate of harvesting authorized in forested areas presenting wildlife interest to the Cree will be modulated according to the level of prior disturbance in each trapline. In a trapline where the level of disturbance in the last twenty (20) years is less than 15%, new logging activities may be carried out over an annual maximum of 4% of the productive area of the forested areas presenting wildlife interest in the trapline. The annual percentage should be reduced to 3% when the overall level of disturbance is between 15% and 30%, and to 2% when the overall level of disturbance is between 30% and 40%.

### **3.11 Maintaining forest cover in the whole of each trapline**

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

- a) conservation, per trapline, of a minimum of 30% of the productive surface area composed of stands measuring more than seven (7) meters in height;
- b) logging will not be permitted in traplines that have been logged or burnt over more than 40% of their productive surface area in the last twenty (20) years;
- c) carry out mosaic cutting with protection of regeneration and soils (CPRS). The target level would be 75% as of April 1<sup>st</sup>, 2004 (see the definition of mosaic cutting in Schedule C-2);

- d) limit to a maximum of one hundred (100) hectares the size of a single-block cutting area in sectors where cutting with separator strips will be carried out. In addition, 40% of the total logged area must be composed of blocks of less than fifty (50) hectares;
- e) modulate the annual level of authorized timber harvesting in each trapline according to the level of previous disturbances:
  - In the areas subject to a first phase of harvesting, the traplines where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS up to an annual maximum of 8% of the productive forest area. This annual percentage would be reduced to 6% when the disturbed area is between 15% and 30%. It would fall to 4% annually when the level of disturbance is between 30% and 40%.
  - In traplines that were subjected to intensive logging more than twenty (20) years ago, the annual admissible cutting level will be reduced. Thus, traplines where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS over an annual maximum of 5% of their productive areas. This annual percentage would be reduced to 3% when the disturbed area is between 15% and 30%. It would fall to 2% when the level of disturbance is between 30% and 40%;
- f) protect tall regeneration, where the situation allows;
- g) use silvicultural practices that foster the maintenance of diversified habitats, in particular by avoiding the elimination of hardwood trees (see Schedule C-3);
- h) develop a separate forest management approach for mixed stands (see Schedule C-3).

### **3.12 Protection of forests adjacent to watercourses and lakes**

- 3.12.1 A twenty (20) meters wide protective strip on each side of all permanent watercourses and around lakes shall be maintained.
- 3.12.2 In order to address concerns related to the maintaining of a variety of wildlife habitats near major rivers: along rivers more than five (5) meters wide, a forest strip more than two hundred (200) meters wide will be maintained along one of the banks. Whenever possible, cutting areas should be distributed alternatively along the two banks of such rivers. Therefore, only mosaic cuttings can be authorized within the two hundred (200) meters band along the banks of such rivers.
- 3.12.3 To preserve the aesthetic appearance of landscapes along the shore of large lakes with a surface area of more than five square kilometers (5 km<sup>2</sup>), only mosaic cuttings will be allowed in forests that are visible from the shores of the lake, for a distance of one point five kilometer (1.5 km).

### 3.13 Development of the road access network

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

Due consideration shall be given to:

- a) limit the number of road connections between two traplines. In this spirit, road junctions must be planned in such a manner as to form closed circuits that do not permit easy passage to the roads of neighbouring traplines. The construction of winter roads may also be encouraged in areas where limiting connections are desirable;
- b) limit the construction of new direct access routes from forestry roads to permanent watercourses and lakes except for the construction of bridges and culverts;
- c) prior to approval, submit the *Plans régionaux de développement des terres publiques* (PRDTP) to the joint working groups in a sufficient and reasonable time prior to approval for their considerations and comments according to their mandate as defined in the present Agreement.

3.13.2 Prior to the adoption of the first *Plan régional de développement des terres publiques* for the Nord-du-Québec region, the Ministre des Ressources naturelles undertakes to consult the Cree Regional Authority regarding all applications for a private vacation lease situated in the Territory. The Cree Regional Authority shall have a maximum of sixty (60) days from receipt of the application to make its comments to the Ministre des Ressources naturelles.

3.13.3 Moreover, Québec undertakes to promote the holding of a coordination table with various governmental bodies and the Crees in order to identify and circumscribe issues concerning access to the Territory. The coordination table will report to the Standing Liaison Committee established in Chapter 11 of the Agreement prior to April 1<sup>st</sup>, 2003.

### IMPLEMENTATION MECHANISMS

3.14 Two (2) levels of intervention are provided for: a) the Cree-Québec Forestry Board; and b) the joint working groups.

**CREE-QUÉBEC FORESTRY BOARD**

- 3.15 The parties agree to the creation of the Cree-Québec Forestry Board with the purpose of permitting a close consultation of the Crees during the different steps of planning and managing forest management activities in order to implement the adapted forestry regime.
- 3.16 The Cree Regional Authority and Québec shall each appoint five (5) members to the Cree-Québec Forestry Board. In addition, a Chairperson shall be appointed to the Cree-Québec Forestry Board by le Gouvernement du Québec upon recommendation of the Ministre des Ressources naturelles.
- 3.17 Before recommending to le Gouvernement du Québec a person to be appointed as Chairperson of the Cree-Québec Forestry Board, the Ministre des Ressources naturelles must consult with the Cree Regional Authority on possible candidates in order to reach a joint recommendation.
- 3.18 Failing a joint recommendation by the Ministre des Ressources naturelles and the Cree Regional Authority on a candidate for Chairperson of the Cree-Québec Forestry Board, the Ministre:
- a) must submit a candidate to the Cree Regional Authority which will have a delay of thirty (30) days to accept or refuse to agree to the appointment;
  - b) in case of refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister must submit another candidate to the Cree Regional Authority which will again have a delay of thirty (30) days to accept or to refuse to agree to the appointment;
  - c) in case of a second refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister must submit another candidate to the Cree Regional Authority which will again have another delay of thirty (30) days to accept of refuse to agree to the appointment;
  - d) in case of a third refusal by the Cree Regional Authority, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the minister may either continue submitting other candidates to the Cree Regional Authority, though not obliged to do so, or recommend another candidate to le Gouvernement du Québec for appointment as Chairperson of the Cree-Québec Forestry Board.
- 3.19 Unless the Cree Regional Authority and Québec agree otherwise, the Chairperson of the Cree-Québec Forestry Board may not be employed by le Gouvernement du Québec or a Crown corporation and cannot have a financial interest in, or be an employee of, any forestry enterprise having interests in the Territory.

- 3.20 The members appointed by the Cree Regional Authority and Québec shall be appointed and replaced from time to time at the discretion of the respective appointing party. The Chairperson shall however be appointed for a fixed term not exceeding three (3) years. The term of the Chairperson is not renewable unless the Cree Regional Authority and Québec agree otherwise. At the end of his mandate of three (3) years, the Chairperson shall remain in office until the appointment of his successor, who shall be appointed within twelve (12) months from the end of his mandate.
- 3.21 The Vice-Chairperson of the Cree-Québec Forestry Board shall be appointed by the members of that Board from among those members appointed by the Cree Regional Authority.
- 3.22 The Chairperson, or any member designated by him in his absence, presides over the meetings.
- 3.23 Quorum at meetings of the Cree-Québec Forestry Board shall be a majority of its members insofar as at least three (3) members appointed by the Cree Regional Authority and three (3) members appointed by Québec are present.
- 3.24 A member of the Cree-Québec Forestry Board may, upon his appointment, execute a written proxy in the form provided by the Cree-Québec Forestry Board in favour of the other members, including their replacements, appointed by the party that appointed the member executing the proxy. The holder of such a proxy has the right to vote and otherwise act in the place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that member holding the proxy is entitled to exercise in his own right.
- 3.25 The members appointed by the Cree Regional Authority may be accompanied at meetings of the Cree-Québec Forestry Board by up to two (2) technical advisors who will have the right to address the Cree-Québec Forestry Board and participate in its deliberations but who will not have the right to vote. The members appointed by Québec may also be accompanied by up to two (2) technical advisors under the same conditions.
- 3.26 All decisions at the Cree-Québec Forestry Board shall be made by a majority of the votes cast. Dissents by Board members shall be recorded and reported.
- 3.27 The Cree-Québec Forestry Board shall meet at least six (6) times each year unless its members decide otherwise. Such meetings will be held regularly in the Territory. The Board may hold its meetings elsewhere in Québec if necessary.
- 3.28 A secretariat is hereby created for the needs of the Cree-Québec Forestry Board. The secretariat is located in Waswanipi. The Ministre des Ressources naturelles shall make available to the secretariat all relevant and available information required for the adequate execution of its mandate and operations.

- 3.29 The Cree-Québec Forestry Board may establish and adopt by-laws regulating its own internal operations, including notice and place of its meetings and other matters relating to the administration of the Cree-Québec Forestry Board. Such by-laws must be in conformity with the provisions of this Chapter and will be subject to the approval of a majority of members appointed by the Cree Regional Authority and a majority of members appointed by Québec.
- 3.30 The Cree-Québec Forestry Board shall have the following main responsibilities:
- a) to monitor, analyse and assess the implementation of the forestry provisions of this Agreement which contemplate an adapted forestry regime for the Territory;
  - b) to recommend to the parties, as the case may be, adjustments or modifications to the forestry provisions of this Agreement;
  - c) to bring to the attention of the Ministre des Ressources naturelles proposals, preoccupations and comments related to laws, regulations, policies, programs, management guides and field guides related to forestry as well as guidelines, directives or instructions related to the preparation of all forest management plans;
  - d) to review the implementation mechanisms for the joint working groups regarding the elaboration, the consultations, and the monitoring of all forest management plans applicable in the Territory;
  - e) to be involved in the different planning processes of forest management activities in the Territory and to participate in the different stages of the management of forest activities, in particular those connected to the review of the general forest management plans prior to their approval as well as in regard to proposed modifications to those plans. The Board will have one hundred twenty (120) days from the receipt of the general plans and ninety (90) days from the receipt of the modifications to make comments to the Ministre des Ressources naturelles prior to the approval of the plans or modification thereto; the Ministre des Ressources naturelles may extend these timeframes if he considers it appropriate;
  - f) to study the annual forest management plans after their approval, which plans shall be sent to the Cree-Québec Forestry Board on demand in order that it may make known to the Ministre des Ressources naturelles, as the case may be, proposals, concerns and comments regarding these plans, and particularly in regard to systemic issues concerning these plans or the process of their elaboration or approval;
  - g) any other responsibilities in regard to forestry which may be assigned to it from time to time jointly by the parties.

- 3.31 The Ministre des Ressources naturelles shall consider the comments and views of the Cree-Québec Forestry Board and shall provide information about his position or, as the case may be, about the main reasons justifying his decision.
- 3.32 The Cree-Québec Forestry Board must produce and submit to the parties an annual report.

#### **JOINT WORKING GROUPS**

- 3.33 Joint working groups at the community level are hereby established in each Cree community.
- 3.34 After the signature of the Agreement, a joint working group composed of four members will be established for each Cree community affected by forest management activities.
- 3.35 Two members of the joint working group shall be appointed by each Cree community according to the method of selection of its choice. Two members of the joint working group shall be appointed by the Ministre des Ressources naturelles.
- 3.36 The Cree members and the Québec members shall be appointed and replaced from time to time at the discretion of the respective party.
- 3.37 Each joint working group may adopt any internal operating rule that is consistent with its mandate.
- 3.38 If the parties so agree, the number of members of the joint working groups may be modified to take into account the particular circumstances of each community.
- 3.39 Each party shall identify one representative who shall be responsible for ensuring the smooth progress of the work.
- 3.40 In all cases in which the joint working groups make recommendations, they may be unanimous or not. In the latter case, the respective positions of the members of the joint working groups shall be sent to the Ministre des Ressources naturelles and to the Cree-Québec Forestry Board.
- 3.41 The joint working groups have the following mandate:
- a) to integrate and implement the specific rules agreed upon in this Chapter;
  - b) when required, to elaborate harmonization measures flowing from the technical provisions of this Chapter;
  - c) to ensure that each party places all relevant and available forestry-related information at the disposal of the other party;
  - d) to review conflictual uses in order to find acceptable solutions;
  - e) to discuss any technical issues, including the acquisition of knowledge considered necessary by the joint working group;

- f) to ensure the implementation of the processes relating to the preparation, consultation and monitoring of the forest management plans;
  - g) to adopt internal operating rules.
- 3.42 In all cases in which the Ministre des Ressources naturelles receives recommendations from the joint working groups, he must take into consideration the recommendations of the joint working groups, of their members and of the conciliator appointed pursuant to Schedule C-4, he must explain his position and must inform the joint working groups of his reasons for not accepting the recommendations or corrections sought, as the case may be.
- 3.43 The ministère des Ressources naturelles shall provide the Cree members of the joint working groups with the necessary and available ecological and forestry information as well as the data from the forest inventory (including data in digital format) and computer programs developed by and for the ministère des Ressources naturelles (for example, Sylva II) so as to allow them to perform their activities and mandates. This includes, among others, ecoforestry maps, silvicultural and ecological guides as well as the standards established by the ministère des Ressources naturelles in respect to forest management activities.
- 3.44 Each joint working group shall identify the relevant documents that shall be drafted and provided in terms and language understood by the Crees and the Cree communities. It is understood that, at the very least, the Cree section of the general forest management plans shall be entirely translated into English by the ministère des Ressources naturelles. Moreover, summaries of plans and documents deemed to be important by each joint working group shall be provided by the ministère des Ressources naturelles in English. To this end, the parties will agree during the implementation of the present adapted forestry regime on lists of documents that are deemed important and of summaries to be provided in English.
- 3.45 The joint working groups shall make the information they have available to the Cree tallymen as well as agreement holders for use in the process of elaboration, consultation and monitoring of forest management plans.
- 3.46 If so required by the Cree tallyman, the joint working groups shall take all necessary measures to protect the confidentiality of the information derived from Cree traditional expertise and may, at their discretion, establish a system of identification and protection of such information.
- 3.47 The stages of the elaboration, consultation and monitoring of forest management plans are described in Schedule C-4.

## **FUNDING**

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

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

- 3.49 The remuneration and the expenses of the Chairperson of the Cree-Québec Forestry Board shall be assumed by Québec.
- 3.50 Each party shall assume the costs of the members of the joint working groups that they appoint.
- 3.51 For the period starting at the signing of the Agreement until March 31<sup>st</sup> 2003, Québec shall assume the administrative and secretarial costs of the Cree-Québec Forestry Board and the joint working groups for a total amount of two million dollars (\$2,000,000).
- 3.52 Thereafter, each party shall assume half the costs of the Cree-Québec Forestry Board and the joint working groups, being understood that the costs are presently estimated at a total of one million dollars (\$1,000,000) per Financial Year.
- 3.53 Québec shall assume the reasonable costs of providing the tools and the relevant and available information for the purposes of the application of the adapted forestry regime.

#### **EFFECT OF THE ADAPTED FORESTRY REGIME**

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

#### **ACCESS TO FOREST RESOURCES**

- 3.55 Québec shall make available to the Cree Enterprises, five (5) years after the signature of this Agreement at the latest, an annual volume of three hundred fifty thousand (350,000) cubic meters of timber volume within the limits of the commercial forest situated in the Territory, south of the provisional northern limit in effect at the time of the signature of the Agreement.
- 3.56 This timber volume shall be allocated primarily by means of forest management agreements under the provisions of the *Forest Act*.
- 3.57 This timber volume shall be in addition to any forestry management operations on Cree Category IA and IB lands and in addition to the wood allocated to Nabakatuk Forest Products Inc. on the date of the signature of the present Agreement.
- 3.58 The distribution of these allocations will be determined by the Cree Regional Authority which will advise the Ministre des Ressources naturelles thereof.

- 3.59 Québec undertakes to respect the following schedule for the allocation of this volume of timber:
- a) during the course of the 2002 calendar year, Québec will make available to Cree Enterprises a minimum annual volume of seventy thousand (70,000) cubic meters. This minimum volume will continue to apply during the course of the 2003 calendar year;
  - b) by June 30<sup>th</sup>, 2004: Québec will make available to Cree Enterprises an additional minimum annual volume of fifty five thousand (55,000) cubic meters; for a total annual minimum volume of one hundred twenty five thousand (125,000) cubic meters. This minimum annual volume of one hundred twenty five thousand (125,000) cubic meters will continue to apply during the course of 2004 and 2005 calendar years;
  - c) during the course of the 2006 calendar year: Québec will make available to Cree Enterprises an additional annual volume which allows to reach the minimum annual volume of three hundred fifty thousand (350,000) cubic meters.

These minimum annual volumes are guaranteed.

## **EMPLOYMENT AND CONTRACTS**

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

## **MUSKUCHII TERRITORY**

- 3.61 Considering the importance of the Muskuchii territory as expressed by the Crees, the boundaries of which appear in Schedule C-5, the Ministre des Ressources naturelles undertakes not to issue any annual management permits for the construction of forestry roads and harvesting of timber during the six month period following the signature of the present Agreement.

- 3.62 During this period, the Ministre des Ressources naturelles undertakes to evaluate the advisability of recognizing an exceptional forest ecosystem (EFE) within the territory of Muskuchii. Furthermore, the Crees will take steps with other departments and agencies of the Gouvernement du Québec with a view to ensuring a special status for Muskuchii and the application of other necessary measures.

### **FIREWOOD**

- 3.63 In order to respond to the needs of the Cree trappers for firewood, non-Aboriginal holders of permits delivered in virtue of the *Forest Act* shall not harvest firewood within an area of seventy-five (75) hectares surrounding each permanent Cree camp. It is understood that this measure shall apply outside of the area identified around each permanent camp as a site of special interest for the Crees.
- 3.64 In cases where there is no firewood available near the camp, firewood cutting areas covering seventy-five (75) hectares will be set aside and the ministère des Ressources naturelles will not deliver any firewood harvesting permits to non-Aboriginals within such areas.

### **AGREEMENTS WITH FORESTRY ENTERPRISES**

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

### **CONFLICT AND INCOMPATIBILITY**

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

### **SCHEDULE**

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