

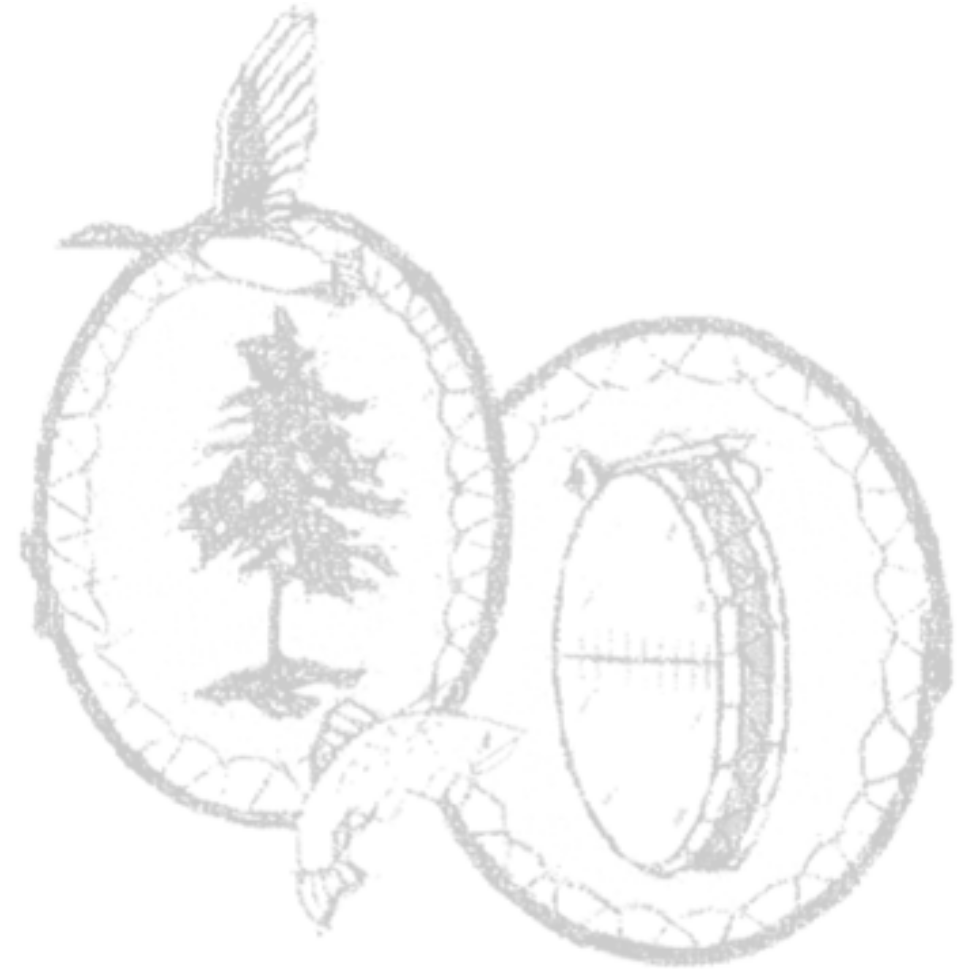
THE HUNTING, FISHING AND TRAPPING REGIME

OVERVIEW OF SECTION 24 OF THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT

Presented to:
GCC/CNG ANNUAL GENERAL ASSEMBLY - Chisasibi

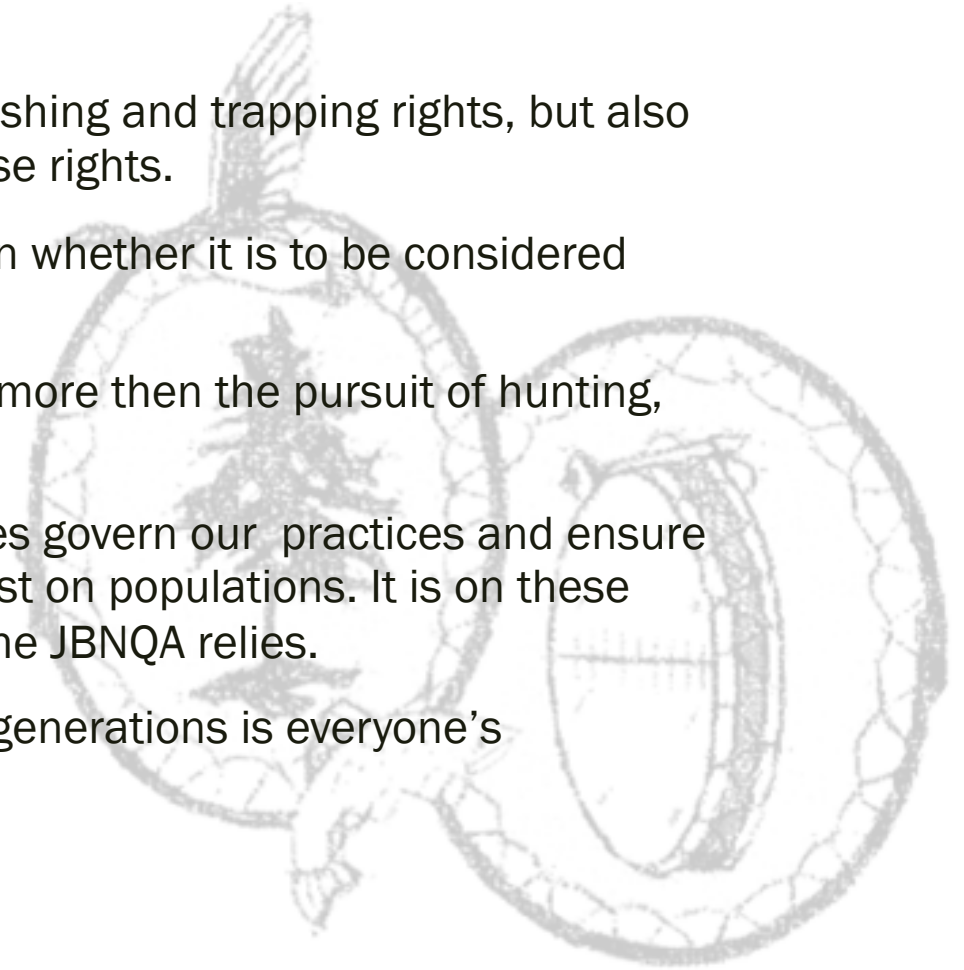
Cree Nation Government/
Grand Council of Crees of Eeyou Istchee

August 3rd, 2016



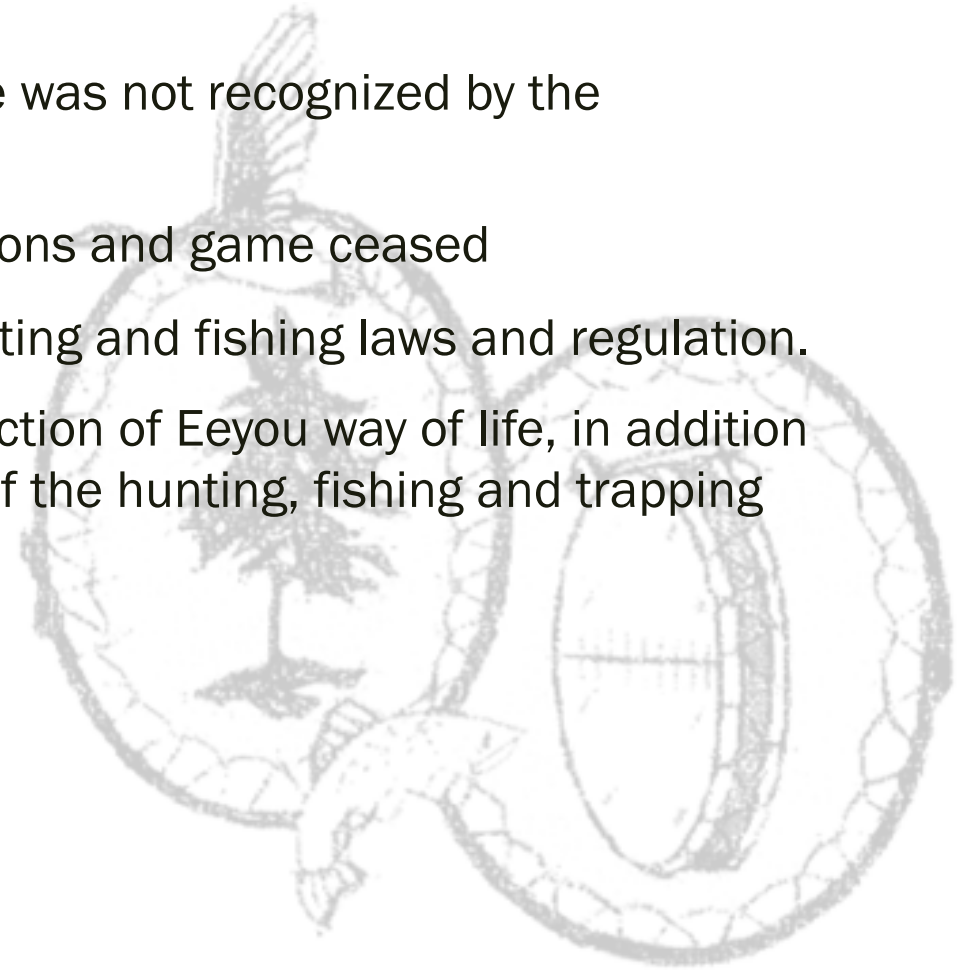
WHY THIS PRESENTATION?

- Every Cree individual should be aware of their hunting, fishing and trapping rights, but also their obligations towards maintaining the integrity of these rights.
- Certain non-traditional practices have raised concerns on whether it is to be considered within the meaning of the “right to harvest”.
- It should be understood that the “right to harvest” is far more than the pursuit of hunting, fishing and trapping activities.
- It is a way of life where fundamental principals and values govern our practices and ensure respect for the land and good management of our harvest on populations. It is on these principals and values that the implementation of 24 of the JBNQA relies.
- Maintaining the integrity of this right now and for future generations is everyone’s responsibility.



BEFORE 1975...

- Before 1975, rights to pursue traditional way of life was not recognized by the governments.
- Many were prosecuted, fined, even had their weapons and game ceased
- Quebec and Canada unilaterally regulated the hunting and fishing laws and regulation.
- JBNQA signed in 1975: legal recognition and protection of Eeyou way of life, in addition to participation in the regulation and supervision of the hunting, fishing and trapping regime.



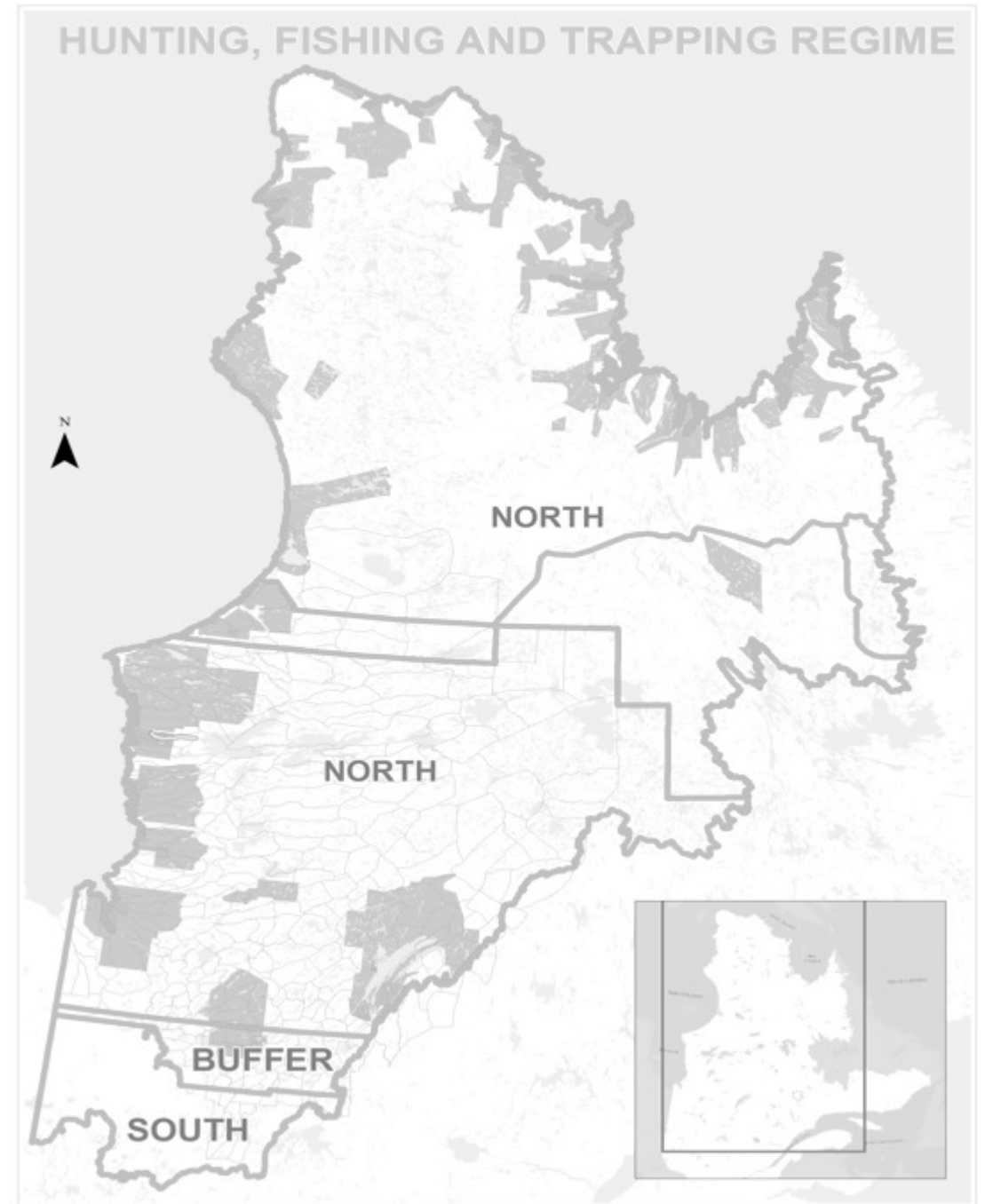
SECTION 24 OF THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT

- Establishes the hunting, Fishing and Trapping rights for the entire JBNQA territory
- Different rules depending on Category of land (I, II, III) and area (Southern, Buffer, Northern area)
- Regime applies only to JBNQA territory not all Eeyou istchee territory. Other regimes may be negotiated for areas outside the JBNQA.
- JBNQA prevails over any other incompatible legislation.
- It applies to both “native” (Cree, inuit and Naskapi (JBNQA beneficiaries defined under section 3)) and “non-Native” people meaning non-beneficiaries including other aboriginal groups as well.



TERRITORY

- NOTHERN AREA
 - *Section 24 applies in whole*
- BUFFER AREA
 - *Section 24 applies but more limited (eg. No exclusive use for fish or black bear)*
- SOUTHERN AREA
 - *Section 24 does not apply except;*
 - Exclusive right for trapping apply on Cree trapline;
 - Only Cree tallymen, their families and native people authorised by them shall have the right to harvest;
 - Exclusive right to hunt for commercial purposes on Cree traplines



TERRITORY

- CATEGORY I
 - *Under complete and exclusive control and use of the Crees*
- CATEGORY II
 - *Cree have exclusive right to hunt and fish, including the right to permit hunting and fishing by non-native*
 - *Exclusive right for outfitting*
- CATEGORY III
 - *For Cree and non-native use*
 - *Cree have exclusivity for some species (scheduled II),*
 - *Exclusive right to hunt for commercial, keeping in captivity and husbandry for some species*
 - *Priority of harvest; guaranteed levels of harvest*
 - *Priority to establish outfitting operations*

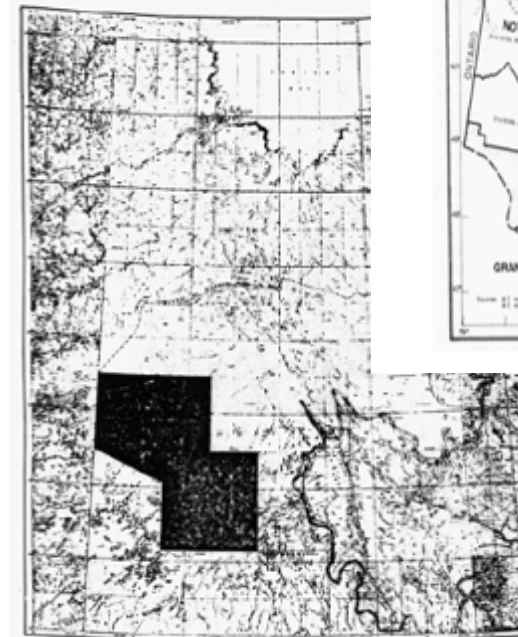


AREAS OF PRIMARY AND COMMON INTEREST

- In general, the areas of primary interest are as follow;
 - Cree territory: south of the 55th parallel
 - Inuit territory: north of the 55th parallel (except for Whapmagoostui Cat. I & II)
 - Naskapi territory: Naskapi sector (Schedule 4)
- Areas of common interest rights defined for each native group
 - Cree-Inuit (schedule 1)
 - Inuit-Naskapi (North of 55 parallele: Schedule 4)
 - Naskapi have certain rights in Cree portion of zone describe in **schedule 5** (caribou harvest subject to certain conditions.)
 - Inuit-Naskapi Caribou zone (schedule 6)



Complementary Agreement no 1 - Schedule 5



Section 24 Schedule 1

Hunting, Fishing and Trapping



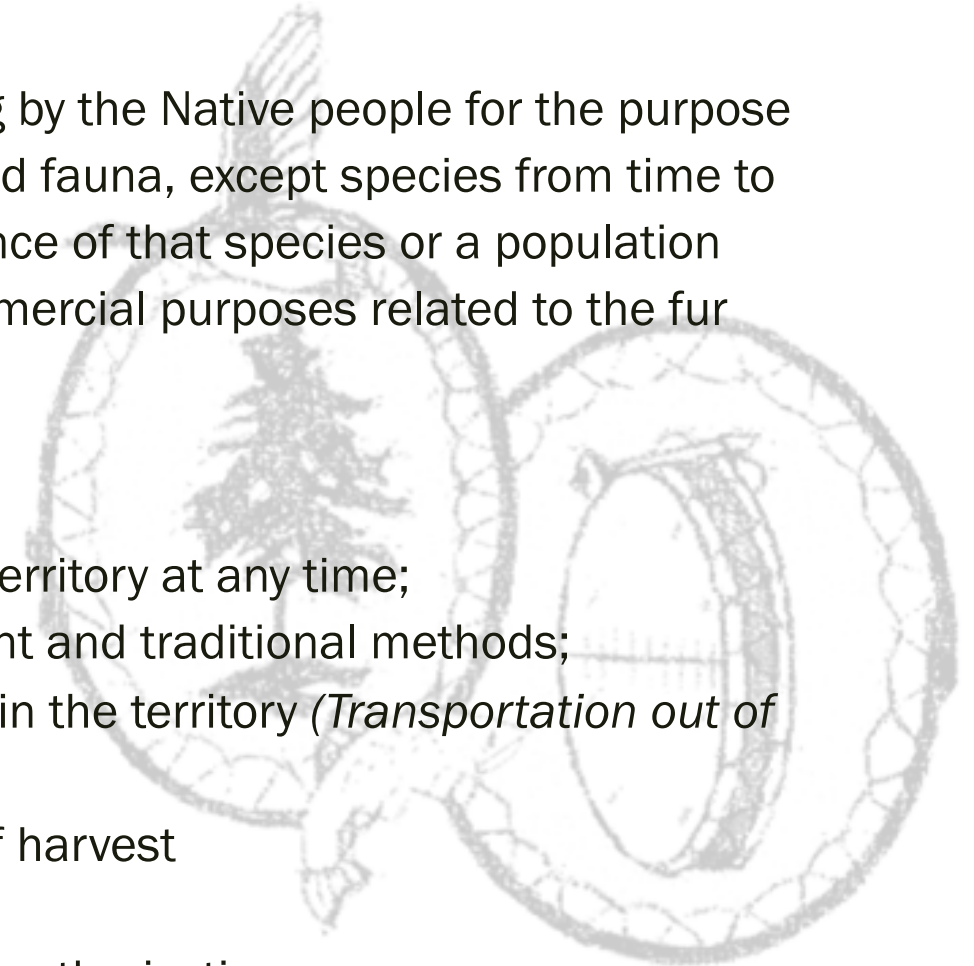
24.3 HARVESTING

24.1.13 “Harvesting” means hunting, fishing and trapping by the Native people for the purpose of the capture or killing of individuals of any species of wild fauna, except species from time to time completely protected to ensure the continued existence of that species or a population thereof, for personal and community purposes or for commercial purposes related to the fur trade and commercial fisheries.

Right to harvest includes:

- Right to harvest any species, anywhere in the JBNQA territory at any time;
- Right to possess all equipment required; use of present and traditional methods;
- Right to travel and establish camp, and transport within the territory (*Transportation out of territory also recognised by Native parties*)
- Right to trade and conduct commerce of by-product of harvest

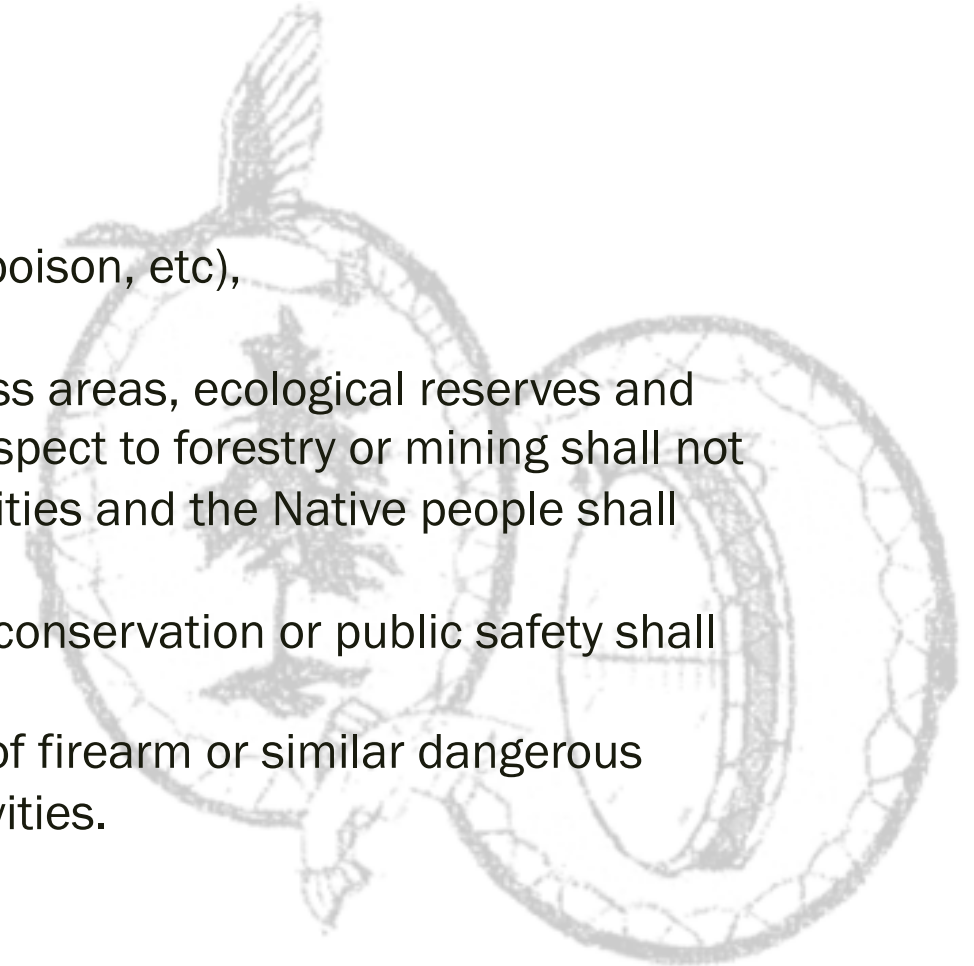
Rights not subject to obtaining permits, licenses, or other authorizations...



SOME LIMITATIONS

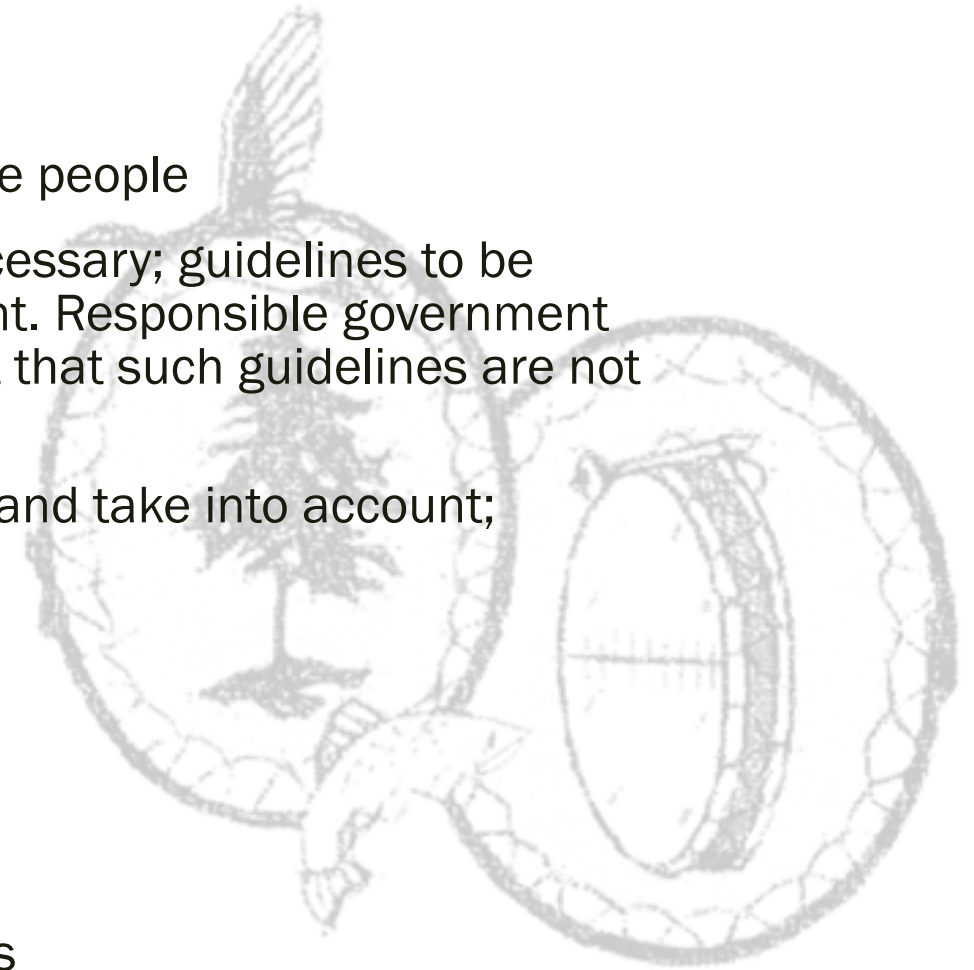
Right to harvest subject to some limitations:

- Use of certain equipment's prohibited (eg. Explosive, poison, etc),
- Where there is physical conflicts or public safety.
- The creation or existence of parks, reserves, wilderness areas, ecological reserves and the grant or existence of concessions or rights with respect to forestry or mining shall not in themselves be considered conflicting physical activities and the Native people shall continue to have the right to harvest in such areas
- Acts to limit access to an area for reasons other than conservation or public safety shall NOT exclude that area from the right to harvest
- Restrictions for public safety shall apply to discharge of firearm or similar dangerous activities, but shall not preclude other harvesting activities.



REGULATIONS APPLYING TO NATIVE PEOPLE

- Only necessary regulations may be applied to Native people
- If control of Native harvesting determined to be necessary; guidelines to be encouraged and promoted by Cree local government. Responsible government reserves its right to impose such control in the event that such guidelines are not effective
- If regulation imposed, must have minimum impact and take into account;
 - *Local native food productions*
 - *Role of the tallymen and Cree trapline*
 - *Access to harvestable resources*
 - *Efficiency of harvesting*
 - *Cost of harvesting and native cash income*
- Regulation must be less restrictive than non-natives

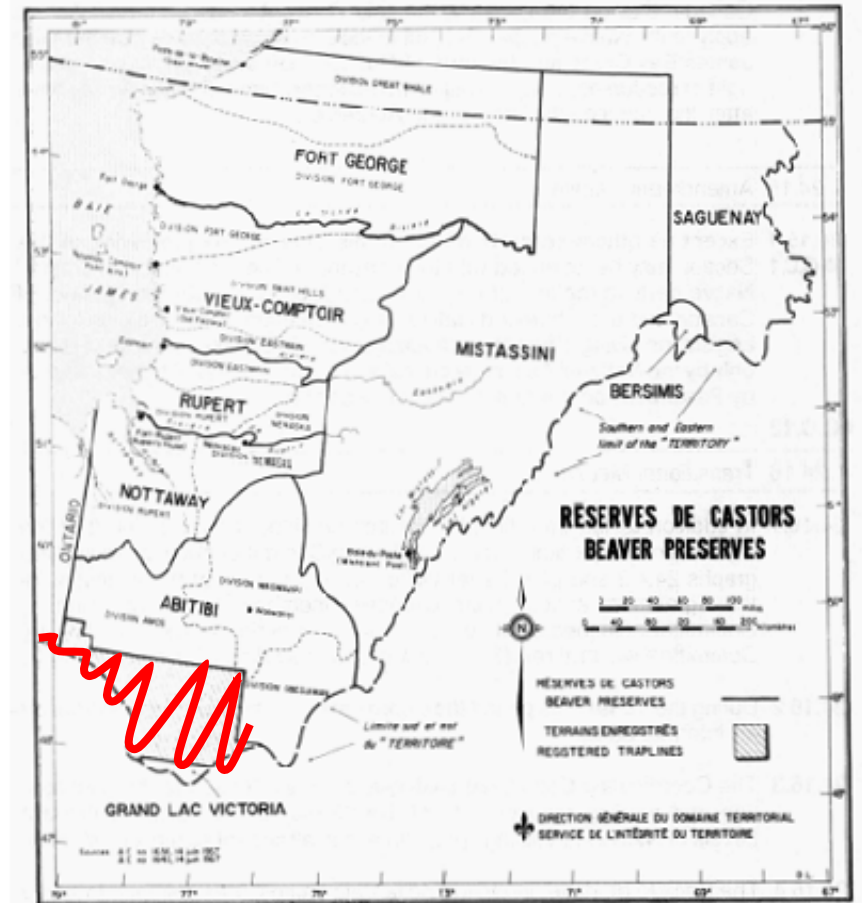


TRAPPING

- Exclusive right to trap including for commercial purpose;
- If Crees do not trap in an area for an extended period, non-natives could be permitted to trap in that area but only for management of species and subject to restrictions. Permission can only be temporary (not more than 4 years)
- The exclusive right does not apply to the area of registered traplines in the southern portion of the territory (schedule 1) except (Cree traplines)
- Non-native may snare hare in and around non-native settlements below the 50th parallel
- Government must assist Cree in establishing trappers association and run a trapping industry.
- Present system of Cree traplines shall continue unless agreed to by the cree community

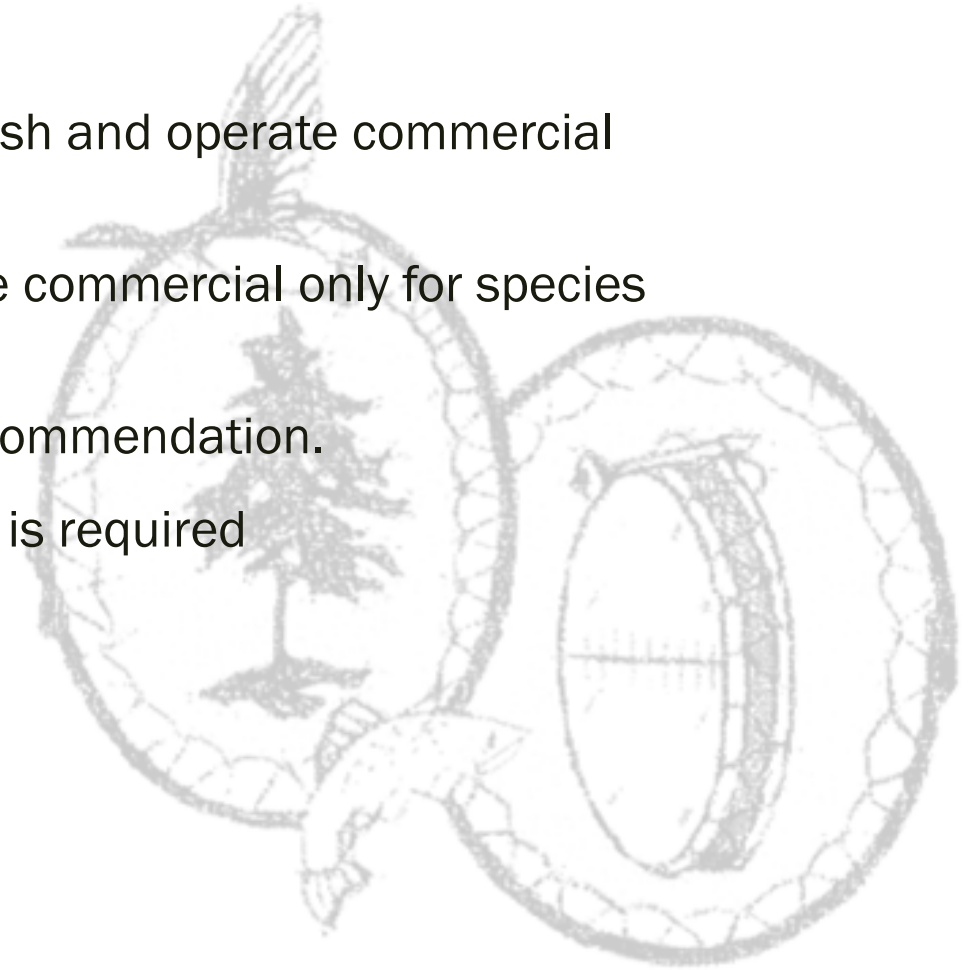
Section 24 Schedule 1

Hunting, Fishing and Trapping



COMMERCIAL FISHERIES

- Category I & II: Exclusive right in cat. I & II to establish and operate commercial fisheries
- Category III: Exclusive right to establish and operate commercial only for species reserved
- All applications to be reviewed by the HFTCC for recommendation.
- In Category I & II consent by local Cree government is required



PERSONAL AND COMMUNITY USE

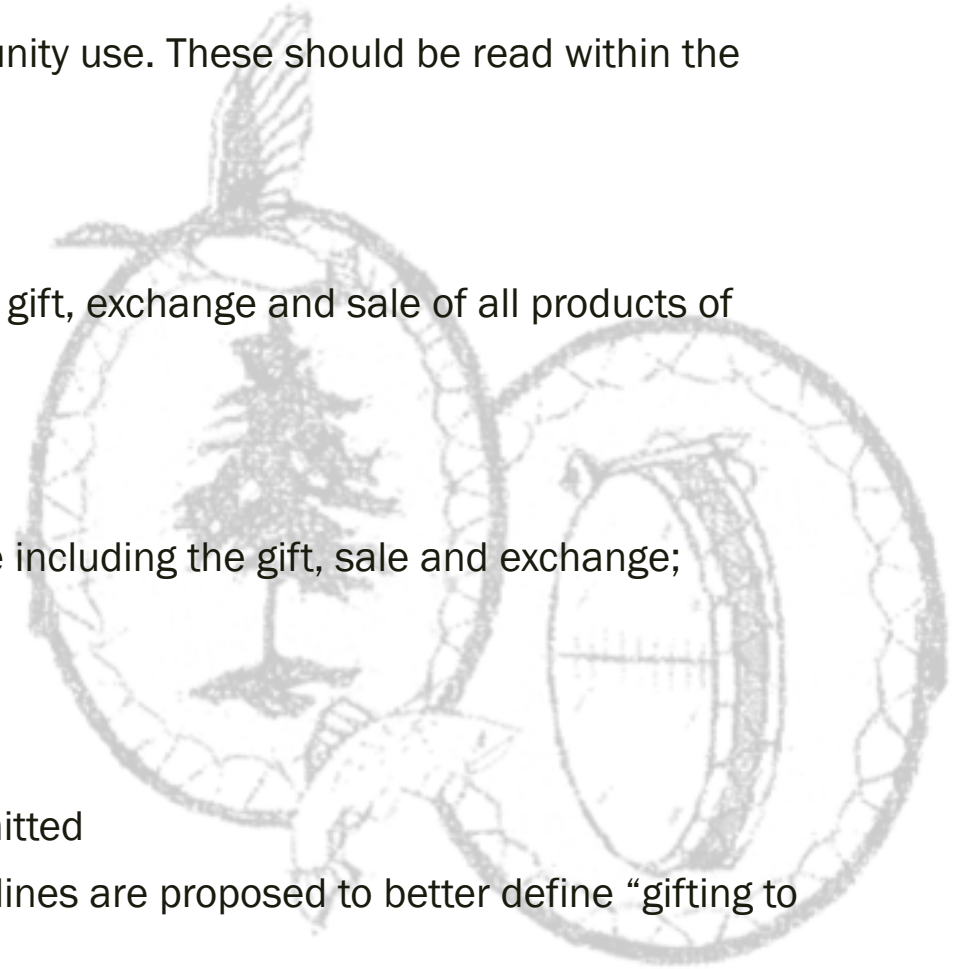
Right to harvest include harvesting activities for personal and community use. These should be read within the meaning of Cree tradition and customs.

PERSONAL USE

- Use for personal purposes of all products of harvesting including gift, exchange and sale of all products of harvesting within family (extended family).

COMMUNITY USE

- Use of all products of harvesting consistent with present practice including the gift, sale and exchange;
 - *between two Native communities*
 - *between members of a native community*
 - *Between members of different communities*
- The exchange or sale of fish and meat to non-natives is not permitted
- Gifting to non-native is not specifically mentioned however guidelines are proposed to better define “gifting to non-native”.
- Local cree government may regulate personal and community use



24.3A HUNTING FOR COMMERCIAL PURPOSES, KEEPING IN CAPTIVITY AND HUSBANDRY

- Exclusive right to hunt for commercial purposes any species until November 10, 2024. (include species listed in schedule 7)
- Exclusive right of keeping in captivity and husbandry of species listed in schedule 8 only in northern area, and buffer area (except in and around non-native settlements where non-native may also engage in such activity.)
- Subject to obtaining permit, licence or authorization from responsible minister.
- Subject to Cree community affirmative notice who may establish by-law conditions more restrictive than the Quebec minister.
- Prior to expiry date, parties shall negotiate whether such exclusive right shall be renewed

Annex 7

SPECIES OF WILDLIFE FOR HUNTING FOR COMMERCIAL PURPOSES

1. Caribou
2. Willow Ptarmigan
3. Rock Ptarmigan
4. Arctic Hare
5. Snowshoe Hare
6. Spruce Grouse

Compl. A. no. 12, sch. 1, s. 13

Annex 8

SPECIES OF WILDLIFE FOR KEEPING IN CAPTIVITY AND HUSBANDRY

1. Caribou
2. Willow Ptarmigan
3. Rock Ptarmigan
4. Arctic Hare
5. Snowshoe Hare
6. Spruce Grouse
7. Muskox

Compl. A. no. 12, sch. 1, s. 13

24.4 THE COORDINATING COMMITTEE

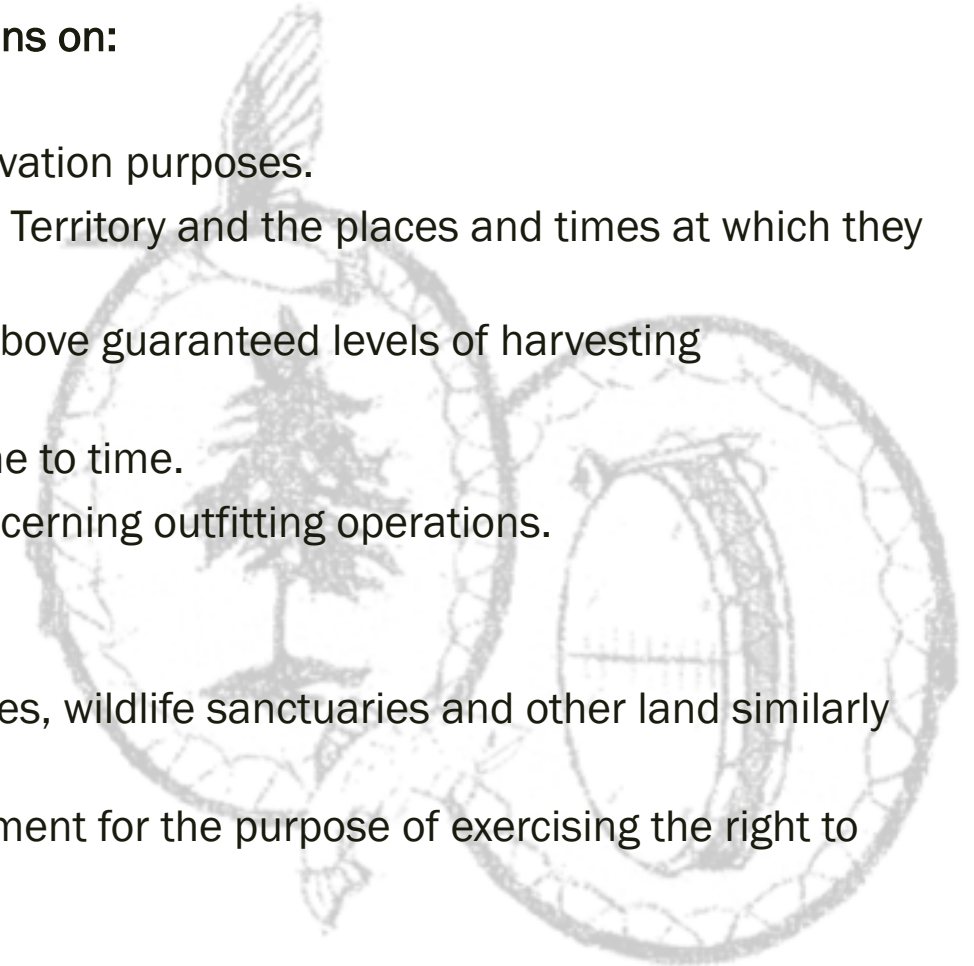
- Review, manage, and in certain cases, supervises and regulate the HFT regime; consultative body to responsible government; the preferential and exclusive forum to regulate and supervise with respect to caribou, moose and black bear.
- 16 members; Cree (3), Inuit (3), Naskapi (2), Quebec (4), Canada (4), SDBJ (1 observer with no voting power except by proxy)
- Chairman alternate every year, and appointed by respective party (2016 = Quebec chairmanship)
- All decisions decided by majority of votes; in case of tie, the chairman shall have the breaking vote.
- Regular meeting at least 4 times annually; in addition meet for working groups and many teleconferences
- Secretariat (3 employees presently: HFTCC may by unanimous agreement alter the size of the secretariat)
- Secretariat under the responsibility and control of the HFTCC, and Quebec shall maintain and fund the secretariat; each party remunerate the members it appoints



24.4 THE COORDINATING COMMITTEE

24.4.27 The Coordinating Committee may make recommendations on:

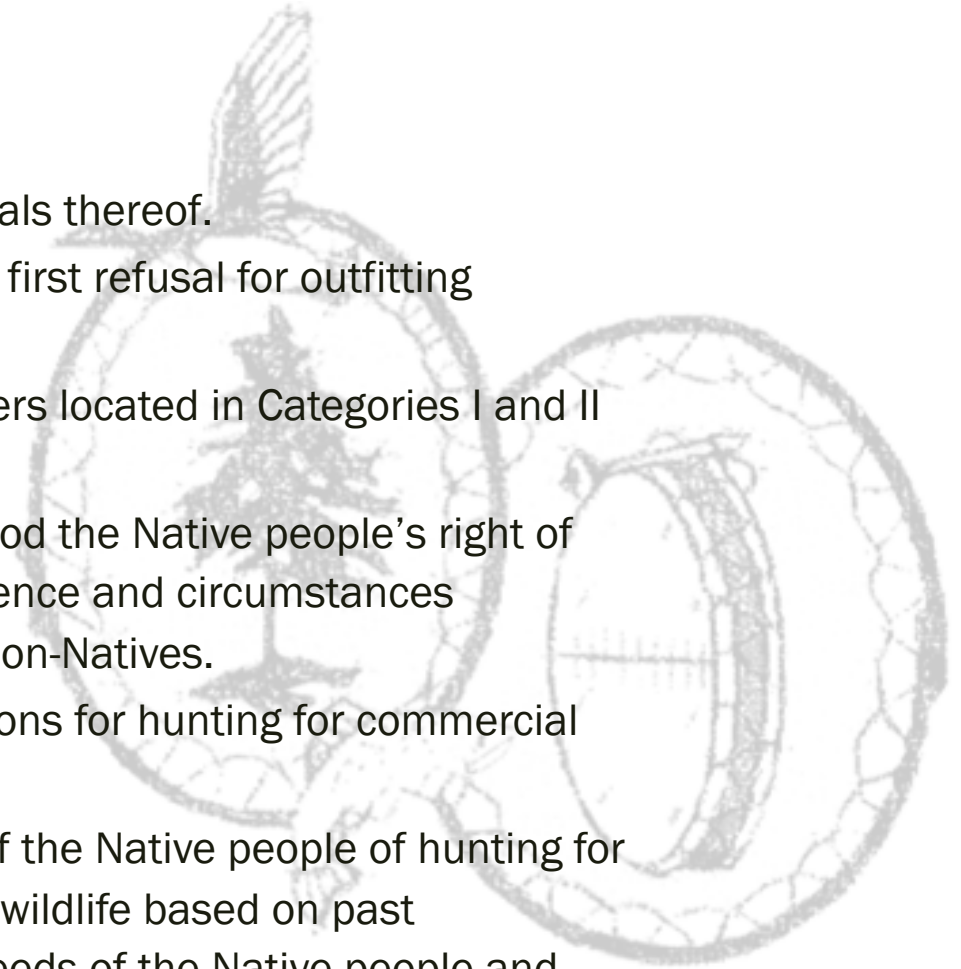
- Guidelines and other measures related to Native harvesting.
- Conservation, including management procedures for conservation purposes.
- The number of non-Natives permitted to hunt and fish in the Territory and the places and times at which they may hunt and fish.
- Levels of allocation of Native and non-Native kills over and above guaranteed levels of harvesting established pursuant to this Section.
- Species of wild fauna requiring complete protection from time to time.
- Planning and policy relating to outfitting and regulations concerning outfitting operations.
- Research projects related to wildlife resources.
- Enforcement of the Hunting, Fishing and Trapping Regime.
- The establishment, the operation of parks, ecological reserves, wildlife sanctuaries and other land similarly classified.
- Regulations which prohibit the possession and use of equipment for the purpose of exercising the right to harvest.
- Regulations respecting commercial fisheries operations.
- Regulations or other measures respecting hunting for commercial purposes, keeping in captivity and husbandry of wildlife



24.4 THE COORDINATING COMMITTEE

24.4.28 The Coordinating Committee shall:

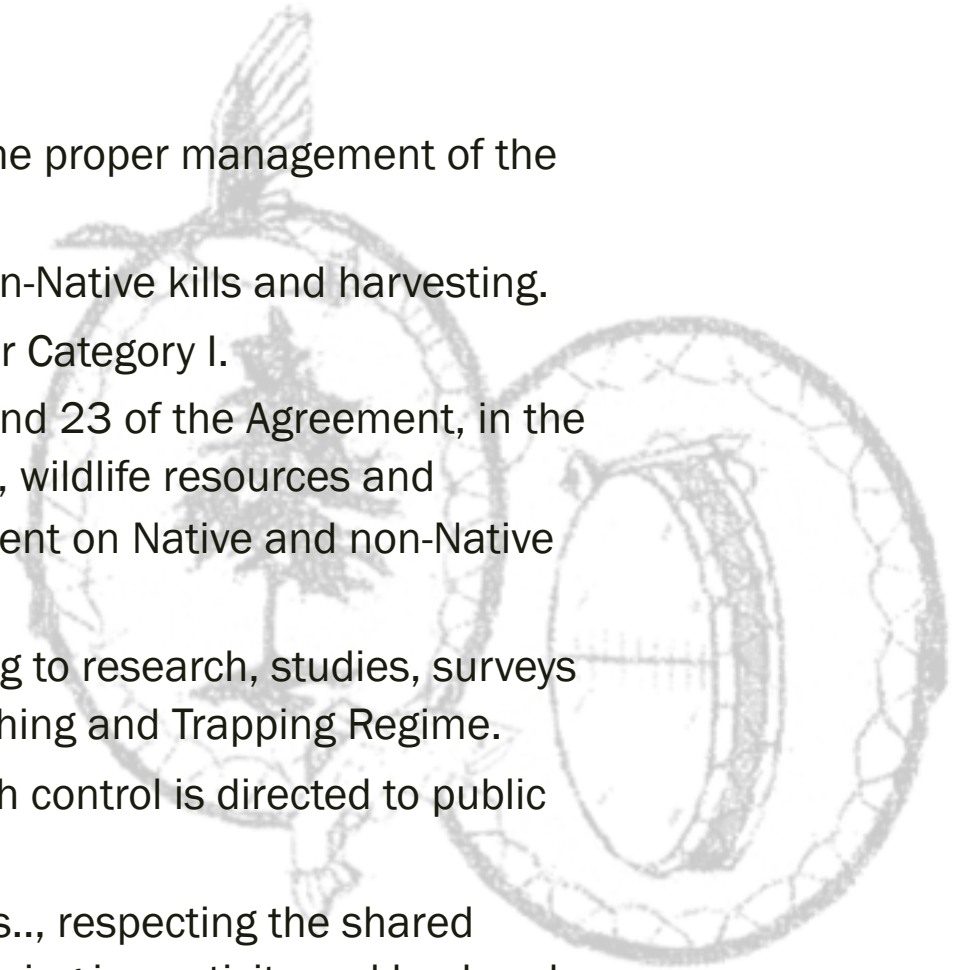
- Review applications for new commercial fisheries permits.
- Review applications for outfitters' permits or leases or renewals thereof.
- Supervise procedures respecting the Native people's right of first refusal for outfitting facilities.
- Supervise procedures for the relocation of non-Native outfitters located in Categories I and II if required.
- Review at the expiration of the stipulated thirty (30) year period the Native people's right of first refusal for outfitting in Category III based on past experience and circumstances including actual and future needs of the Native people and non-Natives.
- Review applications for permits, licences or other authorizations for hunting for commercial purposes, keeping in captivity and husbandry of wildlife.
- Review, prior to the expiry of the delay..., the exclusive right of the Native people of hunting for commercial purposes, keeping in captivity and husbandry of wildlife based on past experience and circumstances including actual and future needs of the Native people and non-Natives



24.4 THE COORDINATING COMMITTEE

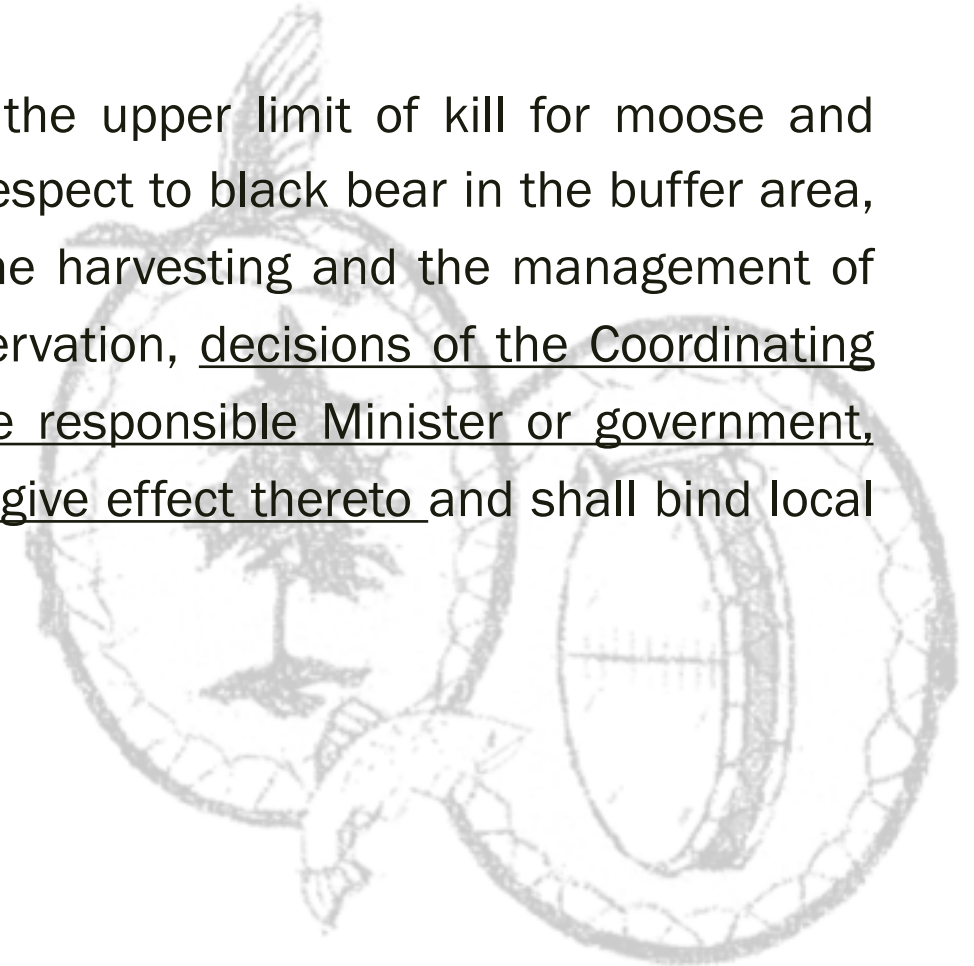
24.4.29 The Coordinating Committee may:

- Receive, maintain and distribute information necessary for the proper management of the Hunting,
- Fishing and Trapping Regime, including game inventories, non-Native kills and harvesting.
- Recommend to local governments conservation measures for Category I.
- Participate in conformity with the provisions of Sections 22 and 23 of the Agreement, in the assessment of impacts of future development upon the land, wildlife resources and harvesting, and the economic implications of such development on Native and non-Native activity related to wildlife resources.
- To the extent possible, receive and review information relating to research, studies, surveys and the data obtained therefrom, relating to the Hunting, Fishing and Trapping Regime.
- Make representations concerning weapon control where such control is directed to public security.
- Make recommendations to the responsible Native authorities..., respecting the shared exercise of the right of hunting for commercial purposes, keeping in captivity and husbandry of wildlife.



THE UPPER LIMIT OF KILL

24.4.30 The Coordinating Committee may establish the upper limit of kill for moose and caribou for Native people and non-Natives and, with respect to black bear in the buffer area, make decisions relating to the non-Native hunting, the harvesting and the management of populations thereof. Subject to the principle of conservation, decisions of the Coordinating Committee pursuant to this paragraph shall bind the responsible Minister or government, who shall make such regulations as are necessary to give effect thereto and shall bind local and regional governments.

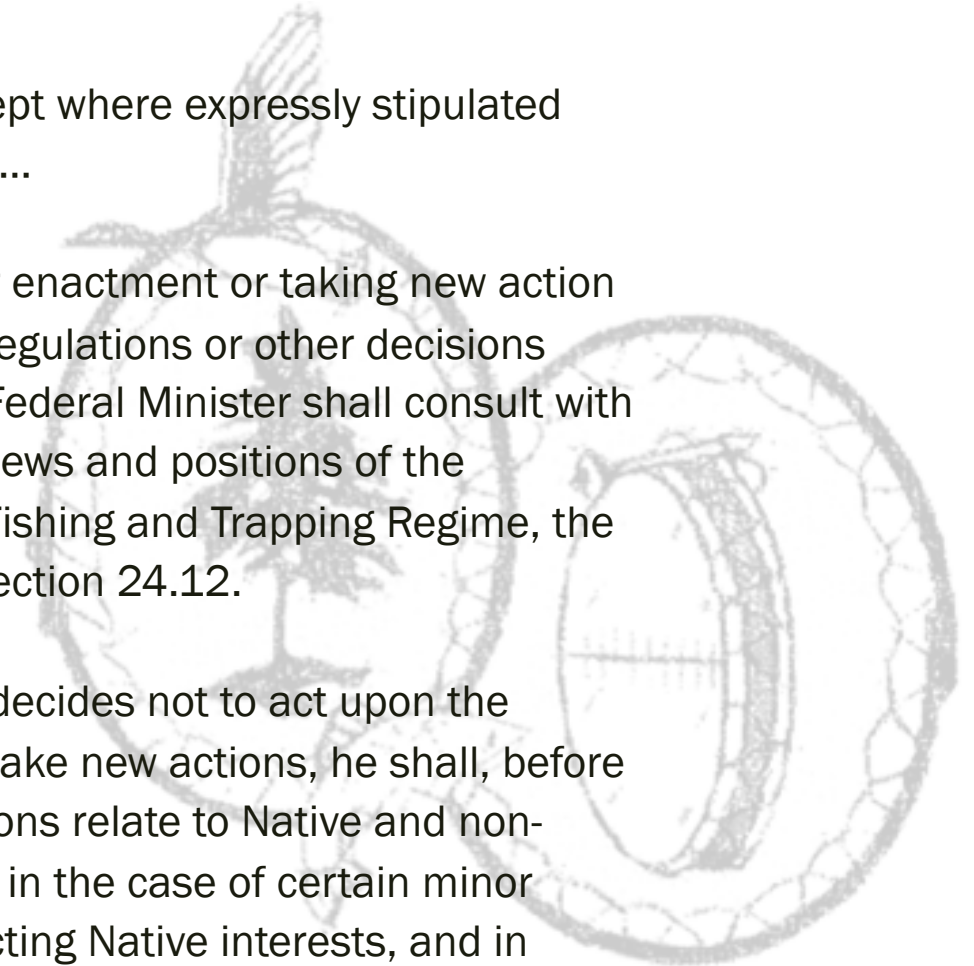


CONSULTATION PROCESS

24.4.35 Proposed regulations, measures or decisions shall, except where expressly stipulated otherwise, be subject to the approval of the responsible Minister...

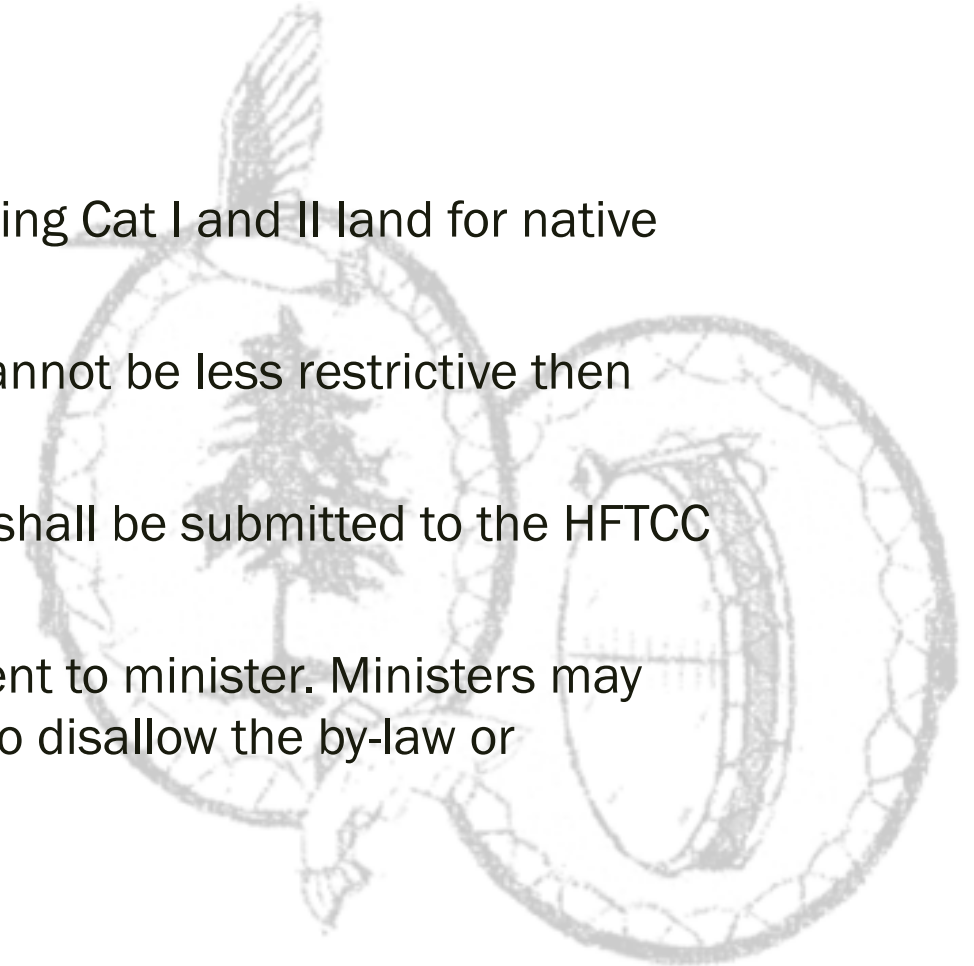
24.4.36 Before submitting a new regulation or other decision for enactment or taking new action and before modifying or refusing to submit for enactment draft regulations or other decisions from the Coordinating Committee, the responsible Provincial or Federal Minister shall consult with the Coordinating Committee and shall endeavor to respect the views and positions of the Coordinating Committee on any matter respecting the Hunting, Fishing and Trapping Regime, the whole subject to the provisions of paragraph 24.4.37 and Sub Section 24.12.

24.4.37 In all cases where the responsible Minister modifies or decides not to act upon the recommendations of the Coordinating Committee or decides to take new actions, he shall, before acting, consult with the Coordinating Committee when his decisions relate to Native and non-Native activities and the wildlife resources in the Territory except in the case of certain minor measures relating exclusively to non-Native activity and not affecting Native interests, and in particular such measures relating to zones, seasonal dates and bag limits.



24.5 POWERS OF NATIVE AUTHORITY AND GOVERNMENT

- Communities have the power to pass by-laws affecting Cat I and II land for native and non-native permitted to hunt and fish.
- By-laws regarding non-native hunting and fishing cannot be less restrictive than provincial and federal laws.
- By-laws or regulations proposed by the community shall be submitted to the HFTCC for its advice.
- By-laws come into effect on the date when copy sent to minister. Ministers may have the right within 90 days of the receipt of the by-law or regulation.



24.6 PRIORITY OF NATIVE HARVEST

- 24.6.1 The responsible governments and the Coordinating Committee shall apply the principle of priority of Native harvesting...
- 24.6.2 The principle of priority of Native harvesting shall mean that in conformity with the principle of conservation and where game populations permit, the Native people shall be guaranteed levels of harvesting equal to present levels of harvesting of all species in the Territory.
- 1973-1978 Native Harvesting Research Project
- Guaranteed levels of harvesting (GLH) adopted in 1989.

Comité conjoint -
chasse, pêche et piégeage
Hunting, Fishing and Trapping
Coordinating Committee

AGREEMENT N° 89-90A:01

TABLE 1: RECOMMENDED GUARANTEED LEVELS OF HARVESTING OF
MOOSE, BLACK BEAR, AND CARIBOU FOR THE CREE

COMMUNITY ZONES	MOOSE	BLACK BEAR	CARIBOU
Whapmagoostui	0	13	200
Chisasibi	16	37	74
Wemindji	20	23	13
Eastmain	25	20	4
Waskaganish	98	24	51
Nemiscau	60	8	48
Mistassini (non-buffer zone area)	574	68	430
Waswanipi (non-buffer zone area)	79	13	10
BUFFER ZONES	158 (includes for moose: Mistassini 26 Waswanipi 132)	8 (includes for black bear: Mistassini 2 Waswanipi 6)	0

Montreal, October 24, 1989.

[Signature]
Ian Juniper, Secretary

24.6 PRIORITY OF NATIVE HARVEST

24.3A.5

- There shall be no hunting for commercial purposes in respect of a population of a species of wildlife permitted anywhere in the Territory in a given year unless the harvesting needs of the Native people above the interim guaranteed levels of harvesting or the guaranteed levels of harvesting that shall be established, as well as the needs of persons other than Crees, Inuit and Naskapis for sport hunting in respect of such population, may be satisfied.

POPULATION
LEVEL



PRIORITY OF HARVEST	
<ul style="list-style-type: none">• COMMERCIAL HARVEST• SPORTS HARVEST• SUBSISTENCE HARVEST	If harvest needs of native and sports hunting satisfied
<ul style="list-style-type: none">• SPORTS HARVEST• SUBSISTENCE HARVEST	Over and beyond the GLH; allocation of resources
<ul style="list-style-type: none">• SUBSISTENCE HARVEST	Guaranteed Level Harvest (Cree, Inuit, Naskapi) (6407)
<ul style="list-style-type: none">• CONSERVATION PRINCIPAL	Regime and right to harvest subject to principal of conservation

24.6 PRIORITY OF NATIVE HARVEST

24.6.3

- b) In allocating wildlife resources for harvesting or non-Native hunting and fishing over and above the said guaranteed levels, the harvesting needs of the Native people and the needs of non-Natives for recreational hunting and fishing shall be taken into account.
- c) Subject to sub-paragraphs a) and b) there shall always be some allocations of species for non-Native sport hunting and sport fishing.

POPULATION
LEVEL



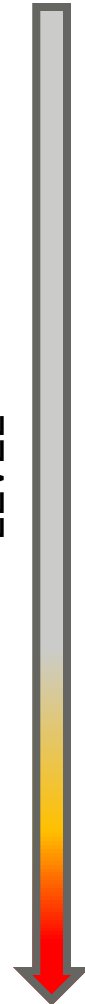
PRIORITY OF HARVEST	
<ul style="list-style-type: none">• SPORTS HARVEST• SUBSISTENCE HARVEST	Over and beyond the GLH; allocation of resources
<ul style="list-style-type: none">• SUBSISTENCE HARVEST	Guaranteed Level Harvest (Cree, Inuit, Naskapi) (6407)
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24.6 PRIORITY OF NATIVE HARVEST

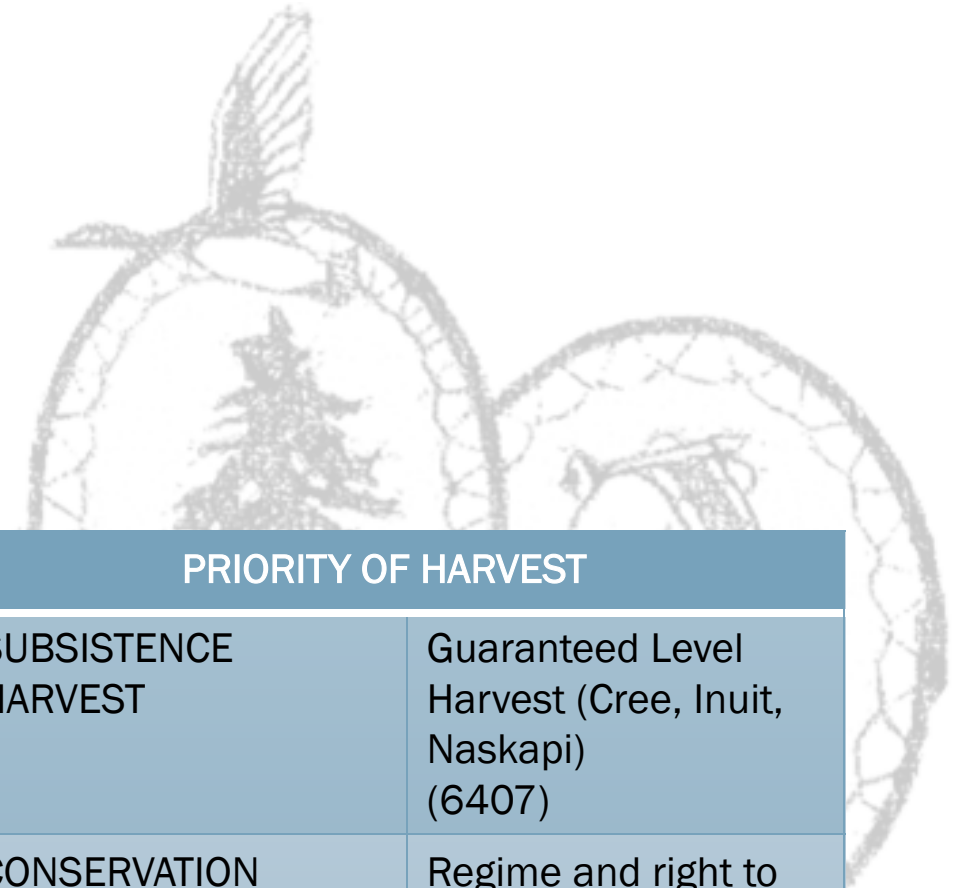
24.6.3

- a) If game populations permit levels of harvesting equal to the guaranteed levels established pursuant to paragraph 24.6.2, the Native people shall have the right to harvest up to the said guaranteed levels.
- d) If game populations do not permit levels of harvesting equal to the guaranteed level established pursuant to paragraph 24.6.2, the Native people shall be allocated the entire kill and may allocate a portion of this kill to non-Natives through recognized outfitting facilities.

POPULATION
LEVEL



PRIORITY OF HARVEST	
• SUBSISTENCE HARVEST	Guaranteed Level Harvest (Cree, Inuit, Naskapi) (6407)
• CONSERVATION PRINCIPAL	Regime and right to harvest subject to principal of conservation



24.6 PRIORITY OF NATIVE HARVEST

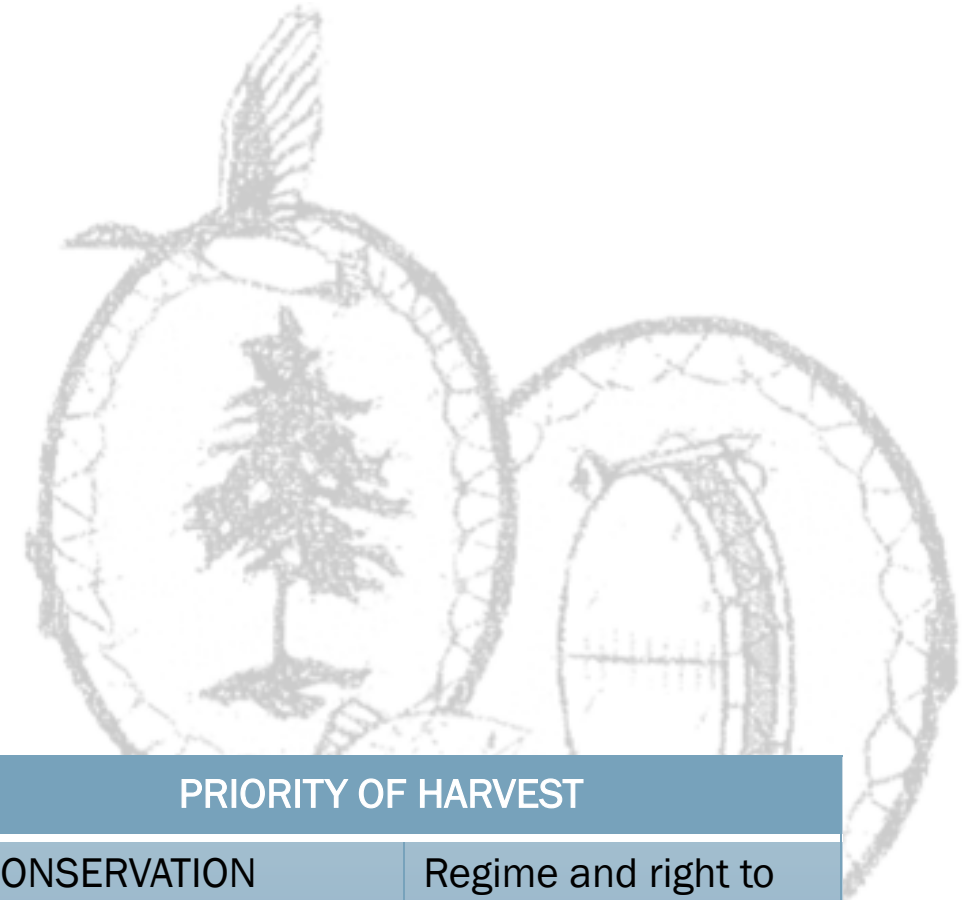
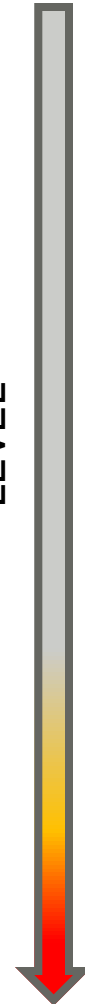
24.2.1

- The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall be subject to the principle of conservation.

24.3.2

- Every Native person shall have the right to harvest any species of wild fauna except species requiring complete protection from time to time within the Territory to ensure the continued existence of such species or a population thereof.

POPULATION
LEVEL



PRIORITY OF HARVEST

- CONSERVATION PRINCIPAL

Regime and right to harvest subject to principal of conservation

24.7 SPECIES RESERVED

24.7.1 ...in all areas of the HFT regime...certain species of mammals, fish and birds shall be reserved for the exclusive use of the Crees, the Inuit and the Naskapis. Such exclusive use shall include the right to conduct commercial fisheries related to the various species of fish so reserved. The species reserved are listed in Schedule 2.

- Black bear only exclusive in north of 50th parallel
- Wolves only exclusive north of 55th parallel
- Sports fishing of all species allowed in buffer area

SCHEDULE II

Fur-bearers:

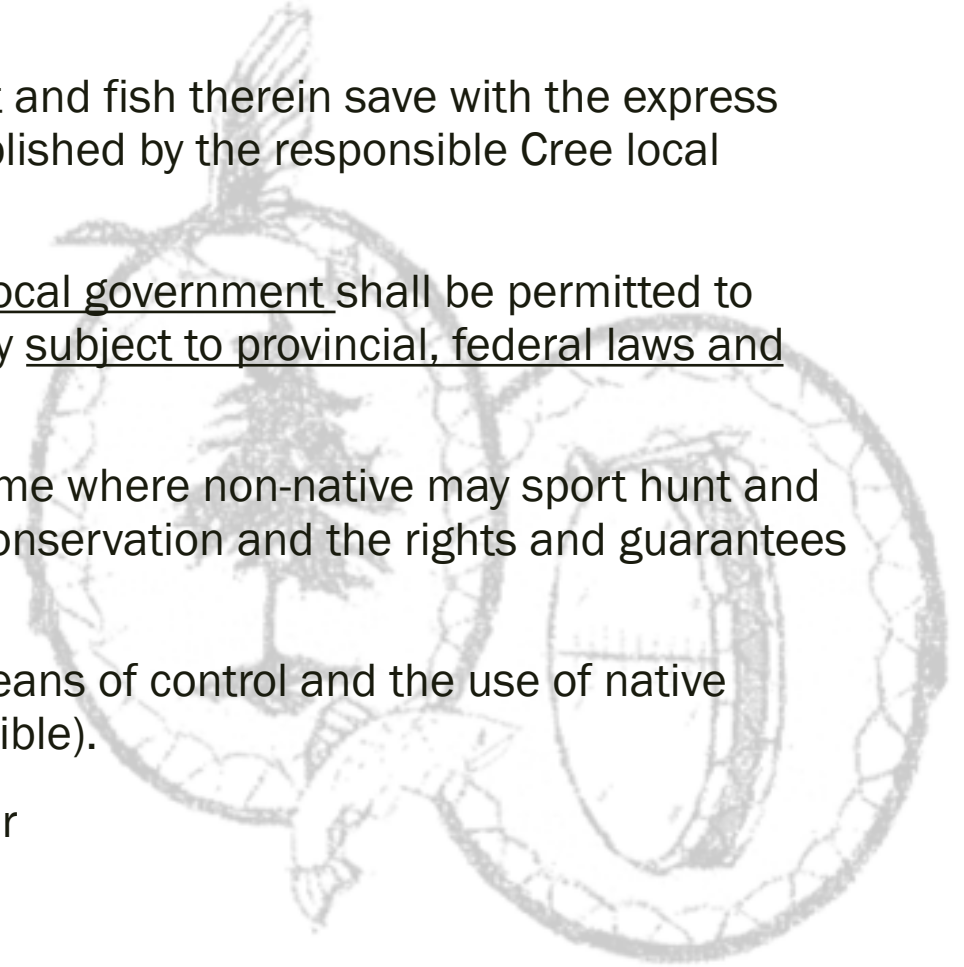
- All mustelids (i.e. mink, ermine, weasels, marten, fisher, otter, skunk and wolverine)
- Beaver
- Lynx
- Foxes
- Polar bear
- Muskrat
- Porcupine
- Woodchuck
- Black bear (in the Cree traplines north of the 50th parallel)
- Wolves (north of the 55th parallel)
- Fresh water seals

Fish:

- Whitefishes (non-anadromous)
- Sturgeon
- Suckers
- Burbot
- Hiodons (Mooneye and Goldeye)

24.8 NON-NATIVE HUNTING AND FISHING

- In Cat. II land, non-Natives shall not have the right to hunt and fish therein save with the express authorization of and upon the terms and conditions established by the responsible Cree local government.
- Non-native who meet the residency requirements of the local government shall be permitted to sport hunt and sport fish in Cat. I and II of that community subject to provincial, federal laws and regulations and local by-laws and regulations.
- A control shall be exercised over the number, place and time where non-native may sport hunt and sport fish with a view to giving effect to the principle of conservation and the rights and guarantees in favour of the Native people.
- The use of outfitting shall be considered as a principal means of control and the use of native guides shall be a requirement (to the extent deemed feasible).
- Such requirements shall be imposed in the following order
 - *Upon non-residents of the Province of Quebec*
 - *Upon non-resident of the territory*
 - *Upon resident of the territory*



24.8 NON-NATIVE HUNTING AND FISHING

- 24.8.10 The Hunting, Fishing and Trapping Regime shall apply in full to all residents of that portion of the Territory above the 50th parallel of latitude. The Coordinating Committee shall take this into account when formulating and recommending measures applicable to non-Native residents of the said portion of the Territory. **Such measures may include the creation of special fishing zones and big game zones** within the said portion of the Territory with a view to minimizing conflicts between Native harvesting activity and non-Native hunting and fishing.
- 24.8.11 When the Coordinating Committee determines that the presence of temporary labor forces or a given temporary labor force involved in construction and related work in the Territory may affect the regime including the principle of conservation and the rights and guarantees in favour of the Native people established by and in accordance with this Section, Québec shall make regulations concerning the controls and rules to apply to the sport hunting and sport fishing activity of such temporary labor forces. The Coordinating Committee shall be involved in the establishment and review of such controls and rules and supervise the procedures concerning the implementation and enforcement thereof. **Such controls and rules shall include inter alia the designation of specific locations in the Territory or specific facilities which shall be used by such labor forces for the purpose of sport hunting and sport fishing.** The Coordinating Committee shall be entitled to receive all information necessary for the proper exercise of its functions pursuant to this paragraph and established by such regulations.

24.9 OUTFITTING

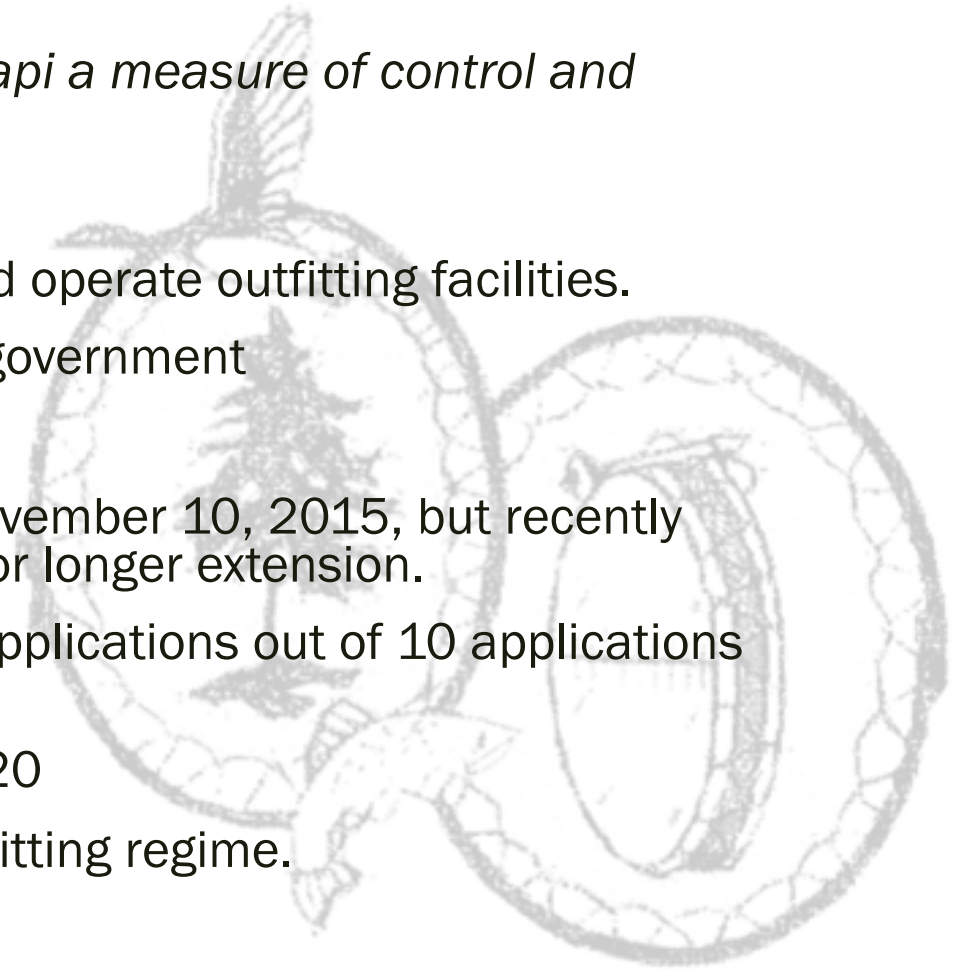
Outfitting regime Intended to give Cree, Inuit and Naskapi a measure of control and opportunities for economic development.

Category I & II

- Exclusive right for the Native people to establish and operate outfitting facilities.
- Non-native may be permitted with consent of local government

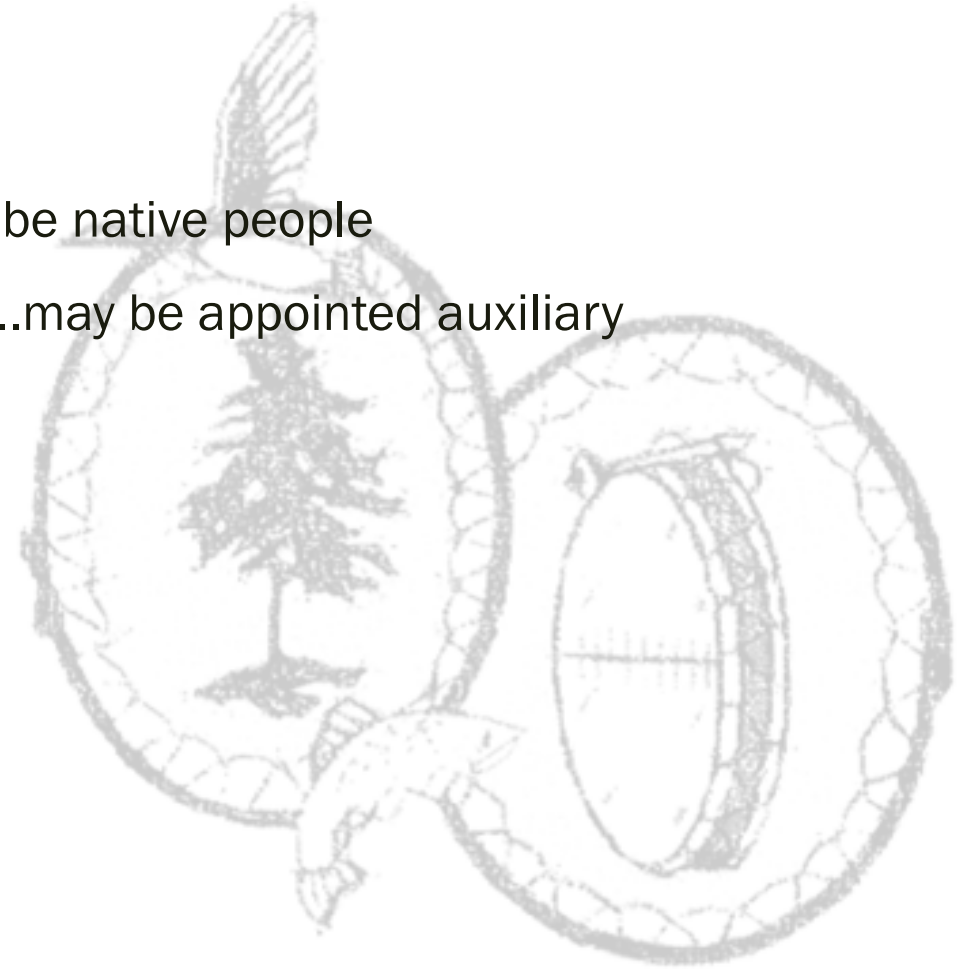
Category III

- Right of First refusal process applies: Expired on November 10, 2015, but recently extended to 2021 to allow for negotiation process for longer extension.
- Right cannot be exercised to at least 3 non-native applications out of 10 applications from any persons.
- Procedure described under section 24.9.7 to 24.9.20
- The HFTCC oversees the implementation of the outfitting regime.



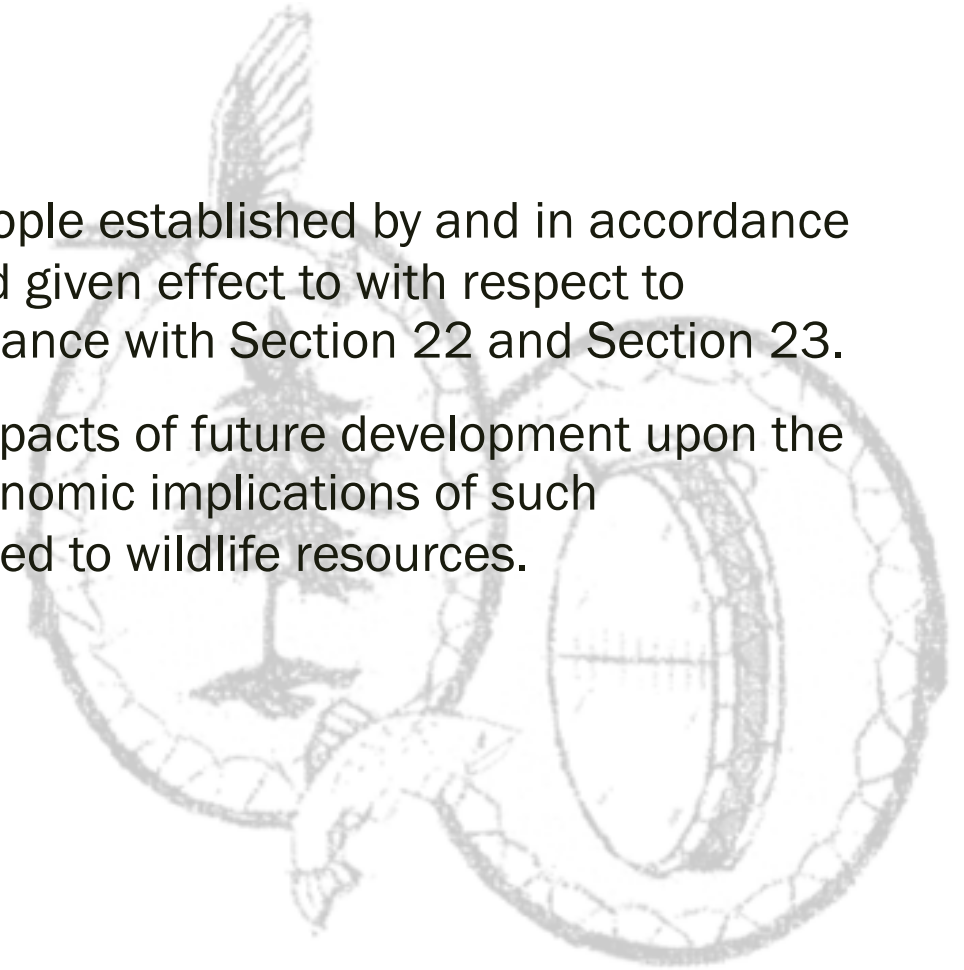
24.10 ENFORCEMENT REGIME

- Predominant number of conservation officers shall be native people
- Cree tallymen, in the area of Cree primary interest, ..may be appointed auxiliary conservation officers



24.11 ENVIRONMENTAL PROTECTION

- 24.11.1 The rights and guarantees of the Native people established by and in accordance with this Section shall be guaranteed, protected and given effect to with respect to environmental and social protection by and in accordance with Section 22 and Section 23.
- The HFTCC may participate in the assessment of impacts of future development upon the land, wildlife resources and harvesting, and the economic implications of such development on Native and non-Native activity related to wildlife resources.



COMMENTS & QUESTIONS!

Thank you!
Chinniskuumehdiinaawowh!

