

chapter D-13.1

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

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CHAPTER I

INTERPRETATION

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

(a) “Cree Nation Government” means the legal person established in the public interest under that name by the Act respecting the Cree Nation Government (chapter G-1.031);

(b) “Kativik Regional Government” means the legal person established in the public interest under that name by the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

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

(d) “Band” means any of the bands within the meaning of the Indian Act (R.S.C. 1985, c. I-5) of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its incorporation as the corporation provided for in Section 9 of the Agreement and, thereafter, the said corporation;

(d.1) “Naskapi band” means the band, within the meaning of the Indian Act, called the Naskapis de Schefferville, until its constitution as the corporation provided for in section 7 of the Northeastern Québec Agreement and, thereafter, the said corporation;

(e) “Coordinating Committee” means the committee established by section 54;

(f) “Cree community” means a collectivity composed of all the Crees enrolled or entitled to be enrolled on a Cree community list in accordance with the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);

(g) “Inuit community” means the collectivity composed of all the Inuit enrolled or entitled to be enrolled on an Inuit community list in accordance with the Act respecting Cree, Inuit and Naskapi Native persons;

(g.1) “Naskapi community” means the collectivity composed of all the Naskapis enrolled or entitled to be enrolled in the Naskapi register in accordance with the Act respecting Cree, Inuit and Naskapi Native persons;

(h) “Agreement” or “Agreement concerning James Bay and Northern Québec” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), as well as Complementary Agreements Nos 1 and 3 tabled in the National Assembly, 18 April 1978, as Sessional Papers, No. 114;

(h.1) “Northeastern Québec Agreement” means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (chapter C-67.1);

(i) *(paragraph repealed)*;

(j) *(paragraph repealed)*;

(j.1) *(paragraph repealed)*;

(k) “Inuit landholding corporation” has the same meaning as in the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);

(k.1) “Naskapi Landholding Corporation” has the same meaning as in the Act respecting the land regime in the James Bay and New Québec territories;

(l) “right to harvest” means all the rights contemplated in Chapter VI;

(m) “settlement” means a permanent collectivity of habitations, buildings and facilities continuously inhabited and used, including the immediately contiguous land reasonably required to use and enjoy such habitations, buildings and facilities;

(n) “Cree tallyman” means a Cree person recognized by a Cree community as responsible for the supervision of the activities related to the exercising of the right to harvest on a Cree trapline;

(o) “Minister” means the Minister of Natural Resources and Wildlife;

(o.1) “James Bay and Northern Québec region” means the territory, excluding the Northeastern Québec region;

(o.2) “Northeastern Québec region” means that portion of the territory shown on the map forming Schedule 4 and composed of the eastern sector and the western sector;

(o.3) “eastern sector” and “western sector” mean the sectors of the Northeastern Québec region shown as such on the map forming Schedule 5;

(p) “Makivik Corporation” means the corporation constituted by the Act respecting the Makivik Corporation (chapter S-18.1);

(q) “Category I, I-N, IA, IA-N, IB, IB-N, II, II-N and III lands” means the lands so designated and delimited under the Act respecting the land regime in the James Bay and New Québec territories or, in the meantime, under the Act respecting Cree, Inuit and Naskapi Native persons;

(r) “Cree trapline” means an area where the activities related to the exercise of the right to harvest are by tradition carried on under the supervision of a Cree tallyman;

(s) “Territory” has the same meaning as in the Act respecting Cree, Inuit and Naskapi Native persons;

(s.1) “Cree village” means any Cree village constituted by The Cree Villages and the Naskapi Village Act (chapter V-5.1);

(s.2) “Naskapi village” means the Naskapi Village of Kawawachikamach constituted under The Cree Villages and the Naskapi Village Act;

(s.3) “northern village” means any northern village constituted under the Act respecting Northern villages and the Kativik Regional Government;

(t) “zone” or, as the case may be, “northern zone”, “middle zone” and “southern zone” mean the zones contemplated in section 6.

1978, c. 92, s. 1; 1979, c. 25, s. 51; 1979, c. 77, s. 34; 1994, c. 17, s. 76; 1996, c. 2, s. 649; 1999, c. 40, s. 110; 1999, c. 36, s. 126; 2004, c. 11, s. 66; 2006, c. 3, s. 35; 2013, c. 19, s. 91.

CHAPTER II

GENERAL PROVISIONS

2. The Hunting, Fishing and Trapping Regime established by this Act applies in the Territory in the manner provided in this Act and is subject to the principle of conservation. “Conservation” means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure, primarily, the continuance of the traditional pursuits of the Native people, and, secondarily, the satisfaction of the needs of non-Natives for sport hunting and fishing.

1978, c. 92, s. 2.

CHAPTER III

APPLICATION OF THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

3. The Act respecting the conservation and development of wildlife (chapter C-61.1) and the regulations thereunder apply in the Territory; however, where any provision thereof is incompatible with any provision of this Act, the latter prevails.

1978, c. 92, s. 3; 1983, c. 39, s. 193.

4. A wildlife protection officer, his immediate superior and a wildlife protection assistant responsible for seeing to the enforcement of the Act respecting the conservation and development of wildlife (chapter C-61.1) are in the same manner responsible for seeing to the enforcement of this Act and the regulations thereunder.

For that purpose, sections 6, 13 to 18, 21 and 25 of the said Act apply, with the necessary modifications.

Generally, every wildlife protection officer or employee of the branch charged with enforcing wildlife conservation whose main duty is to supervise the enforcement of this Act shall be, as far as possible, a Native person. For this purpose, the Minister shall establish a wildlife protection officer training program for the Native people.

1978, c. 92, s. 4; 1983, c. 39, s. 194; 1996, c. 62, s. 50; 2000, c. 48, s. 36; 2009, c. 49, s. 44.

5. Unless the context indicates otherwise, every reference in this Act to a licence, lease or any other authorization respecting a hunting, fishing, trapping or outfitting activity refers to the licence, lease or other authorization granted under the Act respecting the conservation and development of wildlife (chapter C-61.1).

Every requirement, term and condition relating to such licence, lease or other authorization mentioned in this Act adds to, amends or replaces those mentioned in the Act respecting the conservation and development of wildlife and the regulations thereunder.

1978, c. 92, s. 5.

CHAPTER IV

TERRITORIAL APPLICATION

6. For the carrying out of this Act, the Territory is divided into three zones:

(a) the “northern zone” : that portion of the Territory lying north of the 50th parallel of latitude;

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

(c) the “southern zone” : that portion of the Territory lying south of the middle zone.

1978, c. 92, s. 6.

7. In the southern zone, this Act does not apply except:

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

(b) in the Cree traplines, where the Crees have the exclusive trapping rights provided for in paragraph *e* of section 18 and where only Cree tallymen, their families as defined in section 19 and the Crees and Inuit authorized by those tallymen have the right to harvest;

(c) in the Cree traplines referred to in paragraph *b*, where the persons referred to in that paragraph have the exclusive right to hunt for commercial purposes.

1978, c. 92, s. 7; 1979, c. 25, s. 52; 1994, c. 19, s. 1.

8. In the middle zone, this Act applies with the following restrictions:

(a) any requirement established pursuant to paragraph *a* of the second paragraph of section 39 for the use of outfitting facilities does not apply to non-Native residents of Québec;

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

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

i. managing this resource,

ii. minimizing conflict between sport hunting by non-Natives and the activities of the Native people in exercising their right to harvest, and

iii. protecting the rights of the Native people and non-Natives mentioned in this Act;

(d) the exclusive right of the Native people to keep in captivity or raise species of wildlife in this zone, in accordance with section 32.2, does not exclude the right of non-Natives to keep in captivity or raise species of wildlife in and around non-Native settlements.

1978, c. 92, s. 8; 1994, c. 19, s. 2.

9. In the northern zone, this Act applies save that

(a) non-Natives may, notwithstanding Chapter VIII, do sport hunting for wolf south of the 55th parallel and sport hunting for black bear outside the Cree traplines;

(b) persons other than Naskapis, resident in that part may, notwithstanding the said Chapter VIII, do sport fishing for all species of fish in the part of the Northeastern Québec region south of the 55th parallel;

(c) any requirement established pursuant to subparagraph *a* of the second paragraph of section 39 for the use of existing outfitting facilities do not apply in the western sector of the Northeastern Québec region to residents of that region unless the Minister decides otherwise.

1978, c. 92, s. 9; 1979, c. 25, s. 53.

CHAPTER V

APPLICATION TO CREES, INUIT AND NASKAPIS

1979, c. 25, s. 54.

10. Unless otherwise provided for the purposes of this Act, “Crees”, “Inuit” or “Naskapis” means the Cree beneficiaries, Inuit beneficiaries or Naskapi beneficiaries within the meaning of the Act respecting Cree, Inuit

and Naskapi Native persons (chapter A-33.1) and “Native people” means the Cree beneficiaries, Inuit beneficiaries and Naskapi beneficiaries within the meaning of the same Act.

1978, c. 92, s. 10; 1979, c. 25, s. 55.

11. Only the Crees may exercise, in conformity with this Act, all the rights granted by this Act without distinction to Native people or to some of them in:

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

1978, c. 92, s. 11; 1979, c. 25, s. 56.

12. Only the Inuit may exercise, in conformity with this Act, all the rights granted by this Act without distinction to Native people or to some of them in:

- (a) that portion of the northern zone lying north of the 55th parallel of latitude except:
 - i. that portion of the Mistassini beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3;
 - ii. the Category I and II lands for the Crees of Great Whale River lying north of the 55th parallel of latitude;
 - iii. that portion of the Fort George beaver reserve lying north of the 55th parallel of latitude as shown in Schedule 3;
 - iv. that portion of the Northeastern Québec region north of the 55th parallel;
- (b) the Category I lands for the Inuit of Fort George lying south of the 55th parallel of latitude.

1978, c. 92, s. 12; 1979, c. 25, s. 57.

12.1. Only the Naskapis may exercise, in conformity with this Act, all the rights granted by this Act without distinction to the Native people or to some of them in the western sector of the Northeastern Québec region.

1979, c. 25, s. 58.

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

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

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

1978, c. 92, s. 13; 1979, c. 25, s. 59.

13.1. In addition, the Inuit and Naskapis may exercise jointly, in conformity with this Act, all the rights granted by this Act without distinction to the Native people or to some of them in the eastern sector of the Northeastern Québec region.

1979, c. 25, s. 60.

14. In the areas mentioned in section 12, the Crees of Great Whale River and Fort George may exercise the right to harvest, the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife, north of the 55th parallel of latitude, in the areas where they hunted, fished and trapped as of 11 November 1975 specified by a government regulation made in conformity with an agreement made between the Cree Nation Government and Makivik Corporation.

In addition, the Crees of Fort George may exercise the right to harvest, the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife in the Category I lands for the Inuit of Fort George, which right includes the exclusive right to trap beaver under the supervision of the Cree tallyman, who may authorize any Inuk of Fort George to trap beaver on those lands.

1978, c. 92, s. 14; 1994, c. 19, s. 3; 2013, c. 19, s. 91.

15. In the areas mentioned in section 11,

(a) the Inuit of Great Whale River and Fort George may exercise the right to harvest, the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife south of the 55th parallel of latitude, in the areas where they hunted, fished and trapped as of 11 November 1975 specified by a government regulation made in conformity with an agreement made between the Cree Nation Government and Makivik Corporation;

(b) the right to harvest that the Inuit of Fort George may exercise in the areas contemplated in paragraph *a* does not include the right to trap beaver without the authorization of the responsible Cree tallyman. It includes, however, the same right as the Crees have to own and operate outfitting operations in those areas within the Category I and II lands for the Crees of Fort George.

1978, c. 92, s. 15; 1994, c. 19, s. 4; 2013, c. 19, s. 91.

15.1. In the areas contemplated in section 11 and indicated in Schedule 6, the Naskapis may exercise the right to harvest caribou without being subject to the supervision of the Cree tallyman concerned.

When he exercises such a right in respect of caribou, a Naskapi, only to feed himself in the case of need, may exercise

(a) the right to harvest fur-bearers; however, that right involves, in the case of beaver, the obligation to remit the pelt to the Cree tallyman concerned as soon as possible or, if not, to remit the pelt to the council of the Cree band of which the Cree tallyman is a member;

(b) the right, included in the right to harvest, to hunt black bear and moose;

(c) the right to harvest fish and birds, except the right to establish commercial fisheries.

No black bear, moose, fur-bearer, fish or bird hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section may in any case be the object of quotas allocated to the Naskapis, but is included in the calculation of the portion of the global kill allocated to them.

The exercise of the right to harvest caribou contemplated in this section is also subject to the following provisions:

in establishing the kill for caribou allocated to the Naskapis in the areas contemplated in this section and established in conformity with section 78 or in applying any other measure of wildlife management provided for in this Act, the Coordinating Committee or the Minister shall take into account the availability of wildlife resources elsewhere than in the areas contemplated in this section and shall adhere to and take into account the guaranteed levels of harvesting of which the Crees are assured under Chapter XIII.

1979, c. 25, s. 61.

15.2. In the areas contemplated in section 12 and indicated in Schedule 6, except Category I and II lands for the Inuit, the Naskapis may exercise the right to harvest caribou.

When he exercises such a right in respect of caribou, a Naskapi may exercise the right to harvest fur-bearers, fish and birds but only to feed himself in the case of need.

Fur-bearers, fish and birds hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section form part of the quotas or of any form of allocation of wildlife resources applicable to the Naskapis under this Act.

1979, c. 25, s. 61.

15.3. In the areas contemplated in section 12.1 and indicated in Schedule 6, except Category I-N and II-N lands for the Naskapis, the Inuit may exercise the right to harvest caribou.

When he exercises such a right in respect of caribou, an Inuk may exercise the right to harvest fur-bearers, fish and birds but only to feed himself in the case of need.

Fur-bearers, fish and birds hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section form part of the quotas or of any form of allocation of wildlife resources applicable to the Inuit under this Act.

The right to harvest caribou contemplated in the first paragraph may be exercised south of the 56°15' parallel only

(a) while travelling between an Inuit community and Schefferville; or

(b) if the quota of caribou allocated to the Inuit based on the species in the whole territory cannot be reached by reason of the rarity of that species in the areas contemplated in sections 12, 13 and 13.1 and in the areas contemplated in this section north of the 56°15' parallel, and if the majority of the members of the Coordinating Committee having the right to vote have given their authorization and specified the duration of that authorization.

The majority contemplated in the preceding paragraph must include the members appointed by Makivik Corporation and those appointed by the Government.

1979, c. 25, s. 61.

CHAPTER VI

RIGHT TO HARVEST

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

1978, c. 92, s. 16.

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

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

1978, c. 92, s. 17.

18. The right to harvest includes:

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

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

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

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

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

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

1978, c. 92, s. 18.

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

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

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

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

1978, c. 92, s. 19; 1979, c. 25, s. 62.

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

1978, c. 92, s. 20.

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

The expression “conflict with other physical activity” applies to actual physical conflict of physical interference but does not include conflicts or interference of any other nature. Without limiting the generality

of the foregoing and notwithstanding the Natural Heritage Conservation Act (chapter C-61.01) and the Parks Act (chapter P-9), the creation or existence of parks, areas described by any Act or regulation, wilderness areas or ecological reserves and the grant or existence of concessions or rights with respect to forestry or mining are not in themselves considered physical activities conflicting with the exercise of the right to harvest and the Native people continue to have that right in such areas.

Restrictions on the right to harvest that the Government may impose by regulation for reasons of public safety apply to the discharge of firearms, to the setting of large traps or nets in certain areas, and to other dangerous activities having due regard for others lawfully in the vicinity. Any such restriction does not in itself preclude any other activity relating to the exercise of the right to harvest.

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

1978, c. 92, s. 21; 1993, c. 32, s. 22; 2002, c. 74, s. 80.

22. The right to harvest shall not be exercised in lands situated within non-Native settlements.

The annexation of land by a municipality or by a public body does not in itself exclude such areas from the areas where the Native people may exercise that right, as long as such land remains vacant.

The right to harvest shall not be exercised where wildlife sanctuaries exist or are created but this restriction applies only to the species for the protection of which such sanctuaries exist or are created and for such period of time or season as such protection is required and in such parts of the sanctuary as are directly involved.

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

In areas specified, in a lease or licence existing on 11 November 1975 and still in force on 14 February 1979, as being reserved for the exclusive use of an outfitter and in areas which, on the same dates and subject to the same conditions, were the object of a fish and game lease, the right to harvest, except for the right to trap, shall not be exercised during the operating season of such outfitter, lessee or licence holder except if such outfitter, lessee or licence holder agrees otherwise with the interested Inuit landholding corporation, the interested Cree village or the interested Naskapi Landholding Corporation.

1978, c. 92, s. 22; 1979, c. 25, s. 63; 1996, c. 2, s. 654.

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

(a) does not affect the trapping rights which the Indians and the Inuit not party to the Agreement concerning James Bay and Northern Québec or the Northeastern Québec Agreement exercised before 11 November 1975 in the New Québec, Bersimis, Saguenay, Abitibi, except the Waswanipi division, and Grand Lac Victoria beaver reserves, contemplated and described in Orders in Council nos 1637 and 1640 dated 14 June 1967 and which they would be acknowledged to have, except in the Category I-N and II-N lands for the Naskapis, where the said exclusive right to trap prevails for the Naskapis;

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

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

(d) can be suspended by the Minister within a given area where the Native people have not trapped for so long that trapping has become necessary therein for the proper management of a wildlife species. However, the Minister may, only upon the advice of the Coordinating Committee and after giving advance notice through the said committee to Makivik Corporation, the Cree Nation Government or the Naskapi

Landholding Corporation concerned, declare such suspension and permit non-Natives to exercise the necessary trapping activity if he finds the notice has not been acted upon within a reasonable time. Such permission shall be discussed between the Minister and Makivik Corporation, the Cree Nation Government or the Naskapi Landholding Corporation; failing an agreement, the Minister may, but only upon recommendation of the Coordinating Committee, permit non-Natives to trap in the area concerned, on such conditions as he may determine, for a period not exceeding four years. At the expiration of the said period, the Native people recover the exclusive right to trap in that area; if they fail again to exercise that right, the provisions of this paragraph apply anew.

1978, c. 92, s. 23; 1979, c. 25, s. 64; 1999, c. 40, s. 110; 2013, c. 19, s. 91.

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

The location of the beaver reserves contemplated in Orders in Council nos 1637 and 1640 dated 14 June 1967 remains unchanged and shall not be modified by the Government except with the agreement of every interested Cree community and, in the case of a modification of the northern limit of the Fort George and Mistassini beaver reserves, of every interested Inuit community as well.

1978, c. 92, s. 24.

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

However, the Minister, by exception and for the purposes of management, may prescribe of his own initiative or on the recommendation of the Coordinating Committee the obligation to hold leases, licences or other authorizations to exercise the right to harvest. Native people, upon payment, in each case, of the sum of \$1, may obtain such leases, licences or authorizations from the Cree villages in the case of Crees, from the northern villages in the case of Inuit or from the Naskapi village in the case of Naskapis.

1979, c. 25, s. 65; 1996, c. 2, s. 650.

26. Every Native person has the right to harvest.

1978, c. 92, s. 26.

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

1978, c. 92, s. 27.

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

1978, c. 92, s. 28.

29. The Cree Nation Government and Makivik Corporation, after consulting the Coordinating Committee, may from time to time by mutual agreement agree on modifications to be made to sections 11, 12, 13, 14 and 15. These modifications must not affect the Northeastern Québec region nor prejudice the exercise of the rights provided by this Act for the Naskapis.

Any modifications so agreed to must be for reasons related to the actual or anticipated distribution and population size of wildlife species or to the use of wildlife resources by Native people or non-Natives or access to or the availability of wildlife resources for Native people or non-Natives.

The Government shall take the necessary measures to give effect to such modifications.

1978, c. 92, s. 29; 1979, c. 25, s. 66; 2013, c. 19, s. 91.

CHAPTER VII

COMMERCIAL FISHERIES

30. The Native people have, within Category I, I-N, II and II-N lands, the exclusive right to establish and operate commercial fisheries. Within Category III lands, they have the exclusive right to do so as regards the species of fish contemplated in section 34.

1978, c. 92, s. 30; 1979, c. 25, s. 67.

31. Every application for a commercial fisheries licence in the Territory shall first be submitted to the Coordinating Committee, which shall assess the possible or probable impact of such fisheries on the activities of the Native people in the exercise of the right to harvest, and on the sport fishing of non-Natives. The Coordinating Committee shall make recommendations to the Minister with respect to such application on the basis of its assessment.

1978, c. 92, s. 31.

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

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

In like manner, no commercial fishery may be authorized within Category IA-N lands for the Naskapis without the consent of the Naskapi band council, or within Category IB-N and II-N lands for the Naskapis, without the consent of the Naskapi village.

1978, c. 92, s. 32; 1979, c. 25, s. 68; 1996, c. 2, s. 654.

CHAPTER VII.1

COMMERCIAL HUNTING AND THE KEEPING IN CAPTIVITY AND RAISING OF WILDLIFE SPECIES

1994, c. 19, s. 5.

32.1. Only the Native people have, in accordance with the provisions of this chapter, the right to hunt any species of wildlife for commercial purposes until 10 November 2024.

Such exclusive right may be exercised in respect of the species listed in Schedule 8.

1994, c. 19, s. 5.

32.2. Only the Native people have, in accordance with the provisions of this chapter, the right to keep in captivity or raise the species of wildlife listed in Schedule 9 until 10 November 2024.

Such exclusive right shall apply only in the northern zone and the middle zone but not, in the latter zone, in and around non-Native settlements where non-Natives may also engage in the keeping in captivity or raising of the species of wildlife listed in Schedule 9.

1994, c. 19, s. 5.

32.3. Subject to the authorization of the bodies referred to in the first paragraph of sections 32.7 to 32.11, the exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise species of wildlife may be shared with Native people or non-Natives.

1994, c. 19, s. 5.

32.4. The exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise the species of wildlife listed in Schedule 8 or Schedule 9 is subject to the obtaining of a licence or authorization issued by the Minister.

The licence or authorization shall be issued for a period not exceeding 12 months, on the conditions determined by the Minister. Native people may obtain the licence or authorization upon payment, in each case, of \$1.

The Minister may, after giving the interested person an opportunity to present his views, suspend or cancel a licence or an authorization if the interested person fails to comply with a condition of the licence or authorization.

1994, c. 19, s. 5.

32.5. There shall be no hunting for commercial purposes in respect of a population of a species of wildlife in the territory in a given year unless the harvesting needs of the Native people above guaranteed interim harvesting levels or guaranteed harvesting levels to be established, and the needs for sport hunting by non-Natives in respect of that population, may be satisfied.

1994, c. 19, s. 5.

32.6. Every application for a licence or authorization for hunting for commercial purposes or for keeping in captivity or raising a species of wildlife in the territory shall be submitted to the Minister, who shall transmit a copy to the Coordinating Committee indicating the conditions, if any, that he proposes to establish.

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

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

1994, c. 19, s. 5.

32.7. In the case of the Crees, the Minister may not issue any licence or authorization for commercial hunting or keeping in captivity or raising of wildlife without the affirmative notice in writing of

- (a) the interested Cree band for Category IA lands;
- (b) the interested Cree village for Category IB and II lands;

(c) any interested Cree village, when an area of the proposed commercial hunting or proposed installation for keeping in captivity or raising species of wildlife in Category III lands is situated in the traplines or area of harvesting rights of the Cree community concerned.

The interested Cree band on Category IA lands, or the interested Cree village on Category IB, II or III lands, may establish by by-law conditions for the commercial hunting, keeping in captivity or raising of wildlife that are more restrictive than those established by the Minister.

The affirmative notice referred to in the first paragraph is not required and the by-laws referred to in the second paragraph do not apply in the case of the keeping in captivity or raising of wildlife in and around non-Native settlements located in the middle zone.

1994, c. 19, s. 5; 1996, c. 2, s. 654.

32.8. In the case of the Inuit, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

- (a) the interested Inuit landholding corporation for Category I and II lands;
- (b) Makivik Corporation for Category III lands.

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

The Kativik Regional Government may adopt such by-laws only on the recommendation of a committee composed exclusively of Inuit and created in accordance with section 248 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), and such recommendation shall be binding on the Regional Government.

1994, c. 19, s. 5.

32.9. In the case of the Naskapis, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

- (a) the Naskapi band in the case of Category IA-N lands;
- (b) the Naskapi village in the case of Category IB-N, II-N and III lands.

The Naskapi band on Category IA-N lands, or the Naskapi village on Category IB-N, II-N and III lands, may establish by by-law conditions for the commercial hunting, keeping in captivity or raising of species of wildlife that are more restrictive than those established by the Minister.

1994, c. 19, s. 5; 1996, c. 2, s. 654.

32.10. In the Category II and III lands referred to in section 13 and in the areas referred to in sections 14 and 15, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

- (a) the interested Inuit landholding corporation and the interested Cree village in the case of Category II lands;
- (b) Makivik Corporation and any interested Cree village in the case of Category III lands.

No by-law adopted pursuant to sections 32.7 and 32.8 shall have effect in any area referred to in the first paragraph unless it has been approved by all the bodies that have the power to adopt by-laws in such area.

1994, c. 19, s. 5; 1996, c. 2, s. 654.

32.11. In the areas referred to in section 13.1, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of Makivik Corporation and the Naskapi village.

No by-law adopted pursuant to sections 32.8 and 32.9 shall have effect in any area referred to in the first paragraph unless it has been approved by the Naskapi village and the Kativik Regional Government.

The Kativik Regional Government may adopt such by-laws only on the recommendation of a committee composed exclusively of Inuit and created in accordance with section 248 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), and such recommendation shall be binding on the Regional Government.

1994, c. 19, s. 5; 1996, c. 2, s. 654.

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

1994, c. 19, s. 5.

CHAPTER VIII

RESERVED SPECIES

33. The mammals listed in Schedule 2 are reserved for the exclusive use of the Native people.

1978, c. 92, s. 33.

34. The fish listed in Schedule 2 are reserved for the exclusive use of the Native people.

1978, c. 92, s. 34.

CHAPTER IX

NON-NATIVE HUNTING AND FISHING

35. Non-Natives have the right to do sport hunting and sport fishing and carry on the activity of commercial fishery in Category III lands, in accordance with this Act.

In addition, those persons may hunt for commercial purposes, keep in captivity or raise wildlife in accordance with the provisions of this Act.

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

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

1978, c. 92, s. 35; 1994, c. 19, s. 6.

36. The Native people have the exclusive right to hunt and fish in Category I, I-N, II and II-N lands.

Notwithstanding the first paragraph, and in conformity with this Act, any person other than a Cree or an Inuk may sport hunt or sport fish on the lands hereinafter designated if he is authorized and complies with the conditions established by

- (a) the interested band council in the case of Category IA lands for Crees;
- (b) the interested Cree village in the case of Category IB and II lands for Crees;
- (c) the interested Inuit landholding corporation in the case of Category I and II lands for Inuit.

Notwithstanding the first paragraph, and in conformity with this Act, any person other than a Naskapi may sport hunt or sport fish on the lands hereinafter designated if he is authorized and complies with the conditions established by

- (a) the Naskapi band council in the case of Category IA-N lands for Naskapis;
- (b) the Naskapi village in the case of Category IB-N and II-N lands for Naskapis.

1978, c. 92, s. 36; 1979, c. 25, s. 69; 1996, c. 2, s. 654.

37. Notwithstanding section 36, non-Natives are authorized to do sport hunting and sport fishing in conformity with this Act in the places hereinafter mentioned if they meet the residence requirements established for that purpose by

- (a) the interested band council in the case of Category IA lands for Crees;
- (b) the interested Cree village in the case of Category IB and II lands for Crees;
- (c) the interested northern village in the case of Category I and II lands for Inuit;
- (d) the Naskapi band council in the case of Category IA-N lands for Naskapis;
- (e) the Naskapi village in the case of Category IB-N and II-N lands for Naskapis.

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

1978, c. 92, s. 37; 1979, c. 25, s. 70; 1996, c. 2, s. 654.

38. Notwithstanding section 27, any person of Cree or Inuit ancestry not eligible for benefits and advantages under the Agreement who traditionally hunts, fishes and traps in the Territory may be permitted to exercise the right to harvest but solely for personal use,

- (a) in Category IA lands for Crees, by the interested band council;
- (b) in Category IB and II lands for Crees, by the interested Cree village;
- (c) in Category I and II lands for Inuit, by the interested Inuit landholding corporation.

However, their hunting and fishing shall not be counted in the hunting and fishing quotas allocated to the Native people under paragraph *c* of section 94.

1978, c. 92, s. 38; 1996, c. 2, s. 654.

38.1. Notwithstanding section 27, any person of Naskapi ancestry, resident in Québec and not eligible for benefits and advantages of the Northeastern Québec Agreement who traditionally hunts, fishes and traps in the Northeastern Québec region may be permitted to exercise the right to harvest, but solely for personal use,

- (a) in Category IA-N lands for Naskapis, by the Naskapi band council;
- (b) in Category IB-N and II-N lands for Naskapis, by the Naskapi village.

However, their hunting and fishing shall not be counted in the hunting and fishing quotas allocated to the Native people under paragraph *c* of section 94.

1979, c. 25, s. 71; 1996, c. 2, s. 654.

39. In view of giving effect to the principle of conservation contemplated in section 2, as well as the rights and guarantees recognized for the Native people by this Act, the Government shall make regulations applicable to non-Natives who sport hunt and sport fish in the territory so as to control the number of persons, the places and the times where they are permitted to hunt and fish in Category III lands.

For the same purposes and with respect to the same persons, the Government may also make regulations respecting:

- (a) the obligation to use existing outfitting facilities;
- (b) the requirement, to the extent possible, to be accompanied by a Native guide when hunting and fishing in the Territory;
- (c) the creation of special fishing zones as well as zones for the hunting of big game north of the 50th parallel.

If the Coordinating Committee determines that the presence of temporary labour forces or a given temporary labour force involved in construction and related work in the territory may effect the regime constituted by this Act, including the principle of conservation, as well as the rights and guarantees granted to the Native people by this Act, the Government shall establish regulations respecting the sport hunting and sport fishing activities of such temporary labour forces and the places, the facilities and precise services which they must use. The Coordinating Committee shall participate in the establishment and review of such regulations and shall supervise their implementation.

1978, c. 92, s. 39.

CHAPTER X

OUTFITTING OPERATIONS

40. The Native people have the exclusive right to establish and operate outfitting operations in Category I, I-N, II and II-N lands.

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

- (a) in Category I and II lands for the Inuit, with the express consent of the interested Inuit landholding corporation;
- (b) in Category IA lands for the Crees, with the express consent of the interested band council;
- (c) in Category IB and II lands for the Crees, with the express consent of the interested Cree village, the consent of the Inuit landholding corporation of Great Whale River being required as well in the case of the lands contemplated in paragraph *a* of section 13;
- (d) in Category IA-N lands for the Naskapis, with the express consent of the Naskapi band council;
- (e) in Category IB-N and II-N lands for the Naskapis, with the express consent of the Naskapi village.

The same consent is required for every Native person who wishes to establish or operate outfitting operations in Category I, I-N, II and II-N lands.

1978, c. 92, s. 40; 1979, c. 25, s. 72; 1996, c. 2, s. 654.

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

1978, c. 92, s. 41.

42. An outfitter, within the meaning of this Act, is a person who carries on an operation which provides the public with lodging and opportunity to do sport hunting and sport fishing or rents equipment or small craft or provides other services for sport hunting and sport fishing purposes within a designated area described in the licence or other authorization given to such person.

1978, c. 92, s. 42.

42.1. Every person other than a Naskapi operating as an outfitter in Category I-N or II-N lands of the Northeastern Québec region on 31 January 1978 may carry on his operations in the same manner as before, unless

(a) by 31 January 1980, he receives, outside his operating season as an outfitter, a written notice of at least two years to cease his operations; such a notice must come from the Naskapi band council if his outfitting operation is situated in Category IA-N lands, or from the Naskapi village if it is situated in Category IB-N or II-N lands;

(b) the authorization to carry on his operations that must be sent to him on 31 January 1980 for a minimum period of five years and a maximum period of nine years, by the Naskapi band council if his outfitting operation is situated in Category IA-N lands or by the Naskapi village if his outfitting operation is situated in Category IB-N or II-N lands, specifies different conditions of operation.

A person contemplated in this section must cease his operations on the date fixed in the notice contemplated in subparagraph *a* of the first paragraph or, unless he is otherwise notified by the body concerned, at the expiry of the time fixed by the authorization that is sent to him under subparagraph *b* of the first paragraph.

1979, c. 25, s. 73; 1996, c. 2, s. 654; 1999, c. 40, s. 110.

43. Any non-Native operating as an outfitter in Category I or II lands on 11 November 1975 who was informed, before 14 February 1979, by the Ministère du Loisir, de la Chasse et de la Pêche that his outfitter's licence or his fish and game lease would not be renewed to enable the carrying out of the Agreement has, notwithstanding sections 48 and 49, a preferential right to select a site in Category III lands, except in the area contemplated in section 50, with a view to establishing and operating outfitting facilities, such selection being subject to the approval of the Coordinating Committee. Such preferential right to select does not apply in the case of an outfitting operation owned or operated by the Gouvernement du Québec or the Government of Canada.

1978, c. 92, s. 43; 1979, c. 77, s. 34.

43.1. Every person contemplated in subparagraph *a* of the first paragraph of section 42.1 has, notwithstanding sections 48 and 49, a preferential right to select a site in Category III lands, except in the area contemplated in section 50, with a view to establishing and operating outfitting facilities, such selection being subject to the approval of the Coordinating Committee. Such preferential right to select does not apply in the case of an outfitting operation owned or operated by the Gouvernement du Québec or the Government of Canada.

1979, c. 25, s. 74.

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

(a) they must have a licence;

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

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

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

That outfitter may remove the equipment and facilities the Native people have not purchased from him.

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

All equipment or facilities left on the spot by that outfitter for a period of two years ceasing his operation is deemed to have been abandoned to the Gouvernement du Québec.

1978, c. 92, s. 44; 1996, c. 2, s. 654.

44.1. The Naskapis have the right to operate in place of an outfitter contemplated in subparagraph *a* of the first paragraph of section 42.1 and having to cease his operations, in accordance with the following terms and conditions:

(a) they must have a licence;

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

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

(d) the Naskapi band or the Naskapi village may receive gratuitously the equipment or facilities of the Government which has been acting as an outfitter in the categories of lands concerned.

That outfitter may remove the equipment and facilities the Naskapis have not purchased from him.

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

All equipment or facilities left on the spot by that outfitter for a period of two years after ceasing his operation is deemed to have been abandoned to the Government.

1979, c. 25, s. 75; 1996, c. 2, s. 654.

45. Subject to this chapter, the rights of outfitters or holders of fish and game leases existing on 11 November 1975 and still valid on 14 February 1979 shall be respected for the duration of their licences or leases and, at their expiration, the Minister may renew them on such conditions as he may fix after receiving the advice of the Coordinating Committee. This section is without prejudice to any agreement between the persons concerned and the interested Inuit landholding corporation or the interested Cree village.

1978, c. 92, s. 45; 1996, c. 2, s. 654.

45.1. Subject to this chapter, the rights of outfitters and holders of fish and game leases existing on 31 January 1978 and still valid on 15 August 1979 in the case of the Northeastern Québec region shall be respected for the duration of their licences or leases and, at their expiration, the Minister may renew them on such conditions as he may fix after receiving the advice of the Coordinating Committee. This section is without prejudice to any agreement between the persons concerned and the interested Inuit landholding corporation or the Naskapi Landholding Corporation.

1979, c. 25, s. 76.

46. The Government may, until 10 November 1985, operate the Louis-Joliet and Vieux-Poste camps and their outposts. Not later than at the end of that term, if the request is made by the Mistassini landholding corporation established in virtue of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), the Government shall transfer to it at no cost those camps and outposts in the condition they are in at the time of transfer together with their administration.

1978, c. 92, s. 46.

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

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

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

1978, c. 92, s. 47.

48. The Native people have until 10 November 2015 a right of first refusal to establish and operate outfitting facilities in Category III lands.

1978, c. 92, s. 48; 1989, c. 40, s. 1.



The right of first refusal provided for in this section is renewed for a period of 6 years as of 10 November 2015; O.C. 362-2016, (2016) 148 G.O. 2, 2055.

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

The Native people may decide in respect of which applications they shall or shall not exercise the right of first refusal provided that they do not exercise such right with respect to at least three applications from non-Native persons out of every ten applications from any person.

The Coordinating Committee shall oversee the implementation of the terms of this section and shall, from time to time, inform the Cree Nation Government, the Makivik Corporation, the Naskapi Landholding Corporation and the Governments of Canada and Québec as to the requirements for such implementation.

1978, c. 92, s. 49; 1979, c. 25, s. 77; 1989, c. 40, s. 2; 2013, c. 19, s. 91.

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

1978, c. 92, s. 50.

50.1. Any direct or indirect transfer of the ownership of an outfitting operation including, in the case of a partnership or legal person that owns an outfitting operation, a change in the effective control of the partnership or legal person, shall constitute a transfer subject to the right of first refusal of the Native people.

Changes in effective control include but are not limited to

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

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

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

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

Any agreement for the lease or management of the outfitting operation or any other agreement to the same effect for a term of more than four years shall also constitute a transfer subject to the right of first refusal of the Native people.

In calculating the term of the agreement, the term of its renewal shall be taken into account if the lessee or the manager has the right to oblige the other party to renew the agreement.

1989, c. 40, s. 3; 1999, c. 40, s. 110.

50.2. Notwithstanding section 50.1, the right of first refusal of the Native people does not apply to the following transfers:

(1) a transfer by succession;

(2) a transfer in favour of the spouse or an ascendant, a descendant or a collateral relation to the second degree of the holder of an outfitter's licence or, in the case of a partnership or legal person holding such a licence, in favour of such a relative of a partner or shareholder;

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

(4) a transfer where the transferor of an outfitting operation is a natural person and the transferee is a partnership or a legal person, if all the partnership interests or all the issued full voting shares of the capital stock are owned by the transferor immediately after the transfer;

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

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

(7) a transfer where the transferee of an outfitting operation is the parent legal person of the transferor, a subsidiary of the transferor or a subsidiary of a legal person that is a subsidiary of the transferor;

(8) a transfer where the transferor of an outfitting operation is a subsidiary of a legal person that is a subsidiary of the transferee;

(9) a transfer where both the transferor and the transferee of an outfitting operation are subsidiaries of the same parent legal person or subsidiaries of one or several legal persons that is or are, as the case may be, a subsidiary or subsidiaries of the same parent legal person;

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

For the purposes of subparagraphs 7, 8 and 9, a legal person is a subsidiary, at a particular time, of another legal person, called the “parent legal person”, where all the issued full voting shares of its capital stock are owned by the latter.

1989, c. 40, s. 3; 1999, c. 40, s. 110.

50.3. In the event of a transfer subject to the right of first refusal of the Native people, the holder of the outfitter’s licence, except in the cases referred to in sections 51.3 and 51.4, shall submit an application for a transfer of licence in accordance with section 51.

1989, c. 40, s. 3.

51. Subject to section 49, in Category III lands, all applications respecting outfitting operations, for the issue, renewal or transfer of outfitter’s licences, fish and game leases and other authorizations, and all applications subject to the right of first refusal of the Native people to act as an outfitter are subject to the following terms and conditions.

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

Every application for the issue or the renewal of an outfitter’s licence shall indicate, as the case may be, the names of the partners and their respective interests in the partnership or the names of the shareholders owning full voting shares, the number of shares held by each shareholder and the number of votes attached to each share.

Every application for transfer shall contain all relevant information relating to the terms and conditions of the proposed transfer and the Minister shall forward a copy of such documents to the Coordinating Committee, which shall ascertain the *bonafide* nature of the conditions of the transfer.

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

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

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

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

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

The Native party that exercises the right of first refusal at the time of an application for the transfer of an outfitter's licence shall replace the intended transferee from the date on which the Native party informs the Coordinating Committee in accordance with the seventh paragraph. From that date, the Native party shall have the same rights and the same obligations as the intended transferee had at the time of the offer to transfer, with such modifications as are necessary with respect to the delays stipulated therein.

1978, c. 92, s. 51; 1979, c. 25, s. 78; 1989, c. 40, s. 4; 1999, c. 40, s. 110; 2013, c. 19, s. 91.

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

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

(2) a transfer of interests in a partnership or shares of a legal person in which the assets include assets relating to activities other than those of the outfitting operation.

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

1989, c. 40, s. 5; 1999, c. 40, s. 110.

51.2. In the event of a transfer of part of the interests in a partnership or part of the shares of a legal person, the right of first refusal shall apply and be exercisable in respect of the interests of all the partners or the shares of all the shareholders.

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

1989, c. 40, s. 5; 1999, c. 40, s. 110.

51.3. For the purposes of the right of first refusal, in the case of a transfer of the assets of an outfitting operation made at the time of a sale under judicial authority or a sale by a trustee in bankruptcy, a liquidator or a sequestrator, the acquirer shall, within sixty days after the sale, submit an application for a transfer of licence, in accordance with section 51.

If the interested Native party exercises its right of first refusal, the acquirer shall transfer the assets of the outfitting operation to the interested Native party for an amount equal to the sale price and costs plus 10%.

1989, c. 40, s. 5; I.N. 2016-01-01 (NCCP).

51.4. For the purposes of the right of first refusal, in the case of a transfer of the assets of an outfitting operation to a creditor realizing on security for the repayment of a debt, the creditor shall, within sixty days after the assets are transferred, submit an application for a transfer of licence in accordance with section 51.

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

1989, c. 40, s. 5.

51.5. In the cases referred to in sections 51.1 to 51.4, the Cree Nation Government, the Naskapi Landholding Corporation or the Makivik Corporation and any person subject to the right of first refusal of the Native people shall determine the value of the assets of the outfitting operation or the value of the interests of the partners or shares of the shareholders in respect of which the right of first refusal of the Native people may be exercised.

The said value shall be determined by agreement between the interested parties or, if there is no agreement, by an evaluator appointed in accordance with section 51.7.

The period of four months referred to in the seventh paragraph of section 51 to inform the Coordinating Committee that a Native party intends to operate the outfitting operation referred to in the application for transfer is computed from the date on which the value of the assets of the outfitting operation or the value of the interests of the partners or shares of the shareholders that are subject to the right of first refusal is determined.

1989, c. 40, s. 5; 2013, c. 19, s. 91.

51.6. Except where there is agreement as to the terms and conditions of sale, the interested Native party shall pay, in cash, the sale price of assets sold under sections 51.3 and 51.4 or the sale price of any part of the partnership interests or shares of the legal person that was not included in the transfer application but must be transferred pursuant to section 51.2.

The payment shall be made within thirty days of the date on which the Cree Nation Government, the Naskapi Landholding Corporation or the Makivik Corporation informs the Coordinating Committee in accordance with the seventh paragraph of section 51.

1989, c. 40, s. 5; 1999, c. 40, s. 110; 2013, c. 19, s. 91.

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

(1) in the event of disagreement between the parties as to the proportional value of the assets of the outfitting operation in the cases referred to in section 51.1;

(2) in the event of disagreement between partners, shareholders or the interested Native party as to the value of any part of the interests or shares that was not included in the transfer application but must be transferred in the case referred to in section 51.2;

(3) in the event of disagreement between the parties as to the proportional value of the assets of the outfitting operation, where the sale included assets other than those of the outfitting operation in the case referred to in section 51.3;

(4) in the event of disagreement between the parties as to the value of the assets of the outfitting operation in the case referred to in section 51.4.

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

1989, c. 40, s. 5.

51.8. If the Minister believes that a transfer of an outfitting operation has been made otherwise than in accordance with the provisions of sections 50.3 to 51.4 or as a result of false declarations, he shall notify the licence holder.

On receiving the notice, the licence holder shall inform the partners or the shareholders, if any.

The notice of the Minister shall require the licence holder and the partners or shareholders, if any, to comply with the provisions of sections 50.3 to 51.5 and 51.7 within the time fixed by the Minister.

1989, c. 40, s. 5.

51.9. If the licence holder or a partner or shareholder fails to comply with the notice of the Minister within the time specified therein, the Minister may, after giving the licence holder an opportunity to be heard, cancel the licence.

1989, c. 40, s. 5.

51.10. The decision to cancel the licence shall be in writing and state the reasons for the revocation. It shall be transmitted to the interested party by registered mail.

1989, c. 40, s. 5; I.N. 2016-01-01 (NCCP).

51.11. Within 30 days of receiving the decision to cancel his licence, the holder may appeal from the decision to the Court of Québec.

An appeal shall suspend the execution of the decision of the Minister, unless the court orders provisional execution.

1989, c. 40, s. 5.

51.12. The appeal is brought by filing an application at the office of the Court of Québec in the judicial district where the outfitting operation is located.

The application shall be served upon the Minister and the interested Native party which may intervene.

1989, c. 40, s. 5; I.N. 2016-01-01 (NCCP).

51.13. On receiving the application, the Minister shall transmit to the office of the Court of Québec a copy of the record relating to the decision being appealed from.

1989, c. 40, s. 5; I.N. 2016-01-01 (NCCP).

51.14. The Court of Québec may decide, with the consent of the parties, that the appeal be heard at the chief place of the judicial district of Québec or Montréal.

1989, c. 40, s. 5.

51.15. The appeal shall be heard and decided by preference and the decision of the court is final and without appeal.

1989, c. 40, s. 5.

51.16. The Court of Québec shall render its decision on the record transmitted to it by the Minister and on any additional evidence, if any, presented by the parties.

1989, c. 40, s. 5.

51.17. The Court of Québec may, in the manner prescribed by the Courts of Justice Act (chapter T-16), adopt such regulations as it deems necessary for the carrying out of sections 51.11 to 51.16.

1989, c. 40, s. 5; I.N. 2016-01-01 (NCCP).

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

If there is no agreement between the parties as to the value of the property, the Minister shall appoint an evaluator acceptable to the parties or, if there is no agreement between the parties, an evaluator of his own choice.

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

1989, c. 40, s. 5.

52. The Minister shall not unreasonably refuse the recommendation of the Coordinating Committee to accept any application submitted to him with respect to the operation of outfitting facilities in Category I, I-N, II or II-N lands when the application is accompanied with the consent contemplated in section 40.

1978, c. 92, s. 52; 1979, c. 25, s. 79.

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

1978, c. 92, s. 53.

53.1. Every application for the renewal or transfer of outfitter's licences in regard to outfitting operations existing on 31 January 1978 in the region described in Schedule 7, is not subject to the right of first refusal contemplated in this chapter.

1979, c. 25, s. 80.

CHAPTER XI

COORDINATING COMMITTEE

54. A coordinating committee is hereby established under the name of “Comité conjoint de chasse, de pêche et de piégeage.”

This committee may be designated under the name of “NDOO-WHO-WEESHOO-WOWN-GA-OOCH-MAHK-DICH” in Cree, of “ANNITUKVIK” in Inuttituu, of “INTOOHOON NOOTTIMMASAWIN AIINETCHANWITCH KAPISSTATCH” in Naskapi and of “Hunting, Fishing and Trapping Coordinating Committee” in English.

1978, c. 92, s. 54; 1979, c. 25, s. 81.

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

1978, c. 92, s. 55.

56. The Coordinating Committee consists of sixteen members: the Cree Nation Government and Makivik Corporation shall each appoint three members; the Naskapi Landholding Corporation shall appoint two members; the governments of Québec and of Canada shall each appoint four members. These sixteen members are removable.

The number of members of the Coordinating Committee may be changed with the unanimous consent of the Cree Nation Government, Makivik Corporation, the Naskapi Landholding Corporation and the governments of Québec and of Canada. The decision to change the number of members comes into force on the day of its publication in the *Gazette officielle du Québec*.

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

The members of the Coordinating Committee shall not be personally liable for any act done in good faith in the exercise of their functions.

1978, c. 92, s. 56; 1979, c. 25, s. 82; 2013, c. 19, s. 91.

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

(a) he shall not vote on any question unless he is substituting for another member under a proxy provided for in section 64;

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

1978, c. 92, s. 57.

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

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

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

(c) when matters relating to areas contemplated in section 11 are being dealt with by the Coordinating Committee, the members appointed by the Cree Nation Government have eight votes, and the members appointed by Makivik Corporation and the Naskapi Landholding Corporation shall not vote;

(d) when matters relating to areas contemplated in section 12 are being dealt with by the Coordinating Committee, the members appointed by Makivik Corporation have eight votes, and the members appointed by the Cree Nation Government and the Naskapi Landholding Corporation shall not vote;

(e) when matters relating to areas contemplated in section 12.1 are being dealt with by the Coordinating Committee, the members appointed by the Naskapi Landholding Corporation have eight votes, and the members appointed by the Cree Nation Government and Makivik Corporation shall not vote;

(f) when matters contemplated in section 59 in which only the Crees and Inuit have a common interest are being dealt with by the Coordinating Committee, the members appointed by the Cree Nation Government have four votes, the members appointed by Makivik Corporation also have four votes and the members appointed by the Naskapi Landholding Corporation shall not vote;

(g) when matters contemplated in section 59 in which only the Crees and Naskapis have a common interest are being dealt with by the Coordinating Committee, the members appointed by the Cree Nation Government have four votes, the members appointed by the Naskapi Landholding Corporation also have four votes and the members appointed by Makivik Corporation shall not vote;

(h) when matters contemplated in section 59 in which only the Inuit and Naskapis have a common interest are being dealt with by the Coordinating Committee, the members appointed by Makivik Corporation have four votes, the members appointed by the Naskapi Landholding Corporation also have four votes and the members appointed by the Cree Nation Government shall not vote.

The Coordinating Committee must provide by an administrative by-law the mechanism for the sharing of votes when the number of the votes held by the members appointed by one authority exceeds their number.

1978, c. 92, s. 58; 1979, c. 25, s. 83; 2013, c. 19, s. 91.

59. For the purposes of the sharing of votes between the members appointed by the Cree Nation Government, Makivik Corporation and the Naskapi Landholding Corporation, the following matters shall be considered to be of common interest to two or three Native groups:

(a) matters relating to the areas contemplated in section 13 or 13.1;

(b) matters relating to part of the areas contemplated in section 11, 12 or 12.1 but which, at the same time, involve a wildlife resource harvested by at least two Native groups or involving a decision which might affect the rights conferred on Inuit if it refers to any area contemplated in section 11 or 12.1 or on Crees if it refers to any area contemplated in section 12 or 12.1 or on Naskapis if it refers to any area contemplated in section 11 or 12;

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

When such matters are being dealt with by the Coordinating Committee, the members contemplated in the first paragraph have the number of votes contemplated in section 58 if only two Native groups have a common interest and each has one vote if the three Native groups have a common interest.

For the purposes of this section, the Crees, the Inuit and the Naskapis each constitute a separate Native group.

The right granted under the second paragraph of section 15.1, 15.2 or 15.3 shall in no case be considered as a matter contemplated in the first paragraph.

1978, c. 92, s. 59; 1979, c. 25, s. 84; 1999, c. 40, s. 110; 2013, c. 19, s. 91.

60. The Cree Nation Government, Makivik Corporation, the Naskapi Landholding Corporation, the Gouvernement du Québec and the Government of Canada shall appoint from among their delegates a Chairman and a Vice-Chairman and, where applicable, a Second Vice-Chairman of the Coordinating Committee in the following manner:

(a) in the first year of operation of the Coordinating Committee, the Chairman shall be appointed by the Cree Nation Government, the Vice-Chairman shall be appointed by the Naskapi Landholding Corporation and the Second Vice-Chairman shall be appointed by Makivik Corporation;

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

(c) in the third year, the Chairman shall be appointed by Makivik Corporation, the Vice-Chairman shall be appointed by the Naskapi Landholding Corporation and the Second Vice-Chairman by the Cree Nation Government;

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

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

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

1978, c. 92, s. 60; 1979, c. 25, s. 85; 2013, c. 19, s. 91.

61. The Chairman shall preside at all meetings of the Coordinating Committee and the Vice-Chairman shall act as chairman when the Chairman does not have the right to vote under section 58.

When neither the Chairman nor the Vice-Chairman has the right to vote pursuant to section 58, the Second Vice-Chairman shall act as chairman.

1978, c. 92, s. 61; 1979, c. 25, s. 86.

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

1978, c. 92, s. 62; 1979, c. 25, s. 87.

63. Five members constitute a quorum at any meeting of the Coordinating Committee on condition that one delegate appointed by each authority as provided in section 56 is present. That delegate may be a member of the Coordinating Committee or a person designated by a special proxy in accordance with section 64.

The Coordinating Committee may act in the absence of a delegate contemplated in the first paragraph at any meeting regularly convoked a second time if, after the first regular convocation of that meeting, the meeting could not take place on the date fixed by reason of the absence of that delegate. The Coordinating Committee may then vote only on the subjects mentioned on the agenda of the two notices of convocation.

1978, c. 92, s. 63; 1979, c. 25, s. 88.

64. Each member of the Coordinating Committee shall upon his appointment sign a general proxy drawn up in the form stipulated by the Coordinating Committee in favour of the other members appointed by the authority that appointed him under section 56 and their substitutes.

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

The holder of a proxy has, in addition to his voting and other rights as a member of the Coordinating Committee, the right to vote and act in place of the absent member from whom he holds the proxy.

1978, c. 92, s. 64.

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

1978, c. 92, s. 65.

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

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

1978, c. 92, s. 66.

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

1978, c. 92, s. 67.

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

1978, c. 92, s. 68; 1979, c. 25, s. 89.

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

1978, c. 92, s. 69.

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

1978, c. 92, s. 70.

71. The secretariat shall:

- (a) receive and distribute when appropriate data on matters within its competence;
- (b) distribute in advance the agenda of its meetings to the members of the Coordinating Committee;
- (c) record the discussions and decisions of the Coordinating Committee;
- (d) perform such other functions as the Coordinating Committee may determine.

1978, c. 92, s. 71.

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

1978, c. 92, s. 72.

73. The parties signatory to the Agreement concerning James Bay and Northern Québec and the Naskapi Landholding Corporation shall furnish the Coordinating Committee with all information relevant to its business and functions.

1978, c. 92, s. 73; 1979, c. 25, s. 90.

74. The Coordinating Committee has the right to initiate, discuss, review and propose to the competent authorities any regulation or other measure relating to the Hunting, Fishing and Trapping Regime.

1978, c. 92, s. 74.

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

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

(b) all proposals with respect to the establishments of parks under the Parks Act (chapter P-9), ecological reserves, wildlife sanctuaries and similar zones situated in the Territory, except where such proposals deal with land situated within a settlement.

1978, c. 92, s. 75; 1985, c. 30, s. 38.

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

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

(b) regulations relating to the Hunting, Fishing and Trapping Regime;

(c) proposed regulations, and decisions or actions resulting from previous recommendations of the Coordinating Committee;

(d) conservation as contemplated in section 2, including administrative and management procedures for conservation purposes;

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

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

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

(h) regulations respecting the fur trade;

(i) positions to be adopted in international and intergovernmental negotiations relating to wildlife management, involving the Territory;

(j) species of wildlife requiring complete protection;

(k) planning and policy relating to outfitters, regulations concerning outfitting operations, and the choice of sites for the establishment of outfitting facilities;

(l) research projects related to wildlife resources;

(m) the establishment and, so far as it affects the Hunting, Fishing and Trapping Regime, the operation of parks under the Parks Act (chapter P-9), ecological reserves, wildlife sanctuaries and similar zones situated in the Territory;

(n) regulations which prohibit the possession and use of equipment and materials that might be used in connection with the exercise of the right to harvest;

(o) regulations respecting commercial fisheries operations;

(p) enforcement of the Hunting, Fishing and Trapping Regime;

(q) regulations or other measures respecting hunting for commercial purposes and the keeping in captivity or raising of species of wildlife.

1978, c. 92, s. 76; 1985, c. 30, s. 39; 1994, c. 19, s. 7.

77. The Coordinating Committee shall:

- (a) review applications for new commercial fisheries licences in conformity with section 31;
- (b) review applications for licences or leases for outfitter's operations or renewals thereof in conformity with Chapter X;
- (c) supervise procedures respecting the right of first refusal as provided for in Chapter X;
- (d) supervise procedures for the relocation provided for in section 43;
- (e) review on the basis of past experience and the circumstances then existing, the advisability or inadvisability of renewing the right of first refusal provided for in section 48;
- (f) supervise the research contemplated in section 91;
- (g) review applications for licences or authorizations for hunting for commercial purposes and for the keeping in captivity or raising of species of wildlife;
- (h) review, before the expiry of the period set out in section 32.1 or 32.2, on the basis of past experience and existing circumstances, including the actual and future needs of Native people and non-Natives, the exclusive right of Native people to hunt for commercial purposes or to keep in captivity or raise species of wildlife.

1978, c. 92, s. 77; 1994, c. 19, s. 8.

78. The Coordinating Committee may

- (a) receive, maintain and distribute information necessary for the proper management of the Hunting, Fishing and Trapping Regime, especially game inventories, non-Native kills and the activities of the Native people in the exercise of the right to harvest;
- (b) recommend to Cree or Naskapi band councils or to the northern, Cree or Naskapi villages conservation measures applicable to Category I or I-N lands;
- (c) participate in conformity with the Environment Quality Act (chapter Q-2) in the assessment of impacts of future development upon the Territory, its wildlife resources and on the exercise of the right to harvest, and in the assessment of the economic implications of such development on Native and non-Native activity related to wildlife resources;
- (d) receive and review information relating to research, studies, surveys and the data obtained therefrom, relating to the Hunting, Fishing and Trapping Regime in the Territory;
- (e) make representations concerning weapon control directed to ensure public safety in the Territory;
- (f) establish the upper limit of kill for moose and caribou allocated to the Native people or non-Natives and, for the middle zone, make decisions relating to populations of black bears respecting their management, their hunting by non-Natives, and the activities related to such bear populations carried on by the Native people in exercising their right to harvest;
- (g) recommend draft regulations relating to the matter contemplated in section 84;
- (h) recommend such guidelines or programs to Cree or Naskapi band councils, the northern, Cree or Naskapi villages and the Kativik Regional Government as it is necessary to adopt to control the exercise of the right to harvest;
- (i) make recommendations to the interested bodies referred to in the first paragraph of sections 32.7, 32.8 and 32.9 on the shared exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise species of wildlife.

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

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

1978, c. 92, s. 78; 1979, c. 25, s. 91; 1994, c. 19, s. 9; 1996, c. 2, s. 651.

79. The Government shall not change the list of species contemplated in sections 32.1 and 32.2 and in Chapter VIII except upon the unanimous recommendation of the Coordinating Committee, and on condition that every member of the Committee appointed by the Cree Nation Government, Makivik Corporation and the Naskapi Landholding Corporation has voted in person and not by proxy.

1978, c. 92, s. 79; 1979, c. 25, s. 92; 1994, c. 19, s. 10; 2013, c. 19, s. 91.

80. All decisions of the Coordinating Committee shall be communicated to the responsible body concerned, namely the Gouvernement du Québec, the Government of Canada, the Cree or Naskapi band council, the northern, Cree or Naskapi village, the Cree Nation Government or the Kativik Regional Government, for its information or so that it may implement such decision, as the case may be.

1978, c. 92, s. 80; 1979, c. 25, s. 93; 1996, c. 2, s. 652; 2013, c. 19, s. 91.

81. Except where stipulated otherwise in this Act, no proposed by-law, measure or other decision of the Coordinating Committee can bind the Minister without his consent or, as the case may be, bind the Government without its authorization.

1978, c. 92, s. 81.

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

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

(b) taking new measures of his own initiative;

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

1978, c. 92, s. 82.

83. However, the Minister, after a first consultation with the Coordinating Committee, may prescribe as he deems expedient without consulting the Committee again in the case of certain minor measures relating, in particular, to zoning, seasonal dates for hunting and fishing and bag limits when such minor measures contemplate exclusively non-Natives and do not affect the interests of the Native people.

1978, c. 92, s. 83.

CHAPTER XII

POWERS OF THE GOVERNMENT AND OF THE AUTHORITIES

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

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

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

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

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

1978, c. 92, s. 84; 1979, c. 25, s. 94.

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

(a) in Category IA lands for Crees, the interested band council or, at the request of the latter, the Cree Nation Government;

(b) in Category IB lands for the Crees, the interested Cree village or, at the request of the latter, the Cree Nation Government;

(c) in Category II lands for the Crees, the Cree Nation Government or, at the request of the latter, the interested Cree village concerned;

(d) in Category I and II lands for the Inuit, the interested northern village or, at the request of the latter, the Kativik Regional Government;

(e) in Category IA-N lands for Naskapis, the Naskapi band council;

(f) in Category IB-N lands for Naskapis, the Naskapi village;

(g) in Category II-N lands for Naskapis, the Kativik Regional Government but only to the extent of a prior recommendation received from the Naskapi village, which recommendation binds the Regional Government.

1978, c. 92, s. 85; 1979, c. 25, s. 95; 1996, c. 2, s. 653; 2013, c. 19, s. 91.

86. In the areas contemplated in section 11, in all Category IA lands for Crees, the interested band council, and in all Category IB and II lands for Crees, the interested Cree village, in the areas contemplated in section 12, in all Category I and II lands for Inuit, the Kativik Regional Government, in the areas contemplated in section 13, in all Category II lands, the interested Cree village in conjunction with the Kativik Regional Government, and in the areas contemplated in section 12.1, in all Category IA-N lands for Naskapis, the Naskapi band council, in all Category IB-N lands for Naskapis, the Naskapi village and in all Category II-N lands for Naskapis, the Kativik Regional Government but only to the extent of a prior recommendation by the Naskapi village, which recommendation binds the said Regional Government, may make by-laws specifically referring to the exercise of the right to harvest or to hunting and fishing by non-Natives, on the following matters:

(a) the allocation of the general quotas established under section 94 among individual Natives and non-Natives permitted to hunt and fish;

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

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

(d) commercial fisheries facilities;

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

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

- (g) the methods of exercise of the right to harvest, subject to paragraph *a* of section 18;
- (h) licences and authorizations for the purposes of this section.

In the case of the Category I and II lands for Inuit situated in the areas contemplated in section 12 and in the case of Category II lands situated in the areas contemplated in section 13, the Kativik Regional Government shall make such by-laws on those matters or, as the case may be, the by-laws contemplated in paragraph *d* of section 85, solely upon the advice of a committee composed only of Inuit and established in conformity with section 248 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1). Such advice is binding on the Regional Government.

1978, c. 92, s. 86; 1979, c. 25, s. 96; 1994, c. 19, s. 11; 1996, c. 2, s. 654.

87. The by-laws contemplated in sections 32.7 to 32.11, 85 and 86 shall be submitted prior to adoption to the Coordinating Committee for its advice.

1978, c. 92, s. 87; 1994, c. 19, s. 12.

88. All by-laws made pursuant to sections 85 and 86 come into effect on the date a true copy thereof, certified by the secretary of each body concerned, is submitted to the Minister, who may disallow such by-laws within ninety days from such submission.

1978, c. 92, s. 88.

88.1. All by-laws made pursuant to sections 32.7 to 32.11 come into effect on the date a true copy thereof, certified by the secretary of each body concerned, is submitted to the Minister, who may disallow such by-laws within 90 days from such submission.

1994, c. 19, s. 13.

89. Where, after receiving the advice of the Coordinating Committee, the Government decides to make regulations to replace the guidelines or programs referred to in paragraph *h* of section 78, it shall take care to minimize the possible negative impacts of such regulations on the exercise of the right to harvest by taking into account the effect of the regulations on:

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

1978, c. 92, s. 89.

CHAPTER XIII

GUARANTEED LEVELS OF HARVESTING

90. Where game populations permit, the Crees and the Inuit shall be guaranteed for all wildlife species in the Territory, levels of harvesting at least equal to the levels of fish and animals which normally could have been fished, hunted, trapped, captured or killed by the Crees and the Inuit during the year 1975 and the

Naskapis shall be guaranteed for all wildlife species in the Northeastern Québec region levels of harvesting based upon the density and productivity of these species in that region and on the needs of the Naskapis.

1978, c. 92, s. 90; 1979, c. 25, s. 97.

91. For the Crees and Inuit, the quantification of the guaranteed levels contemplated in section 90 shall take place prior to 11 November 1980, or at such later date as may be fixed by the Minister. Such quantification shall take place through negotiation between the Government, the Cree Nation Government and Makivik Corporation, at meetings of the Coordinating Committee, without the normal voting procedure applying; the Naskapi Landholding Corporation, if interested, is also a party to the negotiation in the case of the quantification of levels for caribou; these levels shall be based principally upon the results of the research entitled “Research to Establish Present Levels of Native Harvesting”.

For the Naskapis, the quantification of these guaranteed levels shall take place in the year following a three year period consecutive to the establishment of a permanent residence for the Naskapis for the purposes of the Northeastern Québec Agreement in Category IA-N lands. Such quantification shall take place through negotiation between the Government and the Naskapi Landholding Corporation at meetings of the Coordinating Committee, without the normal voting procedure applying; the Cree Nation Government, if interested, and Makivik Corporation, if interested, are also a party to the negotiation in the case of the quantification of levels for caribou; these levels shall be based upon the results of a survey of the levels of Naskapi harvesting, the protocol for the carrying out of which is provided in paragraphs 15.6.3 and 15.6.4 of the Northeastern Québec Agreement.

1978, c. 92, s. 91; 1979, c. 25, s. 98; 2013, c. 19, s. 91.

92. During the period between 14 February 1979 and 11 November 1980, interim guaranteed levels of harvesting for the Crees and Inuit shall be quantified through negotiations between the Government and the Cree Nation Government and Makivik Corporation and shall be based principally upon the results already available of the research contemplated in section 91. Such interim guaranteed levels may be revised periodically by the Government pursuant to an agreement with the Cree Nation Government and Makivik Corporation.

During the period between 15 August 1979 and the date of expiration of the time provided for in the second paragraph of section 91, interim guaranteed levels of harvesting for the Naskapis shall be quantified through negotiations between the Government and the Naskapi Landholding Corporation and shall be based principally upon an extrapolation of the results already obtained for the Crees, in the case of the research contemplated in the first paragraph of section 91. Such interim levels, for the Naskapis, except the level of caribou that is fixed at 600 caribou per year and cannot be changed except at the time that a guaranteed level is established in the manner provided for in the second paragraph of section 91, may be revised periodically by the Government pursuant to an agreement with the Naskapi Landholding Corporation.

The Government shall adopt regulations to give effect to the levels negotiated in virtue of this section and section 91.

1978, c. 92, s. 92; 1979, c. 25, s. 99; 1999, c. 40, s. 110; 2013, c. 19, s. 91.

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

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

If game populations permit levels of harvesting above the said guaranteed levels, any excess above such levels shall be allocated taking into account the needs of the Native people who may carry on the activities

relating to the exercise of the right to harvest and the needs of the non-Natives permitted to do sport hunting and sport fishing.

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

In applying the rule set out in the third paragraph, there shall always be some allocations of species for sport hunting and sport fishing by non-Natives.

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

1978, c. 92, s. 93.

CHAPTER XIV

REGULATIONS

94. The Government may, in addition to the regulatory powers it is granted by this Act, make regulations

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

(b) exempting Native persons under the age of 16 from the obligation to be accompanied by an adult when hunting or fishing;

(c) establishing quotas, sharing them between the Native people and non-Natives and determining the kill limit, for certain species, allocated to non-Natives in accordance with the rules provided for in section 93;

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

(e) pursuant to negotiations with the Cree Nation Government, Makivik Corporation and the Naskapi Landholding Corporation renewing, on its expiration, the right of first refusal contemplated in section 48;

(f) pursuant to negotiations with the Cree Nation Government, Makivik Corporation and the Naskapi Landholding Corporation, renewing, on its expiration, the exclusive right to hunt for commercial purposes, keep in captivity or raise species of wildlife provided for in sections 32.1 and 32.2.

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

1978, c. 92, s. 94; 1979, c. 25, s. 100; 1994, c. 19, s. 14; 2013, c. 19, s. 91.

CHAPTER XV

PENAL PROVISIONS

1992, c. 61, s. 268.

95. Every person using the equipment prohibited in paragraph *a* of section 18 or the regulations is guilty of an offence and liable to a fine of \$100 to \$300 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$1,000.

1978, c. 92, s. 95; 1990, c. 4, s. 389.

96. Every person operating as an outfitter in the Territory without holding the licence required by the law is guilty of an offence and liable

(1) where lodging is provided, to a fine of not less than \$1,825 nor more than \$5,475 and, for any subsequent offence, to a fine of not less than \$5,475 nor more than \$16,400 ; and

(2) where no lodging is provided, to a fine of not less than \$500 nor more than \$1,475 and, for any subsequent offence, to a fine of not less than \$1,475 nor more than \$4,375.

1978, c. 92, s. 96; 1990, c. 4, s. 390; 2000, c. 48, s. 39.

96.1. Every person who infringes any provision of section 50.3, 51.1, 51.2, 51.3 or 51.4 or who knowingly furnishes false information in respect of the transfer of an outfitting operation is guilty of an offence and liable to a fine of not more than \$10,000 in the case of a natural person and of not more than \$30,000 in the case of a legal person.

1989, c. 40, s. 6; 1990, c. 4, s. 391; 1999, c. 40, s. 110.

97. Every person exercising all or part of his right to harvest outside the areas where he may exercise that right under this Act, is guilty of an offence and liable for a first offence to a fine of not more than \$300.

Until 1 January 1980, the first paragraph does not apply to the persons contemplated in the first paragraph of section 14 or in paragraph *a* of section 15 in respect of the areas mentioned in the said paragraphs.

1978, c. 92, s. 97; 1990, c. 4, s. 392.

97.1. Every person who engages in hunting for commercial purposes, keeps in captivity or raises species of wildlife without holding a licence or authorization issued by the Minister or without complying with the conditions established in the licence or authorization is liable to a fine of not more than \$10,000 in the case of a natural person and of not more than \$30,000 in the case of a legal person.

1994, c. 19, s. 15; 1999, c. 40, s. 110.

98. Except where otherwise provided in this Act, every person who infringes any provision of this Act or the regulations is liable to a fine of not more than \$1,000.

1978, c. 92, s. 98; 1990, c. 4, s. 393.

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

1978, c. 92, s. 99.

100. Upon pronouncing a conviction for an offence under a provision of this Act or the regulations thereunder, a judge may order the confiscation of the game, fish, fur, arms or any other object seized at the time of an inspection.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the things were seized and to the defendant, except where they are in the presence of the judge.

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

1978, c. 92, s. 100; 1990, c. 4, s. 394; 1992, c. 61, s. 269.

CHAPTER XV.1

TRANSITIONAL PROVISIONS

1979, c. 25, s. 101.

100.1. Until the Naskapi Landholding Corporation is legally incorporated, this chapter applies.

1979, c. 25, s. 101.

100.2. The Naskapi Development Corporation incorporated by the Act to establish the Naskapi Development Corporation (chapter S-10.1) shall act in the place and stead of the Naskapi Landholding Corporation.

1979, c. 25, s. 101.

100.3. This Act applies, with the necessary modifications, during the period contemplated in section 100.1.

1979, c. 25, s. 101.

CHAPTER XVI

FINAL PROVISIONS

101. The moneys required for the purposes of the application of this Act and entailing charges for the Gouvernement du Québec shall be taken, for the fiscal year 1978/1979, out of the Consolidated Revenue Fund and, for subsequent fiscal years, out of the moneys voted annually for that purpose by Parliament.

1978, c. 92, s. 101.

101.1. *(Repealed).*

1999, c. 36, s. 127; 2000, c. 8, s. 242; 2004, c. 11, s. 67.

101.2. A document is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister or by a public servant designated by the Minister and, in the latter case, only to the extent determined by the Minister.

1999, c. 36, s. 127.

102. The Minister of Natural Resources and Wildlife is responsible for the application of this Act.

1978, c. 92, s. 102; 2004, c. 11, s. 68; 2006, c. 3, s. 35.



The functions of the Minister of Natural Resources and Wildlife provided for in this Act are assigned to the Minister of Forests, Wildlife and Parks. Order in Council 1291-2018 dated 18 October 2018, (2018) 150 G.O. 2 (French), 7384.

103. This Act applies to the Government, its departments and its agencies.

1978, c. 92, s. 103.

104. *(Omitted).*

1978, c. 92, s. 104.

105. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE 1

(Repealed).

1978, c. 92, Schedule 1; 1979, c. 25, s. 102.

SCHEDULE 2

(Sections 33, 34)

MAMMALS AND FISH RESERVED FOR THE EXCLUSIVE USE OF THE NATIVE PEOPLE

1. MAMMALS

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

2. FISH

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

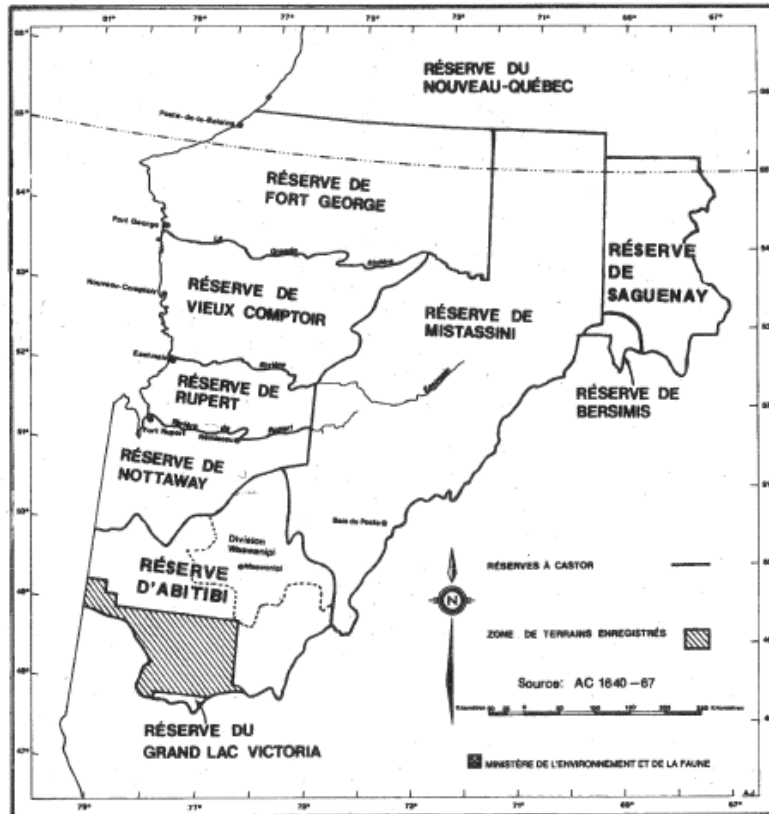
1978, c. 92, Schedule 2.

SCHEDULE 3

(Sections 11, 12, 13, 23)

MAP SHOWING BEAVER RESERVES REFERRED TO IN THIS ACT AND ZONES CONTAINING REGISTERED TRAPLINES.

SCHEDULE 3



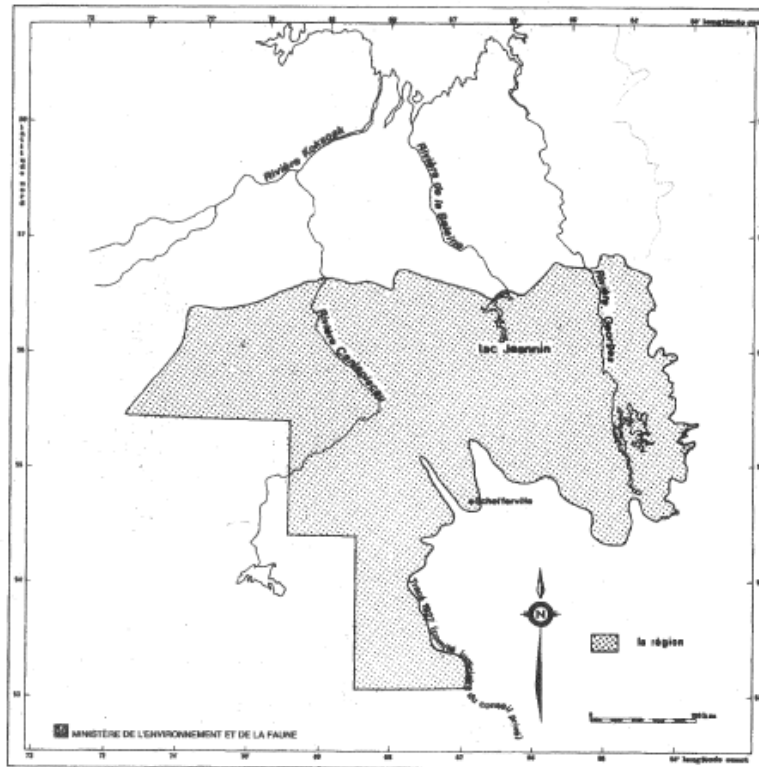
1978, c. 92, Schedule 3; 1979, c. 77, s. 34; 1994, c. 17, s. 77.

SCHEDULE 4

(Section 1)

MAP SHOWING THE NORTHEASTERN QUÉBEC REGION

SCHEDULE 4



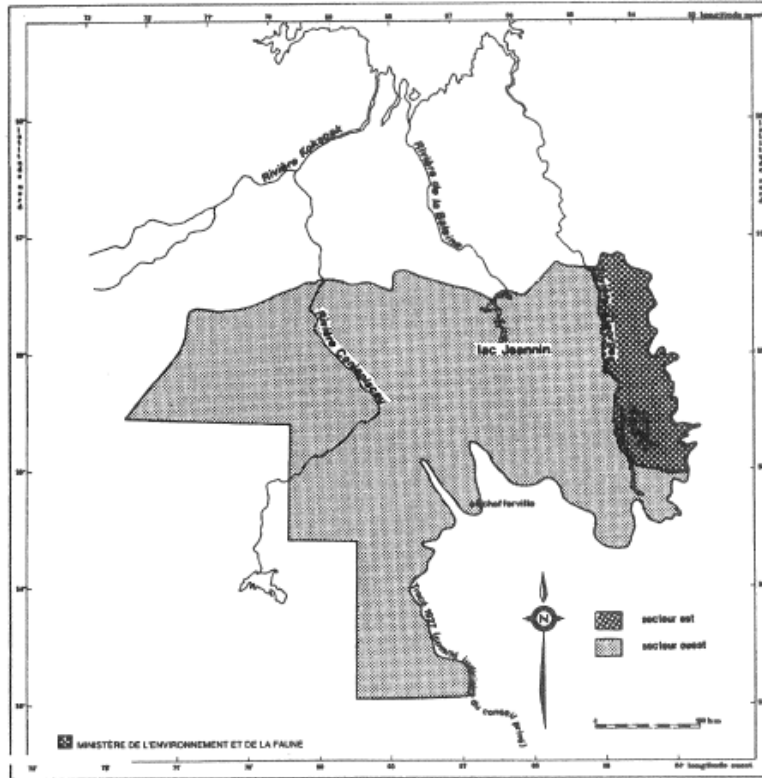
1979, c. 25, s. 103; 1979, c. 77, s. 34; 1994, c. 17, s. 77.

SCHEDULE 5

(Section 1)

MAP SHOWING THE EASTERN SECTOR AND WESTERN SECTOR OF THE NORTHEASTERN QUÉBEC REGION.

SCHEDULE 5



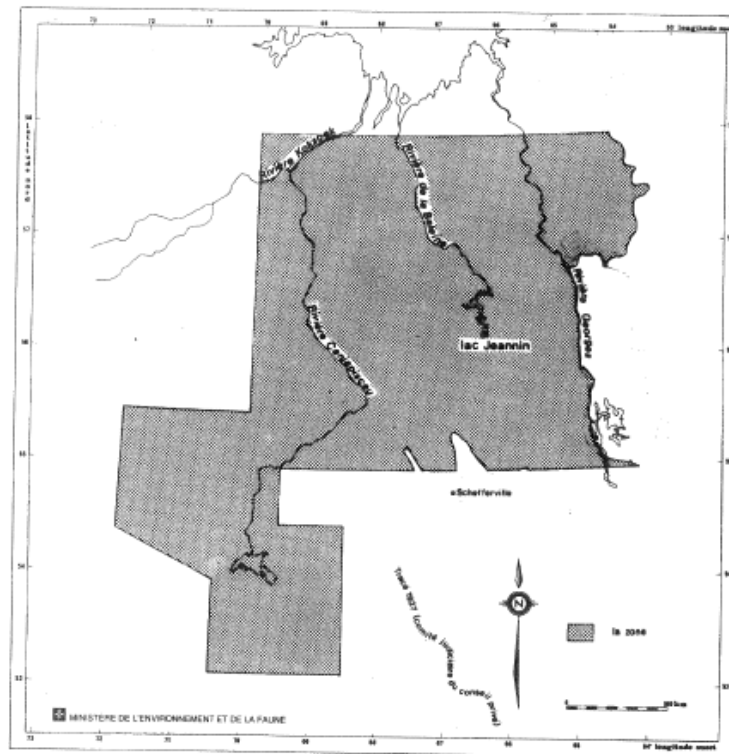
1979, c. 25, s. 103; 1979, c. 77, s. 34; 1994, c. 17, s. 77.

SCHEDULE 6

(Sections 15.1, 15.2, 15.3)

MAP SHOWING THE AREA RESPECTING THE RIGHT TO HARVEST CARIBOU.

SCHEDULE 6



1979, c. 25, s. 103; 1979, c. 77, s. 34; 1994, c. 17, s. 77.

SCHEDULE 7

(Section 53.1)

DESCRIPTION OF THE REGION OF QUÉBEC CONTEMPLATED IN SECTION 53.1

Starting from a point situated at the meeting of the left shore of Manereuille Lake and of the left bank of la Baleine River; thence in a general northwesterly direction following the left bank of the said river to the north shore of Ninawawe Lake, skirting by the west the shore of Jeannin Lake; thence in a general easterly direction following the north shore of Ninawawe Lake, the north bank of the effluent of Guérard Lake, the north shore of the lakes situated between Guérard and Coiffier lakes, northeasterly, a line joining the eastern extremity of Coiffier Lake to the mouth of Slippery Brook on George River, the north bank of Slippery Brook and the north shore of the first lake formed by the enlargement of the said brook, thence southeasterly a line joining the north shore of the first lake formed by the enlargement of Slippery Brook and the south shore of Brisson Lake; thence southwesterly a line joining the south shore of Brisson Lake to a point on the De Pas River where the said river running from the south to the north changes direction to run from the west to the east; thence in a general southerly direction, following the right bank of De Pas River to a westerly line joining the right bank of De Pas River to the starting point.

1979, c. 25, s. 103.

SCHEDULE 8

(Sections 32.1, 79 and 94)

SPECIES OF WILDLIFE THAT MAY BE HUNTED COMMERCIALY

1. Caribou
2. Willow ptarmigan
3. Rock ptarmigan
4. Arctic hare
5. Snowshoe hare
6. Spruce grouse

1994, c. 19, s. 16.

SCHEDULE 9

(Sections 32.2, 79 and 94)

SPECIES OF WILDLIFE THAT MAY BE KEPT IN CAPTIVITY OR RAISED

1. Caribou
2. Willow ptarmigan
3. Rock ptarmigan
4. Arctic hare
5. Snowshoe hare
6. Spruce grouse
7. Musk ox

1994, c. 19, s. 16.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 92 of the statutes of 1978, in force on 1 June 1979, is repealed effective from the coming into force of chapter D-13.1 of the Revised Statutes.