

**AGREEMENT AMENDING THE AGREEMENT**

**CONCERNING A NEW RELATIONSHIP**

**BETWEEN**

**LE GOUVERNEMENT DU QUÉBEC**

**AND**

**THE CREES OF QUÉBEC**

**WITH RESPECT TO FORESTRY**



**AGREEMENT AMENDING THE AGREEMENT CONCERNING A  
NEW RELATIONSHIP BETWEEN LE GOUVERNEMENT DU  
QUÉBEC AND THE CREES OF QUÉBEC WITH RESPECT TO  
FORESTRY**

**AGREEMENT AMENDING THE AGREEMENT CONCERNING A  
NEW RELATIONSHIP WITH RESPECT TO FORESTRY**

**BETWEEN:**

**LE GOUVERNEMENT DU QUÉBEC**, represented here by Mr. Jean Charest, Prime Minister of Québec, by Mr. Pierre Corbeil, Minister of Natural resources and Wildlife, by Mr. Geoffrey Kelley, Minister for Native Affairs and by Mr. Benoît Pelletier, Minister responsible for Canadian Intergovernmental Affairs, the Canadian Francophonie, the Agreement on Internal Trade, the Reform of Democratic Institutions and Acces to information,

herein designated as "Québec"

**AND:**

**THE CREES OF QUÉBEC**, acting through the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority, represented here by Mr. Matthew Mukash, Grand Chief and Chairman, and by Mr. Ashley Iserhoff, Deputy-Grand Chief and Vice-Chairman,

herein designated as the "Crees".

**WHEREAS** the Gouvernement du Québec, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority have concluded, on February 7, 2002, the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec;

**WHEREAS** this Agreement had been approved by the Crees of Québec through a referendum of the Cree Nation;

**WHEREAS** this Agreement was approved by the Gouvernement du Québec on March 20, 2002 through Order-in-Council no.289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of May 22, 2002;

**WHEREAS** the National Assembly has adopted the *Act to ensure the implementation of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* (S.Q. 2002, chapter 25) that was assented on June 13, 2002;

**WHEREAS** section 13.2 of the Agreement provides that it may be amended from time to time with the consent of Québec and of the Cree Regional Authority;

**WHEREAS** section 3.6 of the Agreement provides more specifically that the forestry regime applicable in the Territory referred to in this Agreement will evolve over the duration of the Agreement

taking into account the principles set out therein and the recommendations of the Cree-Québec Forestry Board;

**WHEREAS** in December 2003, Québec and the Crees have modified the Agreement for the first time in order to, notably, take into account new delays regarding the delimitation of the traplines and the final determination of the new management units and to delay for one year the date of filing and the date of the coming into force of the forest management plans based on the new delimitation of the forest management units;

**WHEREAS** the Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec was approved by the Québec Government on November 5, 2003 through Order-in-Council no. 1161-2003 then signed on December 12, 2003 and was published in French and in English in Part 2 of the *Gazette Officielle du Québec* on October 6, 2004;

**WHEREAS** in March 2004, the Minister of Natural Resources, Wildlife and Parks announced the postponement to the fall of 2005 of the availability of the annual allowable cut calculations necessary for the preparation of the forest management plans, initially scheduled to be available in the month of October 2004;

**WHEREAS** the Commission d'étude scientifique, technique, publique et indépendante, chargée d'examiner la gestion des forêts du domaine de l'État (Coulombe Commission), established pursuant to Order-in-Council no. 1121-2003, filed its report to the Québec Government on December 14, 2004;

**WHEREAS** some of the recommendations of the report relate to annual allowable cut calculations, one of which being to postpone by one additional year these calculations, for the purpose of reviewing thoroughly the tools and methods used by the Ministry of Natural Resources and Wildlife to carry out these calculations;

**WHEREAS** in light of the above, it is deemed appropriate to postpone for two years the date of filing and the date of the coming into force of the forest management plans based on the new delimitation of the management units, to provide for new rules for years 2005-2006, 2006-2007 and 2007-2008 and transitional measures which will allow the integration into annual forest management plans of the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of the Agreement;

**WHEREAS** during February and March 2005, the parties agreed with respect to the amendments to be made to the Agreement;

**WHEREAS** the Cree Nation approved, through resolution no. 2005-17 of the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority dated March 1, 2005, the amendments to be made to the Agreement;

**WHEREAS** the National Assembly has adopted an Act to amend the Forest Act and other legislative provisions applicable to forest management activities (2005, chapter 3) and that this legislation was assented to on March 22, 2005;

**WHEREAS** the National Assembly has adopted an Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions (2005, chapter 19) and that this legislation was assented to on 17 June 2005;

**WHEREAS** the parties could not finalize the present Agreement before the urgent adoption of this legislation, which purpose is notably to postpone for two years, for the whole Québec Territory, the date of filing and coming into force of the forest management plans based on the new forest management units in order to take into account the postponement of the availability of the annual allowable cut calculations, some of the recommendations of the Coulombe Commission and most of the amendment agreed upon during February and March of 2005;

**WHEREAS** the parties want to ensure that all the amendments agreed upon are integrated into the Agreement and that the implementation legislation reflect these amendments;

**THE PARTIES AGREE TO THE FOLLOWING:**

1. Section 3.7.3 of the Agreement, replaced by section 1 of the Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, is amended by replacing the words "April 2006" by "April 2008" in the first paragraph.
2. Chapter 3 of the Agreement is amended by adding the following Section after Section 3.47 :
 

*"3.47.1 A copy of the forest management permits and modifications thereto authorizing the carrying out of forest management activities in the Territory described in Section 3.3 of the present Agreement, is transmitted to Joint Working Groups by the Minister as soon as issued to agreement holders."*
3. Section 59 of Part IV (C-4) of Schedule C of this Agreement, amended by Section 9 of the Agreement amending the Agreement concerning a new relationship, is again amended by replacing therein the second sentence by the following: *"These draft directives shall be transmitted to the Minister before April 15, 2005."*
4. Section 60 of Part IV (C-4) of Schedule C of this Agreement, amended by Section 10 of the Agreement amending the Agreement concerning a new relationship, is again amended by

replacing therein the last sentence by the following: *"This process shall be finalized before December 31, 2005."*

5. Section 61 of Part IV (C-4) of Schedule C of this Agreement, amended by Section 11 of the Agreement amending the Agreement concerning a new relationship, is amended by replacing therein the last sentence by the following: *"For the period ending March 31<sup>st</sup>, 2008, a first report covering the period ending March 31<sup>st</sup>, 2005 and a second report covering the period from April 1<sup>st</sup>, 2005 to March 31<sup>st</sup>, 2008 will be provided to the members of the joint working groups."*
6. Section 63 of Part IV (C-4) of Schedule C of this Agreement, replaced by Section 12 of the Agreement amending the Agreement concerning a new relationship, is again replaced by the following:

**63.** *Since forest management activities are projected for the Territory between the date of signing of the Agreement and the coming into force of the next general forest management plans, the parties agree to take all necessary measures to ensure that the present adapted forestry regime is operational and progressively integrated into the annual cutting programs for 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007 and 2007-2008 in the following manner."*

7. Sections 76.3 and 76.4 of Sub-section 5.3.1. of Part IV (C-4) of Schedule C of the Agreement introduced through section 15 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, are replaced by the following:

**"5.3.2 Annual Forest Management Plan and Annual Forest Management Permits 2006-2007**

**76.3** *For the year 2006-2007, the Minister of Natural Resources and Wildlife will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1<sup>st</sup>, 2005:*

*— a list of affected traplines equivalent to that provided for in section 64 of Part IV (C-4) of the present Schedule; and*

*— a synthesis map of the existing five-year plan.*

**76.4** *Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2006-2007 annual plan. The*

*information must be available in September 2005 for integration into the planning of annual forest management plans for 2006-2007 that are to be filed by December 1<sup>st</sup>, 2005."*

**"5.3.3 Annual Forest Management Plan and Annual Forest Management Permits 2007-2008**

**76.5** *For the years 2007-2008, the Minister of Natural Resources and Wildlife will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1<sup>st</sup>, 2006.*

*— a list of affected traplines equivalent to that provided for in section 64 of Part IV (C-4) of the present Schedule; and*

*— a synthesis map of the existing five-year plan. »*

**"76.6** *Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2007-2008 annual plan. The information must be available in September 2006 for integration into the planning of annual forest management plans for 2007-2008 that are to be filed by December 1<sup>st</sup>, 2006."*

**"5.3.4 Other Applicable Measures for 2005-2006, 2006-2007 and 2007-2008**

**76.7** *From 1 April 2005 until 31 March 2008, the annual allowable cut for species in the fir, spruce, grey pine and larch (FSPL) group in the common areas listed in Schedule 1 of Part IV (C-4) of Schedule C is reduced in the manner indicated in that Schedule and by taking into account the following.*

*With regard to the common areas located in part in the Territory, the Minister of Natural Resources and Wildlife must presume, solely for the purposes of the spatial distribution of the timber cuts in those common areas, that the annual allowable cut for species in the FSPL group is reduced by 25%, so that the maximum amount of those species that can be authorized for harvesting in the part of the common area located in the Territory may in no case exceed the presumed forest production.*

*In addition, to the extent possible given the forest composition of the common area, the Minister must ensure that the annual forest management plans for*

*2005-2006, 2006-2007 and 2007-2008 operate to distribute the total cut over the entire surface area of the common area, so that the percentage of surface area for projected cuts in the part of the common area located in the Territory does not significantly exceed the percentage represented by the ratio between the surface area of that part of the territory and the total surface area of the common area.*

*From April 2005 until 31 March 2008, the annual allowable cut for species in each common area other than those referred to in the first paragraph is reduced by 5%.*

**"76.8** *For the years 2005-2006, 2006-2007 and 2007-2008, the Minister of Natural Resources and Wildlife must reduce the volumes of timber in the management permits for those years that the holders of timber supply and forest management agreements and forest management agreements would otherwise have been authorized to harvest under their agreement, if, with the application of the aforementioned reduction, the new annual allowable cut for the common area concerned is less than the sum of the volumes of timber indicated in the holders' agreement that are allocated to them in that common area for the species in the FSPL group or the other species concerned.*

*In that case, the Minister shall subtract the new forest production from the sum of the volumes of timber allocated, and distribute the difference for the species in the FSPL group or the other species concerned among the agreement holders in the common area in proportion to the volume allocated to each. However, the Minister may vary the amount of the reduction in volume from one agreement holder to another, depending on the impact the reduction could have on regional or local economic activity.*

**76.9** *Despite the Forest Act and sections 76.7 and 76.8, an agreement holder may, with the authorization of the Minister of Natural Resources and Wildlife, harvest in advance, during the years 2005-2006 and 2006-2007, an additional volume of timber not exceeding, during those two years, 10% of the annual volume of timber the agreement holder is authorized to harvest under the law and section 76.8.*

*In 2007-2008, the Minister must, if applicable, adjust the forest management permit for that year to ensure that, for a period of three years, the average annual volume harvested by the agreement holder does not exceed the allocations determined under the law and sections 76.7 and 76.8."*

- 76.10** *During the transitional period and despite the terms and conditions of sub-paragraph 3.10.4c) of Chapter 3 of the present Agreement, the annual rate of harvesting authorized in forest areas presenting wildlife interest to the Crees will be modulated according to the level of prior disturbance in each trapline in the following manner. In a trapline where the level of disturbance in the last twenty (20) years is less than 15%, new logging activities may be carried out on an annual maximum of 3% of the productive area of the forested areas presenting wildlife interest in the trapline. This annual percentage should be reduced to 2% when the overall level of disturbance is between 15% and 30% and to 1% when the overall level of disturbance is between 30% and 40%."*
8. Section 77.1 of Sub-section 5.4 of part IV (C-4) of Schedule C of the Agreement, introduced by section 15 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, is amended by replacing the second sentence by the following: "Considering that these modification will be studied in detail during the approval or modification process for each annual forest management plans, the parties hereto agree that the agreement holders must integrate this new information into the five-year forest management plans without further modalities."
9. Section 77.2 of Sub-section 5.4.1 of Part IV (C-4) of Schedule C of the Agreement, introduced by Section 15 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, is amended by replacing the words "March 31, 2006" by "March 31, 2008".
10. Part V (C-4) of Schedule C of the Agreement is amended by adding, at the end of this Part, the following Schedule:



**"SCHEDULE 1**  
**"(Section 76.7)**

**"Reduction of the annual allowable cut for species in the  
 FSPL group in certain common areas**

<b>Common Area</b>	<b>Percent Reduction</b>
025-03	20.2%
026-04	23.6%
026-05	24.4%
026-06	25.0%
026-20	24.4%
042-01	21.3%
082-85C	23.8%
083-87N	23.5%
084-03	22.4%
084-04	22.5%
084-20	20.7%
085-20	20.4%
086-01	20.0%
086-03N	25.0%
086-10	25.0%
086-20	24.6%
086-21	24.2%
086-22	25.0%
086-24	21.6%
087-04	23.1%
087-20	23.3%

11. Section 2 of Part VI (C-6) of Schedule C of the Agreement, introduced by Section 16 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, is amended by replacing, in the third paragraph, the words "September 30, 2004" by the words "May 31, 2005".
12. Section 19 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec is amended by replacing the words "2006-2011" by the words "2008-2013" in the first paragraph.
13. Section 20 of the Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec Québec and the Crees of Québec is amended by replacing the words "March 31, 2006" by the words "March 31, 2008".

**FINAL PROVISIONS**

14. Québec shall publish this Agreement in French and in English in Part 2 of the *Gazette officielle du Québec*.
15. The terms and conditions of section 7 of the present agreement have effect from April 1<sup>st</sup>, 2005.
16. This Agreement comes into force on the day of its signature by the parties and ceases to have effect on March 31<sup>st</sup>, 2052 unless the parties agree otherwise by mutual consent.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED  
AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.

For le GOUVERNEMENT DU  
QUÉBEC

\_\_\_\_\_  
Jean Charest,  
Prime Minister

\_\_\_\_\_  
Geoffrey Kelley,  
Minister for Native Affairs

\_\_\_\_\_  
Pierre Corbeil,  
Minister of Natural  
Resources and Wildlife

\_\_\_\_\_  
Benoît Pelletier,  
Minister responsible for  
Canadian Intergovernmental  
Affairs, the Canadian  
Francophonie, the Agreement on  
Internal Trade, the Reform of  
Democratic Institutions and  
Access to information

For the GRAND COUNCIL OF THE  
CREES (EYYOU ISTCHEE) and  
the CREE REGIONAL  
AUTHORITY

\_\_\_\_\_  
Matthew Mukash,

Grand Chief of the Grand Council  
of the Crees (Eeyou Istchee)  
Chairman of the Cree Regional  
Authority

\_\_\_\_\_  
Ashley Iserhoff,  
Deputy-Grand Chief of the Grand  
Council of the Crees (Eeyou  
Istchee)  
Vice-Chairman of the Cree  
Regional Authority