

## **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**

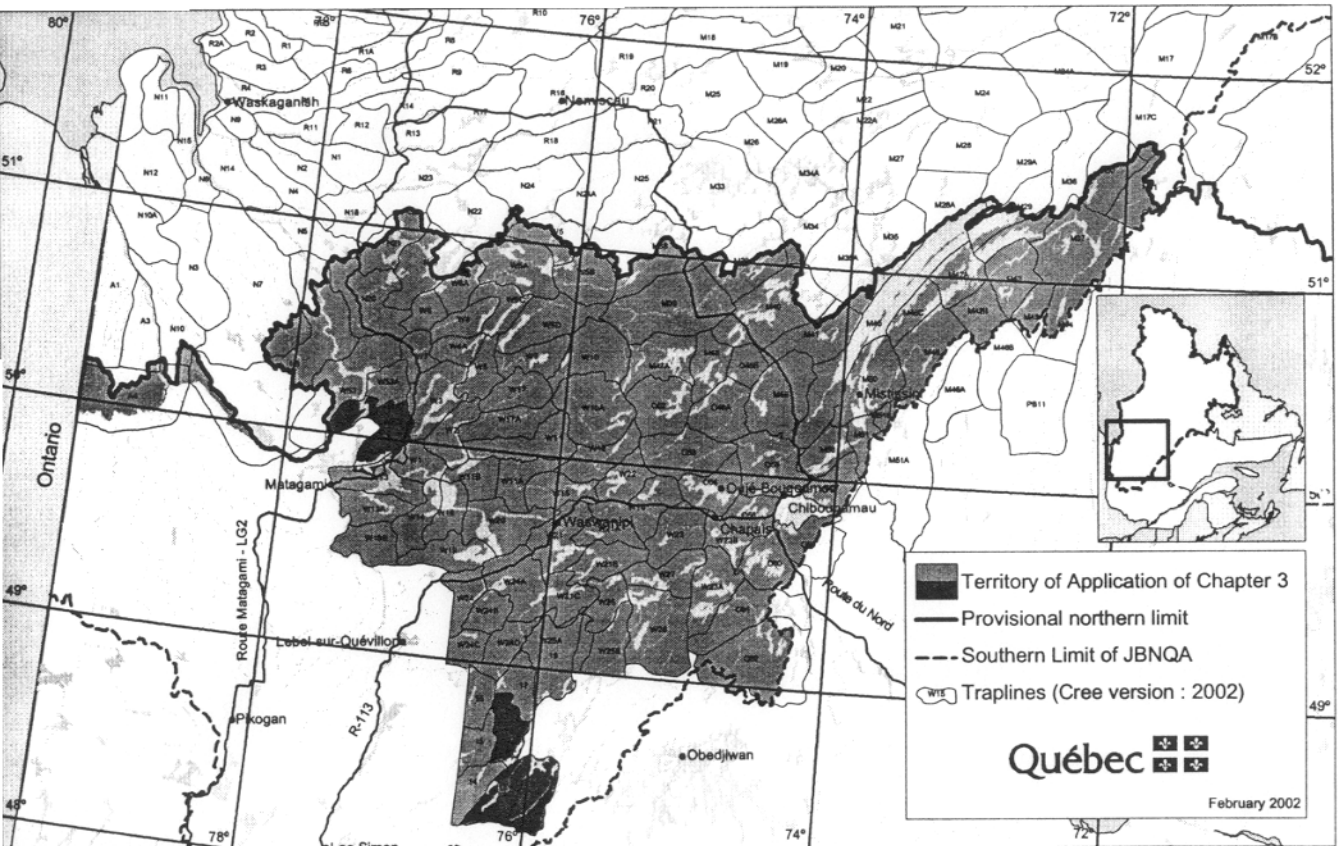
- 3.66 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Forest Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary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

**SCHEDULE C**  
**FORESTRY**

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



■ \* Shaded areas (most dark) are subject to discussions between aboriginal parties affected, if any.



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

### **A) Definition**

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

### **B) Evaluation criteria**

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

- a) For each logging sector identified in an annual forest management plan (AFMP), the residual stands to be preserved and those to be cut will be shown clearly on maps;
- b) In the first phase, logging priority will be given to the most mature stands, in order to minimize timber losses;
- c) The harvested areas will vary in size. At least 20% of the blocks must be less than fifty (50) hectares and at least 70% must be less than one hundred (100) hectares. No more than 30% of the blocks may be larger than one hundred (100) hectares, and no block may exceed one hundred and fifty (150) hectares;
- d) The residual stands to be preserved must be located in priority in mixed forests, as they are relatively rare and play an important role as wildlife habitats;
- e) The forest to be preserved between two cutting areas must be at least equal in size to the area of the stand harvested (this equivalency may also be calculated for a set of stands located within an annual harvesting sector);
- f) The residual forest will be composed of productive forest stands more than seven (7) meters high (this will include many remaining stands of twelve (12) meters high, in light of the present composition of the standing forest);
- g) The residual forest between two cutting areas must be at least two hundred (200) meters wide (long strips of unvarying width must be avoided);
- h) The residual forest must be left standing for a period long enough to allow the new growth to achieve the required level of development (minimum three (3) meters).

### **Part III (C-3) - MAINTAINING OF A FOREST COVER IN THE WHOLE OF EACH TRAPLINE**

#### **A) Hardwood Component**

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

- Preserve a certain number of small fruit trees such as sorb and cherry trees;
- Preserve hardwood trees in open spaces where there are no coniferous trees;
- Provide for operations to be spread over two phases, two or three years apart, in sectors where large regenerated areas will be the object of such work;
- On certain rich sites conducive to good hardwood growth, promote the maintaining of enough hardwood trees to ensure the development of mixed forests.

#### **B) Protection of Pre-established Regeneration**

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

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

- Adopt appropriate logging techniques (such as multifunctional cutting heads) that leave the best regenerating trees intact.
- Select appropriate hauling equipment to limit damage to the new growth.
- Survey the new growth before logging, in order to identify the stands that have tall under-storey regeneration.

#### **C) Mixed Forest Stands Management Strategy**

Given the importance of mixed stands as wildlife habitats and their rarity in the Territory, it is necessary to develop a distinct management approach for these stands. The approach will take the form of a management guide applicable specifically to the mixed forests at the scale of all the traplines of a Cree community. It will be elaborated by the ministère des Ressources naturelles in cooperation with the Cree-Québec Forestry Board. The wildlife and forest-related management objectives will be described, as will the operational methods required to maintain and renew these stands (logging techniques, features of the stands to be preserved, etc).

## **PART IV (C-4) - ELABORATION, CONSULTATION AND MONITORING OF FOREST MANAGEMENT PLANS**

### **1. OBJECTIVES**

1. Without restricting the generality of the provisions of the present Agreement, the creation of joint working groups in the concerned Cree communities has, amongst others, the following objectives:
  - to ensure the real and significant participation of the Crees in the planning of forest management activities in the Territory in keeping with the principles established in the Agreement;
  - to ensure that forest management takes into account the protection of wildlife habitats, and;
  - to resolve disputes between users in regard to forestry as they arise.

### **2. GENERAL FOREST MANAGEMENT PLAN**

#### **2.1 Determination of the forest protection and development objectives**

2. In taking steps to clarify the forest protection and forest development objectives, the Ministre des Ressources naturelles shall receive the proposals emanating from the concerned joint working groups. The Ministre shall consult the Cree-Québec Forestry Board concerning the objectives to be pursued and shall then forward to the agreement holders those elements to be taken into account during the preparation of the forest management plans.
3. The clarification of the protection and development objectives that the Ministre may provide to the holders of timber supply and forest management agreements (TSFMA) and forest management agreements (FMA) (hereinafter the “agreement holders”) shall not have the effect of restricting the provisions of the Agreement.

#### **2.2 Preparation of general forest management plans**

4. The planning process shall be implemented according to the measures provided for in the adapted forestry regime.
5. The general forest management plan shall include a Cree section, which will identify the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees and information concerning harmonization measures. This section is established taking into consideration the general principles set forth in the Agreement, the use of the territory by the Crees and their concerns about the realisation of the planned forest management activities.

6. Each joint working group shall determine the content of working maps at the scale of its choice, according to the needs of each community for use in the exercise related to the location of sites of special interest to the Crees. After agreement, the maps will be prepared by the Crees or by the ministère des Ressources naturelles according to the choice of each joint working group.
7. The Cree tallyman will identify the location of sites of special interest to the Crees. The joint working groups shall assist him for this purpose using any means they deem appropriate, including field visits.
8. The Cree tallyman will also identify the location of forested areas presenting wildlife interest for the Cree, in a spirit of cooperation with other stakeholders in the Territory. The joint working groups shall assist the Cree tallyman during this cooperative effort using the means they deem appropriate.
9. The joint working groups shall ensure the availability of the location of sites of special interest to the Crees and forested areas presenting wildlife interest for the Crees as identified by the Cree tallyman and the consistency of the selected measures with those agreed to in the section entitled "Measures of the adapted forestry regime" of Chapter 3 of the Agreement. For the general plans following the signing of the Agreement, the time limit for submission shall be September 2003.
10. In the absence of a Cree tallyman or of a Cree user designated by him and capable of identifying the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees, another Cree representative may be designated according to the method chosen by the community.
11. In the case of disputes concerning the location of the forested areas of wildlife interest for the Crees, the Ministre shall favour the location indicated by the Cree tallyman.
12. Once this exercise is completed, the ministère des Ressources naturelles notifies the holders of TSFMA and FMA of the location of sites of special interest and the forested areas presenting wildlife interest indicated by the Cree tallyman or the Cree users. The agreement holders then undertake the preparation of their general forest management plan accordingly.
13. From that time, and during the entire process of preparing the general forest management plans, the agreement holders and the Cree tallyman shall cooperate regarding the choice of location of residual forest blocks to be conserved in the areas of Cree wildlife interest, regarding road network development plans and regarding harmonization measures to prevent conflictual uses. Amongst other things, the exercise is aimed at allowing the Crees to transmit Cree knowledge that will permit the identification of all their concerns other than the locations of sites of special interest and the forested areas presenting wildlife interest already provided, or any other information relative to those elements composing the Cree section of the general forest management plans.
14. If the Crees so require, the joint working groups or certain members thereof shall assist them in this cooperative effort.

15. The joint working groups of each community shall follow the progress of the elaboration of the general forest management plans and shall ensure the integration of the measures provided in the section entitled “Modalities of the adapted forestry regime” of Chapter 3 of the Agreement.
16. The joint working groups shall provide the necessary support for the resolution of conflicts between the activities of the Crees and forest management activities. These conflicts may be raised as much by the community councils, Cree users, and Cree tallymen as by agreement holders. The joint working group shall encourage direct dialogue between the parties concerned so as to favour the harmonization of land use. To achieve this, the joint working group may, for example, initiate meetings and provide the information necessary for the resolution of the conflict. If need be, the joint working groups may act in the role of mediator between the parties. Moreover, they shall document and examine these disputes and find solutions that are acceptable to the parties.
17. If the conflict persists, the concerned groups will present a statement of the situation to the Ministre together with their recommendations. The Ministre shall appoint a conciliator. The conciliator shall be the chairman of the Cree-Québec Forestry Board or a person that is independent of the parties and of agreement holders operating in the Territory, whom will be chosen from a list prepared in advance by the Cree-Québec Forestry Board.
18. The conciliator shall examine the dispute, shall hear the parties and shall present his recommendations to the parties and to the Ministre. If one or both of the parties refuse to follow the recommendations proposed by the conciliator, the Ministre shall decide on the measures to apply and shall inform the parties of his decisions and the reasons therefor. The Ministre shall send a copy of his decision to the concerned joint working groups and to the Cree-Québec Forestry Board.
19. The ministère des Ressources naturelles shall provide, upon request, the data and the basis of calculation of the allowable cut (annual allowable cut) for each management unit to the responsible person designated by the Crees. The latter may make recommendations of which he will inform the joint working groups and the Cree-Québec Forestry Board.
20. If the disputes concern the calculation of the annual allowable cut, the Ministre shall retain an independent specialist to make recommendations. The Cree-Québec Forestry Board may propose a list of specialists to the Ministre. In the event that the Ministre does not select one of the specialists proposed by the Cree-Québec Forestry Board, he shall inform the Board of the reasons for his decision.
21. The agreement holders then prepare the five-year program so as to reflect all of the objectives pursued, the information provided concerning sites of interest and forested areas of wildlife interest for the Crees, the measures taken following the cooperative process and conciliation, if any, and the measures provided for in the Agreement.

### **2.3 Approval Procedure for the General Forest Management Plans**

22. Following the submission of the general forest management plans, the ministère des Ressources naturelles shall first proceed to examine the admissibility and conformity of the plans. The ministère des Ressources naturelles shall verify, among other things, that the general plans include the information provided by the Crees concerning the sites of interest for the Crees and the forested areas of wildlife interest for the Crees. It shall also verify that the planned forest management activities respect the provisions of the Agreement.
23. Plans judged not in conformity shall be returned to the agreement holders and the Ministre shall forward to the Cree-Québec Forestry Board and to the joint working groups the letter stating the reasons for which the plans are judged not in conformity.
24. Plans that are judged to be in conformity as well as the results of the examination of the admissibility and conformity shall be sent to the joint working groups of each community as well as to the Cree-Québec Forestry Board which will treat the plans in conformity with its mandate.
25. The joint working groups shall comment on the results of the examination and proceed to such further verifications as are necessary. Within thirty (30) days of the receipt of the plans, the joint working groups shall forward to the Ministre and to the Cree-Québec Forestry Board their recommendations regarding the conformity of the plans submitted and shall ask for any necessary corrections.
26. The joint working groups may at this stage assist the Crees of the concerned communities to participate in the consultations, if the council of each Cree community so chooses, within the framework of the information and public consultation process.
27. After having proceeded to make changes, as the case may be, the Ministre shall proceed to the final approval of the general forest management plans.

### **2.4 Modifications**

28. Modifications of the general forest management plans are subject to the same process of preparation and approval as previously described.

## **3. ANNUAL FOREST MANAGEMENT PLAN (AFMP)**

### **3.1 Preparation of the annual forest management plan**

29. The joint working groups shall ensure the participation of the Crees in the elaboration of the annual forest management plans. Moreover, they will ensure the availability of information, notably the precise location of the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees. Once this information has been validated, it is sent to the agreement holders before September 1<sup>st</sup> of the year preceding the implementation of the annual plan.

30. Thereafter and during the entire process of preparation of the annual forest management plans, the agreement holders and the Cree tallyman will concert their efforts so as to prevent conflictual uses and with the goal of establishing harmonization measures. Amongst other things, the exercise is aimed at allowing the Crees to transmit Cree knowledge that will identify their concerns other than the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees already provided and any other information relative to those elements composing the Cree section of the general forest management plans implemented in the annual forest management plan.
31. The joint working groups shall provide the necessary support for the resolution of land use conflicts between the activities of the Crees and forest management activities. These conflicts may be raised as much by the community councils, Cree users, and Cree tallymen as by agreement holders. The joint working group shall encourage direct dialogue between the parties concerned so as to favour the harmonization of land use. To achieve this, the joint working group may, for example, initiate meetings and provide the information necessary for the resolution of the conflict. If need be, the joint working groups may act in the role of mediator between the parties. Moreover, they shall document and examine these disputes and find solutions that are acceptable to the parties.
32. If the conflict persists, the concerned groups will present a statement of the situation to the Ministre together with their recommendations. The Ministre shall appoint a conciliator. The conciliator shall be the chairman of the Cree-Québec Forestry Board or a person that is independent of the parties and of agreement holders operating in the Territory, whom will be chosen from a list prepared in advance by the Cree-Québec Forestry Board.
33. The conciliator shall examine the dispute, shall hear the parties and shall present his recommendations to the parties and to the Ministre. If one or both of the parties refuse to follow the recommendations proposed by the conciliator, the Ministre shall decide on the measures to apply and shall inform the parties of his decisions and the reasons therefor. The Ministre shall send a copy of his decision to the concerned joint working groups and to the Cree-Québec Forestry Board.
34. The result of the conciliation shall not have the effect of modifying the results of the process of elaboration and approval of the general forest management plans and notably the information provided by the Cree tallyman concerning the sites of interest to the Crees and the forested areas presenting wildlife interests for the Crees.

### **3.2 Approval of the annual forest management plans**

35. Upon receipt of the plans, the ministère des Ressources naturelles proceeds to the evaluation of the admissibility and conformity of the annual forest management plan with the general forest management plan and with the measures provided for in the section entitled “Modalities of the adapted forestry regime” of chapter 3 of the Agreement.
36. Plans judged to be not in conformity are returned to the agreement holders. The Ministre shall so advise the Cree-Québec Forestry Board and the joint working groups.

37. Plans judged to be in conformity are forwarded to the joint working groups of each community and a notice is sent to the Cree-Québec Forestry Board.
38. The joint working groups shall ensure the conformity of the annual forest management plan with the Cree section of the general forest management plan. The joint working groups also proceed to the additional verifications they deem appropriate. The joint working groups shall also verify if contentious situations persist, shall document and examine them, shall ensure that there are discussions on the issue and shall find solutions acceptable to the parties.
39. In the event that the annual forest management plans are judged to be not in conformity, the joint working groups shall inform the Ministre and shall make appropriate recommendations within thirty (30) days of receipt of the plans by the joint working groups. The Ministre shall re-evaluate the admissibility and conformity of the annual forest management plan.
40. The joint working groups or certain of their members may seize the Cree-Québec Forestry Board of any dispute, problem or concern relative to an annual forest management plan and the Board shall treat the matter in conformity with its mandate. The Cree-Québec Forestry Board may obtain from the ministère des Ressources naturelles, by means of a specific request, a copy of any annual forest management plan or modification.
41. After having proceeded to make changes, as the case may be, the Ministre shall proceed to the final approval of the annual forest management plans, and send a notice to the Cree party to the joint working group and to the Cree-Québec Forestry Board as well as a copy of the modifications to the joint working group.

### **3.3 Modifications of annual forest management plans**

42. Modifications of the annual forest management plans that require a modification of the forest management activities provided for in the plans (changes in field activities) are subject to the same process of preparation and approval as that previously described.

## **4. MONITORING OF PLANS**

### **4.1 Annual monitoring of the forest management activities**

43. The annual monitoring of the forest management activities is aimed at ensuring the respect of the management strategies described in the general forest management plan and the activities forecast in the annual forest management plan. The forestry monitoring extends to the volumes of wood harvested, the silvicultural treatments undertaken and the application of the standards of forestry management.



44. In the Territory, particular attention shall be given to monitoring the application of the standards described in the present Agreement as well as the other measures that are set out in the forest management plans, particularly the measures of the Cree section of the general forest management plans.
45. When they deem it necessary, the joint working groups shall be involved in the process of establishing the program of the annual verification of forest management activities undertaken by the ministère des Ressources naturelles. The program includes notably the list of works that will be verified as well as the sampling techniques that will be used.
46. The involvement of the joint working groups can take place at the stage of elaborating the annual program or upon receipt of a proposed program from the ministère des Ressources naturelles. In the latter case, the joint working groups may propose modifications to the annual program. The joint working groups make the necessary recommendations in both cases.
47. In the event that the Ministre refuses to integrate these recommendations into the annual verification program, he shall explain his position and shall inform the joint working groups or their members of the reasons for not accepting their recommendations.
48. The results of the forest management verification shall be provided to the joint working groups in the form of periodic progress reports on the work and in the form of annual statements of the forestry management monitoring, which are prepared by the ministère des Ressources naturelles. The joint working groups shall first decide on the method of presenting this annual statement.
49. To allow members of the joint working groups to familiarize themselves with various forest management activities undertaken as well as the methods of verification applied, joint visits of on-site verification operations in Cree traplines shall take place during the season at a frequency to be determined by the joint working groups.
50. Moreover, the annual reports on the forest management activities prepared by the agreement holders shall be filed with the joint working groups.
51. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre regarding any issue connected to the monitoring of forest management activities or such activities. The Cree-Québec Forestry Board may obtain copies of documents produced within the framework of the annual monitoring of forest management activities upon request.

## 4.2 Review of the State of the Forest

52. Each year, the agreement holders perform evaluations to assess the current state of the forest. For example, inventories are undertaken at silvicultural sites ten (10) years after planting. These inventories permit an evaluation of whether the works performed are likely to produce the expected results as set out in the general forest management plans (validation of the basis of calculation set out in the general forest management plan). These inventories also make it possible to evaluate the evolution of the natural regeneration of the forests following forest management activities.
53. At present, these reviews of the state of the forest are described in the *Manuel d'aménagement forestier* published in 1998 and constitute an obligation for the agreement holders. The ministère des Ressources naturelles shall verify the information that is collected by the agreement holders using a sampling process (e.g. verification of 10% of the parcels performed by the agreement holders).
54. To ensure that the sampling also reflects Cree concerns, the joint working groups shall be involved in the process of establishing the program of validation of information concerning the state of the forest. The program includes, among other things, the list of works that will be verified as well as the sampling techniques that will be used.
55. The joint working groups shall inform the Cree-Québec Forestry Board of proposals of sampling methods regarding the protection of wildlife habitats.
56. The involvement of the joint working groups shall take place at the stage of elaborating the annual program or upon receipt of a proposed program from the ministère des Ressources naturelles. In the latter case, the joint working groups may propose modifications to the program. The joint working groups shall make the necessary recommendations in both cases.
57. The results of the forest management verification shall be provided to the joint working groups and the Cree-Québec Forestry Board.
58. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre regarding any issue concerning the current state of the forest.
59. Within the framework of the reviews of the state of the forest, the Cree-Québec Forestry Board shall elaborate draft directives aimed at introducing into the forest management planning process strategies that can take into account the protection and development of wildlife habitats. These draft directives shall be transmitted to the Ministre before January 2003. If need be, the Ministre will proceed in concert with the other governmental entities concerned.
60. Directives guiding the elaboration of such management strategies will thereafter be introduced into the Cree section of the general forest management plan. These directives will be the subject of recommendations by the Cree-Québec Forestry Board. This process shall be finalized before January 2004.

### **4.3 Five-year report**

61. Every five (5) years, the ministère des Ressources naturelles will provide the members of the joint working groups a report concerning the verification and monitoring of the application of the standards and measures provided in the Agreement for each Cree trapline. This report will also contain a description of the state of regeneration for each management unit. The first report will cover the period ending on March 31<sup>st</sup>, 2005.

### **4.4 Monitoring of the general forest management plans, the annual forest management plans and the standards of the present adapted forestry regime**

62. When the joint working groups find forestry operations that are not in conformity with the approved general forest management plans or annual management plans or with the other standards of the present adapted forestry regime, that the regeneration is inadequate, or any other problem resulting from forest management activities, they shall immediately inform the Cree-Québec Forestry Board and the Ministre des Ressources naturelles, and will make recommendations regarding measures to be taken.

## **5. TRANSITIONAL MEASURES**

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

### **5.1 Annual forest management plan 2002-2003**

64. According to the annual forestry management plans filed on or around December 1<sup>st</sup>, 2001, the Cree traplines that are affected by forest management activities during the 2002-2003 year are listed. The list is provided to the Crees as soon as possible after the signature of the Agreement.
65. Upon the signature of the present Agreement, the ministère des Ressources naturelles will prepare compilations for the entirety of each Cree trapline in which cutting is projected, in order to:
- i. ensure the conservation of stands measuring more than seven (7) meters in height in a minimum of 30% of the productive area;

- ii. to evaluate the percentage of the productive area that has been subject to fires or CPRS during the last nineteen (19) years, so as to:
    - a) respect the annual standard of 40% maximum per twenty (20) year period as defined in Section 3.11.1-b of the Agreement;
    - b) establish the annual admissible cutting level in accordance with the maxima provided for in the Agreement.
66. After that, the ministère des Ressources naturelles forwards to the agreement holders concerned the results of the analyses provided for in the previous paragraph, indicating to them to revise their plans so as to:
- i) correct, if need be, the total projected cutting area to bring it into conformity with the allowable annual maximum;
  - ii) revise the surface area of the cutting blocks with buffer strips according to the standard provided for in section 3.11 of Chapter 3 of the Agreement;
  - iii) apply section 3.12 of Chapter 3 of the Agreement by using only mosaic cutting near watercourses of a width of five (5) meters or more and lakes of an area greater than five (5) km<sup>2</sup>;
  - iv) apply the measures provided for in section 3.13 of Chapter 3 of the Agreement to new roads crossing the boundaries of traplines.
67. In regard to the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees, the parties to the present Agreement shall make such efforts as are necessary, whether or not the joint working groups are constituted, to ensure the application of provisions relating to the sites of special interest to the Crees and the forested areas presenting wildlife interest for the Crees in the forestry sectors that are the object of annual planning for 2002-2003 in the manner described hereinafter.
68. So that the Crees may begin the work related to the measures provided for in sections 3.9 and 3.10 of Chapter 3 of the Agreement, the ministère des Ressources naturelles will provide the Cree party with synthesis maps of the forest management activities planned for the Territory. Topographic maps of a scale of 1:20 000 shall also be provided for each trapline in which forest management activities are projected. The synthesis maps and the topographic maps must be provided to the Cree parties on or before January 18<sup>th</sup>, 2002. These maps will cover all forestry operations including cutting, silvicultural treatments and forest road construction work.
69. The Crees may map those elements of the provisions regarding sites of special interest to the Crees that are situated in sectors of forestry activity in the annual forest management plans for 2002-2003. The Ministre des Ressources naturelles will be informed of the results of this process as soon as possible.

70. In regard to the application of those elements of the provisions regarding areas of wildlife interest for the Crees that are situated in sectors of forestry activity in the annual forest management plans for 2002-2003, the Cree tallyman or his designated representative shall identify the areas in which he wants the standards relevant to forested areas of wildlife interest to the Crees to apply. He shall also provide comments concerning the roads that cross the boundaries of the trapline. The Crees will advise the ministère des Ressources naturelles and, if they so decide, the agreement holders concerned.
71. The process described in the preceding two paragraphs must be completed, if possible, prior to February 15<sup>th</sup>, 2002 and at the latest by February 28<sup>th</sup>, 2002. This being a summary process, the parties will recommence the complete process for the year 2003-2004, the results being delivered by September 2002.
72. If exceptional cases arise after February 28<sup>th</sup>, 2002, the parties will make all necessary efforts so that they may be taken into consideration during the 2002-2003 cutting season.

## **5.2 Annual forest management plan 2003-2004**

73. For the year 2003-2004, the ministère des Ressources naturelles will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1<sup>st</sup>, 2002:
- a list of affected traplines equivalent to that provided for in paragraph 64 of the present; and
  - a synthesis map of the existing five-year plan.
74. The procedure for the approval of forest management plans described in the present Agreement applies with such adaptations as are necessary. The information shall be available in September 2002 for integration into the annual forest management plans for 2003-2004 that are to be filed by December 1<sup>st</sup>, 2002.

## **5.3 Annual forest management plan 2004-2005**

75. For the year 2004-2005, the ministère des Ressources naturelles will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1<sup>st</sup>, 2003:
- a list of affected traplines equivalent to that provided for in paragraph 64 of the present; and
  - a synthesis map of the existing five-year plan.
76. The procedure for the approval of forest management plans described in the present Agreement applies with such adaptations as are necessary. The information shall be available in September 2003 for integration into the annual forest management plans for 2004-2005 that are to be filed by December 1<sup>st</sup>, 2003.

**5.4 Modification of five-year forest management plans prior to 2005**

77. During the transitional period, the application of the new measures of the adapted forest regime may result in modifications to forestry planning. Considering that these modifications will be studied in detail during the approval process for each annual forest management plan, the parties to the present agree that the agreement holders shall integrate this new information into the five-year forest management plans ending on March 31<sup>st</sup>, 2005 without further formalities.

**5.5 Effect of the transitional measures on the preparation of general forest management plans**

78. The application of the present section concerning transitional measures does not affect the process of preparing general forest management plans.