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A STUDY OF THE IMPACTS OF THE JAMES BAY AND NORTHERN
QUEBEC AGREEMENT ON OUTFITTING IN NOUVEAU-QUEBEC

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Denis Auger

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of the requirements for

Doctoral degree in Park, Recreation and
Tourism Resources

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Major professor

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**A STUDY OF THE IMPACTS OF THE JAMES BAY AND NORTHERN
QUÉBEC AGREEMENT ON OUTFITTING IN NOUVEAU-QUÉBEC**

By

Denis Auger

A DISSERTATION

Submitted to

Michigan State University

In partial fulfillment of requirements

for the degree of

DOCTOR OF PHILOSOPHY

Department of Park, Recreation and Tourism Resources

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ABSTRACT

A STUDY OF THE IMPACTS OF THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT ON OUTFITTING IN NOUVEAU-QUÉBEC

By

Denis Auger

This study examines the development and implementation of policies in the James Bay and Northern Québec Agreement (JBNQA) and its affect on the tourism, recreational hunting/fishing and commercial outfitting industry of Nouveau-Québec. Its objectives are as follows: 1) describe the tourism, recreational hunting/fishing and outfitting industry; 2) describe and explain the development and implementation of the JBNQA; and 3) explain how the JBNQA has influenced Nouveau-Québec tourism, recreational hunting/fishing and the outfitting industry from the perspective of native and non-native outfitters, the Québec government and a policy analysis framework. Data used include a historical review of the JBNQA, selected secondary data, primary data from a survey of Nouveau-Québec outfitters concerning outfitting, wildlife population estimates, sport and subsistence harvest, and interviews with Québec government managers of Nouveau-Québec.

The results show that goals and objectives of the JBNQA were met, but not for all stakeholders. They were met partially for the government; they were met partially for the native outfitters; but they were not met with regard to the non-native outfitters.

In the future, such agreements need to address and reflect the positions of stakeholders, have more clear, defined, measurable goals and include built-in monitoring to evaluate performance.

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Special thanks are due my family, specifically, my Father, Dr. Jacques Auger for his support and expertise and my wife, Tammy, for her support while I completed this document and my doctor of philosophy degree.

I would also like to take this opportunity to thank the Ministry of Environment and Fauna of the Province of Québec for the access to their resources and for the information provided to me by their experts.

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CHAPTER 1

Introduction

This study examines the development and implementation of policies in the James Bay and Northern Québec Agreement (JBNQA) and the Northeastern Québec Agreement (NEQA). It also assesses their effect on tourism, and on recreational hunting, fishing and outfitting in Nouveau-Québec.

The JBNQA, signed on November 11, 1975, established the rights and obligations of the Québec government and the Cree and Inuit regarding the administrative organization of the territory and the management of its resources. A similar agreement, the NEQA, signed on January 31, 1978 recognized comparable rights and obligations for the Québec Naskapis. However, this document refers mostly to the JBNQA, since the NEQA was based on the JBNQA.

The governments of Canada and Québec signed these agreements to facilitate the construction and implementation of a hydro-electric power complex on the river La Grande. The project included flooding lands traditionally used by native people. In return, the native people were to be compensated for the losses of both traditional lands and lifestyles. These agreements were patterned after the Alaska National Interest Lands Conservation Act (ANILCA) passed by the US Congress in 1971, which opened the way for the trans-Alaska pipeline and Prudhoe Bay hydro-carbon development (Frideres, 1981).

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Hydroelectric power complex

The La Grande Hydroelectric Complex is located on the La Grande River, Québec's third longest river and the main tributary for the James Bay. Its natural drainage basin is approximately 62,000 km².

Hydro-Québec, a crown corporation that produces almost all of Québec's electricity, divided the project into two phases (Table 1). The first phase, built between 1973 and 1985 at a cost of \$13.7 billion, has a capacity to generate more than 10,000 megawatts. The second phase, built between 1985 and 1992, added another 5,400 megawatts at an estimated cost of \$7.5 billion. By the year 2000, the La Grande Complex will provide 40% of Hydro-Québec's generating capacity (Williams, 1993).

Nouveau-Québec: A Brief Portrait

Location

Nouveau-Québec is one of 19 tourist regions of the province of Québec in Canada (see Figure 1). It is situated at the northern limits of the regions of Abitibi-Témiscamingue, Saguenay-Lac St-Jean, and the North Shore. It extends as far as James Bay and Hudson Bay to the west, Hudson Strait and Ungava Bay to the North, and the Labrador border to the east. This region of Québec is very difficult to access, as there are few roads and these are seasonal. The primary way to get to most outfitters or communities is by plane.

Nouveau-Québec is the largest of Québec's 19 tourist regions, over 1,150,000 km², or 67% of the province's land area. The state of Michigan (150,259 km²) is approximately 1/8 the size of Nouveau-Québec.

Table 1

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La Grande Hydroelectric Complex

Project Phase	Station	Capacity(MW)	Reservoir Area (km ²)	Land Flooded (km ²)
Phase I				
	LG 2	5328		
	LG 3	2304		
	LG 4	2650		
Total Phase I		10282	8888	6437
Phase II				
	LG 2a	1998		
	LG 1	1368		
	Brisay	446		
	Laforge 1	840		
	Laforge 2	305		
	Eastman 1	480		
Total Phase II		5437	1295	684
Total Phase I and II		15719	9683	7121

Source: Williams, 1993

The creation of Nouveau-Québec

Historically, both federal and provincial politics have influenced the development of Nouveau-Québec (Müller-Wille, 1983). It was under Federal jurisdiction between 1870 and 1912 as the District of Ungava. During this period, the expansion of Québec's territory northward was a topic of great interest. The Province wanted to expand north because its economy was growing and it needed additional timber lands, hard rock minerals and hydroelectric power potential. Québec also considered Nouveau-Québec a territory that could be colonized and used for agriculture (Müller-Wille, 1983).

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In 1886, the Province of Québec requested that the Governor-General initiate proceedings formally outlining Québec's northern and northwestern borders. The primary reason for the request was to prevent conflicts between provincial and federal development projects in northern Canada (Müller-Wille, 1983).

In 1892 and 1893, the first surveys were completed to establish the extent of Nouveau-Québec's resources. However, it wasn't until, in 1896, that the Canadian government fully evaluated the results and determined that Nouveau-Québec had very few economically valuable resources. They further assessed that neither the federal nor provincial governments could significantly benefit from this region.

The Province of Québec did not agree with these results. It asserted that there were reserves of good soil, timber and minerals in the region. Furthermore, there were large freshwater lakes which could contribute to Québec's commercial fisheries. Religious leaders backed these findings. They believed that the rich agricultural soil of the north could support northern colonization and consequently spread Catholicism.

However, the debate in the House of Commons did not center on the resources in Nouveau-Québec; the question of proportional representation was in the forefront. Other provinces did not want to see Québec increase its numbers in the House of Commons, which could happen if the District of Ungava were populated with large numbers of Francophone colonists (Müller-Wille, 1983).

Finally, in 1912, the transfer of the District of Ungava was enacted. The eastern boundary with Labrador was to be clarified through negotiation between the federal government and Newfoundland, a British colony. However, to this day the established boundary is still not accepted by the Province of Québec (Müller-Wille, 1983).

Figure 1

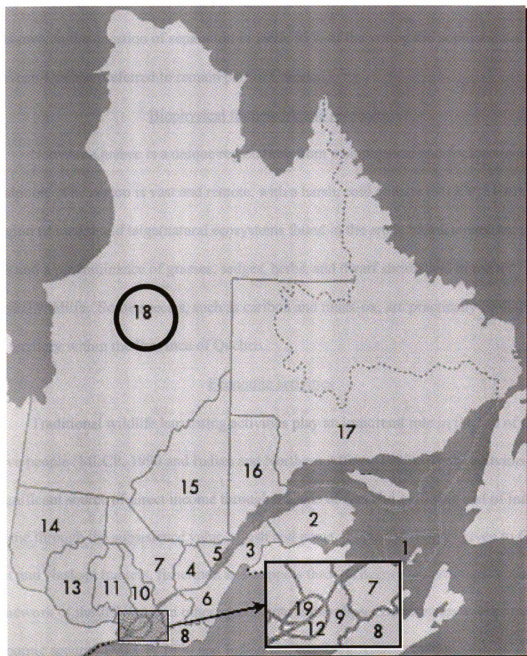
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Figure 1

Québec Tourist Regions



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|------------------------|--------------------------|-------------------------------|
| 1 Îles-de-la-Madeleine | 2 Gaspésie | 3 Bas-Saint-Laurent |
| 4 Greater Québec Area | 5 Charlevoix | 6 Chaudières-Appalaches |
| 7 Mauricie-Bois-Francs | 8 Estrie | 9 Montérégie |
| 10 Lanaudière | 11 Laurentians | 12 Montréal |
| 13 Outaouais | 14 Abitibi-Témiscamingue | 15 Sagueny-Lac-Saint-Jean |
| 16 Manicouagan | 17 Duplessis | 18 Nouveau-Québec (Far North) |
| 19 Laval | | |

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Today, Nouveau-Québec is an integral part of Québec as one of its 17 administrative regions. However, the political instability caused by the possibility of separation by Québec from Canada presages difficulties for the future. In a referendum of its own on the question of separation in 1995, 95% of the voting population of Nouveau-Québec preferred to remain part of Canada.

Biophysical framework and resources

Nouveau-Québec is a unique region both from a biophysical and socioeconomic standpoint. The region is vast and remote, with a harsh, cold climate (MLCP, 1990). It is a region of tundra and taiga (natural ecosystems found in the arctic characterized by few trees and a predominance of grasses, sedges, herbs, and dwarf shrubs) and home to unusual wildlife. Some species, such as caribou and musk-ox, are practically limited to this territory within the Province of Québec.

Economic activities

Traditional wildlife harvesting activities play an important role in the life of the native people (MLCP, 1990 and Indian and Northern Affairs, 1995). These activities are a significant source of direct income through the sale of furs and outfitting and of indirect income through the subsistence value of fish and game. Financial support given to Cree, Inuit and Naskapi hunters, fishermen and trappers through negotiated programs within the framework of the JBNQA and other agreements assure these communities a measure of economic security (MLCP, 1990 and Indian and Northern Affairs, 1995).

In general, forest resources are not commercially exploitable except between the 49th and 51st parallels. However, this part of the territory has relatively large wood

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reserves that are only slightly developed. The current harvest of wood and wood fiber supplies seven sawmills, and one pulp-and-paper mill (MLCP, 1990).

As for the mining sector, studies done early in the 1900's have shown that the Nouveau-Québec sub-soil contains vast reserves of various minerals. However, few deposits are or have been exploited by major industries. In addition, mining has suffered since the closing of the Schefferville iron ore mine due to prohibitive costs and because of problems related to the depletion of mineral reserves the Chibougamau-Chapais region (MLCP, 1990). Furthermore, smelting is done in Nouveau-Québec, requiring transportation in a region without a functioning land-based industrial transportation system.

Hydroelectricity is a major regional resource, with production strictly geared to export markets to the south. The direct and secondary economic benefits to Nouveau-Québec are modest, while they are substantial for the rest of Québec (MLCP, 1990 and Indian and Northern Affairs, 1995).

The retail industry has witnessed the most rapid growth of any economic sector in recent years (MLCP, 1990). However, despite the presence of more than 100 small business establishments in Nouveau-Québec, a large portion of the purchases, particularly in the case of the Inuit and the Naskapis, are made outside the region either directly or by mail order (MLCP, 1990).

Tourism is slightly developed in Northern Québec. However, as stated by the Makivik Society (1994), tourism is very important to the future development of Nouveau-Québec. It is one of the only sectors that offers the Nouveau-Québec population a possibility for sustainable economic development.

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"Tourisme Québec", Québec's ministry responsible for tourism, believes that Nouveau-Québec has a great potential for tourism development with its special heritage, natural beauty and diversified fauna and flora (Makivik Society,1994).

The main tourism product offered in Nouveau-Québec is recreational hunting and fishing through outfitting (Makivik Society,1994 and MLCP, 1993). Outfitters are businesses that, for a fee, offer services which allow tourists to take part in recreational hunting and fishing. Nouveau-Québec outfitters operate on crown land (public land owned by the province of Québec). However, the primary activity is the pursuit of caribou. The Nouveau-Québec caribou herd is the biggest in the world, and each hunter is allowed to harvest two caribou. To increase the chances of hunters to harvest these migrating animals, outfitters use mobile camps. Accordingly, these temporary camps are moved to follow caribou migration.

Labour market

The region supports approximately 14,000 jobs, which for Native communities translates as a higher level of unemployment than the Québec average, particularly among the Crees, Naskapis and the Montagnais (MLCP, 1990). Furthermore, unemployment is much higher among the 15-24 year-old age group which is an increasingly large part of the active work force (Lefebvre, 1996; MLCP, 1990).

Education is lacking. Thus there is an imbalance between the number of jobs at the regional and administrative levels and the human resources with adequate formal education (MLCP. 1990 and Indian and Northern Affairs, 1995). A large segment of the Native population of Nouveau-Québec, 15 years of age and over, does not hold a high school diploma (Lefebvre, 1996 and Indian and Northern Affairs, 1995).

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Across the region employment varies. The proportion of the active population deriving income mainly from wildlife harvesting is about 12% among the Inuit and close to 60% among the Crees (MLCP, 1990 and Indian and Northern Affairs, 1995). Principal employers are regional and local associations (which belong to the para-public sector) and cooperatives and native businesses (Lefebvre, 1996 and Indian and Northern Affairs, 1995). There is little entrepreneurship, which may be due to a high proportion of jobs in the public and para-public sectors undermining this business segment. Indeed, the wages paid in other sectors would have difficulty competing with those offered by governments and organizations (Lefebvre, 1996 and Indian and Northern Affairs, 1995).

In Nouveau-Québec, the average gross income among the native people, 15 years of age and over, is lower than the Québec average (while Québec residents as a whole averaged \$14,300 in 1986. Estimated average incomes for natives were as follows: Crees and the Inuit, \$9,600; the Naskapis, \$5,700 and the Montagnais, \$6,500 (MLCP, 1990). The source of income for the Inuit and the Crees was largely due to employment; among the Naskapis and the Montagnais, primarily due to government transfers (MLCP, 1990).

Population of Nouveau-Québec

Demographics

Both native and non-native people inhabit this region. The total population of Nouveau-Québec is around 30,000 people. Which includes a good portion of seasonal or part time inhabitants. However, as stated by the Canadian Ministry of Indian and Northern Affairs, natives comprise 95% of the permanent population. The native population is made up of four nations: the Cree, the Inuit, the Montagnais, and the Naskapi. Of these, the Québec government has signed agreements with three nations, the

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Cree, Inuit, and Naskapi nations. With regard to population, there were 10,448 Crees, 7,760 Inuits, and 498 Naskapis for a total of 18,706 in 1997 (Indian and Northern Affairs, 1995 and Lehman and Doiq, 1998).

Native culture

The Inuits and the Northern Indians (Crees and Naskapis) have distinct cultural traditions within the arctic and subarctic environments in which they evolved (Maurie & Rousseau, 1964). However, any study of Nouveau-Québec natives is difficult. Research concerning these people is fragmentary, limited to a few specific groups and unequal in its scope concerning the different groups.

Natural resources were important influences among native peoples. For example, the Inuits' culture was greatly shaped by its link to the sea. In the portion south of the tree line, several animals (caribou, beaver and musk ox) are important in shaping the lives of natives. In the northern tundra, caribou surpassed all other animals as shaping the culture of natives.

Cultures evolved separately, although there has been some interaction between these different groups since they all lived within the Québec-Labrador peninsula. As Maurie & Rousseau (1964) have stated, these contacts had positive and negative effects on the native communities. For instance, contacts have been friendly at times and hostile at others. Furthermore, the different cultures have been mixed to a certain extent by various interactions.

Crees

For over 6,000 years, Crees have lived in the sub-arctic portion of Nouveau-Québec (Lehman and Doiq, 1998). They lived a nomadic lifestyle as small bands of

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hunter-gatherers whose survival depended upon travel and mobility. The Cree were feared and respected as a powerful tribe, living in an immense area east of the Hudson and James Bays (Lehman and Doiq, 1998). The environment in which they lived enabled the Cree to use both conical and dome-shaped wigwams covered with birchbark, pinebark, or caribou skins (Lehman and Doiq, 1998). For ritualistic reasons, the Cree developed the Sweat Lodge. (Lehman and Doiq, 1998).

When the Europeans arrived, the adaptable Cree became middlemen for fur trade, (Lehman and Doiq, 1998). This relationship with the French and the British threatened the Cree were threatened with cultural change. Traditional tools and skills were given up, and fur and skin were replaced with wool and garments. On the other hand, the fur trade made the Cree one of the most wealthy and powerful tribes. But, this was short lived as since more and more tribes developed alliances with the Europeans.

The Cree still have a strong sense of cultural identity. Schools teach the Cree language, and the Cree themselves have taken greater control of their own administrative affairs (Lehman and Doiq, 1998).

Like most sub-Arctic tribes, the Cree do not practice agriculture (Lehman and Doiq, 1998). Historically, they were hunters and fishermen who trapped in winter, hunted in the spring and fall, and fished in the summer. Moose, caribou, musk oxen, bear, elk, beaver, rabbit, and other game were taken with tools such as bows and arrows, clubs, spears, and snares of various kinds (Lehman and Doiq, 1998). Their diet was completed with waterfowl, fish, berries, and roots. The Cree regarded fish as inferior food and beneath the dignity of a hunter, although it was eaten when hunting was poor.

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Furthermore, when food was critically low, lichens were gathered and boiled, and even caribou dung was eaten (Lehman and Doiq, 1998).

Naskapis

Naskapis, or Innu people, inhabit most of Canada's Labrador Peninsula, a landmass divided between the eastern provinces of Quebec and Newfoundland. They call this vast area *Nitassinan*, or "Our Land" (Lehman and Doiq, 1998). Even today, few roads reach this northern territory, caribou travel in great herds and many natives still live from the land in their traditional lifestyles.

Due to cultural similarities, anthropologists have linked the Innu with the Cree people of the western part of the peninsula. However, the Innu consider themselves one people, separate from the Cree. Furthermore, the Innu are also sometimes confused with the Inuit because of their proximity with them (Lehman and Doiq, 1998).

The Innu people have lived in Nitassinan for the past 2,000 years (Lehman and Doiq, 1998). Nomadic hunters, they had to move seasonally, guided by the migrations of caribou herds. Their social structure was flexible, and extended family groups mixed frequently with others (Lehman and Doiq, 1998).

Traditional Innu dwellings were well-suited for the nomadic lifestyle of the sub-arctic (Lehman and Doiq, 1998). Northern Innu covered their lodges with hides because bark and wood were not available. Hunters staying in hunting camps had to build temporary lodges made of animal bones (Lehman and Doiq, 1998).

A short growing season and poor soil made the Labrador Peninsula mostly unsuitable for native agriculture (Lehman and Doiq, 1998). To survive, the Innu depended almost entirely upon hunting, trapping and fishing, and, after European contact,

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fur trading. Plants and vegetation were only a minor part of northern Innu diet (Lehman and Doiq, 1998). Being Nomadic people, mobility was a key to survival. For this reason, many efficient styles of canoes, snowshoes, sleds and toboggans were developed to help the Naskapis travel in Nitassinan.

Inuits

The Inuit have made remarkable adaptations which have allowed them to survive in the arctic, one of the most inhospitable environments on the planet. Here, the sun never rises between October and February and the temperature can plunge to minus-80 degrees Fahrenheit (Lehman and Doiq, 1998).

The Inuit are sometimes referred to as Eskimo, which means “eaters of raw meat.” This was a name given to them by the Algonquian tribes living to the south. However, they prefer being called Inuit, which means “people” in their own language (Lehman and Doiq, 1998).

The Inuit spent most of their time hunting and protecting their families from the arctic. For this reason, they developed virtually no social or political organization. Instead, family was the most important social unit. The Arctic forced the Inuit to develop a culture that was based on cooperation. In essence, for survival reasons, everything was shared freely among the members of the community. For example, hunters shared their harvest with others and their homes, when abandoned, were made available for others if needed. But it was the cooperative nature of the Inuit that created problems in their dealings with Europeans. It was difficult for them to organize themselves politically to effectively relate with governments and traders (Lehman and Doiq, 1998).

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Contrary to popular belief, not all Inuit lived in igloos, although where snow was plentiful, they were a common type of dwelling for some bands. However, igloos were more often used as temporary shelter in winter. Like many aspects of Inuit culture, igloos were a highly efficient adaptation to the Arctic. A *karmat* was another type of lodging used by the Inuits. It was made out of stones or logs and covered with sod. In the summer, many bands used tents made out of driftwood or whalebones covered with sealskin or caribou hides as they followed game (Lehman and Doiq, 1998).

Since the arctic region offered few edible plants, the Inuit lived almost entirely by hunting and fishing. For some bands, sea mammals, especially seals, provided the most consistent food source. Others lived principally by hunting caribou and following the herd on its migration. However, most Inuits hunted caribou in the summer, when the herd returned north. Inuit bands also complete their diet by hunting a wide range of other species--including polar bear, musk oxen, mountain sheep, wolves, wolverines, foxes, hares, marmots, squirrels, and birds--depending on their geographic region (Lehman and Doiq, 1998).

Another element of the Inuit's diet was fish, which they caught using a variety of methods: nets, spears, specially built enclosures, or hooks and lines. The types of fish eaten most by the Inuit were salmon, trout, and smelt. Inuits ate most meat raw, except for the tougher parts which were cooked (Lehman and Doiq, 1998).

The Inuit made efficient use of the animals they hunted, so that nothing was ever wasted. They made tools out of bones and teeth, melted down fat into oil that was burned for light, heat, and cooking, and turned skins into clothing or coverings for boats and

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tents. Since there were few trees in the Arctic, the Inuit had to rely on stones, driftwood, bones and antlers to make tools (Lehman and Doiq, 1998).

Importance of Hunting and Fishing as Part of the Native Culture

An examination of Cree culture illustrates the value of an adequate land and resource base. For Crees, hunting and fishing are integral parts of their culture. An early ethnographer of the eastern subarctic, Frank G. Speck, called Indian hunting a religious occupation. Feit (1986) goes even further, stating that hunting is not just a central activity of the Cree, nor is it simply a science or a formal ritual; hunting is part of their lifestyle and if hunting is absent, life is not complete.

According to Feit (1986), the autonomy of the Cree communities has been clearly enhanced by the strengthening of the hunting economy. Further, the greater control of the Cree government over resources and services through initiation of political, legal, and administrative action has strengthened Cree culture as a whole.

This increase in autonomy and authority related to hunting is offset by the large-scale resource exploitation projects which are continuing on Cree lands. Intensive timber harvest is having a massive impact. The lack of regulation of this major resource harvest is becoming a significant threat to the revitalized native hunting, fishing and outfitting sectors. Further, future phases of hydroelectric development have been delayed but not abandoned.

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Stakeholders

There were several stakeholders involved in the drafting of the JBNQA. They included:

- the native peoples (primarily the Cree, Inuit and Naskapi communities),
- the Québec government,
- Société d'Énergie de la Baie James [Crown (provincial) corporation mandated, with the development of LG].

There were also other stakeholders that were affected by the JBNQA, that were not directly involved in the drafting of the act. They include:

- mining industries,
- environmental organizations,
- forestry industries,
- non-native outfitters,
- Government of Canada,
- sport hunting public.

The two principle parties involved were the native peoples and the Québec government. The natives wanted self-government and preservation of their culture and way of life. They viewed the LG project and other hydroelectric development as destroying their land base, wildlife habitat and weakening their culture. The Québec government wanted to develop hydro power in Nouveau-Québec because of its great economic value. With the development of the LG project, the province could become a major North American producer of hydro-electricity. This would mean billions of dollars

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for the province in domestic and cross-border electricity sales and new and expanded industrial development. Ideally, the agreement should have enabled both parties to achieve their goals.

Problem Statement

This research focuses on the impact of the JBNQA and NEQA on the tourism, recreational hunting/fishing and commercial outfitting industry of Nouveau-Québec. This study has two main objectives. The first is to describe the Nouveau-Québec tourism, recreational hunting/fishing, and outfitting industry and the JBNQA and NEQA policies regulating such activity. The second is to assess the implementation of these policies and explain how they have influenced current Nouveau-Québec tourism, recreational hunting/fishing and outfitting industry according to key stakeholders and the analyst.

Research Questions

- A. How did the JBNQA come to be?
 - a. What are the problems addressed by the JBNQA?
 - b. Which and how many stakeholders think these are important problems?
 - c. How did these stakeholders become organized and how well were they organized?
 - d. What were the proposed solutions?
 - e. Who developed the solutions?
 - f. How were the solutions developed?
 - g. Who supports these solutions?

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- h. How much money was provided?
 - i. How is the JBNQA administered?
- B. What is the effect of the JBNQA on recreational hunting, fishing and outfitting?
- a. How and what effects did the JBNQA have on the native and non-native sectors of the outfitting industry?
 - b. How and what effects did the JBNQA have on the native and non-native sectors of the hunting and fishing industry?
 - c. Is the influence of the JBNQA on the recreational hunting/fishing and outfitting industry acceptable to non-native outfitters?
 - d. Is the influence of the JBNQA on the recreational hunting/fishing and outfitting industry acceptable to native outfitters?
 - e. Is the influence of the JBNQA on the recreational hunting/fishing and outfitting industry acceptable to the Québec government?
 - f. Were the hoped for benefits of the JBNQA realized with regards to recreational hunting/fishing and outfitting?

Significance of the Study

Recreational hunting/fishing and outfitting are important particularly for the Province of Québec because they generate tourism and provides opportunities for economic development. This is especially true for Nouveau-Québec, where there are few

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other viable alternatives for economic development (MLCP, 1988; MLCP 1993; Québec Government, 1997; Canadian Wildlife Service, 1991). Accordingly, Québec's tourism plan (1992-93) places emphasis on providing and promoting activities related to natural resources. This includes activities that are closely linked to nature and wilderness such as hunting, fishing, snowmobiling, skiing, and high adventure (e.g. kayaking, hiking). Sport hunting and fishing and the outfitting industry that supports these activities are top priorities of this plan.

Sessoms (1989) suggests that policy analysis and evaluation have often been ignored in the field of parks and recreation. He feels that it is important to understand, analyse and evaluate such policies to make sure that they are accomplishing their purposes. Auger, Laforte & Rondeau (1997) support this, and calling such analysis "performance evaluation."

Performance evaluation is directly borrowed from the private sector. It relies on measurable performance goals and accurate measures of performance. In response to budgetary constraints and to economic, social and political pressures, many national and regional governments have become more and more oriented toward achieving objectives and measuring performance. This research focuses on evaluating the effect of the JBNQA on recreational hunting, fishing and outfitting.

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CHAPTER 2

Situation and Literature Review

Outfitting in Canada, Québec and Nouveau-Québec

A search through the literature revealed that Québec recreational hunting/fishing and outfitting is poorly documented. Tourism, recreation and wildlife journals disclosed little research activity related to Québec recreational hunting/fishing and outfitting. In fact, there were very few studies related to the outfitting industry in the U. S. or Canada. The majority of data available appears to be from government studies. However, from the documentation that is available, it is clear that Québec recreational hunting/fishing and outfitting is an important industry.

Typically, Québec outfitters offer package deals. The two types of packages offered are the American and European plan. These plans include the following:

American plan: Lodging and meals

European plan: Only lodging

However, for Nouveau-Québec outfitters the following is included:

American plan:

- Round trip air transportation from Montréal or Québec
- Insulated and heated lodging (permanent or mobile)
- 3 hot meals a day
- Showers, freezer, and ice
- Boats and unlimited gas

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- Topographical maps and radio equipment
- Pick-up truck or snowmobile
- No weight limit for return trip (2 caribou and fish per person)

European plan:

- Round trip air transportation from Montréal or Québec
- Insulated and heated lodging (Permanent or mobile)
- Cook, if desired
- Showers, freezer, and ice
- Boats and unlimited gas
- Topographical maps and radio equipment
- Pick-up truck or snowmobile
- No weight limit for return trip (2 caribou and fish per person)

According to MLCP (1991), Québec outfitters offer a product that is almost exclusively oriented towards hunting/fishing. The experiences that are most offered for fishing are northern pike, brook trout, walleye, Atlantic salmon, ouananiche and arctic char. For hunting the most frequent opportunities are for black bear, moose, waterfowl and caribou. In Nouveau-Québec the focus is primarily on caribou, with some fishing.

In Canada, Bartlett (1989) reports that there were about 2,400 outfitters and about 2,000 or 80% offered hunting services. Total revenue generated in 1989 was estimated to be \$400 million. Outfitters averaged revenue of \$97,000 in 1984.

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As participation in this outdoor recreation industry increases, governments are involved increasingly in the management and legislation of such activities. The Québec Ministry of Hunting, Fishing and Leisure (MLCP, 1988) states that there were 545 outfitters in the province of Québec in 1986. The outfitters generated 46 million dollars in revenues, of which \$39 million went to operating costs with \$6 million left for profits. Their activities created 2,166 direct jobs and generated \$11.5 million in salaries and wages. The secondary impacts of those outfitters were estimated to be \$56 million which included the creation of an additional 1,300 indirect jobs and generated an additional \$8 million in salaries and wages. In 1986, 269,917 clients used an outfitter in Québec, and, of these, 12% used the outfitter for hunting. Residents comprised 3/4 of the outfitter customers, and 1/4 were non-residents. This amounted to 178,879 person/days of hunting with an outfitter. Nearly all of those who used outfitters for hunting were male (98%), they had a mean age of 30 years and an average salary of about \$34,000.

Martin, P., Parent, A., Poiré, G., & Thifault, G. (1988) use elements from several studies including MLCP (1988). They state that in 1987, there were 552 outfitters in Québec and those who used outfitters (fishing and hunting) had a higher level of education (30% have a university education). They were also very likely French Canadian (92%), their annual income was 30% higher than the Québec average, and had a mean age of 41.2 years.

Another study by the MLCP (1990) indicates that in 1988 there were 46 outfitters in Northern Québec. About 10,000 people hired the Nouveau-Québec outfitters. The main activity was hunting for caribou and moose. About \$12 million of revenue were

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generated by the outfitters of Nouveau Québec for an average of about \$330,000 per operation.

Another study of Canadian provinces and selected American states by Beauchêne (1990), which was only partially completed, indicates that 8 of the 11 Canadian provinces or territories (excluding Québec) require outfitters to be licensed. Of five American states (Maine, Vermont, New Hampshire, Wisconsin and Ohio) surveyed, only one, Maine licensed hunting outfitters. Overall, the study examined definitions and licensing of guides and outfitters in these states or provinces, and the criteria used to obtain outfitting licenses. The study was done by conducting interviews with government employees from each provincial, territorial or state government.

In 1990, a study by Tourism Canada (Tourisme Canada, 1990) established that there were 3,200 outfitters in Canada that offered hunting/fishing activities. This study described the product offered throughout Canada and the number of outfitters per province. It also examined the importance of the outfitter industry in Canada. Tourism Canada used secondary data that was readily available from the different territories and provinces. The study defines an "outfitter as an establishment whose primary purpose is to attract a clientele who wants to practice recreational hunting/fishing; it must be an affixed or permanent establishment and must have operated for at least one year". This study also discusses Native American participation in hunting/fishing outfitting.

Given the traditional link that the Native Americans have to hunting/fishing activities, the general consensus had been that they were greatly involved in the outfitting industry. However, according to this report, Native Americans in Canada own and operate less than 1 percent of the total outfitters in the whole country. The study also

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A study by the MLCP (1991) states that in 1989 there were 600 outfitters in the province of Québec. About 250,000 people used outfitters, logging 850,000 activity days in Québec. Outfitters hosted 175,000 fisherman and 25,000 hunters from Québec, while they received 40,000 fisherman and 10,000 hunters from out-of-province. While outfitters are hired mostly by residents, visiting hunters and anglers are proportionally more likely to use an outfitter than residents.

An MLCP (1993) study on perceptions and attitudes of hunters and fishermen in Nouveau-Québec states that 48% of the respondents who hunted used an outfitter. The others hunted on Crown land, private clubs, and parks. Seventy-one percent of the respondents paid more than \$2,000 for their trip to Nouveau-Québec. Residents paid a little less than non-residents. When asked how much they would be willing to pay on a future hunting trip to Nouveau-Québec, 39% were willing to pay between \$2,001 and \$3,000, 27% were willing to pay between \$3,001 and \$5,000, and 5% were willing to pay between \$5,001 and \$10,000.

The Canadian Wildlife Service (1991) estimates that consumer spending on recreational activities related to wildlife has increased 33% in real dollars between 1981 and 1991. During the same period, the number of participants in such activities increased by approximately 13%.

Within the province as a whole, Nouveau-Québec represents an important portion of the outfitter industry. According to MLCP (1989-1990), outfitting in Nouveau-Québec represents approximately 28% of the provincial outfitting revenues. Furthermore, based

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on the same studies, Nouveau-Québec outfitting only represents approximately 4% of the outfitter clients in the province. Consequently, clients of Nouveau-Québec outfits are high-end customers, spending considerably more money per capita than those in other regions. This level of spending is influenced by Nouveau-Québec's isolated geographical location and focus on caribou, a migratory big game species.

The use of mobile camps by Nouveau-Québec has enhanced caribou harvest. According to Bazin, L., Leclerc, M., Parent, M., & Vandal, D. (1993), the MLCP authorized use of temporary shelters for caribou hunting on an experimental basis based on an agreement with the native parties in the spring of 1983. There were two primary reasons for the decision. The first reason was the faster travel and changes in the migration corridors exhibited by the caribou (mostly due to the increasing size of the caribou herd and the availability of food). The second reason was to reduce the existence of many illegal outfitting operations. Because of the size of Nouveau-Québec, it is very difficult to prevent people from offering outfitting services without licenses. These illegal outfits can take several forms, but the most common is called "Ghost Plane," where clients are flown in and taken out in the same day. This approach is used for hunting and fishing, however it is particularly difficult to prevent for fishing.

However, it was not until 1985, that temporary shelters came into limited, legal use. Finally in 1987 the Québec government, with the consent of natives, approved mobile camps for broad use in the principal caribou hunting regions of Nouveau-Québec.

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Policy Analysis

A policy can be defined as: "a 'standing decision' characterized by behavioural consistency and repetitiveness on the part of both those who make it and those who abide by it" (Eulau and Prewitt, 1973). Furthermore, a policy analysis (Williams, 1971) is "a means of synthesizing information including research results to produce a format for policy decisions and of determining future needs for policy-relevant information". This process will help policy analysts and planners improve the quality of their decisions.

Cochran, et al. (1982) have two approaches to policy study: policy analysis and policy advocacy.

- Policy analysis is principally concerned with the description and investigation of how and why particular policies are proposed, adopted, and implemented. It focuses on explanation rather than prescription, on searching scientifically for the causes and consequences of policy, and on the development of general explanatory propositions.
- Policy advocacy is primarily devoted to examining policies, along with the alternative policy proposals made in the issue areas, with a view toward discovery and recommendation of the best course of action. Policy advocacy draws particularly upon ethical principles and ideological perspectives.

Many authors argue for the importance of policy analysis. Auger, et al. (1997) assert policy research (analysis and evaluation) is important for government as it should be interested in the performance of its policies. Mangun (1992) suggests natural resource decision makers need to acquire public policy analysis and management skills beyond

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their resource specializations to address the human dimension of policy issues. This is important for the following reasons:

1. generates political support necessary to further programs;
2. serves changing and diverse populations most effectively in an ethical manner;
3. provides better information for allocation of scarce resources;
4. minimizes conflict.

According to Decker (1992), wildlife managers must consider and evaluate simultaneously the cultural, economic, political, and ecological components of any policy they implement in management of the environment. Evaluation measures the results of such implementation in meeting stated objectives and provides intelligence for fine tuning or redirecting the process. In addition, evaluation is essential if goals and objectives are to be revised, new problems identified, and alternate actions implemented that better address the current situation. In other words, evaluation is the integral feedback link that allows management to be an adaptive, responsive process.

Stokey & Zeckhauser (1978) lay out the basic purpose for public policy. They identify the circumstances in which the government should play a role in allocating the resources of society, and review briefly the alternative forms that government intervention might take. Their assertions follow:

1. The purpose of public decisions is to promote the welfare of society;

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2. The welfare levels of the individual members of society are the building blocks for the overall welfare of society;
3. Anything that affects individual welfare therefore affects the welfare of society. Something that has no effect on individual welfare levels has no impact on the welfare of society as a whole;
4. With rare exceptions, one should accept individuals' own judgements as the appropriate indicators of their own welfare;
5. An unambiguous procedure is needed for aggregating the welfare of different individuals so that one can compare the welfare of society if one policy is followed versus another.

Approaches to Policy Analysis

Jones (1984) has divided policy evaluation models into two broad categories:

1. The traditional, ongoing, less systematic methods of appraisal:
 - the budgeting process,
 - the auditing process,
 - presidential commissions,
 - outside evaluations.
2. The newer, more systematic and scientific methods associated with evaluation research.

Peters (1982) has established two disparate types of evaluation. Although they use widely different measures, both are central in understanding why some policies are preferred. The first approach is economic and quantitative. Although there are a number of such methods, cost-benefit analysis is most commonly used. Using this approach, a

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project that produces the greatest net benefit for the society is chosen over other options for funding. The second approach to policy analysis is ethical. Ethical analysis spreads the net of human values much more broadly and seeks to apply other forms of valuation to the outcomes of the policy process.

Ripley (1985) provides sarcastic definitions for several types of evaluation studies. Many evaluation efforts, he suggests, can be thought of as one of the following:

1. The "anecdote pure": what passes for evaluation that emanates from the government primarily tells stories that are intended to make the program look good;
2. The "statistic virtuous": evaluation done in terms of data availability and data manipulation. These are studies that may be long and loaded with statistics;
3. The "multiple efforts inconclusive": these are also called meta-analysis. This is when there are multiple studies and each individual study has definite, concrete findings. The findings of the individual studies may contradict. However, cumulatively, the bottom line is unknown for one or more reasons;
4. The "scholar argumentative": some evaluators appear to be setting out to structure studies that make specific political arguments;
5. The "intuition dominant": probably the most common mode of evaluation uses policy actors and relies on intuition and/or political ideology.

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According to Stokey & Zeckhauser (1978), policy analysis consists of three major sections:

1. "Cornerstones" establishes a framework for thinking about policy problems and making choices.
2. "Nuts and Bolts" focuses on the use of models to represent real-world phenomena, and the more general use of analytic methods to aid the entire decision-making process.
3. "Ends and Means" is broader in scope and less technical. It provides a background against which policy analysis can be viewed, and considers critical ethical questions: who should make what policy choices?; on what basis?

According to Patton & Sawicki (1986), policy analysis can occur before or after the policy has been implemented. These can be divided as follows:

1. After-the-fact analysis
 - retrospective: refers to the description and interpretation of past policies;
 - evaluative: refers to program evaluation.
2. Before-the-fact analysis
 - predictive: refers to the projection of future states resulting from adopting particular alternatives;
 - prescriptive: refers to analysis that recommends actions because they bring about a particular result.

Models of Policy Analysis

According to Quade (1982) there are five important elements in the policy analysis process:

1. Problem formulation,
2. Searching for alternatives,
3. Forecasting the future environment,
4. Modelling the impacts of alternatives,
5. Evaluating, comparing, and ranking the alternatives.

Jones (1984), cites eleven key points to be used in a policy analysis model.

1. Perception and Definition,
2. Aggregation,
3. Organization,
4. Representation,
5. Agenda Setting,
6. Formulation,
7. Legitimization,
8. Budgeting,
9. Implementation,
10. Evaluation,
11. Adjustment/Termination.

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According to Stokey & Zeckhauser (1978), many policy analysts have experimented with a variety of ways to structure complex problems. They suggest the following five-part framework:

1. Establishing the context,
2. Laying out the alternatives,
3. Predicting the consequences,
4. Valuing the outcomes,
5. Making a choice.

Suchman (1967) refers to the specific use of the scientific method, basic to any scientific research effort, for the purpose of making an evaluation. He cites the following six steps for evaluative research:

1. Identify the goals to be evaluated;
2. Analyse the problems with which the activity must cope;
3. Describe and standardize the activity;
4. Measure the degree of change in the problem situation that takes place;
5. Determine whether the observed change is due to the activity or to some other cause;
6. Indication of the durability of the effects.

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Patton & Sawicki (1986) incorporate ideas from a number of overlapping descriptions of policy analysis with their own experiences in the following six-step process:

1. Define the problem;
2. Determine evaluation criteria;
3. Identify alternative policies;
4. Evaluate alternative policies;
5. Select the preferred policy;
6. Implement the preferred policy.

Evaluation as Part of Analysis

Ripley (1985) describes formative evaluation of social policy. This approach is suited to relatively new policies and is both an evaluation of impact and an evaluation of implementation.

1. To describe emerging reality in terms of patterns wherever possible;
2. To explain the patterns in terms of both influences on and causes for the problem;
3. To evaluate aspects of the implementation processes and the early phases of program impact in terms of how well the program is achieving a variety of goals;
4. To identify broad policy questions and management questions that are important and that will recur, and to offer recommendations based on findings on those recurring questions.

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According to Cochran, et al.(1982) the process of evaluating policy focuses principally upon the impact of policy, because it is largely from performance and consequences of policy that we assess its success or failure. Put another way, evaluation attempts to assess the outcomes of policies in order to compare them with the intended goals of the policies. It asks whether the goals have been met or have not been met. The process of evaluating policy involves:

- Both normative and empirical dimensions,
- Intended and unintended consequences,
- Direct policy impact from indirect impact,
- Direct and indirect costs,
- Short-term and long-term effects,
- Symbolic and tangible impacts.

The United States General Accounting Office (GAO, 1995) identifies different types of performance measures used in the United States:

Input:	Resources used to carry out a program over a given period;
Output:	Amount of work accomplished or services provided over a given period;
Efficiency:	Cost of labour or materials per unit of output or service;
Outcome:	Extent to which program goals have been achieved or customer requirements have been satisfied.

The Australian Department of Finance and Administration (1998) has its own definition of performance outputs and outcomes. Here, outputs are defined as the goods

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and services delivered that help to achieve outcomes. On the whole they can be easily measured in quantitative terms.

Outcomes are classified into different levels:

- High level outcomes define the long-term results for customers or for the community of public service activities and determine how they are linked to government objectives (they are often called impacts);
- Intermediate or lower level outcomes give specific results in relation to the objectives and clarify whether they have been achieved or not. This level is about effectiveness. It hints at an outcome without necessarily measuring the whole final impact.

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CHAPTER 3

Research Methods

According to Majchrzak (1984), policy research should include the following characteristics: a) multidimensional in focus; b) uses an empirico-inductive research orientation; c) incorporates the future as well as the past; d) responds to study users; and e) explicitly incorporates values.

The previous chapter discusses various approaches to policy analysis. All have their strengths and limitations. However, for the purpose of this study, which involves qualitative and quantitative measures and is based on specific research questions, one model is most appropriate.

Jones (1984), offers a framework which enables this study to answer all the research questions presented in Chapter 1. He cites 11 key points subdivided into 4 categories to be used in a policy analysis that will best answer the objectives and questions presented by this study.

Jones Model

Problem to Government

- 1) *Perception and Definition* : Perception is the sense by a stakeholder group or groups that the current situation could be improved. Definition is the clarification of this discontent.
- 2) *Aggregation* : This implies a degree of organization with those of similar discontent and exploring ways to have concerns systematically addressed.

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- 3) *Organization* : This determines the degree of cohesion within the stakeholders. Specifically, it involves performance expectations, internal division of labour and formalized values.
- 4) *Representation* : This determines how the stakeholders access decision makers. It is the link between stakeholders and their problems with the government.
- 5) *Agenda Setting* : This sets the priorities of an issue.

Actions in Government

- 6) *Formulation* : Development of a plan or a proposal to act on a problem or meet a need.
- 7) *Legitimization* : Legal process by which government programs and decisions are authorized.
- 8) *Budgeting* : The money that is provided to implement and operate a program.

Government Program

- 9) *Implementation*: Carrying out the program includes who will administer the program or decision and how it will be maintained and supported.

Program Evaluation

- 10) *Evaluation* : Determine whether the program accomplished stated and unstated objectives.
- 11) *Adjustment/Termination* : Adjustment is when public problems undergo change to better meet objectives or objectives are changed. Termination is when a program or decision is discontinued.

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Methods for Collecting Data

In this policy analysis, a historical review, secondary data, primary data from a survey of Nouveau-Québec outfitters, and an interview with government managers of Nouveau-Québec are used to provide the information for analysis.

The historical review and secondary data (Fitch, 1993; Yin, 1994; Stewart & Kamins, 1993) are used to examine the evolution, history, negotiations and background of the JBNQA. This provides information for the "Problem to Government," "Actions in Government," and "Government to Problems" sections of this dissertation.

This study synthesizes the situating information and actions leading to the agreements. It includes hearings and proceedings of the legislature, court documents, agency documents, consultations with the public, Inuit, Cree and Naskapi nations, and notes of commissions. The information was obtained from a variety of sources which include the Federal Canadian Ministry of Indian Affairs and Northern Development, les Recherches Amérindiennes au Québec (Native Research in Québec), Royal Commission on Aboriginal People, Société Makivik, and studies conducted by native anthropologists and sociologists such as Feit and La Rusic.

The "Program to Evaluation" portion examines the hunting, fishing and trapping policies of the JBNQA, specifically the impact of the agreement on outfitting. In this section, an after-the-fact approach (Patton & Sawicki, 1986) is used.

According to the Australian Department of Finance and Administration (1998) and GAO (1995), relevant standardized evaluation criteria (outputs and outcomes) must be established to evaluate policies. In this case, these criteria were established from the wording of the JBNQA and relevant historical documents.

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To be able to conduct the evaluation, secondary data and primary data from the outfitters themselves and government managers of the JBNQA were needed. Three methods were used to obtain these data. First, the secondary data were obtained from a variety of reports maintained in the Québec Ministry of Environment and Fauna library. Some data were obtained directly from the Ministry of Environment and Fauna's Department of Northern Affairs and Development.

Second, a survey of Nouveau-Québec outfitters was conducted by the author to ask current outfitters to assess the impact of JBNQA on the outfitting industry. A mail questionnaire was developed to meet this objective. The questionnaire was modified from an existing instrument used by the Québec government for a 1996 study of outfitters in all regions except Nouveau-Québec. It was developed by the author through the auspices of the Department of Leisure Studies at the University of Ottawa. It was reviewed by the Québec Ministry of Environment, as well as the author's major professor and guidance committee. The questionnaire was modified according to the reviewers' comments. This questionnaire was then translated into French because some of the respondents were French-speaking and some English-speaking (See Appendixes 3, 4, 5 and 6).

The questionnaire and appropriate cover letter were sent by mail to all licensed Nouveau-Québec outfitters. The list of outfitter addresses and telephone numbers is publicly available and was obtained from the Québec Ministry of Environment and Fauna's Department of Northern Affairs and Development. The first mailing was done February 26, 1998. A second mailing was done three weeks later to non-respondent. A third, and final mailing was completed three weeks after the second mailing to all outfitters who had not yet returned the questionnaire. Before the second and third

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mailings, telephone calls were made to non-respondents. Some agreed to fill out the questionnaire over the phone but the majority wanted a new copy of the questionnaire.

Finally, policy makers directly involved in the management of Nouveau-Québec and the implementation application of JBNQA were interviewed. These interviews were conducted at the Ministry of Environment and Fauna's Department of Northern Affairs and Development at 150 René Lévesque in Québec City. The interviews were with Marcel Nadeau (Assistant-directeur-M.E.F.- Nouveau-Québec Regional Branch) and Claude Dépatie (Former directeur-M.E.F.- Nouveau-Québec Regional Branch). Both have been involved with Nouveau-Québec for between 20 and 30 years. M. Dépatie was actually involved with the JBNQA from the beginning in 1975. The interviews were conducted by the author and were of an informal nature. The focus was on broad questions that allowed these experts the opportunity to talk about their experience with the JBNQA. The questions were based on the same questions included in the outfitter questionnaire. (See appendix 7).

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CHAPTER 4

Background and Negotiation of the JBNQA

The JBNQA is the first modern aboriginal rights agreement in Canada. It contains provisions for the recognition of native rights and the maintenance and development of a subsistence economy. The following is a brief overview of the background and negotiations surrounding the JBNQA (Table 2)

Problem to Government

The decision to build the James Bay Le Grande hydro-electric project (LG) was announced by the Premier of Québec, Robert Bourassa, in 1971. The initial native reaction was one of shock as they had not been informed nor consulted before the announcement (Diamond, 1977). They were also astounded at the proportions of the project, especially the flooding of 9,000 km² of native lands (Williams, 1993). They assessed that this would have a tremendous negative impact on wildlife species due to a loss of habitat, the disappearance of certain species from specific areas and behavioural changes in certain species. Consequently, their hunting, fishing, culture, and economy would be harmed (SÉBJ, 1988). The Crees further believed that the development of this hydro-electric project would impair the existence of some or all of the Cree settlements (La Rusic, 1979).

In 1971, the Crees were grouped into eight distinct communities (Vincent & Bowers, 1987), without a central government. Their only unifying association was a coalition of all Québec aboriginal bands, whose tribal and band leaders met sporadically

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Table 2

Chronology of Events Leading to The JBNQA

Date	Event
April 1971	Premier Bourassa announces James Bay Hydroelectric project.
May 1971	Cree attorneys inform the Department of Indian and Northern Affairs that the project jeopardizes native rights.
December 1971	The Québec Government created the Société d'énergie de la Baie James (SEBJ) to develop the hydroelectric project.
January 1972	The Québec Minister of Natural Resources rejects a compensation proposal put forward by the Cree Lawyers.
May 1972	Indians and Inuits file proceedings for an injunction.
August 1972	Work starts on LG2
October 1972	Crees and Inuits have an unsatisfactory meeting with Premier Bourassa
October 1972	The Québec Association of Indians (IQA) applied to the Québec Superior Court for an injunction to stop construction work of the James Bay Hydroelectric Project.
December 1972 to May 1973	For a period of 71 days, Judge Albert Malouf listen to the case.
November 1973	Judge Malouf grants the injunction and orders a halt to work on the project.
November 1973	Premier Bourassa submits a proposal to the Cree and Inuit representatives
November 1973	An appeals court suspends the Malouf Judgement
February 1974 to November 1975	Negotiations are undertaken; IQA also undertake consultation with communities regarding offers and negotiations
November 1975	The JBNQA is signed.

Source: Williams, 1993; Vincent and Bowers, 1987; Feit, 1981; and LaRusic, 1979.

every year. However, when the Cree were confronted with this new threat, the nature of this association did not meet their needs (Vincent & Bowers, 1987).

The Cree's first response to the LG announcement was the establishment of friendship linkages among the eight Cree bands potentially affected by the hydro project (Feit, 1980). This was the beginning of a long process that developed an effective, unified

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political organization and leadership. The Cree agreed to ask the Canadian government to intervene on their behalf to protect Cree lands (Diamond, 1977). However, the federal government's policy was not to intervene directly on behalf of the native peoples, since this situation was developing on crown land, which is under provincial jurisdiction (Bird, 1972). The Canadian government instead provided interest-free loans to pay for native legal fees, court costs, and negotiations.

In 1972, the Cree started to conduct research about potential LG project impacts. They also opened negotiations with the governments of Canada and Québec concerning the project (Salisbury, 1986). Québec's original position was that the project was not negotiable because the natives had no special rights (Salisbury, 1986). This position was unacceptable to the Cree (Feit, 1980), and they were determined that the project be modified in a way that would limit negative impacts or provide acceptable trade-offs (Diamond, 1977).

During 1972, the Cree were joined by the Inuit in their struggle (Feit, 1980). They filed suit against the government of Québec and the Société d'Énergie de la Baie James to stop the construction of the project (Feit, 1980). They hoped that by taking this action, real pressure would be put on the Québec government to start discussing serious modifications to the project which would allow the natives of Nouveau-Québec to maintain the hunters' way of life (Vincent & Bowers, 1987).

To add credibility to these actions, the Cree and Inuit hired researchers to document their reliance on fauna and on natural resources (Makivik Corporation, 1985). These scientists were also asked to consider the likely consequences of this project on the natives and their lifestyles (Salisbury, et al. 1972). Using the results from these

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studies, the Cree and Inuit continued negotiations with Québec (Feit, 1980). Even with these new data, Québec continued to refuse to make changes to the project (Salisbury, 1986).

Actions in Government

The native peoples managed to set up a meeting with Premier Bourassa in October 1972 (Diamond, 1977). However, they were not given the opportunity to present their position and the meeting was cut short. Following this and several other unsatisfactory episodes with provincial leaders, the Cree and Inuit decided to accelerate the legal process (Vincent & Bowers, 1987). The Cree and Inuit lawyers believed that they had strong legal basis for the action since the natives' rights had never been extinguished by treaty (La Rusic, 1979). Further, a 1971 Royal Commission on the territorial integrity of the boundaries of Québec had reported on the potential rights of the indigenous peoples. However, they did not believe they could stop the project entirely. It was felt that the size and the political dimensions of the project were so substantial that provincial and energy company lawyers could portray the native peoples as standing in the way of Québec's autonomy and economic progress (Vincent & Bowers, 1987).

The Cree and Inuit were hoping for a temporary court injunction against the project (Makivik Corporation, 1985). This was based on their contention fact that the indigenous peoples would suffer irreversible harm while awaiting their day in court. Instead of a temporary injunction, Mr. Justice Malouf of the Québec Superior Court, ruled that the actual court hearings would begin in a matter of weeks instead of in several months or years (Vincent & Bowers, 1987).

As mentioned by Penn (1975), part of the court's verdict would hang on the question of equity: which stakeholder would suffer the most damages if the project were to continue or be halted? Hence, in some respects the court review acted as an impact assessment evaluation. It would differentiate between the value of native ways of life versus the economic and social needs of the Province of Québec.

The government of Québec argued that (Feit, 1980):

1. The indigenous peoples had no unique rights and were people just like other Canadians. They no longer had a distinctive way of life; consequently, the province was in no way obligated to provide them with "special" treatment.
2. Reserve lands had already been set aside for the natives.
3. They had alternative hunting locations such as other Crown (provincial)lands.

Native people argued that (Feit, 1980):

1. Non-natives were trespassers as they owned the land by treaty. Therefore, all development not approved by native government could be excluded.
2. The Cree and Inuit had specific rights based on their occupancy of the land for over 10,000 years, much longer than the European-descended Québec government.
3. Their hunting and land use activities were important and constituted the principal element of their way of life.

4. Their diet was dependent on wildlife, and their participation in the market economy was dependent on the sale of furs.
5. They had a unique concept of the land, and that any interference with the land would compromise their existence as a people.

Justice Malouf released his decision in late 1973. His ruling granted an injunction, and work on LG was stopped immediately (Vincent & Bowers, 1987). Moreover, the judge ruled that the Cree and Inuit had rights over the territory. Consequently, the Province of Québec was not allowed to develop without first making an accord with the Cree and the Inuit (Malouf, 1973). This judgement was appealed immediately by the Québec government to the Québec Court of Appeals. Within a week of the Malouf ruling, the injunction was suspended (Vincent & Bowers, 1987).

The Malouf judgment made it impossible for Québec to ignore the Cree and Inuit case (La Rusic, 1979). Because of everything involved in a project of this magnitude, the Québec government could not afford another work stoppage and it could certainly not risk another negative court ruling (La Rusic, 1979). Consequently, within one week of the original Malouf ruling, which was against the province, Québec announced that it was willing to negotiate, and submitted a proposal to the natives (Vincent & Bowers, 1987). As presented by Premier Bourassa (Bourassa 1974), the proposal addressed two issues:

- The offer of a renewed relationship between the indigenous peoples and the government through the natives active involvement in the development of the region;

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- Modifications to the project. These were changes warranted by continuing engineering and cost optimization studies, with some reduction on impacts to areas critical to the Cree.

This proposal was the starting point for the negotiations of the JBNQA. Now the Cree and Inuit were faced with a dilemma (Feit, 1980). On the one hand, should they continue opposing the project and continue their actions through the courts? Pursuing the court cases had several advantages and risks. They could win, but they could also lose. They also did not have complete control of the situation. On the other hand, they could continue with the negotiations. This had a distinct advantage in that it allowed the indigenous people to have more control of their destiny. To this end, Cree and Inuit chose to renew negotiations (Feit, 1980; Diamond, 1977). However, because of past experience in negotiations with provincial officials, the Cree and Inuit decided not to abandon their court actions, but to keep them as a potential back-up. They petitioned the Supreme Court of Canada for leave to proceed with the permanent injunction (La Rusic, 1979).

According to Diamond (1977), the first action of the Cree and Inuit when they reopened negotiations was to reject Premier Bourassa's two-theme proposal for the following reasons (Feit, 1980):

- It contained inadequate land provisions;
- It did not provide adequate recognition of native hunting, fishing and trapping rights and environmental protection;
- Proposed modifications to the project and proposals for remedial and compensatory measures were inadequate;

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- The proposal failed to provide for sufficient local and regional autonomy and self-determination.

The Cree countered with their own counter-proposal, which they entitled, "Our Land, Our Demand." With this document, they seized the initiative to specify the extent and themes of the negotiations (Diamond, 1977).

The re-opened negotiations were organized basically as a two-stage process (Feit, 1980):

1. Reach an agreement in principle;
2. Proceed to a final, detailed agreement.

The negotiations were organized around five parties (Vincent and Bowers, 1987):

- the Cree,
- the Inuit,
- the Government of Québec,
- the Government of Canada,
- Société d'Énergie de la Baie James (Hydro-Québec).

The government of Québec and Québec crown-corporations had six firm negotiating objectives (Feit, 1980):

1. Maintain and extend jurisdiction and authority over the northern regions of the province;
2. Open the territory for controlled development;
3. The settlement must create no more than a politically acceptable level of opposition among Canadians of European ancestry;
4. Any outstanding aboriginal rights claims must be extinguished;

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5. The economic viability of the hydroelectric project must not be compromised and the economic costs of concessions be minimized;
6. There be no royalties provisions, although a lump sum compensation in place of royalties was acceptable.

The Government of Canada was not an active participant during most of the negotiations. It only intervened at the end to impose three conditions (Feit, 1980):

1. That the final jurisdiction of the federal government over Indian affairs be maintained, although it was preferable if continued federal jurisdiction was coupled with a turning over of administrative responsibilities (including some sharing of financial responsibilities) to subordinate levels of government or to the indigenous peoples themselves;
2. Federal jurisdiction within Québec would not be reduced;
3. No precedents should be set in the northern Québec negotiations that would compromise the federal government in the settlement of land claims elsewhere in Canada.

The Cree and Inuit position included the following elements (Feit, 1980):

1. Any agreement must permit the continuation of hunting and subsistence economies and regulate future development;
2. Projects be modified and remedial measures taken to reduce the impacts of the hydroelectric project;

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3. Sufficient land be set aside for the Cree and Inuit to protect their communities and some of their most important wildlife harvesting sites and activities;
4. Control over basic administrative services, programs and new regional structures be turned over to the Cree and Inuit with extensive local autonomy well beyond that normally given municipal governments but with funding from provincial or federal governments;
5. A balance be struck between the rights and benefits connected with the land and the rights and benefits provided to native peoples who no longer depended directly on the land but who needed new economic opportunities; and,
6. There be sufficient monetary compensation so funds could be invested and protected for future generations while providing adequate monies for the costs of implementing the other objectives.

These positions demonstrate that there were points of agreement and areas of conflict. The key areas of conflict were: control of development activity; project modification; transfers of land from Québec to Cree and Inuit control; transfer of regional administrative powers and control over basic resources (such as wildlife) from Québec to Cree and Inuit institutions; royalties; and an adequate protection of hunting rights, resources, and opportunities (Feit, 1980).

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The final negotiated agreement provided satisfactory solutions for some of the key areas of conflict, but not for all of them. At that point the Cree and Inuit had to decide whether the package as a whole was enough to ensure and build their futures (La Rusic, 1979).

Governmental Program

In areas in which there was agreement, the broad outlines of the positions of all parties were spelled out in an "Agreement in Principle." This document had four main sections (Feit, 1980):

- General principles for hunting, fishing, and trapping policies;
- Modifications to the hydroelectric project and the associated compensatory and remedial measures;
- Size and principles for land allocations; and
- Compensation to be paid.

One provision of the Agreement in Principle was that a final agreement would be signed within a year (La Rusic, 1979). The purposes of the negotiations for the final agreement were to clarify and specify the agreement in principle and to provide a legally explicit and binding framework (Vincent & Bowers, 1987).

To accomplish this work, committees were created. They included committees on (Feit, 1980):

- Project modifications,
- Hunting, fishing, and trapping,
- Environmental protection,

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- Land selection,
- Local and regional government,
- Economic development,
- Income security for hunters,
- Legal entities,
- Taxation and compensation,
- Education,
- Health,
- Police and justice, and
- Eligibility (who would qualify for inclusion in the agreement).

Each of these committees outlined and drafted a section of the final agreement. The sections were then presented to the negotiating committee for final approval. The agreement had force of law when it was finally passed by Québec legislature. Close to thirty bills were necessary to implement all the provisions of the agreement. Only after this agreement was legislated did the Cree and Inuit finally drop their court case (La Rusic, 1979).

The final agreement was signed in November 1975. The terms of the JBNQA were implemented without delay. The agreement contains several innovative measures and conditions which need to be evaluated. These include (Feit, 1980):

- A guaranteed income security program for people who live by hunting, fishing and trapping as a way of life;
- Establishment of a series of permanent, preferential, exclusive and mandatory consultative bodies of government and Cree and Inuit

- experts to supervise and implement specific hunting, fishing, trapping, and environmental provisions of the agreement;
- Legally binding principles and operational rules to govern the exercise of governmental authority over wildlife and the environment and recognition of the Cree system of land use and control;
 - A guaranteed allocation of wildlife to the indigenous peoples;
 - Cree and Inuit administration and control of social services and local governments and structures; and
 - New legislation replacing the federal Indian Act with a Cree designed Cree Act.

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CHAPTER 5

Highlights of the JBNQA

The information presented in this section comes from several sources: The James Bay and Northern Québec Agreement and Complimentary Agreements (1997), The James Bay and Northern Québec Agreement and the Northeastern Québec Agreement - Annual report (1993-94-95), and MLCP (1990).

The JBNQA, signed on November 11, 1975, has set out the rights and obligations of the Québec government and those of the Crees and Inuits regarding the territory and the management of its resources. A second agreement, Northeastern Québec Agreement (NEQA), was signed on January 31, 1978 and recognizes rights and obligations for the Naskapis that are comparable to those found in the JBNQA. The "Act respecting hunting and fishing rights in the James Bay and Nouveau-Québec territories" gave the force of law to most of the provisions of both agreements in matters of hunting, fishing and trapping. The land rules and the hunting, fishing and trapping rules described in the agreements also effect the development of outfitter establishments.

The James Bay and Northern Québec Agreement and the Northeastern Québec Agreement (NEQA) have opened the way for a new kind of relationship between the Québec government and the native peoples of Nouveau-Québec. Under the terms of these agreements, the native peoples in the region have exchanged their claims, rights and territorial interests for other rights and benefits as specified in the agreements.

The compensation received by the native communities included a payment of \$225 million under the JBNQA and \$9 million under the NEQA. They are also entitled

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to a range of services and programs to which the federal and provincial governments contribute annually. Additional lump sum payments have also been provided as a result of treaty implementation agreements and specific agreements, most of which are connected with a complementary agreement to the JBNQA.

The Cree have received:

- \$50 million under the Chisasibi Agreement (1978);
- \$25.5 million under the Sakami Lake Agreement (1979);
- \$112 million under the La Grande Agreement (1986);
- \$18 million under the Mercury Agreement (1986);
- \$50 million (for the Chisasibi and Wemindji communities) under the Opimiscow-La Grande Agreement (1992).

The Inuit have received:

- \$48 million under the Kuujjuak Agreement (1988);
- \$22.8 million under the JBNQA Implementation Agreement (1990).

The Naskapi have received:

- \$1.7 million under the NEQA Implementation Agreement (1990).

The 1975 final agreement also gives native peoples rights and control over certain elements of their communities and lifestyles such as land, environmental and social protection, economic development, education, hunting, fishing and trapping, and local and regional administrations. This paper focuses on lands and hunting, fishing and trapping rights as they relate to outfitting.

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The JBNQA establishes three categories of land for the territories included in the agreements (See Figure 2 and appendix 1). It also specifies the total areas of land and the rights in each category. Category I lands cover a rather limited area (13,023 km²). They are the lands in and around the communities where the native people normally reside. This includes the village limits of 8 Cree, 14 Inuit, and 1 Naskapi village. These are lands allocated to the local native people for their exclusive use.

Category I lands are set aside exclusively for the native communities that are actual signatories to the two agreements. Cree and Naskapi Category I lands are further subdivided into categories IA and IB: "A" for lands under the jurisdiction of Canada, and "B" for those under the Province of Québec. Lands under federal jurisdiction are governed by native institutions as defined in the Cree-Naskapi (of Québec) Act. Lands under Québec's jurisdiction are governed by corporations composed exclusively of native people.

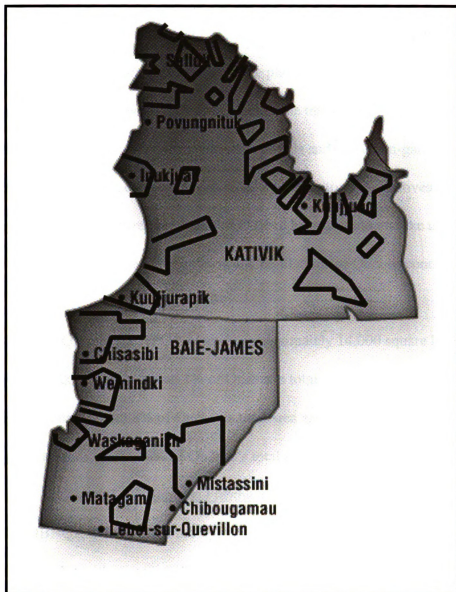
Category II includes 155,696km² that directly surrounds certain villages and traditional hunting and fishing lands (Category I lands). They also provide an exclusive territory for hunting/fishing activities for the local population. This means that the natives are the only ones with hunting, fishing and trapping rights, but there are no special right of occupancy as there are in Category I lands.

Figure

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Figure 2

Categories of Land



- Category I
- Category II
- The rest Category III

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Category II lands also come under provincial jurisdiction, but the native people participate in the management of hunting, fishing, trapping and the development of game reserves. They also have exclusive hunting, fishing and trapping rights on these lands.

Category III covers the rest of the territory in Nouveau-Québec (approximately 1 million km²). In this vast area the native people participate in the administration and they enjoy a pre-emptive right over the development of the territory until the year 2015. They have exclusive rights to harvest of fur-bearing animals and some non-game fish species. However, hunting/fishing can also be practiced by non-natives and natives from across Nouveau-Québec. The entire population of Québec has access to and the use of these lands in accordance with the ordinary laws and regulations of Québec concerning public lands and wildlife.

The JBNQA and the NEQA identify approximately 14,000 square kilometers of territory as Category I lands, about 1% of Québec's total area, 150,000 square kilometers as Category II lands, about 8% of Québec's total area and one million square kilometers as Category III lands, about 58% of Québec's total area.

Hunting, Fishing and Trapping

The JBNQA defines all of the rights, privileges and obligations of the native and non-native peoples with regards to hunting, fishing, and trapping activities in the territory. It is based on the conservation principle, namely the search for the optimal productivity of all living resources in perpetuity, the protection of eco-systems to safeguard threatened species and the perpetuation of the traditional resource harvest and use activities of the native people. Secondarily and subserviently, the satisfaction of non-native sport anglers and hunters is taken into account.

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Direct effects of the JBNQA on outfitters are: the recognized harvesting right of the native people, guaranteed harvesting levels for native subsistence, economic gain and clients, that hunting/fishing for non-native peoples is subservient to native rights, specific rules for outfitter establishment. This paper focusses on policies in these areas and their effect on tourism, recreational hunting/fishing and outfitting in Nouveau-Québec (See Appendix 2 for the specific rules).

Wildlife Resource Harvesting Rights

The agreements and the act recognize that natives can hunt, fish, and trap all wildlife species, anywhere on the territory, at any time of the year, using all necessary materials with the exception of materials that are deemed dangerous to public safety. As a result, every native person may exercise his/her harvest right, without having to take into consideration the activities of outfitter establishments. This right also includes exclusive trapping rights. Furthermore, natives have the exclusive right to operate commercial hunting and fishing on Category I and II lands, as well as for the species that are reserved for them on Category III lands.

Outfitter Establishment Procedures

All Québec outfitters must follow certain procedures (Ministère de l'Environnement et de la Faune, 1998). However, Nouveau-Québec has additional, specific regulations. Generally, the rules for outfitting establishments are considered the main means of controlling hunting and fishing activities by non-natives in Nouveau-Québec. Furthermore, the Act stipulates that Québec must make an effort to require non-native hunters and fishermen to use outfitter establishments or be accompanied by native guides. These are discussed in the following sections.

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All Québec outfitters must get a outfitter operating license from the Ministry of Environment and Fauna. To get this license the prospective outfitter must complete a questionnaire provided by the Ministry of Environment and Fauna. On this questionnaire the following information must be provided (Ministère de l'Environnement et de la Faune, 1998):

- Name and address;
- Owner or renter; if renter name and address of owner;
- Name and address of outfit;
- Payment for the cost of license, (cost is set by the ministry and varies from year to year);
- Assurances that outfits' infrastructures and superstructures are in accordance with the norms set by the ministry.

The application then goes through a series of steps (Ministère de l'Environnement et de la Faune, 1998):

- Complete the questionnaire;
- Validation of the application by the members of the committee responsible for reviewing outfitter applications;
- Ministry of Environment and Fauna approves the holding of public hearings on the application;
- Input from stakeholders is provided at public hearings;
- Committee responsible for reviewing outfitter applications modifies the application based on input from stakeholders and finalize the application;

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- Ministry of Environment and Fauna approves the finale version of the application.

There are no specific guidelines available for the previous steps (Ministère de l'Environnement et de la Faune, 1998). Furthermore, after successfully going through all of these steps, an outfitter's license will have the following information (Ministère de l'Environnement et de la Faune, 1998):

- Name and address of the license holder, the business address for the outfitter;
- License number and the dates of emission and expiration;
- Territory of exploitation;
- Number of lodging unites and the lodging capacity;
- For Nouveau-Québec, the activities permitted by the outfitter.

The license is valid for one year, generally, from April 1 to March 31 of the following year. The license is renewable if the outfitter completes these steps:

- Submit a renewal form to the Ministry of Environment and Fauna;
- Payment for the cost of the renewing the license;
- Has completed the appropriate reports required by the Ministry of Environment and Fauna within the proper delays.

In Nouveau-Québec outfitters must complete an additional step. Their application must also go through a Hunting, Fishing and Trapping Coordinating Committee.

The committee was created under section 24.4 (appendix 2) of the James Bay and Northern Québec Agreement. It is an organization composed of Native and government representatives. Its main role is to study, administer and, in certain cases, supervise and

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regulate the hunting, fishing and trapping regime, and, in particular, the outfitter establishment regime. The committee recognizes that one of its functions is to establish in the territory a network of outfitter establishments meeting the needs of non-Native persons. To this end, the applications for the issue, renewal or transfer of licences, leases or other authorizations related to outfitter establishments are submitted to the committee for examination and recommendation before a decision is made by the Ministry of Environment and Fauna. The committee's examination takes into consideration the conservation principle as well as the rights and guarantees granted to the native people by the provisions of the hunting, fishing and trapping regime.

On Category I and II lands, natives have exclusive rights to set up and operate outfitter establishments. If a non-native outfitter was operating a business on Category II land before the JBNQA, or if a non-native person wants to start an outfitting business on Category II land, he or she must negotiate directly with the native peoples to maintain or start the outfitting business.

Moreover, natives are also allowed to establish outfits throughout the rest of the territory (Category III). However, they must respect zones of native priority use (See map 3). Crees, Inuits and Naskapis have zones that are prioritized for them based on their traditional hunting and fishing territories. Any non-natives wishing to operate an outfitter establishment on these lands must obtain the consent of the native administration in charge (See section 24.9 of the agreement in Appendix 2).

On Category III lands, the rules give natives people a right of first choice when setting up or transferring outfitter establishments until November 10, 2015 as follows (Appendix 2; section 24.9.3):

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Within their respective areas of interest for the Hunting, Fishing and Trapping Regime, the Native people shall have a right of first refusal to operate as outfitters in Category III for a period of forty (40) years from the execution of the Agreement.

This right means that a non-native who wishes to set up an outfit establishment on Category III land must present the project to the Ministry of Environment and Fauna. The project is then submitted by the Ministry to the Coordinating committee who then brings the project to the native community in question (See Figure 3). The latter may then exercise its preemptive right on the contemplated site. However, native people may only exercise this right on a maximum of seven out of ten applications (Appendix 2; section 24.9.6):

Notwithstanding paragraph 24.9.3 the Native people shall not exercise the right of first refusal referred to in the said paragraph with respect to at least three (3) non-Native applications out of every ten (10) applications respecting outfitting operations in Category III. The Coordinating Committee shall oversee the implementation of the terms of this paragraph and shall inform the parties from time to time as to the requirements for such implementation.

The Québec government developed administrative rules that helped in the application of the 7 of 10 rule. The procedure, as developed based on the MLCP's interpretation, went as follows: for every 10 applications for an outfitter license in Nouveau-Québec by non-natives, 7 were presented for review to the native parties in question. The 3 others were given licenses without submitting to the natives, since natives could only use the right of first refusal on 7 of 10 applications. However, the natives did

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not understand the ruling in the same way, they believe that all non-native Nouveau-Québec outfitter applications must be submitted to the natives.

The dispute over the interpretation was heard in front of the Honorable Judge André Savoie and his ruling, based on the wording of the JBNQA, declared that the procedures developed by the Ministry of Hunting, Fishing and Leisure (MLCP) illegal. The result of this confusion and trial was a moratorium on the establishment of new outfits between 1975 and 1987. During this time, little if no outfitter development was done by either natives and non-natives.

Guaranteed Harvesting Levels for the Natives

This provision of the Act respecting hunting and fishing rights in the James Bay and Nouveau-Québec Territories guarantees the native peoples minimal harvest levels of wildlife sufficient subsistence, when the animal populations permit. These levels were determined through negotiation and are based on analysis of previous harvests made by the native people (James Bay and Northern Québec Native Harvesting Research Committee, 1982).

Figure 3

Zones of Native Priority Use



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CHAPTER 6

Results

This section covers part of the "Program to Government" section of the Jones model excluding evaluation. That section is presented in Chapter 7. This chapter presents the results of this study, beginning with trends in outfitting and recreational hunting and fishing in Nouveau-Québec using secondary data. It also explores the relationship through primary data of outfitters with the JBNQA. Trends examined include the following:

- Client trends (trends in caribou license sales sporting caribou harvest; number of outfitter clients; number of outfitter clients by zone);
- Caribou numbers;
- Guaranteed harvesting levels for native communities;
- Outfitter trends (number of outfitters; number of outfitters by zone; number of outfitters by category of land);
- Revenue of Nouveau Québec-outfitters;
- Mobile camp operations (number of outfitters operating in Zone 23; number of mobile camps operating in Zone 23; number of clients using mobile camps; caribou and fish harvesting from mobile and permanent camps).

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Client Trends

Outfitting was not officially recognized in Nouveau-Québec until 1957, when the first tourist was noted in the James Bay region (Paré, 1972). However, it was not until 1965 that tourists started coming to Nouveau-Québec in any numbers. Information is sketchy, but according to Paré (1972), 16 tourists were identified by the Ministry of Indian Affairs in 1965. In 1966, there were 96, in 1968 there were 196, in 1969 there were 498, and in 1970 there were 610.

Trends in Caribou License Sales

The number of resident and non-resident caribou hunting licenses in Québec increased steadily from 1975 to 1996 (Table 3). Since 1975 (JBNQA), the proportion of non-resident caribou hunters has increased in relation to resident hunters. Furthermore, there has been a more rapid growth of the total number of caribou hunters between 1987 (8,100 licenses sold) and 1996 (15,753 licenses sold). This growth can partially be explained by the opening of a winter hunting season in which makes hunting caribou more accessible, since the region where the winter hunt takes place is accessible by car.

Between the years of 1974 and 1975 (Table 3), there was a decrease in the number of caribou license sales; from 6,012 licenses sold in 1974 to 2,560 licenses sold in 1975. The decrease was most noticeable for non-residents, where license sales went from 3,288 licenses in 1974 to 358 licenses sold in 1975. The decrease was not as great proportionally for the residents, going from 2,702 licenses sold in 1974 to 2,202 licenses sold in 1975. This is noteworthy because it occurred the same year that JBNQA was put into place. Furthermore, the non-resident license sales drop was due mostly to the implementation of a new way to sell licenses to these hunters. Previously the non-resident

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Table 3

Caribou Sport Hunting Licenses and Animals Harvested (1973-1996)

Years	# of Resident	# of Non-resident	Total # of	# of Caribou
1973	1775	3224	4999	1231
1974	2724	3288	6012	1768
1975a	2202	358	2560	1437
1976	2525	330	2885	1735
1977	2359	343	2702	1663
1978	2512	467	2979	1946
1979	2794	698	3492	2463
1980	3890	665	4555	2939
1981	4805	827	5632	3440
1982	3700	839	4539	2939
1983b	2905	858	3763	4086
1984	3488	1256	4744	4161
1985	3338	1764	5102	6310
1986	3923	2708	6631	8898
1987	4414	3686	8100	8789
1988	3647	3780	7427	9038
1989	4043	4436	8479	9090
1990	5150	4904	10054	12710
1991	5118	4145	9263	11546
1992	5115	4258	9373	11591
1993	5078	4686	9764	12941
1994	5509	4835	10344	12791
1995	6900	5590	12490	14746
1996	9436	6317	15753	16541

Source: M.E.F. - Lamontagne et Gignac -1997

a Non-resident license sold for caribou hunting only.

b Starting in 1983, hunters are permitted to harvest two caribou.

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would buy a license that could be used for all big game. However, starting in 1975, non-residents were sold licenses that were specific to the game that they were hunting.

Consequently, the counts made before 1975 were all for big game licences, after 1975 they were of caribou only licences.

Sporting Caribou Harvest

Québec caribou hunters have been permitted to take two animals per season since 1983. Even though the number of caribou harvested per caribou hunting license sold has increased since 1983, there has been no noticeable effect on the caribou herd (Table 3). In fact, the 1996 sporting caribou harvest is the highest ever recorded with 16,541 caribou taken. There were 7,953 caribou harvested during the winter hunt and 8,588 caribou taken during the traditional autumn hunt. The winter hunt takes place in Zones 22 and 23, while the autumn hunt takes place almost exclusively in Zone 23.

Number of Outfitter Clients

The number of outfitter clients has increased since 1971 (Table 4), 2,046 in 1971 to 15,991 in 1996. This represents an increase of about 100 clients per outfitter per year. Hunting caribou is the most important outfitter activity; in 1996 there were 10,764 hunters as compared to 5,227 fishermen.

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Table 4

Number of Outfitter Clients in Nouveau-Québec (1971, 1988, 1990, 1996).

Year	Hunting Clients *	Fishing Clients	Total Clients
1971a	n/a	n/a	2,046
1988b	5,811	4,164	9,975
1990b	6,291	3,824	10,115
1996b	10,764	5,227	15,991

a Source : Pare (1972).

b Source : M.E.F. - Nouveau-Québec Regional Branch.

* Also do some fishing when not hunting.

Number of Outfitter Clients by Zone

The act concerning conservation and development of wildlife provides certain regulations which affect fishing and hunting activities. Under this act, Québec has been divided into 25 zones to which hunting and fishing regulations apply. Nouveau-Québec includes four of these zones (see Figure 4), each with its own specific regulations. In this study, three zones are considered: Zones 17, 22 and 23. Zone 24 is generally not included because it is limited to residents only.

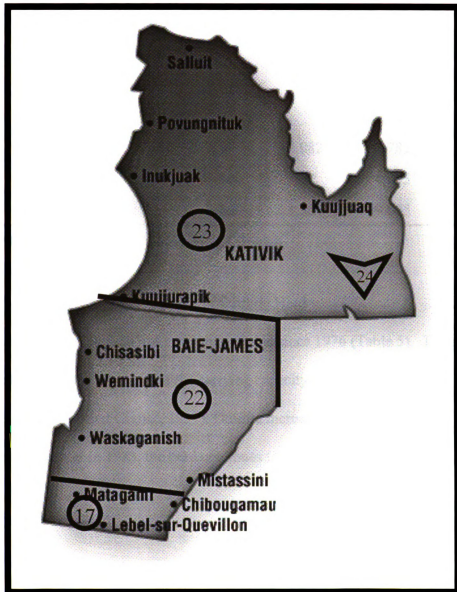
The region with the most hunters is Zone 23 (Table 5), which is where most of the caribou hunting takes place. For fishing the most heavily used Zone is 17, with increase from 2,068 clients to 3,360 clients between 1988 and 1996.

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Figure 4

Hunting and Fishing Zones in Nouveau-Québec



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Use of Outfitters in Nouveau-Québec by Zone (1988 and 1996).

Years		Zone 17	Zone 22	Zone 23	Total
1989					
	Hunting Clients	30	160	5,621	5,811
	Fishing Clients	2,068	816	1,280	4,164
	Total	2,098	976	6,901	9,975
1996					
	Hunting Clients	0	2,982	7,782	10,764
	Fishing Clients	3,360	572	1,295	5,227
	Total	3,360	3,554	9,075	15,991

Source: M.E.F. - Nouveau-Québec Regional Branch.

Growth of Caribou Herd

The number of caribou has more than tripled since 1976 (Table 5). The current herd is the largest in the world, with the carrying capacity of Nouveau-Québec now in question (Lamontagne and Gignac, 1997). Despite increasing the bag limit from one to two caribou per hunter in 1983, the herd continues to grow.

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Estimated Number of Caribou in Nouveau-Québec (1976-1996).

Years	Number of Caribou
1976-77	263,100
1980-81	390,100
1982-83	360,450
1984-85	586,600
1995-96	800,000

Source: M.E.F. - Nouveau-Québec Regional Branch

Guaranteed Harvesting Levels for Native Communities

One of the enabling acts, entitled "Respecting Hunting and Fishing Rights in James Bay and Nouveau-Québec Territories" guarantees the natives of Nouveau-Québec fauna harvesting levels for subsistence purposes when animal populations permit. The guaranteed harvest levels for Inuit were set in 1985, while the Cree levels were set in 1990. With regard to the harvest of caribou, the Cree are guaranteed 830 caribou, the Inuit are guaranteed 4,547 caribou, and the Naskapi are guaranteed 600 caribous for a total of 5,977 caribou harvested by the natives. With the present size of the herd, this guaranteed harvest is judged to have little or no impact on outfitters and the rate of success of their clients.

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Table 7

Guaranteed Harvest Levels for Native Communities (annual harvest).

Species	Cree	Inuit	Naskapi
Hunting			
Moose	1,030	-	-
Black Bear	214	-	-
Caribou	830	4,547	600
Polar Bear	4	58	-
Fishing			
Northern Pike	25,252	-	-
Walleye	26,545	-	-
Brook Charr	38,379	17,342	-
Anadromous Red Charr	-	97,645	-
Freshwater Red Charr	641	1,988	-
Lake Charr	19,226	22,479	-
Salmon	-	7,930	-

Source: MLCP 1993.

Actual harvest levels may vary from guaranteed harvest levels (Lamontagne & Gignac, 1997). In 1996, the Crees harvested 327 caribou, the Inuits harvested 8,056 caribou and the Naskapis harvested 1,000 caribou for a total of 9,383 caribou. This was solely for food purposes. The Inuits harvested an additional 1,336 caribous for commercial purposes. The 9,383 caribous are added to the 16,541 caribous taken during sport hunting for a total of 26,924 caribous taken in 1996.

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The number of caribou harvested for sport (Table 3), the number of caribou guaranteed for subsistence (Table 7) and actual number of caribou taken for subsistence (Lamontagne & Gignac,1997) have little impact on the size of the caribou herd (Table 4). This is true in spite of the fact that the species with guaranteed harvest limits (Table 7) only the caribou are heavily targeted by outfitting clients in Nouveau-Québec.

Outfitter Trends

Before 1971, little is known of the number of outfitters operating in Nouveau-Québec. However, it is generally accepted that this industry was small and had very little impact on the province's economy.

Number of Outfitters

The total number of native and non-native outfitters increased between 1971 and 1997. Furthermore, the proportion of native outfitters increased more than the non-natives (Table 8). In 1971, there were 30 outfitter enterprises in Nouveau-Québec; 3 were operated by natives and 27 were operated by non-natives. Of the 84 outfitters operating in 1997, 40 were native and 43 were non-native.

The 7 of 10 rule caused a 10 year moratorium on the establishment of new outfitters between 1977 and 1987. Consequently, since the moratorium was lifted, some 375 requests were made for the establishment of new outfitters. Of these applications only 30 agreements for setting up new outfitter establishments were issued by the MLCP. When examining these numbers, the 7 of 10 rule is being applied more as a "9 of 10" rule.

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Number of Outfitters in Nouveau-Québec (1971; 1988; 1991; 1996 and 1997).

Year	Native	Non-Native	Total
1971 a	3	27	30
1988 b	16	39	55
1991 b	25	36	61
1996 b	35	39	74
1997 b	41	43	84

a Source : Pare (1972).

b Source : M.E.F. - Nouveau-Québec Regional Branch.

Number of Outfitters by Zone

Outfitter growth has been greatest in Zones 22 and 23 (Table 9). Conversely, the number of outfitters in Zone 17 has declined.

Table 9

Number of Outfitters in Nouveau-Québec by Zone (1989; 1991; 1996; and 1997).

Year	Zone 17	Zone 22	Zone 23	Total
1989	9	9	28	46
1991	8	9	44	61
1996	6	12	56	74
1997	7	20	57	84

Source: M.E.F. - Nouveau- Québec Regional Branch.

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Number of Outfitters in Nouveau-Québec by Category of Land (1989 and 1994).

Year		Category II	Category III	Category II and III*	Total
1989					
	Native	5	8	3	16
	Non-native	0	30	0	30
	Total	5	38	3	46
1994					
	Native	9	9	4	22
	Non-native	0	33	0	33
	Total	9	42	4	55

Source: M.E.F. - Nouveau-Québec Regional Branch.

* These outfitters have camps on Category II and III lands.

Number of Outfitters by Category of Land

Natives have outfitters established on Category II and III land, while non-natives are only established in Category III land (Table 10). There are presently no outfitters on Category I land.

Revenue of Nouveau-Québec Outfitters

The revenue of Nouveau-Québec outfitters (Table 11) has increased since 1971. Between 1971 and 1996, revenue went from \$5,741,566 to \$21,000,000 in 1996 dollars. However, there has been a decrease of revenues per outfitter between 1989 and 1996 (from \$333,686 in 1989 to \$283,784 in 1996).

Table 11

Total Revenue of Outfitters in Nouveau-Québec.

Year	Revenue (actual dollars)	Revenue (1996 dollars)	Average Revenue per Outfitter (1996 dollars)
1971 a	1,350,000	5,741,566*	191,386
1989 b	12,900,000	15,349,550*	333,686
1996 b	21,000,000	21,000,000	283,784

a Source: Pare (1972).

b Source: M.E.F. - Nouveau-Québec Regional Branch and Revenu Québec.

*Statistics Canada.

Mobile Camp Operations

Outfitting in Zone 23

Number of outfitters in Zone 23

Mobile camps are the most successful way to hunt caribou. Caribou are migratory animals and are influenced by environmental factors. Mobile camps allow hunters to maintain contact with the herd throughout the migratory period.

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Evolution of the Number of Outfitters in Zone 23 (1987 to 1992).

Years	Schefferville Sector		Kuujjuaq Sector		Total for Zone 23	
	Number of Outfitters		Number of Outfitters		Number of Outfitters	
	Total	Caribou*	Total	Caribou*	Total	Caribou*
1987	17	12	7	7	24	19
1988	20	15	7	7	28	22
1989	28	22	9	8	37	30
1990	29	25	15	13	44	38
1991	29	25	17	16	46	41
1992	29	25	17	16	46	41

Source: Bazin, L.; Leclerc, M.; Parent, M. and Vandal, D. (1993).

* These outfitters primarily offer caribou hunting; however the hunters also do some fishing when not hunting caribou.

The total number of outfitting concerns in Zone 23 rose by more than 91% from 1988 to 1992, while the number of outfitting businesses offering caribou hunting more than doubled over the same period (Table 12). The data for each area show that, each has added new establishments: Schefferville, 12 new establishments have been created since 1988, a 71% increase, while Kuujjuaq has added 10 or a 143% increase. Looking only at outfitters offering hunting, the number increased by 100% in Schefferville and 143% in Kuujjuaq.

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Number of Clients by Type of Camp in Zone 23 (1988-1992).

Years	Type of Camp	Schefferville Sector	Kuujuuaq Sector	Total
1988	Mobile Camp	4,519	303	4,822
	Permanent Camp	612	469	1,081
	Total	5,131	772	5,903
1989	Mobile Camp	4,031	998	5,029
	Permanent Camp	799	311	1,110
	Total	4,830	1,309	6,139
1990	Mobile Camp	4,175	1,319	5,494
	Permanent Camp	872	207	1,079
	Total	5,047	1,526	6,573
1991	Mobile Camp	3,081	1,434	4,515
	Permanent Camp	729	336	1,065
	Total	3,810	1,770	5,580
1992	Mobile Camp	3,419	1,287	4,706
	Permanent Camp	700	361	1,061
	Total	4,119	1,648	5,767

Source: Bazin, L.; Leclerc, M.; Parent, M. and Vandal, D. (1993).

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Clients in Zone 23

The Schefferville outfitters managed to maintain a fairly stable hunting clientele in both mobile and permanent camps between 1988 and 1990 (Table 13). The numbers of clients for mobile camps in the Kuujjuaq area quadrupled over the same period.

Operation of mobile camps in Zone 23

In the Schefferville area, the proportion of authorized camps actually being operated was quite stable between 1988 and 1992, at about 75% of the maximum authorized level (Table 13). In the Kuujjuaq area, however, the proportion of camps in operation increased over the years, going from 58% in 1988 to 76% in 1992.

Table 14

Mobile Camps Operated in Zone 23 (1988-1992).

Years	Schefferville Sector			Kuujjuaq Sector			Total		
	Allowed	Operating	%	Allowed	Operating	%	Allowed	Operating	%
1988	128	98	77	12	7	58	140	105	75
1989	137	110	80	21	14	67	158	124	78
1990	144	114	79	34	22	65	178	136	76
1991	128	89	70	41	32	78	169	121	72
1992	120	97	81	41	31	76	161	128	80

Source: Bazin, L.; Leclerc, M.; Parent, M. and Vandal, D. (1993).

Several factors influenced the annual occupancy rates, but the most important was the movements of the caribou, which determined the pattern of use of the mobile camps. While some sites were occupied every week of operation because of their strategic location, others were occupied only during peak client periods or when the caribou passed nearby in their migration.

Caribou and fish harvesting from mobile camps in Zone 23

Table 15 shows the average annual harvest of caribou was about 10,000 head between 1988 and 1992. However, harvest levels shifted with the harvest in Schefferville dropping from 8529 to 6569 and rising in Kuujuaq from 1237 to 3060. These harvest numbers differ slightly from those presented in Table 1. In the first instance the numbers are those given to the government by the outfitters; and in the second instance the numbers come from harvest tags.

Table 15

Number of Caribou Harvested by Sector in Zone 23 (1988-1992).

Years	Schefferville Sector	Kuujuaq Sector	Total
1988	8,529	1,237	9,766
1989	7,431	2,239	9,670
1990	8,919	2,676	11,595
1991	6,779	3,342	10,121
1992	6,569	3,060	9,629

Source: Bazin, L.; Leclerc, M.; Parent, M. and Vandal, D. (1993).

The harvesting advantage of mobile camps is clearly shown in Table 16.

Table 16

Comparison of the Number of Caribous Harvested in Mobile and Permanent Camps in Zone 23 (1988-1992).

Years	Permanent Camps	Mobile Camps	Total
1988	1,472	8,294	9,766
1989	1,781	7,889	9,670
1990	1,699	9,896	11,595
1991	1,835	8,286	10,121
1992	1,697	7,932	9,629

Source: Bazin, L.; Leclerc, M.; Parent, M. and Vandal, D. (1993).

Perceptions of Outfitters towards the JBNQA and its Impacts on their Operation

Response rate for the survey

As presented in Chapter 3 (Research Methods), this section of the paper is based on primary data obtained through a survey of Nouveau-Québec outfitters, who asked to assess of the impact of the JBNQA on outfitting. A census was conducted of all 83 licenced outfits. However, 62 owners or cooperatives operate these 83 outfits due to multiple ownerships. Of these 62 owners, 44 responded to the survey. Of these, 36 completed the questionnaire, and 8 responded that they did not want to complete it.

Non-response

Based on the information available from MLCP (1990) and conversations with non-respondents, there does not seem to be a difference between respondents and non-respondents. In addition, based on the segmentation of types of outfitters presented in MLCP (1990), the segments of outfitters that completed the questionnaire are similar.

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Non-respondents have several reasons for not responding. Some outfitters mentioned that they did not have time to complete the survey. Others were not confident that the proprietary information conveyed in the survey would remain confidential, even though confidentiality was assured them. One outfitter said, “Written documents stay.” For him this meant that when there was a written document or record it may surface at any time, even several years down the road. Another reason mentioned is mistrust among the different parties: natives, non-natives, and government. Outfitters were worried about who had sponsored the study. Some outfitters explained that they did not want some of the information traced back to them by one of the other groups. On several occasions, the author was asked who has ordered this study? or who is paying for this study? Even, though it was made clear that the study was done in the context of a doctoral dissertation and that it was under the auspices of the University of Ottawa, several still refused to complete the survey.

Results of the survey

Socioeconomic characteristics of outfitters in Nouveau-Québec.

The business characteristics of outfitters in Nouveau-Québec vary greatly (Table 17). Reported annual revenue per outfitter ranges from \$29,000 to \$2.8 million. Disparity also can be seen in the number of employees (1-57) and the number of clients (12-1,000).

The years of operation (Table 17) show that the outfitter that has operated for the least amount of time has only been in operation for 2 years. These are the last new outfitters before the Ministry put a moratorium on additional Nouveau-Québec outfitters in 1996. On the other hand, one outfitter has been in operation for 42 years. This outfitter

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Table 17

Socioeconomic Characteristics of Outfitters in Nouveau-Québec.

Variables	Number That Responded to this Variable	Mean	Std. Deviation	Minimum	Maximum
Years of Operation	36	17	12	2	42
Years Owned	36	12	11	2	42
Number of Employees	27	13	16	1	57
Revenue (dollars)	23	424,783	634,591	29,000	2,800,000
Profit (dollars)	14	11,755	24,798	-40,000	54,000
Number of Clients	28	170	242	12	1,000
Average Length of Stay (days)	28	6	1	3	8
Number of Caribou Harvested	21	236	350	0	1,500

Categories of land

When asked where they operate, 85% of the non-natives operated on Category III land, 10% were not sure, and 5% operated on Category II land (Table 18). However, the non-native outfitter on Category II land specified that his business was being conducted through a joint venture. On the native side, it is a little more complex. Of the native outfitters 19% operate on Category I and II land; 6% operate on Category II land; 50% operate on Category II and III land; 19% operate on Category I, II, and III land; and 6% do not know where they are operating.

Table 18

Categories of Land on Which Nouveau-Québec Outfitters Operate.(Native N=16, Non-Native N=20, Total N=36)

Category of Land	Native	%a	Non-Native	%a	Combined	%a
I	0	0.0	0	0.0	0	0.0
II	1	6.3	1	5.0	2	5.6
III	0	0.0	17	85.0	17	47.2
I and II	3	18.8	0	0.0	3	8.3
II and III	8	50.0	0	0.0	8	22.2
I, II and III	3	18.8	0	0.0	3	8.3
Do not know	1	6.3	2	10.0	3	8.3
TOTAL	16	100.2	20	100.0	36	99.9

a Percentages may not sum to 100.0% due to rounding

Hunting and fishing activities offered

Caribou hunting is the most common hunting activity offered by the Nouveau-Québec outfitters, with moose hunting the second most common (Table 19). Almost all fishing is for brook trout and lake trout. It is important to note that while some outfitters emphasize caribou hunting as their main activity, hunters will also fish when not hunting. The link between fishing and hunting is important, and the distinction between hunting and fishing market segments is not always clear. As stated by MLCP (1993), a majority of the clients that go to Nouveau-Québec both hunt and fish.

Table 19

Hunting and Fishing Activities Offered by Nouveau-Québec Outfitters.

Variable	Offered	%	Not Offered	%
Hunting				
Caribou	24	66.7	12	33.3
Black Bear	1	2.8	35	97.2
Moose	21	58.3	15	41.7
Waterfowl	6	16.7	30	83.3
Ptarmigan	3	8.3	33	91.7
Fishing				
Brook Trout	34	94.4	2	5.6
Lake Trout	34	94.4	2	5.6
Arctic Charr	18	50.0	18	50.0
Ouananiche	6	16.7	30	83.3
Salmon	9	25.0	27	75.0
Walleye	3	8.3	33	91.7
Northern Pike	8	22.2	28	77.8

Accessibility to Category II

Access to Category II Land by natives and non-natives is perceived differently by these groups. For instance, 69% of natives say that having free access to Category II land, while non-native outfitters are excluded, helped establish their outfit. The majority of non-natives (60%) said that their exclusion from Category II Land did not affect the development of their outfitting business. Some of the comments given by non-natives include: "présentement, le territoire qui nous est autorisé est suffisant à nos opérations

(presently, the territory available to us is sufficient for our operations)" and "category II territory is 350 miles north of us." On the other hand, a native commented, "because competition must stay away from us," which indicates that restricted access gives them an advantage.

Seven of Ten Rule

As presented in Table 20, 56% of natives believe that the 7 of 10 rule helped them start or purchase their Nouveau-Québec outfitting business. A surprising element is that 13% of natives and 35% of non-natives were unaware of the 7 of 10 rule. Such statements as, "Don't know of this rule"!, "What are the 7 of 10 rules?" or "Quel est ce règlement? (What is this rule?)," indicate a lack of understanding of the JBNQA. Non-natives were most likely to attribute little influence to the 7 of 10 rule or to indicate a lack of knowledge of its effect.

Table 20

Outfitter Perceived Influence of the 7 of 10 Rule on the Establishment of Outfits in Nouveau-Québec.

Variable	Hampered %	Not Affected %	Helped %	Do Not Know %	Total	#
Native	6.3	25.0	56.3	12.5	100.0%	16
Non-native	15.0	40.0	10.0	35.0	100.0%	20
Total	11.1	33.3	30.6	25.0	100.0%	36

Percentages may not sum to 100.0% due to rounding

Coordinating committee

A majority of non-natives indicated that the coordinating committee had a negative impact or hindered the start or purchase of their outfitting business. Several remarks were made critical of the committee: “the delay is unacceptable”; “long délai”; à cause de longs délais avant d’avoir une réponse (long delay); “occasionne des délais beaucoup trop longs (long delay); “long délai avant l’autorisation (time frame too long before authorization)”; cause de délai prolonger à 2 ans pour obtenir les permis requis (2-year delay)”; “dû au processus qui retarde l’acquisition et parfois la non-acquisition après une longue période d’attente et le fait de ne pas savoir à quoi s’en tenir (because of time delay and lack of information we do not know where we stand)”; “perte de temps, bureaucratie, et coûts élevés avec les avocats (waste of time, bureaucracy, and high lawyer costs); “les indiens siégeant sur ce comité mettent constamment des bâtons dans les roues de nos pourvoiries (natives that sit on the committee hinder the development of our outfits)”; and “the coordinating committee had a moratorium on sale transfers since 1975. We had to wait until 1985 to get transfer approval-in the meantime, we lost having fall caribou permits because we were south of 55°”.

These results demonstrate a lack of understanding of the JBNQA. The coordinating committee is the body that uses the 7 of 10 rule. Yet 40% of non-natives (Table 20) say that the 7 of 10 rule has no effect and 10% say that it helped. However, 65% of non-native outfitters mention that the coordinating committee hindered them. So, there is a misunderstanding with what the coordinating committee is doing and what it is trying to enforce.

Non-natives made these comments about the agreement:

- “Les effets les plus néfastes ont été de m’enlever le droit d’opérer sur certains territoires de catégories III où seuls les indiens pouvaient avoir le permis de pourvoirie - on appelle cela le droit du 1er choix??” (Negative effect);
- “Comité (lourd) pour l’acceptation de la demande” (Heavy bureaucracy - Negative effect);
- “Néfastes. Les autochtones se sont appropriés les meilleurs territoires ou ont pratiqués leur droit de premier refus” (Negative - Natives have the best territories or used the 7 of 10 rule);
- “For the 10-year delay in transfer, We were not able to hunt fall caribou season as the law was changed to north of the 55° which we were below that and could not obtain a camp north of the 55° – we lost 80% of our revenue since that time and it has had a negative impact since on our business” (negative effect);
- “La convention, selon le principe du droit de premier choix, empêche notre entreprise d’établir d’autres camps, soit sur les territoires d’exploitation déjà existants, soit sur d’autres territoires voisins; alors que la villégiature a commencé à s’établir, même à l’intérieur de nos territoires d’exploitation autorisés et décrits au permis, rendant ainsi possible la pourvoirie illégale”
(Establishment of new camps limited - negative);

- “It has a major impact on our eco-tourism business as we cannot access our river system at the end of our expedition for outpost camp north of 58° in category III lands as there is a limit in place at present by James & Northern Québec Agreement” (negative);
- “A ralenti le développement” (slowed development);
- “Le droit du 1er choix est le plus néfaste pour le pourvoyeur blanc et le plus «bonbon» pour l’indien” (natives having first choice has a negative effect);
- “Retard du développement de l’industrie” (slowed development);
- “Ça a empêcher le développement touristique” (slowed development).

Overall, non-natives see the JBNQA as a nuisance that hampers the development of outfitting and tourism in Nouveau-Québec.

Natives have mixed reactions to the agreement:

- “aucun commentaire négatif” (no negative comments);
- “not familiar with agreement”;
- “To this day, I don’t know what the agreement was about. If possible, put me in contact with somebody who can give me info on this agreement”;
- “positif” (positive);
- “positif” (positive);
- “it has given the native people some say on how outfitting was developed in Nouveau-Québec”;

- “les Naskapis sont les signataires de la convention du nord est québécois (1978) qui a fait suite à celle signée par les Cris et les Inuit. Les conventions devaient faciliter l’entrées des autochtones dans le monde de la pourvoirie, mais des mésententes majeures avec le Québec ont conduit à des actions en justice qui ont bloqué le développement” (Negative for Naskapis).

Generally speaking, the natives seem positive about the JBNQA and its relationship with outfitting. However, one element that is mentioned by the natives and the government managers was that the Naskapis were disadvantaged by the agreement. They were not included at first; they got a second agreement in 1978; and they were located mostly in zone 23 which is where most caribou hunting takes place.

The following sections are based on the information presented in Tables 21, 22 and 23. These tables are presented together because they deal with the impact, from different perspectives, certain variables have on the operation of outfitting in Nouveau-Québec. Table 21 presents the results from a native perspective, Table 22 from a non-native perspective and Table 23 combines both natives and non-natives and looks at the situation from an outfitting industry point of view.

Native and non-native perception of factors influencing outfitting in Nouveau-Québec

Category II Land

On one hand, natives liked the regulations regarding Category II land, while the non-natives did not (Table 21 and 22). Specifically, 69% of natives identified that exclusive access to Category II land was positive or very positive for their outfitting

business, while non-natives believe (46%) that restricted access to Category II land is negative or very negative.

Category III Land

The rules regulating Category III land are viewed positively by natives (69% positive or very positive). Non-natives take a more negative viewpoint (44% negative or very negative).

Coordinating committee

In general, non-natives believe that the coordinating committee has a negative or very negative impact on start-up or expansion of non-native outfitter businesses (Table 21 and 22). Seventy percent felt the committee hindered the start of their business, and 68.4% made negative comments about having to go through the coordinating committee for expansion of their business.

While the coordinating committee is viewed negatively by non-natives, natives generally see it as neutral or slightly positive for the start-up or expansion of their businesses. Between 42% and 50% of natives felt that the coordinating committee is neutral for the start-up or expansion of their businesses.

Mobile camps

Both native and non-native outfitters feel that the use of mobile camps is positive or very positive for their businesses (Table 21, 22 and 23). However, the use of mobile camps by others is less likely to be as positive.

Competition from other outfitters

Natives are neutral or positive regarding the competition from other outfitters, while non-natives are more likely to see this competition in a negative light (Table 21 and 22).

Fish species and harvest limits

Factors such as fish species present and fish harvesting limits were identified as positive or very positive for both natives and non-natives (Table 21, 22 and 23). This is particularly true for natives; 100% of the natives argued that the fish species present is a factor that has a positive or very positive impact on the operation of their business. Fish harvesting limits also were considered a positive or very positive factor by natives (68%). The combined outfitters (80%) assess that the fish species present have a positive influence on their outfitting businesses.

Size of the caribou herd, Caribou harvesting limits

The size of the caribou herd is considered a very positive factor for natives and non-natives (Table 21, 22 and 23). This factor is positive or very positive for 75% of the combined outfitters.

The caribou harvest limit is also identified as being very positive to positive for natives and non-natives (Table 21, 22 and 23). Eighty-three of natives identified the level of the caribou harvest limits as a positive or very positive influence on the operation of their outfitting business. Most non-natives (69%) also identified caribou harvest limits as positive or very positive for the operation of their outfit.

Table 21

Native Outfitter Ratings of the Influence of Selected Factors on Their OutfittingBusinesses in Nouveau-Québec.(a)

Variable	Very Positive	Positive	Neutral	Negative	Very Negative	#
Exclusive access to Category II land	12.5	56.3	12.5	6.3	12.5	16
Priority access to Category III land	18.8	50.0	18.8	6.3	6.3	16
Going through the Coordinating Committee for the start of the business	0.0	35.7	42.9	14.3	7.1	14
Going through the Coordinating Committee for expansion	7.1	28.6	50.0	7.1	7.1	14
Your use of mobile camps	28.6	21.4	28.6	0.0	21.4	14
The use of mobile camps by other outfitters	0.0	26.7	46.7	6.7	20.0	15
The competition from other New Québec Outfitters	7.7	30.8	46.2	15.4	0.0	13
Size of the caribou herd	30.8	53.9	0.0	15.4	0.0	13
Caribou harvest limits	41.7	41.7	0.0	16.7	0.0	12
Fish species present	81.3	18.8	0.0	0.0	0.0	16
Fish harvesting limits	12.5	56.3	31.3	0.0	0.0	16
Resident license fees	0.0	25.0	62.5	12.5	0.0	16
Non-resident license fees	0.0	18.8	43.8	31.3	6.3	16
Marketing of outfitting by provincial government to residents	8.3	16.7	75.0	0.0	0.0	13
Marketing of outfitting by provincial government to non-residents	40.0	20.0	40.0	0.0	0.0	15
Available transportation means to the outfitters for clients	0.0	50.0	37.5	12.5	0.0	16
Regulations imposed by the "Ministère de l'environnement et de la faune"	6.7	20.0	46.7	13.3	13.3	15
Provincial and Federal goods and services tax	0.0	0.0	25.0	25.0	50.0	16

(a) Rows may not total 100.0% due to rounding.

Table 22

Non-native Outfitter Ratings of the Influence of Selected Factors on Their OutfittingBusinesses in Nouveau-Québec (a).

Variable	Very Positive	Positive	Neutral	Negative	Very Negative	#
Restricted access to Category II land	7.7	0.0	46.2	30.8	15.4	13
Restricted access to Category III land	16.7	16.7	22.2	33.3	11.1	18
Going through the Coordinating Committee for the start of the business	10.0	0.0	20.0	45.0	25.0	20
Going through the Coordinating Committee for expansion	10.5	5.3	15.8	36.8	31.6	19
Your use of mobile camps	37.5	25.0	25.0	6.3	6.3	16
The use of mobile camps by other outfitters	13.3	20.0	46.7	6.7	13.3	15
The competition from other New Québec Outfitters	16.7	5.6	44.4	11.1	22.2	18
Size of the caribou herd	26.7	40.0	26.7	6.7	0.0	15
Caribou harvest limits	37.5	31.3	18.8	6.3	6.3	16
Fish species present	27.3	36.8	36.8	0.0	0.0	19
Fish harvesting limits	15.0	30.0	30.0	15.0	10.0	20
Resident license fees	21.1	21.1	36.8	15.8	5.3	19
Non-resident license fees	5.3	15.8	36.8	26.3	15.8	19
Marketing of outfitting by provincial government to residents	5.6	22.2	44.4	16.7	11.1	18
Marketing of outfitting by provincial government to non-residents	5.6	50.0	22.2	11.1	11.1	18
Available transportation means to the outfitters for clients	13.3	20.0	40.0	26.7	0.0	15
Regulations imposed by the "Ministère de l'environnement et de la faune"	15.8	26.3	26.3	10.5	21.1	19
Provincial and Federal goods and services tax	0.0	5.3	36.8	26.3	31.6	19

(a) Rows may not total 100.0% due to rounding.

Table 23

Ratings of Selected Factors Influencing the Outfitting Businesses in Nouveau-Québec

Variable	Very Positive	Positive	Neutral	Negative	Very Negative	#
Going through the Coordinating Committee for the start of the business	5.9	14.7	29.4	32.4	17.6	34
Going through the Coordinating Committee for expansion	9.1	15.2	30.3	24.2	21.2	33
Your use of mobile camps	33.3	23.3	26.7	3.3	13.3	30
The use of mobile camps by other outfitters	6.7	23.3	46.7	6.7	16.7	30
The competition from other New Québec Outfitters	12.9	16.1	45.2	12.9	12.9	31
Size of the caribou herd	28.6	46.4	14.3	10.7	0.0	28
Caribou harvest limits	39.3	35.7	10.7	10.7	3.6	28
Fish species present	51.4	28.6	20.0	0.0	0.0	35
Fish harvesting limits	13.9	41.7	30.6	8.3	5.6	36
Resident license fees	11.4	22.9	48.6	14.3	2.9	35
Non-resident license fees	2.9	17.1	40.0	28.6	11.4	35
Marketing of outfitting by provincial government to residents	6.7	20.0	56.7	10.0	6.7	30
Marketing of outfitting by provincial government to non-residents	21.2	36.4	30.3	6.1	6.1	33
Available transportation means to the outfitters for clients	6.5	35.5	38.7	19.4	0.0	31
Regulations imposed by the "Ministère de l'environnement et de la faune"	11.8	23.5	35.3	11.8	17.6	34
Provincial and Federal goods and services tax	0.0	2.9	31.4	25.7	40.0	35
Other	50.0	0.0	0.0	50.0	0.0	2

(a) Rows may not total 100.0% due to rounding.

Marketing to residents and non-residents

The combined outfitters are more positive about the Québec government's marketing to non-residents than to residents (Table 23).

License fees

Generally (Table 23), natives and non-natives see resident license fees as a positive factor. However, both view non-resident license fees as being a negative factor because of the high cost.

Transportation

Surprisingly, considering the difficulty of access in Nouveau-Québec, the transportation factor is not regarded as being negative for either natives or non-natives (Tables 21, 22 and 23)

Government regulations

With respect to the impact on outfitter operations, natives and non-natives a neutral view of government regulations, other than those imposed by the JBNQA

Taxes

A factor that was identified as negative or very negative on businesses by both natives and non-natives is the provincial and federal goods and services tax (Tables 21, 22 and 23). This is the case for 75% of native outfitters and 58% of non-natives outfitters.

Means of factors having an impact on the operation of an outfitter

Rating scales were presented to subjects as both an ordinal and/or an interval scale. When considering the interval scale means, the factor that received the most positive average rating by natives and non-natives was the fish species present, while the most negative average rating was federal and provincial taxes (Table 24). Natives generally see the exclusive access to Category II land, priority access to Category III land and going through the coordinating committee as being positive. On the other hand, non-natives tend to see the restricted access to Category II and III lands, and going through the

coordinating committee as being negative. Both groups seem to think that the size of the caribou herd and the caribou harvesting limits are positive.

Table 24

Outfitter Mean Rating of Selected Factors Having an Influence On The Outfitting

Businesses in Nouveau-Québec.

Variable	Total Mean Rating (N=36)	Native Mean Rating (N=16)	Non-Native Mean Rating (N=20)
Fish species present	4.3	4.8	3.9
Caribou ≠ harvest limits	4.0	4.1	3.9
Size of the caribou herd	3.9	4.0	3.9
Your use of mobile camps	3.6	3.3	3.8
Marketing of outfitting by provincial government to non-residents	3.6	4.0	3.3
Fish harvesting limits	3.5	3.8	3.2
Resident license fees	3.3	3.1	3.4
Priority/Restricted access to Category III land	3.3	3.7	2.9
Available transportation means to the outfitters for clients	3.3	3.4	3.2
Marketing of outfitting by provincial government to residents	3.1	3.3	2.9
Exclusive/Restricted access to Category II land	3.1	3.5	2.5
Regulations imposed by the "Ministère de l'environnement et de la faune"	3.0	2.9	3.0
The use of mobile camps by other outfitters	3.0	2.8	3.1
The competition from other New Québec Outfitters	3.0	3.3	2.8
Non-Resident license fees	2.7	2.7	2.7
Going through the Coordinating Committee for expansion	2.7	3.2	2.7
Going through the Coordinating Committee for the start of the business	2.6	3.1	2.2
Provincial and Federal goods and services tax	1.9	1.7	2.1

Rating Scale: 1:Very Negative; 2:Negative; 3:Neutral; 4:Positive; 5:Very Positive

The use of mobile camps is the variable listed as having the most impact on the operation of the outfitting business by the most outfitters (Table 25). This factor was identified 10 times by natives and non-natives, being equally divided between the two groups. Access to Category II lands was named as having the most influence by seven outfitters, 4 times by natives, and 3 times by non-natives. Going through the coordinating committee for the start of your business was also identified 4 times as the most important. This was identified 4 times by non-natives and as seen in the previous Table 22, while non-natives see this as a negative influence on the start of their business.

Native and non-native perceptions of factors influencing the start-up or purchase of an outfit in Nouveau-Québec

Table 26 shows how the natives and non-natives rated factors influencing the start-up or purchase of their outfitting business in Nouveau-Québec. This was of particular interest because the ratings across variables by natives and non-natives are very similar.

Available territory was rated at 77.8% by both groups as being important or very important to the reasons for the start or purchase of their business (Table 27). Profit potential and knowledge of hunting and fishing were also rated very highly as being important to very important by both natives and non-natives at 91.6% for both factors. The desire to work outdoors is a variable that was selected by 83.3% as being important to very important by both parties. The desire to own a business was rated by 88.9% of both parties as being an important or very important reason for the start or purchase of their business.

One variable of interest was the variable to continue in the family business. In general, this factor appears to be very unimportant to unimportant. This is interesting for

Table 25

Selected Factors with Influence on Outfitting Businesses in Nouveau-Québec

Variable	Number of Outfitters that chose the variable as having the most impact on their business		
	Native	Non-Native	Total
Your use of mobile camps	5	5	10
Exclusive/Restricted access to Category II land	4	3	7
Provincial and Federal goods and services tax	3	1	4
Going through the Coordinating Committee for the start of the business	0	4	4
Priority/Restricted access to Category III land	1	2	3
Size of the caribou herd	2	1	3
Regulations imposed by the "Ministère de l'environnement et de la faune"	0	2	2
Going through the Coordinating Committee for expansion	0	1	1
Fish harvesting limits	0	1	1
Marketing of outfitting by provincial government to non-residents	1	0	1
Caribou harvest limits	0	0	0
Fish species present	0	0	0
Resident license fees	0	0	0
Non-Resident license fees	0	0	0
Marketing of outfitting by provincial government to residents	0	0	0
Available transportation means to the outfitters for clients	0	0	0
The competition from other New Québec Outfitters	0	0	0
The use of mobile camps by other outfitters	0	0	0

it seems to indicate that natives do not associate this as being an important factor in the start of their business, even though their ancestors have been hunting and fishing as a way of life for several thousand years. Apparently hunting and fishing as a business operation is different from hunting and fishing for subsistence.

Table 27 shows the mean interval ratings of factors influencing the start of an outfitting business. Generally speaking, natives and non-natives rated all of the factors similarly.

Climate created by the JBNQA

First, there is the mistrust that exists among the natives, non-natives and the government. This was identified clearly by both native and non-native outfitters who did not want to complete the questionnaire or those who had to be convinced to complete the questionnaire. In these instances, the outfitters wanted to know who was conducting the study and who had ordered the study, and they wanted their information to remain confidential.

The Québec government's adversarial relationship with Native peoples, that led to the 1971 lawsuit, is still apparent in the mistrust of native outfitters. It is also visible among non-native outfitters, who believe they were left behind in the JBNQA negotiations and settlement.

To develop unity for the tourism industry in Nouveau-Québec, this mistrust among the main stakeholders must be reduced in order for development to continue and be much more cohesive. As it stands, natives and non-natives are not far apart in their personal goals for their businesses. Outfits were started for similar reasons, and several factors affecting the operation of the businesses were perceived similarly.

Table 26

**Rating of the Influence of Selected Factors on the Start or Purchase of an Outfit in
Nouveau-Québec.**

(Native N=16, Non-native N=20, Combined N=36)

Variable	Type	Very Important	Important	Neither	Unimportant	Very Unimportant
Knowledge of hunting and fishing	Native	75.0	18.8	6.3	0.0	0.0
	Non-Native	65.0	25.0	5.0	0.0	5.0
	Combined	69.7	22.2	5.6	0.0	2.8
Available territory	Native	43.8	25.0	18.8	0.0	12.5
	Non-Native	65.0	20.0	10.0	5.0	0.0
	Combined	55.6	22.2	13.9	2.8	5.6
Desire to work outdoors	Native	50.0	37.5	12.5	0.0	0.0
	Non-Native	50.0	30.0	20.0	0.0	0.0
	Combined	50.0	33.3	16.7	0.0	0.0
Profit potential	Native	56.3	31.3	12.5	0.0	0.0
	Non-Native	40.0	55.0	0.0	0.0	5.0
	Combined	47.2	44.4	5.6	0.0	2.8
Desire to own a business	Native	31.3	50.0	18.8	0.0	0.0
	Non-Native	60.0	35.0	5.0	0.0	0.0
	Combined	47.2	41.7	11.1	0.0	0.0
Desire to work in the hospitality industry	Native	31.3	31.3	37.5	0.0	0.0
	Non-Native	45.0	30.0	25.0	0.0	45.0
	Combined	38.9	30.6	30.6	0.0	0.0
An occupation at which one can make a living in "Nouveau-Québec"	Native	18.8	62.5	12.5	0.0	6.3
	Non-Native	30.0	30.0	40.0	0.0	0.0
	Combined	25.0	44.4	27.8	0.0	2.8
Continue in the family business	Native	12.5	12.5	25.0	6.3	43.8
	Non-Native	20.0	15.0	30.0	0.0	35.0
	Combined	16.7	13.9	27.8	2.8	38.9
Other	Native	0.0	0.0	0.0	0.0	0.0
	Non-Native	100.0	0.0	0.0	0.0	0.0
	Combined	100.0	0.0	0.0	0.0	0.0

a Rows may not total to 100.0% due to rounding.

Table 27

Mean Rating of Factors Influencing the Start or Purchase of Outfitters in Nouveau-Québec by Native and Non-native Outfitters. (Native N=16, Non-Native N=20, Total N=36) (a).

Variable	Native	Non-Native	Combined
Knowledge of hunting and fishing	4.7	4.5	4.6
Desire to own a business	4.1	4.5	4.4
Desire to work outdoors	4.4	4.3	4.3
Profit potential	4.4	4.2	4.3
Available territory	3.9	4.4	4.2
Desire to work in the hospitality industry	3.9	4.2	4.1
An occupation at which one can make a living in Nouveau-Québec	3.9	3.9	3.9
Continue in the family business	2.4	2.8	2.7

(a) Rating Scale: 1:Very Unimportant; 2:Unimportant; 3:Neither; 4:Important; 5:Very Important.

In addition, there seems to be a lot of misunderstanding on the exact purpose of the agreement and how it functions. For example, when applying the 7 of 10 rule, the actions of the coordinating committee are not clearly understood by all, particularly because, in effect, it has been 9 of 10 not 7 of 10. Applying the rule in this fashion heightens tensions and creates a level of mistrust between the members in the region. There should be better information transmitted by the Québec government to the natives and non-natives. This would probably improve the situation dramatically.

Perceptions of the Québec Government towards the JBNQA and its

Impacts on Nouveau-Québec

The results in this section come from an interview with Nouveau-Québec managers responsible for the development of the region. These managers work in the Ministry of Environment and Fauna-Nouveau-Québec Regional Branch. The following information summarizes of the interview with the managers.

Impact of the JBNQA on the outfitting industry

Impact of JBNQA on natives

The JBNQA agreement has had a positive impact on the development of native outfitters because they have certain rights on the establishment and development of outfits not available to non-natives.

Impact of JBNQA on non-natives

Non-native outfitter development has been hindered because they are not allowed to operate an outfitter business on Category I and II land. They also are restricted in their access to Category III Land. Furthermore, non-natives are limited in the development of the outfitting business through guaranteed native subsistence harvest, environmental regulation and native evaluation through the coordinating committee.

Impact of the JBNQA on the development or growth of tourism and outfitting in Nouveau-Québec

The managers of Nouveau-Québec say that the overall development of tourism and outfitting in this area has been slowed by the JBNQA. This situation is unhealthy for the development of Nouveau-Québec and specifically for the development of tourism in the Nouveau-Québec region. The main reason for the slow growth can be linked to the 10-year moratorium that prevented the distribution of new outfitter permits by the Québec government. This moratorium was directly linked with the legal challenges to the implementation of the JBNQA in regards to outfitting permits. The governmental managers also believe that the system for outfitter permits finally implemented including the coordinating committee, the 7 of 10 rule and implementation as a 9 of 10 rule have slowed the development of the Nouveau-Québec outfitting industry.

The Ministry of Environment and Fauna has now, after nearly 10 years of allowing almost 60 new outfitters in Nouveau-Québec, imposed a new moratorium designed to allow the outfitter industry to stabilize and solidify itself. It is believed that this is a negative situation because the size of the caribou herd could probably accommodate many more outfitters.

Factors influencing outfitting in Nouveau-Québec

Several factors have influenced the development of this industry in Nouveau-Québec. First, between 1975 and 1987, virtually no new outfitters were attributed to Nouveau-Québec; which hampered development significantly. This lack of development was the direct result of interpreting the 7 of 10 rule of the JBNQA.

However, in 1987, negotiations derived from the JBNQA led to an agreement that allowed potential outfitters to receive permits and outfitters to use mobile camps. The use of mobile camps is very positive for Nouveau-Québec because it allows outfitters to have several camps throughout their territory and results in the ability to have more clients. It also enables them to offer a better product. Because outfitters are able to follow the migratory path of caribou, their clients have a better chance to achieve their harvest limit of two caribou. The product also has the potential to be better because the hunter can be selective and pick the biggest bulls.

Although there have been positive aspects of the JBNQA, generally speaking, the agreement has made it more difficult to manage and to develop Nouveau-Québec. Hydro electric projects in the works were altered, and now any new hydro-electric projects have to be negotiated. Furthermore, the JBNQA has made the outfitting industry in Nouveau-

Québec extremely complex. On one hand, the natives have their own territories and categories of land; on the other, non-natives are limited by zones and categories of land. When the 7 of 10 rule and the coordinating committee came into play, a very confusing situation became much so. With these factors in mind, it is easy to understand why it is difficult for the Québec government to develop an acceptable plan for Nouveau-Québec.

With the reopening of Nouveau-Québec for outfitting in 1987, new types of outfitters started businesses in Nouveau-Québec. These mobile camps put less importance on comfort and more emphasis on an affordable price and having better access to the resource. Although hunting became more affordable, to older outfitters with permanent lodges, these new businesses were considered unfair competition, because mobile camps used cheap facilities. The result was prices were lower than those offered by older outfitters with developed lodges and higher costs.

CHAPTER 7

Discussion and Recommendations

Origin of JBNQA

The Québec government was an unwilling participant in the negotiations that led to the JBNQA. Initially, they did not recognize the natives' rights to the North, but after Judge Malouf's judgment, the government was forced to negotiate a settlement with the natives of Nouveau-Québec. Participants in these negotiations included certain stakeholders that were linked directly to the hydro-electric project. However, they excluded other stakeholders who were directly affected by the settlement. For example, aspiring non-native outfitters were faced with restrictions imposed on them by the agreement.

Composition of the Agreement

The JBNQA was not written with land, wildlife or tourism management in mind. Its purpose was to solve a legal and political problem between natives and the Québec government. The result is a document that is complicated and very difficult to understand: its technical and legal vocabulary is extensive and its structure complex.

Goals and objectives of the JBNQA

There are no clear and precise goals and objectives of the JBNQA, but there are general objectives that the act was supposed to meet. On the government side, the main purpose of the agreement was to allow the construction of a hydro-electric complex on the La Grande (LG) River. On the other side of the negotiations, the natives wanted to be compensated for land, culture and heritage losses they believed would be incurred with

the construction of this hydro-electric complex. To accomplish this objective, several elements such as education, security, land, and rights, had to be negotiated between the government and the natives.

While the two sides hammered out an agreement, several stakeholders without direct representation awaited results of the negotiations. In this situation, the government tried to take into consideration the interests of non-native outfitters, mining companies and lumber companies. In the case of non-native outfitters, the Québec government included certain elements that would ensure the development of non-native outfitting.

With respect to the land and hunting and fishing regimes of the JBNQA, the Québec Government was interested in developing the hunting and fishing industry because it is the driving force of tourism in the region and the future of tourism was viewed as having great potential. On the native side, there was interest in insuring a presence in an industry compatible with their nomadic lifestyle which focused on the hunting and fishing—a lifestyle they have had for several thousand years. To do this the natives were assured the following:

- 1) priority and exclusive rights to operate outfits on certain categories of land;
- 2) first choice on the right to develop an outfitting business;
- 3) input on development occurring in Nouveau-Québec; and
- 4) guaranteed harvest for subsistence based on ancestral rights. Furthermore, the non-natives, for whom the government negotiated, are guaranteed some outfits with the seven of ten rule.

Evaluation of the outputs and outcomes

Outputs and outcomes

To evaluate the objectives of the JBNQA the following outputs and outcomes (Australian Department of Finance and Administration, 1998) needed to be identified.

For this paper the outputs (the goods and services delivered over a given period) were very difficult to assessed since the government and other lack longitudinal, comparable data on the outfitting business. The outputs are presented in the following trends:

- Client trends (trends in caribou license sales sporting caribou harvest; number of outfitter clients; number of outfitter clients by zone).
- Caribou numbers.
- Guaranteed harvesting levels for native communities.
- Outfitter trends (number of outfitters; number of outfitters by zone; number of outfitters by category of land).
- Revenue of Nouveau-Québec-outfitters.
- Mobile Camp Operations (number of outfitters operating in zone 23; number of mobile camps operating in zone 23; number of clients using mobile camps; Caribou and fish harvest from mobile and permanent camps).

Outcomes (extent to which program goals have been achieved) are classified at different levels. For this paper, the high level outcome is not possible to evaluate in the present situation since it requires long-term results for customers or for the community of public service activities and how they are linked to government objectives. These are often called the "impacts of a policy". High level outcomes need longitudinal results and in the present situation this type of data is almost impossible to obtain.

However, intermediate or lower level outcomes can be used because they give specific results in relation to the objectives, clarifying whether they have been achieved or not. This level is about effectiveness. It hints at an outcome without necessarily measuring the whole final impact. In this study, this was achieved by surveying outfitters and interviewing managers. The intermediate or lower level outcomes were measured by identifying the following:

- The satisfaction of outfitters and managers with JBNQA;
- The factors which have an impact on the operation, start or purchase of an outfitter.

In a given time, a high level outcome can be achieved, but the measure of the outputs and the surveys of outfitters and managers must be repeated several times and at regular intervals to verify the impacts of the JBNQA on the industry.

Have the objectives of the JBNQA been met?

Before attempting to determine whether or not the objectives have been met, it is important to point out that the JBNQA has no clear measurable, timed objectives. They are broader goals more than quantifiable objectives. Consequently, this study must establish the success or failure of achieving goals with the precision that these goals will

allow. Had the objectives been more precise, the success of the JBNQA could be measured more accurately.

The government's two main goals, as it is stated, have been met: tourism and outfitting industries in Nouveau-Québec have grown since the agreement was reached in 1975 and the hydro electric projects are built and operating. All outfitter trends show some growth, client numbers, caribou harvested, number of outfitters, and revenues. Although at first glance the growth may not appear to be substantial, based on the interview with the managers, the growth has been as substantial as possible based on key factors. There was a 10-year moratorium caused by differing interpretations of the 7 of 10 rule. Further, non-native outfitter development has been hampered by the presence of the coordinating committee since 9 of 10 applications instead of 7 of 10 have been rejected. Overall, although there has been a growth, its potential has been stunted.

Other factors linked directly the agreement also come into play. For instance, the growth in Nouveau-Québec outfitting may be due to other factors such as mobile camps and the size of the caribou herd. In fact, based on the survey, the factor that seems to be the most important for the development of outfitting in Nouveau-Québec is the ability to use mobile camps, which allows outfitters to follow the caribou migration and to offer their product at a lower price, thus making it available to a wider range of consumers.

The agreements with regard to outfitting facilitated by the JBNQA, seems to have worked for the natives. They are now a major player in the outfitting industry in Nouveau-Québec. In 1971, natives represented only 10% of the industry. Now they represent almost 50% of the industry, an increase that can partially explained, in part, by the provisions of the JBNQA. The results regarding where outfitters operate are a good

indicator that the JBNQA did what it was supposed to do, since natives operate on all three categories of land, while non-natives operate almost exclusively on Category III Land. Furthermore, natives seem to be satisfied with the provisions of the agreement.

Although the JBNQA is an integral part of the native situation in the outfitter industry, it is not the only factor that has influenced native outfitting. The size of the caribou herd, the use of mobile camps and the fish species present are other factors that have influenced the observed growth of native outfitters.

The non-native objective to guarantee a certain level of development was not reached. In fact, in the last 25 years, growth has been much slower than that for the native outfitters. Although some growth has accrued, it has not reached expected levels when taking into account the growth in the caribou herd and the numbers of native outfitters. According to non-native outfitters, the cause of the slow growth is the JBNQA. In particular, land restrictions, the coordinating committee and the 7 of 10 rule have been the largest roadblocks hindering growth. Of the three factors, the implementation of the 7 of 10 rule by the coordinating committee has been most responsible for slowing growth of non-native outfitting. If it had been applied as intended, as a 7 of 10 instead of the 9 of 10 rule, the development of non-native outfitters would have been greater.

Generally speaking, non-native outfitters are dissatisfied with the provisions of the JBNQA. They feel that they were not a part of the negotiations, that it has slowed down the growth of their industry, and has created more bureaucracy, making business more complex and expensive. However, it is important to note that there seems to be a lack of clear understanding of the JBNQA by outfitters, natives and non-natives.

However, it is clear that one of the few numerically measurable goals, the 7 of 10 rule, has not been met. Instead 9 of 10 non-native applications have been rejected.

Future of outfitting in Nouveau-Québec

Tourism is one of the world's major industries, and its development is of concern for many governmental bodies (McIntosh, Goldner, & Ritchie, 1995; Gee, Makens & Choy, 1997; and Wahab & Piegrim, 1997). The future of tourism in the province of Québec, especially in Nouveau-Québec, is linked closely to the development of outfitting (Ministère du Tourisme, 1992). Overall, there has been growth in the tourism industry in Nouveau-Québec, but, as the size of the caribou herd and the number of outfitting applications indicate, it has not developed as rapidly as many had hoped.

Presently, tourism in Nouveau-Québec is built primarily on recreational hunting and fishing facilitated through outfitting, is a result of a lack of access and the traditional activities of in Nouveau-Québec. Furthermore, the industry is based primarily on caribou hunting. At the present time, the herd is growing, and the resource is readily available for the outfitters.

However, what would happen to the tourism industry in Nouveau-Québec if the caribou herd were to crash? There is good probability that the industry would also crash with the caribou population, since tourism is now dependent on caribou hunting. With this in mind, there is a definite need for diversification in activities offered to Nouveau-Québec visitors.

Fishing is the other main activity offered in Nouveau-Québec and could be part of the diversification solution. However, by only offering hunting and fishing, the tourism industry in Nouveau-Québec is very vulnerable. It is also very limiting, for the long term,

in its development because hunting and fishing only attracts a limited clientele (MLCP, 1993). To this end, it is important that Nouveau-Québec promote other tourism activities or attractions that can be developed: high adventure activities, native culture and eco-tourism. It is essential that these alternatives be examined and developed for the health and future of tourism in Nouveau-Québec.

One management framework that may assist in the development of the tourism industry and safeguard the resources and culture on which it depends is the “limits of acceptable change” (LAC). To be able to establish such a framework, four basic components must be addressed (Stankey, et al.,1985):

1. Identifying acceptable, achievable and measurable social and resource standards;
2. Documenting gaps between desired and existing circumstances;
3. Identifying management actions to close the gaps;
4. Monitoring and evaluating management effectiveness.

By establishing the limits of acceptable change and implementing such a management framework, it is possible to develop and implement standards for resource management outfitting in Nouveau-Québec. Such standards may focus on social or ecological conditions. The important elements of the standards is that they respond to perceptions and to ecological determinations of environmental quality.

With the LAC framework, decisions are not made but are built by the process. However, LAC requires a good deal of risk taking and examples of implementation are less frequent than "Visitor Impact Management" (VIM) or "Recreation Opportunity Spectrum (ROS)" frameworks. Nonetheless, wilderness areas within the U. S. National

Wilderness Preservation System, such as the Bob Marshall Wilderness Area in Montana, used the framework effectively to develop a management plan to deal with widely diverse recreational pressures (Starkey, McCool and Stokes, 1990). Furthermore, the LAC Framework is being employed to developing a management strategy for back country areas of Yoho National Park in Canada (Krys and Anderson, 1992).

LAC offers stakeholders much of the control over the planning of natural resource tourism. But to succeed, there must be complete trust between all parties because this type of management requires that power be shared among all stakeholders involved in the process.

Consequently, for LAC to work in Nouveau-Québec, the relationship which exists between the stakeholders must change. Presently, the mistrust among the stakeholders causes the development of the industry to be slow and arduous. If the climate does not change, the mistrust may grow and cause a further breakdown in the relationship between the parties (Falikowski, 1996), which could cause the industry to limp along instead of growing as it should. For the stakeholder relationship to change, there needs to be better and open communication among all the parties. This improved communication includes a better understanding of the JBNQA and that the parties involved better understand each other. They also have to agree that they are not enemies and that they want similar outcomes with regards to product development.

Recommendations

Tools Needed for Future Assessment

This study used a policy analysis framework developed by Jones (1984). This is a useful model because it provides an insight on several policy aspects, including the

following: history, stakeholders, application, and evaluation of the policy. All of these elements are essential in analyzing a policy, and most of the elements are well explained and presented by Jones. Subsequently, most of the policy analysis can be done with what Jones had developed in 1984. However, the model has a major weakness with regard to evaluation, in that Jones does not clear insight as to how an evaluation is conducted. For the purpose of this study, other models were combined with the Jones model to fill this void. First an after-the-fact approach (Patton & Sawicki, 1986) was needed because this policy is already being applied. Next, evaluation measures (Australian Department of Finance and Administration, 1998) were developed to determine whether or not policy objectives had been met. Once the weaknesses of the Jones model were overcome, it was then employed.

The adjusted Jones model allows researchers to measure a very difficult aspect of policy evaluation: the outcomes (Thomas, 1998; OCDE, 1997). In other words, the policy accomplish its stated and unstated objectives? This question is very difficult to address, and most choose not to address it because of the lack of methodology (OCDE, 1997; Auger, 1997). This adjusted Jones model allows a specific way to measure outputs.

Goals and Objectives Needed for Future Analysis

To perform valid evaluation, measurable objectives must be present. Unfortunately, the JBNQA does not present such specifically quantifiable objectives. However, it does support certain directional outcomes. Armed with these facts, the stakeholders, led by the government, need to sit down and establish clear and measurable outfitting goals and objectives that can be verified on a regular basis to see how the policy is impacting the industry.

To develop these clear and measurable objectives, there is a need for information that will help determine which objectives should be established. Some of the information that is needed to develop these outfitting goals and objectives is presented below.

There is a need for on-going, regular monitoring of key elements of outfitting including client numbers, caribou numbers, outfitter numbers, revenues, and profits. There is also a need to repeat certain aspects of the surveys and interviews used in this study to establish a longitudinal data base. This would facilitate measuring high, intermediate and lower level outcomes. Repetition of this study, at regular intervals, will allow establishment of impacts trends of the JBNQA on the outfitting industry. The outputs and outcomes need to be gathered by the Québec Government in the same manner that the U.S. government gathers information on anglers and hunters in the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation or in the Canadian counterpart, The Importance of Wildlife for Canadians.

Limits of Acceptable Change

The LAC framework could be very useful when applied to the development of hunting and fishing outfitting in Nouveau-Québec since it provides the opportunity to set broad-based direction. Within those directions, it sets specific, measurable goals or objectives using key measures such as caribou populations, number of outfitter clients or number of outfitters.

To be able to develop a planning procedure the stakeholders involved in Nouveau-Québec must band together and become pro-active. Then, they must devise a set of objectives that can be measured. The LAC framework is a tool that can help achieve these goals.

The LAC framework consists of a series of interrelated steps leading to the development of a set of measurable objectives. It also identifies the management actions necessary to maintain or achieve certain conditions. Consequently, the following procedures and studies need to be done to be able to apply the LAC framework:

- Review of Nouveau-Québec legislative and policy direction, previous research and area data base. From this process a summary of the existing situation should be produced.
- Review existing Nouveau-Québec objectives and goals for consistency with legislative mandate and policy direction. For outfitting in Nouveau-Québec the visitor experience and resource management objectives need particular scrutiny. For this process a clear statement of Nouveau-Québec outfitting goals and objectives will be produced.
- Identify measurable social and ecological variables and list indicators and units of measurement).
- Restate the Nouveau-Québec outfitting management objectives in terms of desired conditions for the selected impact indicators. In other words, develop quantitative statements of desired conditions.
- Field assessment or comparison of standards and existing conditions. This will identify consistency or the lack of it with the selected standards.
- For discrepancies, examine the use patterns and other potential factors affecting occurrence and severity of unacceptable impacts in Nouveau-Québec. This means a description of casual factors for management attention.

- Identify and examine all direct or indirect management strategies dealing with probable causes of visitor or ecological impacts.
- Develop a monitoring system to ensure that the gap is closing between actual conditions and the defined standards and to assure that indicators stay within the standards established by the stakeholders in Nouveau-Québec.

All of this information is essential if stakeholders hope to develop clear objectives on the level of acceptable and desired growth of Nouveau-Québec outfitting, number of clients, number of outfits, native and non-native outfitters satisfaction with JBNQA, impact on the caribou herd, and client satisfaction. In other words, to be able to write clear and precise objectives related to these topics, the proper information is needed.

Not only is this information essential for the development of objectives, its is also essential to perform the evaluations. If these data are collected on a longitudinal basis, as described earlier, it becomes possible to assess the impacts (high level outcomes) that the agreement has on the tourism or outfitting industry.

Better Understanding and Communication Between Stakeholders

Generally, outfitters are not familiar with details of the JBNQA. To avoid misunderstanding and mistrust, the managers of Nouveau-Québec (Québec Government) need to make sure that the licensed outfitters of this area clearly understand the implications of the JBNQA. They can start by providing better information about the JBNQA and communicate it in terms that are readily understandable for all outfitters. Some documents do exist, like the Development Plan for Outfitter Establishment in Nouveau-Québec - Section I and II of 1991. However, this does not seem adequate, since

outfitters still seem unaware about the implications of the JBNQA. To clear up this confusion, the government may need to develop an information campaign for the Nouveau-Québec outfitters, with information sessions and literature available during the renewal of outfitter licences. Brochures or pamphlets also could be developed and distributed with appropriate information about the outfitting implications of the JBNQA.

Because of the way the JBNQA was negotiated, quickly, under judicial pressure and as compensation for the LG dams, many affected groups were excluded from the negotiations. For the development of any future agreement that would be instituted in Nouveau-Québec or any other region, all stakeholders affected by the agreement must be included in negotiations.

In the case of the JBNQA, the stakeholders that have been generally ignored are the people that have applied for a Nouveau-Québec outfitting license but have been turned down. To help with the negotiations of future agreements, it would be important to better understand this population. This information is essential for the development of any future regulations related to outfitting in Nouveau-Québec, since they have a stake in outfitting and a clear perspective of disenfranchisement from past practices.

Conclusion

As mentioned by Sessoms (1989), policy analyses are not often performed in the fields of tourism and recreation. This study, by evaluating JBNQA, fills a void because very few policies have been evaluated or analyzed in these fields, especially as they relate to tourism and native peoples. Furthermore, this study provides a combination of tools for completing after-the-fact policy analysis.

With regards to the situation of tourism or outfitting in Nouveau-Québec, the JBNQA is one of a number of factors that has had an influence on outfitting in Nouveau-Québec. Other factors such as the use of mobile camps and the size of the caribou herd also have had an influence on the industry.

For a successful tourism future, Nouveau-Québec must take into consideration diversification of their tourism industry and make sincere efforts to promote harmony among different stakeholders. For example, new hydro-electric projects on the horizon, such as the Labrador (Churchill) project will require negotiations with native populations. Consequently, the Québec Government and Hydro-Québec need to be pro-active and prepare for these negotiations beforehand. To do this, they should complete the following:

- Make a situation assessment;
- Identify and scope key interests;
- Make a commitment to long-term tourism development and resource health through implementation of LAC.

With regards to the outfitting stakeholders, the ones mentioned in this study, native outfitters, non-native outfitters and Ministry of Environment and Fauna, are the main players in the Nouveau-Québec tourism industry. However, other stakeholders should also be considered, including people responsible for the transportation of clients, people responsible for the management of the resource, hunters and fishermen (clients), people offering tourism activities that are not hunting or fishing, and potential outfitters which were turned down during the application process.

Outfitting and tourism are relatively minor concerns in the JBNQA. However, tourism is becoming more important, and if the proper development should take place in the northern part of the province, it should be considered as an important part of any new agreement in Nouveau-Québec. Tourism can mean sustainable development, and the use of the LAC framework will assure that it is really sustainable.

Tourism has a stake in the economic well-being of Nouveau-Québec. It is compatible with resource conservation that supports subsistence lifestyles. The special resources that are found in this region. opportunities for hunting and fishing, other outdoor recreation possibilities, scenery and native cultures, make it one Québec's greatest tourism assets. If the province decides to make this unique resource one of its major tourism destinations, it should be ready. As a starting point, future agreements concerning natural resource management of native rights need to consider the importance of tourism development as well as the well-being of the stakeholders.

APPENDIX 1

APPENDIX 1

Information in this appendix is taken from James Bay and Northern Québec Agreement and Complementary Agreements (1997).

LAND REGIME

5.1 Category I Lands - James Bay Crees

5.1.1 Definition

Category I lands which are tracts of land having an area of approximately 2,158 square miles and which comprise Categories IA, IB and special IB, as hereinafter defined shall be set aside for the James Bay Crees as defined in the Agreement and for the Inuit of Fort George.

5.1.2 Category IA Lands

Category IA lands are lands set aside for the exclusive use and benefit of the respective James Bay Cree bands, including the Great Whale River Band, under the administration, management and control of Canada, subject to the terms and conditions of the Agreement.

Subject to the provisions of the Agreement and notwithstanding the surrender provisions of the Indian Act, it is recognized by Canada, Québec and the James Bay Crees that the lands presently set aside for the Native people of the Waswanipi, Mistassini and Eastmain Bands under the Québec Lands and Forests Act (S.R.Q. 1964, c. 92 as amended) shall no longer be reserves within the meaning of the said Act as of the coming into force of the Agreement.

Category IA lands will comprise an area of approximately 1,274 square miles as shown on the attached maps and as described in Section 4 of the Agreement and shall include the areas of all the present Cree villages, except Waswanipi and Nemaska, and including part of the Great Whale River settlement. Such lands shall be Canada shall accept such transfer. Québec shall retain bare ownership of the land and, subject to the provisions herein, ownership of the mineral and subsurface rights over such lands.

5.1.3 Category IB Lands

Category IB lands of an area of approximately 884 square miles for the James Bay Crees as shown on the attached maps and as described in Section 4, including seventeen and four tenths (17.4) square miles for the Inuit of Fort George, which shall be excluded from the James Bay Municipality, will be granted by the provisions of the special legislation to provincial corporations composed solely of the James Bay Crees, except the seventeen and four tenths (17.4) square miles for the Inuit of Fort George, which is dealt with elsewhere in the Agreement.

The ownership of such lands, under provincial jurisdiction, will vest in such Cree corporations outright, provided that the lands can only be sold or ceded

to Québec and this shall constitute a prohibition to sell or cede other than to Québec.

Such Cree corporations shall consist of the members of the respective Cree communities entitled to benefit under the Agreement and may be private landholding corporations or at the option of the Crees, the public corporations of a municipal character which will have jurisdiction over Category IB lands.

Unless otherwise specifically provided herein, these lands cannot be taken away by Québec and in those circumstances described in this Section where the right of expropriate by Québec is exercised, the land must be replaced or compensation paid at the option of the Crees except if otherwise provided herein.

5.1.4 Special Category IB Lands

Within certain Category IB lands there shall be special Category IB lands. Each parcel thereof, having areas ranging between twenty (20) to twenty-five (25) square miles, and shown on the attached map, described in the territorial descriptions here to attached, and located near the localities of Rupert House, Eastmain, Fort George and Great Whale River, shall be situated on the northern banks of the Rupert, Eastmain and Fort George Rivers, and on the southern bank of Great Whale River.

It is also agreed that the lands are subject to the regime for Category IB lands subject to the following provisions:

- a) The right of Québec, its agents and mandataries to establish, in addition to the public servitudes in favour of public bodies, agencies and corporations, in accordance with the provisions of paragraph 5.1.7, servitudes for public purposes;
- b) in the case of the additional servitudes for public purposes, only developments which do not involved more than a permanent staff of ten (10) persons per development shall be allowed;
- c) the right for Québec to give the necessary authorizations for the duration of such activities;
- d) notwithstanding anything herein contained, any other developments by Québec, its agents and mandataries may be permitted with the consent of the Cree community concerned;
- e) Québec, its agents and mandataries shall, at all times, have access to Special Category IB lands as if they Category II lands and for the purposes mentioned above.

5.1.5 Existing Third Party and Governmental Interests

Lands ceded to third parties, by letters patent or owned by third parties prior to the execution of the Agreement, shall be Category III lands. However, the said lands and persons thereon shall be subject to the by-laws of the Cree local authority as if such lands formed part of Category I lands. Such persons shall have a right to all services of a municipal nature which are offered by the Cree local authority to the residents of the surrounding or adjacent Category I lands on the same terms and conditions, the whole subject to the rights of such persons and the exercise of the same.

The lands over which rights have been ceded by Québec to third parties prior to the Agreement in the form of leases, occupation permits or other authorizations shall be Category I lands. The holders of such rights may continue to exercise them, subject solely to all provincial laws and regulations as if the lands over which the said rights are granted were Category III lands until the termination of the period fixed for the exercise of such rights, unless such rights are renewed by Québec.

Lands within the areas of Category I lands, as shown on the attached maps but which are presently the object of mining claims, development licenses, exploration permits, mining concessions and mining leases and other similar rights, as presently defined in the Québec Mining Act (S.Q. 1965, c. 34 as amended) shall be Category III lands. However, Québec undertakes upon the expiry of these rights, or any renewal thereof, to transfer the administration, management and control of the lands subject thereto to Canada for the use and benefit of the Crees or the ownership to the Cree corporation depending on whether the said lands are within the areas of Category IA or IB lands. If any part of such lands are taken for development under the Québec Mining Act, Québec will replace the land taken, in accordance with the procedure set out for the replacement of Category II lands.

Notwithstanding the foregoing, lands within Category I which are presently the object of exploration permits issued to La Société de développement de la Baie James will be Category I lands with the right to explore and develop as if such lands were Category III lands for the purpose of exercising the rights granted by the permits but subject to paragraph 5.1.6 c) below. However, provincial laws and regulations shall apply with respect to such permits and the exercise of all rights pursuant thereto.

Québec undertakes to provide Canadian and the Grand Council of the Crees (of Québec), within ninety (90) days of the execution of the Agreement, with a list of the mining claims, development licenses, mining concessions, mining leases, exploration permits, referred to above, within Category I lands along with the names of the holders thereof, the dates the rights were granted, the nature of the rights and the date of their expiry.

The areas of land covered by such existing mining claims, development licenses, exploration permits, including the above mentioned portion of those of La Société de développement de la Baie James, mining concessions and mining leases surrounded by Category I lands have been included in the calculation establishing the total area of 2,158 square miles of Cree Category I lands.

Existing regional and provincial roads and main arteries within Category I lands shall be Category III lands and shall be clearly described at the time of the transfer of such lands. However, there shall be Category II lands for a distance of five hundred (500) feet on each side of said roads. Other existing roads within the

Cree communities, as well as branch roads, within Category I lands and leading to the Cree communities, shall be Category I lands, but the general public shall be granted access over such roads.

Moreover, no persons other than the Native people can establish or operate commercial facilities subject to the provisions of sub-paragraph 5.1.6 c) hereof on either side of those roads or arteries referred to in the previous paragraph, except with the express consent of the Cree community concerned.

The areas covered by existing landing strips, airport installations, hydroplane bases and maritime structures within Category III lands. However, the areas of such lands have been included in calculating the total area of Category I lands.

When such landing strips, airport installations or other areas mentioned above are no longer required, as determined by Québec, the ownership or the administration, management and control, as the case may be, shall be transferred by Québec in the manner provided herein above, subject to the approval of any owner thereof, and subject to third party interests respecting mineral substances already conceded.

The seashore, beds and shores of the lakes and rivers identified in the territorial descriptions in Section 4 of the Agreement shall be excluded from Category I lands with respect to the shoreline of such lakes and rivers and lands on both sides of such rivers and around the lakes for a distance of two hundred (200) feet shall be Category II lands. Subject to the provisions of paragraph 5.1.6 c), in such Category II lands, no person other than the sole consent of the Cree community concerned, however, such two hundred (200) foot restriction does not apply for a distance of one (1) mile in both directions from the centre of the Cree community concerned along the shoreline.

In front of Category I and Category II lands, the intertidal zone will be Category II lands. In front of Category III lands, the intertidal zone will remain Category III lands.

5.1.6 Future Occupation by Québec and Third Parties

a) Québec and its representatives

Lots within Category I lands shall be allocated by the Cree community or corporation for community services supplied by Québec, its agents or mandataries, such as roads, schools, hospitals, police stations and telecommunications. Such allocation shall be by way of leases, servitudes or similar contract and for nominal compensation (i.e. \$1.00).

b) Third Parties

The Cree community, in any case in which it allows third parties to occupy Category I lands for projects of regional or provincial interest, shall first consult with Québec and in the case of Category IA lands, Canada as well.

c) Mining Explorations and Operations under Existing Rights

Where lands which are the object of existing mining claims, development licenses, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Québec Mining Act are surrounded by or adjacent to Category I lands, the owners of these rights or titles for the purpose of exercising the said rights shall have the right to use Category I lands, but only to the extent necessary in order to carry out their exploration or mining operations as provided for in division XXII of the Québec Mining Act. Nonetheless, the

appropriation of the lands required for such purposes shall be done by temporary servitude only, but shall not be subject to the expropriation provisions of the Indian Act or of the Agreement. The indemnity to be paid to the Cree Local Authority by Québec for the use (other than for exploration) of such Category I lands will be equivalent replacement land. In the case of exploration, the compensation to be paid to the Cree Local Authority by Québec for the use of such Category I lands shall be the equivalent to what is being paid to Québec for the use of surface rights on Crown lands in similar cases.

In the event that areas of land contemplated in the immediately preceding paragraph are developed as provided herein above, the Cree community concerned shall have the right to the replacement of an equivalent area of land in the same manner as set forth in the procedure for the replacement of Category I lands in the case of development.

In regard to lands which will be the object of mining claims, development licenses, exploration permits, mining concessions, mining leases and similar titles in the future, except the lands presently covered by any such titles which shall be governed by the special provisions herein above set forth, the exercise of any rights in or over Category I lands shall be subject to the general regime set forth below.

5.1.7 Public Servitudes Established by Québec

A) General

Category I lands are subject to public servitudes established by Québec, its agents or mandataries in the cases set forth in sub-paragraphs a), b) and c) of this paragraph, subject to the terms and conditions mentioned herein and subject to compensation in an equivalent amount of land or in money at the option of the Cree community concerned unless for services of direct benefit to category I lands or to such community.

Consequently, all public bodies, agencies and corporation authorized by law will be allowed to expropriate for the purpose of establishing the following public servitudes in the cases and subject to the conditions mentioned below.

- a) infrastructures: such as regionally roads and arteries, bridges, airports, maritime structures and protection and irrigation facilities;
- b) local services: water systems, sewers, purification plants, treatment plants, fire protection and other services generally provided by local or municipal governments;
- c) public utilities: electricity, gas, oil, telecommunications and telephones;
- d) however, in the case of gas or oil pipelines or transmission lines, the servitudes shall be subject to the following:
 - i) they shall be situated the farthest way possible from the centre of the village, in so far as reasonable, taking into account all circumstances, and in all cases at a distance of at least five (5) miles from the centre of the village;
 - ii) necessary land taken for such purposes shall be replaced in all cases;

- iii) all reasonable efforts shall be made to attempt to locate such transmission lines or pipelines in Category III or Category II lands, for equal cost;
 - iv) they shall be subject to the Environmental Regime, applicable to Category II lands, notwithstanding the provisions of Section 22 of the Agreement;
 - e) other servitudes of a similar nature established by law.
- In the case of public servitudes, indemnity in lands or money, at the option of the Cress, must be effected, except in the case of public servitudes involving services which directly benefit Category I lands or the Cree community concerned.

Direct benefit would be determined with respect to the potential use by and/or future advantages to Category I lands and the community itself. Where it is not otherwise possible for Québec to achieve the above without a full use and taking of the land, Québec shall have the right to expropriate in full ownership for the purposes of the present paragraph and paragraph 5.1.4, subject to the other provisions of this Section.

B) Direct Benefit

Servitudes considered as being of direct benefit to Category I lands or the Cree community concerned would include servitudes involving public services expressly requested by the Cree community, essential services for the Cree communities provided such services are used by the Cree residents of the community and services designed to enhance the quality of life of the Cree inhabitants of the community.

Such servitudes would include but not necessarily be limited to such things as local services generally provided by municipal or local governments and by public utilities, local roads, bridges and community airports.

In all other cases not covered by the Agreement, burden of proof in establishing the direct benefit to the Category I lands of the community shall lie upon Québec.

In all cases, the Cree community shall have the right and opportunity to contest, in accordance with the procedure hereinafter set forth, whether a particular public servitude involves services of direct benefit to Category I lands or to the community.

C) Compensation in Land or in Money

In the case of a servitude recognized not to be of direct benefit to Category I lands or to the Cree community, there shall be compensation in an equal amount of land or, at the option of the Crees, in an amount of money and/or land. However, such compensation shall be by replacement of land only when such servitudes effectively withdraw portions of Category I lands from the use or enjoyment of the Cree community concerned.

If the Cree community chooses compensation in the form of land, the Cree community shall indicate its selection preference to Québec as soon as the decision to proceed with the proposed public servitude is taken.

If necessary, Québec shall then propose to the Cree community taking into consideration the Cree community's preference, an area with similar characteristics, insofar as is possible, to Category I lands and contiguous to the location of the Category I lands subject to the servitude. Such area proposed as replacement shall be double the size of the land to be replaced. The community shall be then entitled to choose from this area a piece of land equal in size to that land effectively taken away for the purposes of the public servitude.

This procedure will precede the taking of land for a servitude or any construction related to the servitude. However, a time limit of one hundred and twenty (120) days shall be allowed for this procedure, provided that the taking of the land for the servitude or any construction related to the servitude may proceed after sixty (60) days.

If there is no agreement on the choice of the replacement land within the period of one hundred and twenty (120) days and provided there is no contestation of the right to acquire the servitude, the compensation would then have to take the form of money.

If there is no agreement between the Cree community and Québec respecting the determination of what is direct benefit to a community or if the community, instead of compensation in the form of land, chooses compensation in the form of money and the parties are unable to agree as to what is adequate compensation, the decision whether to be of direct benefit and the amount of compensation shall be fixed by the Expropriation Tribunal of Québec, unless the parties agree to submit the matter to binding arbitration.

D) Impact Assessment

All proposed servitudes mentioned in sub-paragraphs 5.1.7 Aa) and 5.1.7 Ad) shall be subject to the Environmental and Social Protection Regime applicable to Category II lands and the procedures for such regime, which are contemplated by the Agreement. More particularly, and if appropriate, the proposed servitude will be subject to a prior environmental and social impact assessment report and a delay of at least sixty (60) days will be allowed for comments by and discussions with the community on the proposed work.

E) Other

Any land effectively withdrawn from Category I lands for the purpose of establishing a servitude which has been compensated for in the form of land or money will be classified as Category III lands.

If the holder of the servitude no longer requires such servitude, the community shall have the option to have land formerly subject to such servitude reclassified as Category I lands provided that the land which was allocated to the community as compensation, if such was the case, reverts to Québec to be reclassified as Category II or Category III lands depending on its status before the said land was used for compensation.

Unless the Crees are compensated in money in respect to expropriations by Québec and subject to the provisions of paragraph 5.1.8, the total area of Category I lands shall never be less than 2,158 square miles without the consent of the Crees or exceed 2,158 square miles without the consent of Québec.

In respect to the above servitudes, and also subject to the consent of the Lieutenant-Governor in Council, all public bodies, agencies and companies which now have or will have such powers defined in present or future laws of Québec will be able to establish such servitudes.

5.1.8 Expropriation by Canada

Notwithstanding the Expropriation Act of Canada, no Category IA lands may be expropriated by Her Majesty in Right of Canada without the prior consent of the Governor in Council. Subject to the foregoing, nothing in the Agreement shall be interpreted in any way as limiting the power of Canada to expropriate for public purposes.

5.1.9 Public Utilities

Present and future public utilities will continue to remain the responsibility of competent authorities acting in accordance with Provincial and Federal statutes and regulations and applicable local by-laws.

5.1.10 Natural Resources

a) Minerals and Other Underground Rights

In Category I lands, Québec remains the owner of the mineral and sub-surface rights with the exception of rights already granted by Québec, as of the execution of the Agreement.

However, no minerals or other sub-surface rights can be obtained, extracted, mined or exercised from or with respect to all Category I lands without the consent of the particular community with rights over such lands and only upon payment of compensation agreed upon, for the use of rights over such lands.

The carrying out of work resulting from mineral rights granted prior to the execution of the Agreement on lands surrounded by or adjacent to Category I lands shall be as dealt with in sub-paragraph 5.1.6 c) above as on other Category III lands. For the purposes contemplated by Division XXII of the Québec Mining Act, the holders of such rights requiring the use of adjacent Category I lands may use the adjacent or surrounding Category I lands to the extent necessary to exercise their rights, subject to the provisions of sub-paragraph 5.1.6 c) above. Such works may include mining operations subject to the provisions mentioned in that paragraph.

Any future exploration or exploitation of minerals within Category I lands, other than the exploration or exploitation under rights existing prior to the Agreement including the right to explore and mine extension of mineralization around the lands subject to such existing rights and subject to the provisions referred to in sub-paragraph 5.1.6 c) of this Section, shall only be permitted with the Consent of the Cree community holding the rights to the lands affected. Moreover, specific authorization from Québec according to conditions specified in Québec mining laws and regulations, shall be required before any mining rights may be acquired.

b) Substances Ceded to the Native People

Deposits of steatite (soapstone) or other similar material used for traditional arts and crafts will belong to the Native population.

c) **Gravel and Other Similar Materials**

Permits must be obtained by the Cree community from the Québec Department of Natural Resources for the use of gravel and other similar material generally used for earthworks for personal and community use. However, the Québec Department of Natural Resources may not withhold such permits provided all the regulations are observed and the duties provided for under any applicable Provincial legislation shall not be collected.

The taking or use of such gravel shall also be subject to the Environmental and Social Protection Regime provided for under the Agreement in respect to Category I lands.

d) **Forests**

The Crees will have the right to use the forest for personal and community needs within Category I lands.

The respective Cree communities will likewise have the exclusive right to the commercial exploitation of forest resources within Category I lands by themselves or by third parties acting with their consent. However, in such case, the Cree community will have to obtain cutting rights or permits from the Québec Department of Lands and Forests, but the Department shall not withhold its consent to such permit, provided that such commercial cutting is in keeping with the development and marketing plan of such commercial exploitation, the community will not be obliged to pay stumpage dues to Québec but operations must respect Québec standards.

Subject to such permit and the requirements herein above stated such resources shall be governed by the laws applicable to Category I lands. The general regime for forest protection, including the cost entailed will be applicable.

5.1.11 **Residence**

Non-Native people presently residing in Category I lands shall have the right to remain until the expiration of their rights of occupancy or residency on such lands, and shall be subject to the general by-laws and regulations of the local government. Subject to the foregoing, non-Native people will not be allowed to reside in Category I lands except in accordance with the by-laws and regulations established by the local government. However, such by-laws and regulations must permit non-Native people to reside in the area for purposes allowed by the local government, for purposes of administrative or public service duties or scientific research, provided such activities do not entail an influx of substantial numbers of people likely to alter in an appreciable way the demographic makeup of the community.

In particular, non-Crees married to Crees, and their immediate families in the first degree, shall have the right to reside in Category I lands.

5.1.12 **Access**

The general public will have access to all roads, arteries, airports, bridges, public sea-plane bases, wharves, harbours, rivers and principal lakes and public buildings and lands used for public purposes.

The following persons shall also be permitted access to Category I lands:

- persons authorized to reside on Category I lands;

- persons authorized to exercise a public function or engaged in technical surveys, the construction or operation of a public work or public utility;
- owners of mineral rights and persons engaged in the exercise thereof;
- as well as such other persons as may be authorized by the Cree Local Authority.

Subject to the foregoing, only members of the Cree band or community shall have access to Category I lands and the Cree Local Authority shall have by-law power to regulate access provided that any such by-law shall not negate or unreasonably restrict the right of access.

5.1.13 Restrictions on Transfer

No Category I lands may be sold or otherwise ceded except to the Crown in Right of Québec. However, in accordance with the terms of the Agreement, the Cree Local Authority may grant to any person, including non-Natives, servitudes, other rights of use and occupation and leases respecting such lands, provided that when lands are leased or real rights granted to non-Natives for a period exceeding five (5) years, including any renewal thereof, the leasehold interest or real rights granted shall be, as of the date of the lease or grant, subject to all Provincial laws and regulations as if the lands over which the said leasehold interest or real rights are granted were Category IB lands.

Notwithstanding the immediately preceding paragraph, no water-courses or lakes or rights therein in Category IB lands may be granted by the Cree Local Authority to persons other than members of the Cree community for whom Category IB lands have been allocated.

In the event that a band of Crees occupying part of Category IA lands becomes extinct, Canada shall revert in Québec all the rights and interests transferred to it under the Agreement in Category IA lands occupied by the band prior to its becoming extinct.

Notwithstanding the foregoing, should a Cree band join another Cree band or should all the members of one (1) Cree band join another Cree band, the Category IA lands of the band or members joining another band shall be vested in that other band, provided that Crees are living on the land of the band with which the amalgamation is proposed.

5.2 Category II Lands

5.2.1 Definition

Category II lands will comprise 25 130 square miles south of the 55th parallel of latitude where the James Bay Crees shall have the exclusive right of hunting, fishing and trapping and will also have the rights established under Section 24 of the Agreement. Of this 25 130 square miles, the Inuit of Fort George shall have the right to 231 square miles as Category II lands, as provided in Section 4 and in paragraph 7.2.1 of Section 7. Other uses of Category II lands for purposes other than hunting, fishing and trapping shall be subject to the provisions set forth below.

Provincial jurisdiction shall continue over Category II lands.

5.2.2 Third Party Interests

The lands already ceded to third parties in ownership prior to the execution of the Agreement shall be excluded from Category II lands.

Moreover, lands within the area of the said Category II lands which are subject to rights already ceded to third parties prior to the execution of the Agreement by way of lease or occupation permits or lands which are the object of mining claims, development licenses, exploration permits, mining concessions and mining leases shall be Category III lands. At such time as the said rights revert to the Crown such lands shall be Category II lands.

Lands within said Category II lands which are presently the object of exploration permits issued to La Société de développement de la Baie James shall fall into Category II lands with the right to explore, develop and mine as if such lands were Category III lands, in respect to the exercise of the rights under permits, subject to the provisions of paragraph 5.2.3.

Moreover, existing roads, landing strips, airport installations, sea-plane bases and maritime structures shall be Category III lands, and as such, shall be excluded from the administrative regime applicable to Category II lands. The large bodies of water surrounded fully or partially by Category II lands but excluded from Category II lands are identified in the said territorial descriptions.

5.2.3 Development

Category II lands may be appropriated by Québec for development purposes, provided such lands are replaced or, if the Native people wish, and an agreement can be reached thereon, they are compensated.

Unless such activities are directly related to pre-development, the rights or the exercise thereof of non-Native people, in respect to their lawful activities, shall be controlled by Québec through appropriate legislation or regulations and reasonable enforcement machinery if they interfere or could reasonably be expected to interfere with the rights granted to Native people under the Section of the Agreement relating to hunting, fishing and trapping (Section 24).

For the purposes of the Agreement in respect to Category II lands: development shall be defined as any act or deed which precludes hunting, fishing and trapping activities by Native people, except for pre-development; and pre-development shall be defined as any act or deed of an exploratory nature exercised during a limited time in view of researching information to decide if development will take place or not.

In the case of development, should the Cree community choose replacement of land, the community shall indicate its preference to Québec as soon as the decision to proceed with the development is taken and communicated.

If there is no agreement in respect to the choice of land, Québec shall then propose to the Cree community taking into consideration the Cree community's preference, an area with the similar characteristics, insofar as is possible, as Category II lands and contiguous to the location of the Category II lands subject to the replacement. Such area proposed as replacement shall be double the size of the land to be replaced. The Cree community shall then choose from this area a

piece of land contiguous to the Category II lands and equal in size to that land effectively taken away for the purpose of such development as full compensation for the land taken away. Compensation may also be made by money payments mutually agreed upon.

This procedure will precede the taking of land for development or any construction related thereto. However, a time limit of one hundred and twenty (120) days shall be allowed for this procedure, provided that the taking of the land for the development or any construction related to such development may proceed after sixty (60) days.

Such development shall be subject to the Environmental Regime set forth in Section 22 of the Agreement.

5.2.4 Public Servitudes

Notwithstanding the above definition of development, all public servitudes may be established on Category II lands without payment of indemnity.

5.2.5 Natural Resources

a) Mineral exploration and technical surveys do not constitute development as defined herein and may be carried out without replacement of lands and without payment of indemnity, but subject to the provisions of the Environmental and Social Protection Regime of the Agreement. Moreover, such mineral exploration and technical surveys must be carried out so as to avoid unreasonable conflict with harvesting activities.

b) Use of Soapstone
The right to use soapstone for traditional arts and crafts purposes may be acquired by the Native people through their respective local governments by way of a permit from the Québec Department of Natural Resources. Such permit may not be unreasonably withheld. This special permit will be provided for under the Mining Act and will give the rights to use this mineral substance only for the use of traditional arts and crafts purposes. The lands in question will have to be marked in the field by the Native people by using a method analogous to the one used for claim staking. The area will have to be restricted to the outcrops easily accessible to the Native people. Furthermore, the right to the soapstone will always be subordinated to the rights to other mineral substances, in such a way that it will not prevent possible mining developments on that land.

c) Forests
Forest operations are compatible with hunting, fishing and trapping activities.
Commercial cutting programs in Category II lands will be defined according to management plans elaborated by the Québec Department of Lands and Forests, which shall take into consideration the hunting, fishing and trapping activities.
Operations must respect Québec standards and the general regime for forest protection will be applicable.

5.2.6 Access

Subject to the rights of the Native people, under the Hunting, Fishing and Trapping Section (24) of the Agreement, persons exercising a right compatible with such rights of the Native People as well as persons exercising some duty imposed by law shall have access to Category II lands and may remain thereon, an direct constructions thereon, subject to the general restrictions of law and the provisions imposed by this Section of the Agreement and subject to the following additional restrictions:

a) **Tourism and Recreation**

Non-Native people will not be allowed to hunt, fish or trap in Category II lands, except with the consent of the Native people, and subject to the rights of the non-Natives set forth in the Hunting and Fishing regime (Section 24).

b) **Exploration, Pre-development Activities, Scientific Studies and Administrative Purposes**

Persons wishing to carry out such works shall be required to obtain an authorization for same from Québec. Such a request for authorization shall have to include the following information: objective, nature, importance of the work to be effected, duration and a description of the installations involved.

In case such authorization is granted, the Native people shall be advised of the information so given to Québec, as soon as is reasonably possible.

However, works which do not involve substantial operations in the field, such as geoscientific works and mining exploration of the type provided for by the Québec Mining Act will not be subject to the presentation of the information nor the obtaining of the authorization mentioned above.

Nonetheless, such works shall be carried out in such a manner as to avoid unreasonable conflict with the rights of the Native people under the Hunting,

Fishing and Trapping Regime.

5.2.7 Special Provisions Concerning the Mistassini Area Outfitting Camps

Notwithstanding paragraph 24.9.2, Québec shall be allowed to operate the Louis Jolliet and Vieux Poste Camps as well as the outposts of these two camps for a period of ten (10) years; during this period, Québec shall take all reasonable means to train Cree persons in all aspects of the outfitting business so that the Crees, may, if they wish, take over completely the operation of these camps at the end of this ten (10) year period.

5.3 Category III Lands

5.3.1 General access to Category III lands will be in accordance with Provincial legislation and regulations concerning public lands.

The regime for the use of soapstone in Category III lands shall be that applicable, mutatis mutandis, to Category II lands.

5.4 Wood Rights for Native People on Category II or III

5.4.1 Québec shall guarantee a supply of wood necessary for the operation of the present Paint Hills sawmill or an equivalent wood supply subject to the approval of the Minister of Lands and Forests of a location other than the Paint Hills area for such wood supply. No stumpage dues shall be payable for such wood supply.

- 5.4.2 In addition, Québec will consider proposals submitted by the Native people which would have the effect of creating employment for Native people and other residents of the Territory and are in accordance with the planning of the Québec Department of Lands and Forests.
- 5.4.3 The Crees shall pay stumpage dues for commercial utilization of such wood rights on Category II or III lands.
- 5.4.4 Specific arrangements for the operation contemplated shall be discussed and agreed upon with the Québec Department of Lands and Forests. However, the Crees shall be liable for the payment of costs incurred under the general regime for forest protection.

5.5 Development

- 5.5.1 Notwithstanding anything else contained in the Agreement Québec, La Société d'énergie de la Baie James, Hydro-Québec and La Société de développement de la Baie James and their nominees and such other persons acting lawfully shall have the right subject to all applicable laws and regulations to develop the land and resources in Category III lands and also, for the purpose of development, Québec has the right to take Category II lands subject to the replacement or compensation as specified in this Section and such Category II lands shall then become Category III lands.

More particularly, the rights and guarantees given to the Native people by and in accordance with the Section on Hunting, Fishing and Trapping shall be subject to the right to develop Category III and Category II lands on the part of Québec, Hydro-Québec, La Société d'énergie de la Baie James and La Société de développement de la Baie James and their nominees and such other persons may be lawfully authorized. However, the developers shall be submitted to the Environmental Regime which takes into account the Hunting, Fishing and Trapping Regime.

- 5.5.2 Subject to laws and regulations of general application except as hereinafter provided in paragraph 5.5.3, Québec, La Société d'énergie de la Baie James, Hydro-Québec and all public bodies, agencies and corporations authorized by law may modify or regulate the flow of rivers of Categories II and III lands or have downstream effect on the part of such rivers included within Category I lands, subject to the following provisions:
 - a) The flow regime shall not be modified in such a way as to increase the water level above the highest previously recorded water level of the river.
 - b) For the purposes of establishing or rights in connection therewith are affected by the change of water level, Québec, La Société d'énergie de la Baie James, Hydro-Québec or the public bodies, agencies or corporations shall be liable for damages to such facilities, installations or rights in connection therewith.

The special provisions of Section B of this Agreement shall take precedence over the provisions of the present article.

- 5.5.3 Québec, La Société d'énergie de la Baie James, Hydro-Québec and the said public bodies, agencies and corporations shall not be required to expropriate lands

needed for the purposes contemplated in paragraph 5.5.2 nor to obtain any consent otherwise required for the utilization of such lands for the above purposes.

5.6 Legislation

The provisions of this Section can only be amended with the consent of Canada and the interested Native party, in matters of federal jurisdiction, and with the consent of Québec and the interested Native party, in matters of provincial jurisdiction.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec in matters of provincial jurisdiction, and by Parliament in matters of federal jurisdiction.

6.1 Category I Lands

6.1.1 Allocation

The lands granted in ownership by Québec to the Inuit of Québec and to the Inuit of Port Burwell for Inuit community purposes shall be allocated to the Inuit communities for selection in approximately equal amounts, save and except for Port Burwell and Fort George, taking into account any other lands received by the communities other than from Québec.

The total area granted herein shall be 3,250 sq. mi. including 120 sq. mi. for the Crees of Great Whale River and the area for each community may be adjusted slightly with the consent of Québec and the Northern Québec Inuit Association prior to final selection as provided herein.

The allocations to the communities of Akulivik (Cape Smith), Aupaluk (Hopes Advance Bay), Inukjuak (Port Harrison), Kangirsualudjuak (George River), Kangirsuk (Payne Bay), Kuudjuak (Fort Chimo), Tasiujaq (Leaf Bay), Koartak, Killinek (Port Burwell), Kangirsujuak (Wakeham Bay), Salluit (Sugluk), and Great Whale River shall be as shown on the maps attached as Schedule 1 to this Section and forming an integral part of this Section.

The allocation to the Inuit of Fort George shall be those lands south of the 55th parallel granted to the Inuit of Québec pursuant to Sub Section 7.1.1

For a period not exceeding one (1) year from the date of execution of the Agreement, the authorized representatives of the said communities may apply to Québec for revision of the boundaries of the allocations of such communities which may be modified by mutual agreement of such representatives and Québec, if it does not substantially alter the character and effect of the original selection.

The Inuit communities which on the date of execution of the Agreement have not made their selections, shall select the lands allocated to them pursuant to this paragraph from within the areas indicated on the maps attached as Schedule 1 to this Section. Such areas shall be withdrawn from claim staking and no exploration permits shall be issued with respect to such lands for a period of one (1) year from the execution of the Agreement or until the completion of selection, whichever is the sooner.

The selection made by the said communities shall be subject to mutual approval of the respective communities and Québec. In the case of selection of the lands to be allocated to the Inuit Community of Fort George, the selection

shall be subject to the mutual consent of the Inuit of Fort George, the Cree Band of Fort George and Québec.

If selections are not received by Québec within two (2) years from the date of execution of the Agreement, Québec shall designate the allocated Category I lands from the areas withdrawn for selection.

6.1.2 Survey of Category I Lands

The boundaries of all Category I lands selected by the Inuit of Québec shall be surveyed no later than five (5) years following the coming into force of the Agreement. Such surveys shall follow the map identifications referred to in Schedule 1 of this Section.

The said surveys shall be done by meander where the boundaries of Category I selections are coincident with identifiable natural features such as rivers and lakes and shall be done by straight line with no less than one (1) mile between angle points if possible where no identifiable natural features are coincident with the map descriptions of such lands.

Monumentation along the said surveys shall be done in accordance with normal survey practice.

Each shall be done within the attainable accuracy using the usual technical procedures for such works.

Surveys shall be submitted to the Inuit Community Corporation concerned for its comments prior to submission for homologation. At the request of the Inuit Community Corporation concerned, the survey crews shall include a nominee of the said corporation to act as an observer, at its expense.

Québec and/or Canada undertakes to pay all costs of survey and monumentation.

6.2 Category II Lands

6.2.1 Allocation

Each Inuit community shall be allocated an area of Category II lands that is the aggregate of one thousand (1,000) square miles and three and one half (3¹/₂) square miles for each member of the community at the date of the execution of the Agreement. The remainder of the allocation to the Inuit of Québec and to the Inuit of Port Burwell shall be apportioned in accordance with an agreement to be made between the land selection committees of each community.

The said method of allocation shall apply to the selection of Category II lands of Great Whale River by the Inuit and the Cree. The basic allocation of 1,000 square miles shall consist of 600 square miles for the Inuit and 400 square miles to the Cree, subject to the provisions of paragraph 8.3 of Annex 1 of Section 4. There shall be representation of the Cree and Inuit of Great Whale River in the decisions of the land selection committees concerning the allocation of the abovementioned remainder of Category II lands. The Category II lands of the Inuit of Fort George are dealt with in Section 4 and in paragraph 7.2.1 of Section 7.

6.2.2 Criteria for Selection

Category II land selections shall take into account the wildlife productivity of the land, the usability of such lands for harvesting, and existing developments

as well as other lands necessary as a habitat for the protection of wildlife, and all existing rights granted at the time of the Agreement, and known development projects.

Each unit of land selected shall comprise an area of not less than fifty (50) square miles.

No more than three (3) discontinuous units of land, not including intertidal zone selections, per community shall be selected unless agreed to otherwise by Québec. Each unit of land shall be compact and each portion of such land shall have a ratio of average width to length of four (4) to one (1), unless agreed to otherwise by Québec.

Such lands shall be selected within two (2) years of the date of execution of the Agreement, and the selection shall be subject to mutual approval of the respective communities and Québec failing which Québec shall have the right to designate such Category II lands after consultation with the interested Native party.

In front of Category I and II lands, the intertidal zone may be selected as Category II lands.

The aggregate of Category I and Category II selections shall not exceed fifty-five percent (55%) of the coastline of the Territory north of the 55th parallel, distributed as evenly as possible along the coast.

6.3 Other Rights

6.3.1 Timber Rights

The Inuit Community Corporations of Kuudjuak (Fort Chimo) and Kangirsualujuak (George River) shall have exclusive timber rights on those tracts of land identified in Schedule 2 attached to this Section. Such rights shall be for personal and community use and shall be exercised in accordance with management plans to be agreed upon with the Department of Land and Forests. However, such timber rights shall be subject to the right to develop the lands over which the timber rights are granted herein.

Where, in accordance with the said plans, additional forestry operations are permitted, the said Inuit Community Corporations shall be permitted to supply timber to other Inuit Community Corporations.

6.4 Great Whale River

Should a majority of the Inuit of Great Whale River decide to move to Richmond Gulf within a period of five (5) years from the date of the coming into force of the Agreement, Québec agrees that Québec and/or its agencies or mandataries shall assist the Inuit of Great Whale, such assistance to include the provision of funds, in carrying out the move to Richmond Gulf, on terms and conditions to be negotiated.

Should the Inuit of Great Whale decide to move to Richmond Gulf as aforesaid, Canada agrees to assist the Inuit of Great Whale River in carrying out the move to Richmond Gulf and establishing an Inuit Community in such location, within the scope of federal programs from time to time in effect and, in particular, programs in effect for the Inuit of Canada.

6.5 Schedules

The following Schedules form an integral part of this Section, including the notes on the maps forming part thereof.

Schedule 1 - Category I land map identifications (scale 1:250 000)

Schedule 2 - Exclusive timber rights

Schedule 3 - List of water bodies subject to 200 foot restriction

Schedule 4 - List of water bodies excluded from Category II land selections.

6.6 The provisions of this Section can only be amended with the consent of Québec and the interested Native party.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assemble of Québec.

APPENDIX 2

APPENDIX 2

Information in this appendix is taken from James Bay and Northern Québec Agreement and Complementary Agreements (1997).

HUNTING, FISHING AND TRAPPING REGIME

24.1 Definitions

For the purposes of this Section the following words and terms shall be defined as follows:

- 24.1.1 Automatic weapon means any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger.
- 24.1.2 Bag limit means the maximum number established by regulation of individuals of a species or a group of species that a hunter may take legally.
- 24.1.3 Band means an organized body of Crees declared by the Agreement, by law or by Order-in-Council to be a band.
- 24.1.4 Category means the classification of areas in the Territory as set forth in paragraph 24.3.32.
- 24.1.5 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 for sport hunting and fishing.
- 24.1.6 Community use means the use by the Native people of all products of harvesting consistent with present practice between Native communities or members of a Native community or communities, including the gift, exchange and sale of such products subject to the restrictions set forth in this Section.
- 24.1.7 Coordinating Committee means the body constituted in accordance with and pursuant to this Section.
- 24.1.8 Cree tallyman means a Cree person recognized by a Cree community as responsible for the supervision of harvesting activity on a Cree trap line.
- 24.1.9 Cree trap line means an area where harvesting activities are by tradition carried on under the supervision of a Cree tallyman.
- 24.1.10 Ecological reserve means a territory set aside by law or by regulation to preserve such territory in its natural state, to reserve such territory for scientific research and, if need be, for education or, to safeguard animal and plant species threatened with disappearance or extinction.
- 24.1.11 Family means the extended family comprising persons related or allied by blood, or by legal or customary marriage or adoption.
- 24.1.12 Fauna means all mammals, fish and bird.
- 24.1.13 Harvesting means hunting, fishing and trapping by the Native people for the purpose of capture or killing 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.
- 24.1.14 Kill means the number of individuals of a given species or population thereof, killed during a given period or permitted to be killed during a given time period.
- 24.1.15 Native party means, in the case of the Crees, the Grand Council of the Crees (of Québec) or its successor until the coming into force of the legislation establishing the Cree Regional Authority and thereafter the Cree Regional Authority or its successor. In the case of the Inuit, the Northern Québec Inuit Association or its successor until the coming into force of the legislation establishing La Société Inuit de développement- The Inuit Development Corporation and, thereafter, the said corporation or its successor.
- 24.1.16 a) Native person is a person eligible under section 3 of the Agreement.
b) Native people means only those persons eligible pursuant to Section 3 of the Agreement.
- 24.1.17 Non-Natives means all persons not eligible in accordance with Section 3 of the Agreement.
- 24.1.18 Outfitter means a person who carries on an operation which provides the public with lodging and the opportunity to sport hunt and sport fish or rents equipment or small craft or provides other services for sport hunting and sport fishing purposes within the area specified in the permit, license or other authorization given to such person for such purposes.
- 24.1.19 Outfitting operation means the establishment and its dependent buildings, including outposts and all equipment and accessories related thereto, and all sport hunting and sport fishing gear, equipment and small craft used by an outfitter in connection with such operation.
- 24.1.20 Personal use means the use by the Native people for personal purposes of all products of harvesting including the gift, exchange and sale of all such products within the family.
- 24.1.21 Possession limit means the maximum quantity of individuals of a species or a group of species that a person is entitled to have in his possession during a specified period of time within a specified area.
- 24.1.22 Registered trap line means a territory leased and registered for the purpose of trapping of fur-bearing animals in the area specified in Schedule 1 of this Section.
- 24.1.23 Reserve means an area set aside by law or by regulation for conservation or other purposes specified in the law or regulation establishing such a reserve.
- 24.1.24 Responsible Minister means the Provincial or Federal Minister charged with responsibility with respect to a subject matter falling within the jurisdiction of the government of which he is a member.

- 24.1.25 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.
- 24.1.26 Sport fishing means fishing by non-Natives by the use only of rod and line (angling) and only for reasons of sport.
- 24.1.27 Sport hunting means hunting by non-Natives by the use only of firearms or bow and arrow and only for the specific purpose of killing game for reasons of sport.
- 24.1.28 Territory means the area defined in paragraph 24.12.1 of this Section.
- 24.1.29 Wildlife means all populations of wild fauna in the Territory.
- 24.1.30 Wildlife sanctuary means an area of land with a particular kind of environment set aside by law or by regulation for the temporary or permanent protection of certain species of animals.
- 24.2 Conservation
- 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 Harvesting
- 24.3.1 Every Native person shall have the right of hunt, fish and trap, including the right to capture or kill individuals of any species of wild fauna, in accordance with the provisions of this Section (hereinafter referred to as the right to harvest).
- 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.
- 24.3.3 The Native people shall enjoy the sole and exclusive exercise of the right to harvest in accordance with the provisions of this Section.
- 24.3.4 The exercise of the right to harvest shall be subject to the principle of conservation, the acquired rights contemplated by paragraph 24.3.21 and such other express provisions as are specified elsewhere in the Agreement.
- 24.3.5 The right to harvest shall extend and may be exercised over all the Territory, subject to the limitations stipulated at Sub-Section 24.12, where this activity is physically possible and does not conflict with other physical activity or public safety. Acts by parties to the Agreement or third parties to limit access to an area within the Territory for reasons other than those specifically enumerated in this Section of the Agreement shall not ipso facto exclude that area from the right to harvest.
- 24.3.6 a) The words conflict with other physical activity shall mean actual physical conflicts or physical interference but shall not include conflicts or interference of any other nature which may be perceived, anticipated or declared by any means whatsoever. Without limiting the generality of the foregoing, 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.
- b) The creation or existence of wildlife sanctuaries shall operate to exclude all or part of such sanctuaries from the right to harvest but only with respect to those species for whose protection such sanctuaries are created and for such periods of time and/or season when such protection is required.
- 24.3.7 a) The right to harvest shall not be exercised in lands situated within existing or future non-Native settlements within the Territory.
- b) The annexation of land by a municipality or any other public body shall not in itself exclude such areas from the harvesting rights of Native people as long as such lands remain vacant.
- 24.3.8 a) In areas specified in existing leases or permits as being reserved for the exclusive use of an outfitter and in areas presently covered by fish and game leases, the right to harvest, except for the right to trap, shall not be exercised during the operating season of such outfitters, lessees and permit holders.
- b) Subject to Sub-Section 24.9 of this Section, the rights of present outfitters and present holders of fish and game leases shall be respected for the duration of the current term of their present leases or permits. At the expiration of the current terms of such leases or permits, the terms shall be reviewed by the Coordinating Committee to minimize conflicts with harvesting activity. This provision shall be without prejudice to any agreement between an outfitter, lessee or permit holder and the interested Native party.
- 24.3.9 Restrictions on the right to harvest for reasons of public safety shall apply primarily 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 restrictions shall not in themselves preclude other harvesting activities.
- 24.3.10 Subject to conservation rules established pursuant to this Section, any restrictions in the Migratory Birds Convention Act and its regulations, the undertaking of Canada respecting the Migratory Birds Convention referred to in Sub-Section 24.14 and any other exceptions specified in this Section, the Native people shall have the right to harvest at all times of the year.
- 24.3.11 a) Subject to the principle of conservation, the right to harvest refers to harvesting activity pursued within the Territory, for personal and community use, commercial trapping and commercial fishing.
- b) In the case of migratory birds, personal use shall be limited to the gift or exchange of all products of harvesting within the extended family, subject to the undertakings of Canada contained in Sub-Section 24.14.
 - c) Community use shall include the gift, exchange and sale of all products of harvesting consistent with present practice between Native communities and/or members of the Native community or communities. For greater clarity, community use shall not exclude the gift, exchange and sale of all products of harvesting between Native communities and members of the Native community or communities not presently conducting such activity.

For Native people living in non-Native settlements such as Schefferville, Matagami, Chibougamau, etc., community use shall be restricted to the gift, exchange and sale of all products of harvesting consistent with present practice between such Native people and shall not include gift, exchange and sale with Native communities. In the case of migratory birds, community use shall be limited to the gift or exchange of meat and eider-down consistent with present practice between Native communities and/or members of the Native community or communities, subject to the undertakings of Canada contained in Sub-Section 24.14. Community use shall not include the exchange or sale of fish and meat to non-Natives except in the case of commercial fisheries.

- 24.3.12 The right to harvest shall include the right to possess and use all equipment reasonably needed to exercise that right with the exception of the following: explosives, poisons, firearms connected to traps and remote controls, automatic weapons, tracer bullets, non-expanding ball ammunition, air-gun, and other similar equipment, as may from time to time be prohibited by regulations passed upon recommendation by the Coordinating Committee, the whole subject to applicable laws and regulations of general application concerning weapon control, where such control is directed to public security and not to harvesting activity. Nevertheless, Québec regulations obliging persons under the age of sixteen (16) to be accompanied by an adult when hunting or fishing shall not apply to Native people above the age or reason.
- 24.3.13 The right to harvest shall include the right to travel and establish such camps as are necessary to exercise that right, in accordance with the terms and conditions of the Agreement.
- 24.3.14 The right to harvest shall include the use of present and traditional methods of harvesting except where such methods affect public safety.
- 24.3.15 The right to harvest shall include the right to possess and transport within the Territory the products of harvesting activity.
- 24.3.16 The Native people shall have the right to trade in and conduct commerce in all the by-products of their lawful harvesting activities.
- 24.3.17 Subject to the restrictions and controls with respect to non-Native hunting and fishing, provided for in this Section, the right to harvest shall not be construed to prevent or limit access to the Territory by non-Natives in accordance with the provisions found elsewhere in the Agreement.
- 24.3.18 The exercise of the right to harvest shall not be subject to the obtaining of permits, licenses, or other authorization, save where expressly stipulated otherwise in this Section. Where, by exception, for the purposes of management, leases, permits, licenses or other authorizations are required by the responsible Minister or required on the recommendation of the Coordinating Committee, the Native people shall have to right to receive such leases, permits, licenses or other authorizations at a nominal fee through their respective local governments.

- 24.3.19 Subject to the provisions of this Section, the Native people shall have the exclusive right to trap in the Territory, as part of their right to harvest. This right to trap shall include the right to trap for all commercial purposes.
- 24.3.20 Notwithstanding the preceding paragraph in cases where Native people have not exercised their exclusive right to trap within a part of the Territory for an extended period, and where trapping activity in such part of the Territory is necessary for the proper management of a species, Québec may, only upon the advice of the Coordinating Committee and after giving reasonable notice to the interested Native party through the Coordinating Committee, permit non-Natives to exercise the necessary trapping activity in such part of the Territory, when the interested Native party fails to do so. Such permission shall be subject to an agreement between the interested Native party and Québec; failing such agreement the responsible Minister may, only upon recommendation of the Coordinating Committee, permit non-Natives to exercise such activity, and in such case the Minister shall establish the terms and conditions upon which such activities shall be exercised provided such activity shall not be permitted for a period exceeding four (4) years. At the expiration of said period, the interested Native party shall have the right to resume the exercise of its exclusive right to trap on that portion of the Territory, failing which the foregoing procedure shall apply.
- 24.3.21 The exclusive right to trap shall not apply to the area of the registered trap lines in the southern portion of the Territory indicated on the map attached hereto as Schedule 1 of this Section.
- 24.3.22 This exclusive right to trap shall be without prejudice to the trapping rights, if any, exercised by the native people not party to the Agreement on the beaver reserves presently allocated to them.
- 24.3.23 The exclusive right to trap shall not exclude the possibility of snaring of hare by non-Natives in and around non-Native settlements within that part of the Territory below the 50th parallel of latitude.
- 24.3.24 Québec and Canada shall take all reasonable measures, within the scope of current programs or those programs which may from time to time be established, including economic measures, to assist the Cree and Inuit parties in establishing trappers' associations, as well as a Native controlled and run trapping industry including functions necessary to the operation of such an industry, such as marketing promotion, registration, collection, transportation, grading, dressing, dyeing, manufacturing, etc..
- 24.3.25 The present system of Cree trap lines and the disposition of the beaver reserves presently allocated to the Crees shall continue unless otherwise agreed to by the interested Cree community or communities.
- 24.3.26 Within Categories I and II, the Native people shall have the exclusive right to establish and operate commercial fisheries. Within Category III the Native people shall have the exclusive right to establish and operate commercial fisheries related to the species of fish enumerated in the list of

- exclusive species referred to in paragraph 24.7.1 and attached as Schedule 2 to this Section.
- 24.3.27 All applications for commercial fisheries permits within Categories I, II or III shall be submitted to the Coordinating Committee and shall be assessed by the Coordinating Committee upon the basis of the possible or probable impact of such proposed fisheries operations upon harvesting and recreational fishing. The Coordinating Committee shall make recommendations to the responsible Minister with respect to such applications on the basis of its assessment. In the case of the Crees, no commercial fisheries shall be permitted within Category I or II without the consent of the interested local Native government. In the case of the Inuit, no commercial fishing shall be permitted within Category I without the consent of the interested Inuit community corporation or within Category II without the consent of the interested Inuit community corporation (s) and the interested Native party.
- 24.3.28 The Hunting, Fishing and Trapping Regime applicable in the Territory shall be established by an din accordance with the provisions of this Section.
- 24.3.29 Québec shall forthwith take all necessary measures to obtain modification to any provisions of the Wildlife Conservation Act (L.Q. 1969, c. 58 as amended) or any other Provincial Act And to modify regulations thereunder which conflict with or are incompatible with the provisions of this Section. The Coordinating Committee shall advise and be consulted in this process.
- 24.3.30 A minimum of control or regulations shall be applied to the Native people, which shall mean inter alia that:
- a) When the Coordinating Committee or the responsible Federal or Provincial government decides that control of harvesting activities is necessary, the Coordinating Committee or the responsible Federal or Provincial Government shall first formulate guidelines and/or advisory programs with respect to the control of such activity. Such guidelines or advisory programs shall be encouraged and promoted by the local and/or regional governments, under reserve of the right of the responsible Federal or Provincial Government to impose such controls in the event that such guidelines and/or advisory programs do not prove to be effective.
 - b) When the Coordinating Committee or the responsible Federal or Provincial Government decides that regulations are necessary the responsible Federal or Provincial Government shall make regulations with a minimum of impact on the Native people and harvesting activities by taking into account the impact on such factors as local native food production, the role of tallymen and the organization and boundaries of Cree trap lines, accessibility of different sectors of the Native populations to harvestable resources,

efficiency of harvesting, cost of harvesting and Native cash incomes.

- c) In general, the control of activities contemplated by this Section shall be less restrictive for Native people than for non-Natives.

24.3.31 Neither the responsible government nor the Coordinating Committee shall change or affect the Hunting, Fishing and Trapping Regime in such a way as to infringe upon the rights of the Native people established by this Section. Without limiting the generality of the foregoing, this provision shall apply to the responsible Provincial and Federal Ministers, the provincial and federal departments involved and the individuals, bodies or agencies administering the Hunting, Fishing and Trapping Regime.

24.3.32 For the purposes of this Section only, land in the Territory shall be classified as follows:

Category I:

subject to the provisions of this Section an area under the complete and exclusive control of the Native people and for the exclusive use of Native people.

Category II:

an area where the Native people shall have the exclusive right to hunt and fish, which right shall include the right to permit non-Native hunting and fishing, subject to conditions concerning replacement or compensation in Sections 5 and 7 of the Agreement.

Category III:

an area for the joint use of Native people and non-Natives, subject to the rights, conditions and restrictions established by the Agreement.

The principle of conservation shall apply in Categories I, II and III lands.

24.4 Coordinating Committee

24.4.1 A Hunting, Fishing and Trapping Coordinating Committee (hereinafter referred to as the Coordinating Committee), an expert body made up of Native and government members, is established to review, manage, and in certain cases, supervise and regulate the Hunting, Fishing and Trapping Regime established by and in accordance with the provisions of this Section.

24.4.2 The Coordinating Committee shall have twelve (12) members. The Cree Native party, the Inuit Native party, Québec and Canada shall each appoint three (3) members. Such members shall be appointed and replaced from time to time at the discretion of the respective appointing party. The appointing parties may upon unanimous consent increase or decrease the membership of the Coordinating Committee.

24.4.3 In addition to the members of the Coordinating Committee contemplated by paragraph 24.4.2, the Société de développement de la Baie James shall appoint one (1) person as an observer-member of such Committee. Such observer-member shall have all the rights and obligations of the other members of the Coordinating Committee except:

- a) Such observer-member shall not be entitled to vote on any matter;

- b) Such observer-member shall have the right to discuss, and to make representations with respect to, all matters pertaining to that portion of the Territory south of the 55th parallel of latitude and with respect to all matters of general interest pertaining to the entire Territory.
- c) Such observer-member shall be entitled to receive a proxy executed in accordance with the provisions of paragraph 24.4.10 of this Section and in such an event shall be entitled to vote in the place and stead of the member from whom the proxy has been received.

24.4.4 The members of the Coordinating Committee shall each have one (1) vote except as hereinafter provided otherwise:

- a) When matter of exclusive provincial jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Provincial Government shall each have two (2) votes, and the members appointed by the Federal Government shall not vote.
- b) When matters of exclusive federal jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the Federal Government shall each have two (2) votes and the members appointed by the Provincial Government shall not vote.
- c) When matters of joint or mixed federal and provincial jurisdiction are being dealt with by the Coordinating Committee, the members appointed by the provincial Government and the members appointed by the Federal Government shall each have one (1) vote.
- d) When matters relating to the area of primary interest of the Crees are being dealt with by the Coordinating Committee, the members appointed by the Cree Native Party shall each have two (2) votes, and the members appointed by the Inuit Native party shall not vote.
- e) When matters relating to the area of primary interest of the Inuit are being dealt with by the Coordinating Committee, the members appointed by the Inuit Native party shall each have two (2) votes, and the members appointed by the Cree Native party shall not vote.
- f) When matters of common interest to the Crees and Inuit are being dealt with by the Coordinating Committee, the members appointed by the Cree Native party and the members appointed by the Inuit Native party shall each have one (1) vote.

24.4.5 The respective parties shall appoint a Chairman and Vice-Chairman of the Coordinating Committee from among their appointees in the following manner:

- a) In the first year of the operation of the Coordinating Committee, the Chairman shall be appointed by the Cree Native party and the Vice-Chairman shall be appointed by the interested Inuit Native party.

- b) In the second year of the operation of the Coordinating Committee, the Chairman shall be appointed by Québec and the Vice-Chairman shall be appointed by Canada.
 - c) In the third year of the operation of the Coordinating Committee, the Chairman shall be appointed by the interested Inuit Native party and the Vice-Chairman shall be appointed by the Cree Native party.
 - d) In the fourth year of the operation of the Coordinating Committee, the Chairman shall be appointed by Canada and the Vice-Chairman shall be appointed by Québec.
 - e) In subsequent years the appointment of the Chairman and Vice-Chairman of the Coordinating Committee shall take place in the sequence set forth in sub-paragraphs a), b), c) and d) of this paragraph.
 - f) In the absence of the Chairman at any meeting, an alternate Chairman shall be selected by and from among the members appointed by the party that appointed the Chairman.
 - g) The Vice-Chairman shall act as Chairman only when the Chairman does not have the right to vote pursuant to paragraph 24.4.4.
- 24.4.6 The Chairman and Vice-Chairman shall hold office for one (1) year.
- 24.4.7 The Coordinating Committee may, from time to time, select from among its members such other officers as may be required to enable the Committee to fulfill its role and functions.
- 24.4.8 A quorum shall be four (4) members physically present provided that at least one (1) member appointed by each party is physically present.
- 24.4.9 The quorum mentioned in the preceding paragraph 24.4.8 may, from time to time, be changed with the unanimous consent of all members of the Coordinating Committee.
- 24.4.10 A member of the Coordinating Committee shall upon his appointment execute a written proxy in the form provided by the Coordinating Committee in favour of the other members, including their replacements, appointed by the party that appointed the member executing the proxy. For a particular meeting a member may execute a proxy in favour of a designated person and, in such case, such proxy shall prevail. The holder of such proxy shall have the right to vote and otherwise act in place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that the member holding the proxy is entitled to exercise in his own right.
- 24.4.11 All decisions shall be decided by a majority of the votes cast.
- 24.4.12 The Chairman shall have, in the case of a tie vote, a second and deciding vote.
- 24.4.13 The Coordinating Committee shall have a principal office within the Province of Québec, and may establish other offices, within the said Province.

- 24.4.14 The Coordinating Committee may establish rules and adopt by-laws regulating its own internal operations, including notice and place of meetings and other matters relating to the administration of the Coordinating Committee. Whenever practical, meetings will be held in the Territory.
- 24.4.15 The Chairman of the Coordinating Committee shall convoke a meeting of the Coordinating Committee within twenty (20) days of receipt from any four (4) members of the Coordinating Committee of a written request indicating the purpose of such meeting.
- 24.4.16 The Coordinating Committee shall meet at least four (4) times annually.
- 24.4.17 The Chairman shall preside over meetings of the Coordinating Committee.
- 24.4.18 A secretariat shall be established for the Coordinating Committee consisting of not more than three (3) full-time employees. After the first year of operation, the Coordinating Committee may by unanimous agreement alter the size of the secretariat. The secretariat shall be responsible to and under the direction and control of the Coordinating Committee. Québec shall maintain and fund the secretariat. The secretariat shall receive and distribute data when appropriate, report the results of meetings and decisions of the Coordinating Committee shall from time to time determine, pursuant to this Section.
- 24.4.19 An official record of discussions and decisions of the Coordinating Committee shall be kept by the secretariat.
- 24.4.20 Agenda for meetings shall be prepared in advance and distributed to members by the secretariat.
- 24.4.21 Members of the Coordinating Committee or the Coordinating Committee itself may call upon other persons for expert advice or assistance. The remuneration and expenses of any such person shall be paid out of the budget of the Coordinating Committee only if the services of such person have been requested by the Coordinating Committee.
- 24.4.22 Each party shall pay the remuneration and expenses of the members it appoints and the experts it requests.
- 24.4.23 The Coordinating Committee shall be a consultative body to responsible governments, save where expressly stipulated in paragraph 24.4.30 and as such shall be the preferential and exclusive forum for Native people and governments jointly to formulate regulations and supervise the administration and management of the Hunting, Fishing and Trapping Regime.
- 24.4.24 The parties to the Agreement shall furnish the Coordinating Committee with all information in their possession relevant to the functions of the Coordinating Committee.
- 24.4.25 The Coordinating Committee shall have the right to initiate, discuss, review and propose all measures relating to the Hunting, Fishing and Trapping Regime in the Territory. The Coordinating Committee may propose regulations or other measures relating to the regulation,

supervision and management of the Hunting, Fishing and Trapping Regime.

24.4.26 All regulations relating to the Hunting, Fishing and Trapping Regime proposed by responsible governments shall be submitted to the Coordinating Committee for advice before enactment. Proposals with respect to the establishment of parks, ecological reserves, wildlife sanctuaries and similar classifications of land shall be submitted to the Coordinating Committee except when such proposals deal with land situated within settlements.

24.4.27 The Coordinating Committee may submit recommendations to the responsible Provincial or Federal Minister, who shall have discretion to act upon such recommendations in accordance with paragraphs 24.4.36 and 24.4.37 concerning the following:

- a) Guidelines and other measures related to Native harvesting.
- b) Regulations relating to the Hunting, Fishing and Trapping Regime.
- c) Proposed regulations, decisions or actions resulting from previous recommendations of the Coordinating Committee.
- d) Conservation, including management procedures for conservation purposes.
- e) 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.
- f) Levels of allocation of Native and non-Native kills over and above guaranteed levels of harvesting established pursuant to this Section.
- g) Regulations respecting community use.
- 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 wild fauna requiring complete protection from time to time.
- k) Planning an policy relating to outfitting and regulations concerning outfitting operations.
- l) Research projects related to wildlife resources.
- m) Enforcement of the Hunting, Fishing and Trapping Regime.
- n) The establishment, and insofar as it affects the Hunting, Fishing and Trapping Regime, the operation of parks, ecological reserves, wildlife sanctuaries and other land similarly classified.
- o) Regulations which prohibit the possession and use of equipment for the purpose of exercising the right to harvest.
- p) Regulations respecting commercial fisheries operations.

- 24.4.28 The Coordinating Committee shall:
- a) Review applications for new commercial fisheries permits.
 - b) Review applications for outfitters' permits or leases or renewals thereof.
 - c) Supervise procedures respecting the Native people's right of first refusal for outfitting facilities.
 - d) Supervise procedures for the relocation of non-Native outfitters located in Categories I and II if required.
 - e) 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.
- 24.4.29 The Coordinating Committee may:
- a) 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.
 - b) Recommend to local government conservation measures for Category I.
 - c) 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.
 - d) 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.
 - e) Make representations concerning weapon control where such control is directed to public security.
- 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 there to and shall bind local and regional governments.
- 24.4.31 The Coordinating Committee shall supervise the research to establish present levels of harvesting.
- 24.3.32 The responsible Minister may change the list of species reserved exclusively to the Native people, (Schedule 2 to this Section), only upon the unanimous recommendation of the Coordinating Committee provided

- that all members of the Coordinating Committee appointed by the Native parties and entitled to vote, voted personally and not by proxy upon such recommendation.
- 24.4.33 The Coordinating Committee shall operate in accordance with the provisions of this Section.
- 24.4.34 All proposed regulations, measures and decisions of the Coordinating Committee shall be communicated to the responsible government for attention, information and appropriate action.
- 24.4.35 Proposed regulations, measures or decisions shall, except where expressly stipulated otherwise, be subject to the approval of the responsible Québec Minister and, if required, adoption by the Lieutenant-Governor in Council with respect to matters falling under Provincial jurisdiction, or by the responsible Federal Minister and, if required, adoption by the Governor in Council with respect to matters falling under Federal jurisdiction. With respect to matters designated in paragraphs 24.4.30 a), 24.5.3 and 24.5.4, the Coordinating Committee may make recommendations to the responsible local or regional government.
- 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 endeavour 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.
- 24.4.38 The Coordinating Committee in its operations shall recognize and give due consideration to the following:
- a) The exclusive trapping rights of the Native people in accordance with paragraphs 24.3.19 to 24.3.23 inclusive.
 - b) The exclusive right of the Native people to the species specified in paragraph 24.7.1.
 - c) The right to harvest in accordance with Sub-Section 24.3.
 - d) The principle of conservation as defined in paragraph 24.1.5.
 - e) The principle that a minimum of control or regulations shall be applied to the Native people in accordance with paragraph 24.3.30.

- f) The importance of the exchange of information between the parties.
- g) The importance of establishing an outfitting network in the Territory adequate to accommodate the needs of non-Natives permitted to hunt and fish.
- h) The importance of controls over the number of non-Natives permitted to hunt and fish in the Territory and over the places and time where and when they may hunt and fish.
- i) The priority of Native harvesting as defined in paragraphs 24.6.1 to 24.6.5 inclusive.
- j) The difference in application of the Hunting, Fishing and Trapping Regime in Categories I, II and III.
- k) The restrictions on non-Native hunting and fishing as specified in paragraphs 24.8.1 to 24.8.11 inclusive.
- l) The economic implications of its decisions and actions upon the activity of the Native people and non-Natives related to the wildlife resources.

24.5 Powers of Native Authorities and Governments

24.5.1 In Categories I and II, matters relating primarily to the protection of the wildlife resources rather than harvesting activity and hunting and fishing by non-Natives shall be solely the jurisdiction of the responsible Provincial or Federal Government. Such matters of sole jurisdiction shall include, inter alia, the establishment of general quotas for the Territory, the representation of the interests of the Territory at international and intergovernmental negotiations relating to wildlife management, the regulation and management of wildlife insofar as this concerns the health of wildlife populations, the determination and protection of species requiring complete protection as referred to in paragraph 24.3.2 and the regulation and conducting of research projects related to wildlife resources.

24.5.2 In Categories I and II, the responsible Provincial and Federal Governments shall exercise their powers with respect to matters referred to in paragraph 24.5.1 in the same manner as those powers are exercised with respect to Category III, namely they shall exercise those powers only upon the advice of or after consulting with the Coordinating Committee as the preferential and exclusive spokesman empowered to formulate procedures, recommendations, positions and views respecting these matters.

24.5.3 Notwithstanding the provisions of the preceding paragraphs 24.5.1 and 24.5.2, with respect to the matters referred to therein, in the case of the Crees, the Cree local government and/or regional authorities, and in the case of the Inuit, the local and/or regional government shall have the power to pass by-laws affecting Categories I and II for Native people and for non-Natives permitted to hunt and fish thereon that are more restrictive than those regulations passed by the responsible Provincial or Federal Government.

- 24.5.4 Subject to the power of the responsible Provincial or Federal Government to make regulations respecting the conservation of wildlife resources, in Categories I and II the Cree local governments and, in the case of the Inuit, the regional government, within their respective areas of primary and common interest, may make regulations, which regulations in the case of their area of common interest in Category II shall be made jointly, with respect to all matters specifically referring primarily to harvesting activity and to hunting and fishing by non-Natives and not primarily referring to the management of the wildlife resource itself including:
- a) The allocation of the general quotas established pursuant to this Section among individual Natives and non-Natives permitted to hunt and fish.
 - b) Personal and community use.
 - c) The control of facilities for sport hunting and sport fishing.
 - d) Commercial fishing facilities.
 - e) Research concerning Native harvesting.
 - f) Seasons for harvesting and non-Native hunting and fishing and bag and possession limits, provided regulations made with respect to such matters shall be more restrictive than those regulations passed by the responsible Provincial or Federal Government.
 - g) Harvesting methods subject to paragraph 24.3.12.
 - h) Permits and licenses for the purpose of sub-paragraph 25.4.4 a). In the case of the Inuit, the regional government shall make regulations solely upon the recommendation of a Committee composed only of Inuit. Such recommendations shall be binding on the regional government.
- 24.5.5. All by-laws or regulations proposed pursuant to paragraphs 24.5.3 and 24.5.4 shall be submitted prior to adoption to the Coordinating Committee for its advice. All such by-laws or regulations shall come into effect on the date that a certified copy thereof is submitted to the responsible Provincial or Federal Minister who shall have the right within ninety (90) days from such receipt to disallow such by-laws or regulations.
- 24.6 Priority of Native Harvesting
- 24.6.1 The responsible governments and the Coordinating Committee shall apply the principle of priority of Native harvesting, as set forth in this Sub-Section.
- 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.
- a) Such guaranteed levels shall be established by negotiations between the Native parties and the responsible Provincial or Federal Government through the Coordinating Committee (and the normal voting procedures shall not apply in such case) and shall be based principally upon the results of the Research to Establish

Present Levels of Native Harvesting projects presently under way and to be continued during the four (4) years following the execution of the Agreement. The said parties shall establish such guaranteed levels within five (5) years of the execution of the Agreement.

- b) Upon the execution of the Agreement, the said parties referred to in the above sub-paragraph shall forthwith establish by negotiations interim guaranteed levels of Native harvesting based principally upon the available results of the said research projects. Such interim guaranteed levels shall be reviewed periodically and may be agreement be revised.
- c) The said interim guaranteed levels shall be without prejudice to the rights and obligations of the said parties in the establishment of the guaranteed levels of harvesting.
- d) The establishment of the guaranteed levels referred to in sub-paragraphs a) and b) hereof shall be subject to the approval of the interested Native parties and the interested government parties.

24.6.3 In applying the principle of priority of Native harvesting, the responsible governments and the Coordinating Committee shall, in any given year, in allocating quotas for harvesting and non-Native hunting and fishing or in applying other game management techniques, assure that:

- 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 of harvest up to the said guaranteed levels.
- 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.
- d) If game populations do not permit levels of harvesting equal to the guaranteed levels 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.
- e) The principle of priority of Native harvesting shall also be applied with respect to such species as may not reasonably be managed by means of quotas.

24.6.4 Subject to the principle of conservation and where populations of these species permit, the principle of priority of Native harvesting as provided for in this Sub-Section shall apply to marine mammals.

24.6.5 Subject to the principle of conservation and where populations of these species permit, the principle of priority of Native harvesting shall be applied to

migratory birds in a manner similar or equivalent to the procedures hereinafter set forth.

- a) In conformity with the procedure provided in paragraph 24.6.2, the present levels of harvesting of migratory birds shall be established.
- b) The present level of harvesting shall be combined with the present level of non-Native hunting of such birds in the Territory to establish the total present kill for the Territory.
- c) Based upon the total kill figures for each migratory bird population and the total kill in the Territory for each migratory bird population, there shall be a determination of the percentage of the total kill from each population now being taken in the Territory.
- d) This percentage figure shall constitute a guarantee so that in any given year the Territory would be guaranteed at least the same percentage of the total kill from each population as is presently hunted and harvested.
- e) Within the Territory itself, the principle of priority for Native harvesting shall apply to the allocation of quotas or use of other management techniques in such a way as to ensure that the Native people are guaranteed a harvest based on present levels of harvesting of migratory birds.
- f) In any given year when populations permit a kill for the Territory higher than the guaranteed allocation equal to present levels of harvesting, the Native people shall be allowed a harvest equal to the guarantee based on present levels of harvesting, and the remainder of the permissible kill for the Territory shall be divided in such a way as to ensure primarily the continuance of the traditional pursuits of the Native people and secondarily so that non-Native people may satisfy their needs for recreational hunting.
- g) In any given year when the populations permit a kill for the Territory lower than the guaranteed allocation for the Native people equal to present levels of harvesting, the entire kill for the Territory shall be allocated to the Native people, who shall have the right in turn to allocate a portion of this kill to non-Native hunting through recognized outfitting facilities.
- h) This guarantee shall not operate to endanger migratory bird populations.
- i) This guarantee in itself shall not operate to prohibit or reduce hunting of migratory birds elsewhere in the flyway or in Canada.

24.7 Species Reserved for Native People

24.7.1 In all areas where the Hunting, Fishing and Trapping Regime applies as set forth in Sub-Section 24.12 certain species of mammals, fish and birds shall be reserved for the exclusive use of the Native people. Such exclusive use shall include the right to conduct commercial fisheries related to the various species of fish so reserved. The species contemplated by this Sub-Section are listed in Schedule 2 of this Section.

- 24.8 Non-Native Hunting and Fishing
- 24.8.1 Non-Natives shall have the right of hunt and fish in Category III subject to the provisions of this Section and other applicable laws and regulations, but such hunting and fishing shall be restricted to sport hunting and sport fishing except for commercial fishing in Category III.
- 24.8.2 The Native people within their respective areas of primary interest shall have the exclusive right to hunt and fish within Categories I and II and, under reserve of the right specified in paragraph 24.8.4 of this Sub-Section, 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 or, in the case of the Inuit, the interested Inuit community corporation(s) and/or the interested Native party with respect to Category II, as the case may be. The exclusive rights provided for in this paragraph shall be strictly respected and enforced by the responsible governments in the Territory. In the case of the Crees, the responsible Cree local government or regional authority and, in the case of the Inuit, the responsible Inuit community corporation or interested Native party may, in their respective areas of primary interest, permit persons of Cree or Inuit ancestry who are not eligible under the Agreement but who traditionally hunt, fish and trap in the Territory to exercise the right to harvest solely for personal purposes in Category I and II lands. Persons permitted to exercise the right to harvest pursuant to this paragraph shall in no event be counted for purposes of allocating quotas to the Native people.
- 24.8.3 Non-Natives authorized to hunt and fish pursuant to paragraph 24.8.2 shall be subject to all applicable provincial and federal laws and regulations and all applicable local and regional government by-laws and regulations.
- 24.8.4 Non-Natives who meet the residency requirements established for the purposes hereof by the local governments of Native communities shall be permitted to sport hunt and sport fish within Categories I and II of the Native community in which they are resident. Such non-Natives shall be subject to all applicable provincial and federal laws and regulations and all applicable local and regional government by-laws and regulations.
- 24.8.5 Notwithstanding the provisions of paragraph 24.8.4, in the case of unusual or large influxes of non-Natives into a Native community for whatever reason, the local government thereof may determine whether and upon what terms and conditions such non-Natives will be permitted to sport hunt and sport fish.
- 24.8.6 A control shall be exercised by the responsible governments and the Coordinating Committee over the number of non-Natives permitted to hunt and fish in Category III and over the places therein and times where they may hunt and fish with a view to giving effect to the principle of conservation and the rights and guarantees in favour of the Native people established by and in accordance with this Section.

- 24.8.7 The use of outfitting facilities shall be considered as a principal means of controlling non-Native hunting and fishing activity in that portion of the Territory above the 50th parallel of latitude.
- 24.8.8 Over and above other available means of controlling the numbers of non-Natives permitted to hunt and fish in the Territory and the places and times where and when they may hunt and fish and subject to paragraph 24.8.9, Québec shall endeavour, to the extent that outfitting facilities are available, to require non-Native hunters and fishermen to use such facilities. Such requirements shall provide, to the extent deemed feasible, that non-Native hunters and fishermen be accompanied by Native guides.
- 24.8.9 In the event that Québec established requirements pursuant to paragraph 24.8. with respect to that portion of the Territory above the 50th parallel of latitude, such requirements shall be imposed upon non-Natives in the following order:
- a) non-residents of the Province of Québec,
 - b) if further deemed necessary, non-residents of the said portion of the Territory,
 - c) if further deemed necessary, non-Native residents of the said portion of the Territory.
- 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 labour forces or a given temporary labour 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 labour 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 labour 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 Regime

24.9.1 The Native people shall have the exclusive right to establish and operate outfitting facilities within Categories I and II. Non-Natives may be permitted to establish and operate such facilities within Categories I and II with the express consent of the responsible Cree local government or the responsible Inuit authority, which, wherever used in this Sub-Section, in respect of Category I shall be the interested Inuit community corporation(s) and the interested Native party.

24.9.2 Non-Natives, including governments, presently operating as outfitters in Categories I or II may continue to operate at the discretion of the Native people, subject to the terms and conditions hereinafter set forth:

- a) The interested Cree local government and the interested Inuit authority shall have the right to require such outfitters to cease operations in Categories I or II within two (2) years of a receipt of a written notice to this effect given by the said government of authority. Such notice shall not be given during an operating season.
- b) Within two (2) years of the execution of the Agreement the interested Cree local government and the interested Inuit authority shall decide which of such outfitters shall be required to cease their operations in Categories I or II and which of such outfitters shall be permitted to continue their operations in Categories I or II and, in the latter case, upon what terms and conditions.
- c) Such outfitters permitted to continue their operations in Categories I or II, as determined pursuant to sub-paragraph b) of this paragraph, shall have the right to continue to operate on the terms and conditions established for a period of not less than five (5) years nor more than nine (9) years from the date that such outfitters are notified of such a decision, and upon the termination of the said period such outfitters shall cease their operations in Categories I or II unless the interested Cree local government or the interested Inuit authority agrees to permit them to continue such operations for a further period.
- d) The Coordinating Committee shall supervise the procedures for the relocation of such outfitters required to cease their operations in Categories I or II.
- e) The Native people shall have the right to decide whether or not they wish to operate in place of an outfitter required to cease his operation in Categories I or II in accordance with the following:
 - i) If the Native people decide to operate in place of such an outfitter they shall not be required to operate outfitting services of the same nature or scale but shall be permitted to enlarge, diminish or modify such services as they deem appropriate.

- ii) If the Native people wish to use all or part of the facilities of such an outfitter they shall purchase such outfitting assets belonging to him as they may wish. In the event that all such assets are not purchased by the Native people, such outfitter may remove his remaining assets and shall be compensated forthwith by Québec, and not by the Native people, in accordance with the rights, if any, contained in the permits, leases or agreements in virtue of which such outfitter operated. All such assets not purchased by the Native people and not removed by the outfitter within a period of two (2) years shall thereafter be considered abandoned by such outfitter to Québec.
 - iii) In the event that the Native people decide to require government owned or operated outfitting facilities to cease operations, such facilities shall be transferred gratuitously by the government to the interested Cree band or interested Inuit authority, provided no transfers may be made by the government to individuals.
 - f) Notwithstanding the right of first refusal of the Native people for outfitting facilities set forth in paragraph 24.9.3, outfitters required to cease operations in Categories I or II pursuant to paragraph 24.9.2 and who wish to relocate in Category III, shall have the preferential right to select sites and facilities subject to the approval of the Coordinating Committee. Such preferential rights shall not be accorded to a government owning or operating an outfitting facility.
 - g) Outfitters required to cease operations in Categories I or II after having been allowed to operate by the Native people pursuant to paragraph 24.9.2 shall be compensated by Québec to the extent of their rights, if any, contained in the permits, leases or agreements in virtue of which they operated but such compensation shall be limited to the value of the outfitting facilities in existence at the time of the execution of the Agreement.
- 24.9.3 Within their respective areas of interest for the Hunting, Fishing and Trapping Regime, the Native people shall have a right of first refusal to operate as outfitters in Category III for a period of thirty (30) years from the execution of the Agreement.
- 24.9.4 Upon the expiry of the thirty (30) year period stipulated in paragraph 24.9.3, Québec and the Native parties shall negotiate on the basis of past experience and actual and future need, whether the Native people shall be granted a renewal of the said right of first refusal. The Coordinating Committee shall be consulted and may make recommendations to the responsible Minister with respect thereto.
- a) Notwithstanding the provisions in the Agreement respecting outfitting in Category III lands, the James Bay Crees shall have the

exclusive right of outfitting as well as the exclusive right to own outfitting facilities and operate as outfitters for the hunting of migratory birds at Cape Jones in an area bounded to the North by the parallel of latitude 54 43', to the East by the meridian 79 30', to the South by the parallel of latitude 54 34', and to the West by the coast of James Bay and Hudson's Bay.

- 24.9.5 The outfitters operating in Category III at the time of the execution of the Agreement shall have the right to continue their operations subject to the regime for outfitters established by this Sub-Section. Nevertheless, the rights of such outfitters may be revoked or terminated by the responsible Minister as a result of a breach by such outfitters of their obligations or responsibilities under the said regime or under applicable laws or regulations or for any other reason which the said Minister upon the recommendation of the Coordinating Committee may decide renders such outfitters unsuitable to continue to operate.
- 24.9.6 Notwithstanding paragraph 24.9.3 the Native people shall not exercise the right of first refusal referred to in the said paragraph with respect to at least three (3) non-Native applications out of every ten (10) applications respecting outfitting operations in Category III. The Coordinating Committee shall oversee the implementation of the terms of this paragraph and shall inform the parties from time to time as to the requirements for such implementation.
- 24.9.7 The procedure for the issuance of permits, leases and other authorizations for outfitting operations and the exercise of the right of first refusal of the Native people to operate as outfitters in Category III shall be as follows:
- a) All applications for permits, leases or other authorizations respecting outfitting operations, including renewals thereof, and the applications referred to in sub-paragraph j) shall be submitted to the responsible Provincial Minister who shall forthwith forward a copy thereof to the Coordinating Committee.
 - b) The Coordinating Committee shall review all such applications taking into consideration the circumstances existing at the time, projected plans for outfitting operations and in the case of applications for transfers the bonafide nature of the terms and conditions of such transfer and on the basis of the said review shall recommend to the responsible Provincial Minister the acceptance or refusal of such application.
 - c) Save for reasons of conservation, the responsible Provincial Minister shall not unreasonably refuse the recommendation of the Coordinating Committee when approved by the Cree local government concerned or the responsible Inuit authority with respect to an application for an outfitting operation in Categories I or II.
 - d) When the responsible Provincial Minister agrees with the recommendation of the Coordinating Committee to accept an

application he shall so inform the Coordinating Committee which shall forthwith transmit written notice of such application including all relevant information to the Cree Native party or, in the case of the Inuit, the Inuit Native party. No such notice shall be given when such application is for a renewal of a permit, lease or other authorization.

- e) The interested Native party referred to in sub-paragraph d) shall within four (4) months from receipt of the notice specified in the said sub-paragraph reply in writing to the Coordinating Committee indicating whether or not it or the person or persons designated by it intend to operate the outfitting operation referred to in said application.
- f) If the interested Native party referred to in sub-paragraph d) fails to reply to the Coordinating Committee within the delay stipulated in sub-paragraph e) or indicates that it does not intend to operate the outfitting operation referred to in the said application the right of first refusal of the Native people shall lapse with respect to the said application. The Coordinating Committee shall forthwith inform the responsible Minister who may issue the permit, lease or other authorization requested by the said application.
- g) If within the delay stipulated in sub-paragraph e) the interested Native party indicates that it or the person or persons designated by it intend to operate the outfitting operation referred to in the said application, the Coordinating Committee shall forthwith so inform the responsible Minister who shall issue a permit, lease or other authorization to the interested Native party or to the person or persons designated by it unless for just cause stipulated in applicable laws or regulations.
- h) Notwithstanding anything contained in this Sub-Section, no permit, lease or other authorization respecting outfitting operations in Categories I or II shall be issued or granted without the consent of the interested Cree local government or the interested Inuit authority.
- i) The party receiving a permit, lease or other authorization to establish such an outfitting operation shall proceed diligently, failing which the Coordinating Committee may recommend appropriate action to the responsible Minister.
- j) In the event of a proposed transfer of an outfitting operation and facilities related thereto, the proposed transferor shall submit an application to the responsible Provincial Minister. Such application shall contain all relevant information relating to the terms and conditions of the proposed transfer.
- k) The Coordinating Committee may on its own initiative recommend sites for the establishment of specific outfitting operations.

- l) The responsible Provincial Minister may establish such administrative procedures as may be necessary to give full effect to the provisions of this paragraph.
- 24.9 Enforcement of Regime
- 24.9.1 A predominant number of the persons charged with enforcing the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall be Native people.
 - 24.9.2 To give effect to and provide adequate enforcement of the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, Québec a Canada shall provide for the training of a sufficient number of Native people as conservation officers. To give effect to the foregoing Québec and Canada shall modify, when necessary, the criteria required for acceptance as a trainee and establish and fund special facilities, courses and training programs.
 - 24.9.3 Native people duly qualified as conservation officers shall be empowered by Québec or Canada, as the case may be, to act as Provincial conservation officers, game officers under the Migratory Birds Convention Act, fisheries officers under the Fisheries Act and such other similar enforcement officers which may from time to time be provided for under applicable laws.
 - 24.9.4 Cree tallymen, in the area of Cree primary interest, and special police constables referred to in Section 19 may be appointed auxiliary conservation officers pursuant to section 6 of the Wildlife Conservation Act (L.Q. 1969, c.58 as amended).
- 24.10 Environmental Protection
- 24.10.1 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.
- 24.11 Definitions of Territory
- 24.11.1 In this Section the word Territory comprises the entire are of land contemplated by the 1912 Québec Boundary Extension Act and the 1898 Act respecting the Northwestern, Northern and Northeastern Boundaries of the Province of Québec except for the areas specified and in accordance with the conditions set forth in this Sub-Section.
 - 24.11.2 For the purpose of this Section, the Territory shall be divided into three (3) areas:
 - a) The southern area shall be that portion of the Territory between the southern boundary of the Territory and a line commencing at the Ontario border, following the first set of township lines south of the 50th parallel of latitude being the southern boundary lines of the townships of Massicotte, LaPeltrie, Lanoullier, Gaudet, Fenelon, Subercase, Grasset and La Pérouse east to the Bell River system around the southern shore of Lake Matagami then southeast following the western bank of the Bell river (but following the

northeast bank of Ile Canica) to the first set of township lines north of the 49th parallel of latitude being the northern boundaries of the townships of Quevillon, Verneuil, Wilson, Ralleau, Effiat, Carpiquet, Urban, Belmon, L'Espenay, Bressani, Chambalon, Beaucours, Feuquières to the eastern boundary of the Territory.

- b) The buffer area shall be that portion of the Territory between the line described in sub-paragraph a) of this paragraph 24.12.2 and the 50th parallel of latitude.
- c) The northern area shall be that portion of the Territory lying to the north of the 50th parallel of latitude.

24.11.3

The Hunting, Fishing and Trapping Regime shall apply in the three areas described in paragraph 24.12.2 as follows:

- a) In the southern area, laws and regulations of general application relating to hunting, fishing and trapping shall apply and the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall not apply, save in the following cases:
 - i) The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply in Categories I and II situated in this area.
 - ii) The exclusive trapping rights of the Native people referred to in paragraph 24.3.19 shall apply in this area on the Cree trap lines.
 - iii) Only Cree tallymen, their families and Native people authorized by them shall have the right to harvest on Cree trap lines located in this area.
- b) In the buffer area the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply save that:
 - i) Any requirement established pursuant to this Section respecting the use of outfitting facilities all not apply to non-Native residents of Québec.
 - ii) All or part of this area may be zoned for moose hunting for the purposes of managing this resource, minimizing conflict between harvesting by the Native people and sport hunting by non-Natives and protecting the rights of the Native people and non-Natives established by and in accordance with this Section.
 - iii) In this area, non-Natives shall be permitted to sport fish all species of fish, notwithstanding the provisions of paragraph 24.7.1.
 - iv) Subject to the provisions of paragraph 24.4.30 non-Natives shall be permitted in this area to sport hunt black bear notwithstanding the provisions of paragraph 24.7.1.

- v) As provided in paragraph 24.3.23, in this area the exclusive right of the Native people to trap shall not exclude the snaring of hare by non-Natives in and around non-Native settlements.
 - c) In the northern area, the Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply.
- 24.12 Areas of Primary Interest
- 24.12.1 For the purposes of this Section, the respective areas of primary interest and the area of common interest in the Territory of the James Bay Crees and the Inuit of Québec shall be set forth in this Sub-Section.
- 24.12.2 The Cree area of primary interest shall be:
 - a) that portion of the Territory south of the 55th parallel of latitude with the exception of the Category I and II lands allocated to the Inuit of Fort George, and
 - b) the area of the Mistassini trap lines located north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 1, and
 - c) the Category I lands north of the 55th parallel of latitude allocated to the James Bay Crees of Great Whale River.
- 24.12.3 The Inuit area of primary interest shall be:
 - a) that portion of the Territory lying to the north of the 55th parallel of latitude with the exception of those areas north of the 55th parallel of latitude referred to in paragraphs 24.13.2 and 24.13.4;
 - b) the Category I lands allocated to the Inuit of Fort George.
- 24.12.4 The area of common interest for the James Bay Crees and the Inuit of Québec shall be the Category II lands south of the 55th parallel of latitude allocated to the Inuit of Fort George, the Category II lands north of the 55th parallel of latitude allocated to the James Bay Crees of Great Whale River and the area of the trap lines allocated to the James Bay Crees of Great Whale River located north of the 55th parallel of latitude as shown on a map annexed hereto as Schedule 1.
- 24.12.5 The Inuit of Québec and the James Bay Crees shall have the rights provided for in this Section throughout their respective areas of primary interest and the area of common interest.
- 24.12.6 Within the Inuit of Québec area of primary interest, the James Bay Crees shall have the following rights:
 - a) The Crees of Great Whale River shall have the right to harvest in the area north of the 55th parallel of latitude presently used by the James Bay Crees of Great Whale River as determined by mutual agreement between the Native parties;
 - b) the James Bay Crees of Fort George shall have the right to harvest in the area north of the 55th parallel presently used by the James Bay Crees of Fort George as determined by mutual agreement between the Native parties.

- 24.12.7 Within the James Bay Cree area of primary interest, the Inuit of Québec shall have the following rights:
- a) the Inuit of Great Whale River shall have the right to harvest in the area south of the 55th parallel of latitude presently used by the Inuit of Great Whale River as determined by mutual agreement between the Native parties;
 - b) the Inuit of Fort George shall have the right to harvest in the area south of the 55th parallel of latitude presently used by the Inuit of Fort George as determined by mutual agreement between the Native parties.
- 24.12.8 For the purposes of the voting procedure of the Coordinating Committee established by sub-paragraph 24.4.4 f), matters shall be deemed of common interest to the James Bay Crees and the Inuit of Québec when they involve:
- a) territorial areas of common interest as set forth in the foregoing paragraphs;
 - b) discussion or consideration by the Coordinating Committee of a matter relating to a specific area within the area of primary interest of one of the Native parties but which, at the same time, involves a wildlife resource harvested by both the James Bay Crees and the Inuit of Québec or a matter related to such wildlife resource and any decision or recommendation by the Coordinating Committee in connection therewith which would affect the rights conferred by this Section in favour of the other Native party.
 - c) matters of general interest pertaining to the entire Territory.
- 24.12.9 The Native parties may from time to time by mutual agreement modify the provisions of this Sub-Section.
- 24.13 Migratory Birds and Marine Mammals
- 24.13.1 The Hunting, Fishing and Trapping Regime established by and in accordance with this Section shall apply to migratory birds and marine mammals.
- 24.13.2 Within its responsibility for the management of migratory bird populations, Canada shall forthwith upon the execution of the Agreement endeavour to obtain a modification or amendment to the Migratory Birds Convention and/or to the application of the said Convention in and to the Territory or to the Native people in the Territory to eliminate to the extent possible all conflicts with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section and in particular, subject to the principle of conservation, to eliminate to the extent possible any conflict with the right of the Native people to harvest at all times of the year all 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.
- 24.13.3 Subject to paragraphs 24.14.1 and 24.14.2 Canada shall forthwith upon the execution of the Agreement take all reasonable measures to modify or

amend any particular provisions of the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or the Regulations pursuant thereto which conflict or are incompatible with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section.

- 24.13.4 Nothing in paragraph 24.14.2 and 24.14.3 shall be construed as constituting an amendment or an undertaking by Canada to amend the Migratory Birds Convention Act or regulations thereunder in such a way that Canada violates its obligations under the Migratory Birds Convention.
- 24.13.5 Subject to paragraph 24.14.1, Canada shall forthwith upon the execution of the Agreement take all reasonable measures within the limit of its jurisdiction with respect to fisheries and marine mammals, to modify or amend the particular provisions of the Fisheries Act (R.S.C. 1970, c. F-14) and the regulations pursuant thereto, the Whaling Convention Act (R.S.C. 1970, c. W-8) and the regulations pursuant thereto and any other legislation and regulations which conflict or are incompatible with the Hunting, Fishing and Trapping Regime established by and in accordance with this Section, provided that nothing in this paragraph shall require Canada to amend any legislation in such a way that Canada would breach any international treaty obligations.
- 24.13.6 Nothing in the Agreement and in particular in this Section of the Agreement shall be construed to them of article 2 of the Migratory Birds Convention or the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or any other legislation in so far as such legislation incorporates or refers to the said article 2.
- 24.13.7 Nothing in the Agreement and in particular this Section of the Agreement shall be construed as constituting recognition by Canada that article 2 of the Migratory Birds Convention Act (R.S.C. 1970, c. M-12) or any other legislation insofar as such legislation incorporates or refers to the said article 2 does not apply to the Native people, it being the position of Canada, that on the contrary, the said Convention and the said Act do apply to the Native people. Subject to the provisions of the Agreement the James Bay Crees and the Inuit of Québec, may avail themselves of any right or resources, if any, in respect to migratory birds which they may have after the coming into force of the Agreement.
- 24.14 Amendment Clause
- 24.14.1 Except as otherwise provided for in this Section, the provisions of this Section may be amended with the consent of Québec and the interested Native party in matters of provincial jurisdiction and with the consent of Legislation giving effect to such amendment, if required, shall be enacted only by the National Assembly on matters of provincial jurisdiction and only by Parliament on matters of federal jurisdiction.

24.15 Transitional Measures

- 24.15.1 In addition to the transitional measures provided for in Section 2 of the Agreement the parties to the Coordinating Committee referred to in paragraphs 24.4.2 and 24.4.3 shall within two (2) months of the execution of the Agreement appoint their respective members to the Coordinating Committee. Québec shall convoke the first meeting of the Coordinating Committee within three (3) months of the execution of the Agreement.
- 24.15.2 During the transitional period the Coordinating Committee shall operate on an informal basis.
- 24.15.3 The Coordinating Committee shall give priority attention to the continuation and funding requirements of the Research to Establish Present Levels of Native Harvesting projects and shall supervise the said studies.
- 24.15.4 The Société de développement de la Baie James shall continue to serve of the parties involved in the research, subject to appropriate arrangements that may be made from time to time.

APPENDIX 3

APPENDIX 3

Native Questionnaire

Questionnaire # _____

Outfitter Questionnaire

Outfitter: _____

Respondent: _____

Telephone: (____) _____

Fax: (____) _____

1. How many years has the outfitting business which you now own been operating? _____ years

2. How many years have you operated the business? _____ years

3. Please check each category of land your business operates on?

- ____ a. Category I
- ____ b. Category II
- ____ c. Category III

Please circle the appropriate qualifier and give an explanation if you feel this is necessary

4. Your capability to operate an outfitter anywhere in Northern Québec has _____ the growth of your outfitter business.

- a. Hampered
- b. Not affected
- c. Helped
- d. Do not know

Why? _____

5. When you decided to start/purchase your outfitting business, did the existence of the 7 of 10 rule _____ the start of your outfitter business.

- a. Facilitate
- b. Did not affect
- c. Hinder
- d. Do not know

Why? _____

6. This question is subdivided into two parts.		
	Part One	Part Two
	<p>Please rate the influence of the following factors on your outfitting business by circling the appropriate number using the scale.</p> <p>1. Very negative; 2. negative; 3. Neutral; 4. Positive; 5. Very positive; 9. Does not apply</p>	<p>Using the factors that you identified as very positive or 5 and very negative or 1 in the first part, please ONLY rank the current influence of <u>these</u> factors, one against the other, on your outfitting business from the strongest influence to the weakest influence.(1: being the strongest influence; 2: being the second strongest and so on).</p>
Factors	Rating Scale	Ranking
Exclusive access to Category II land	1-----2-----3-----4-----5-----9	_____
Priority access to Category III land	1-----2-----3-----4-----5-----9	_____
Going through the Coordinating Committee for the start of the business	1-----2-----3-----4-----5-----9	_____
Going through the Coordinating Committee for expansion	1-----2-----3-----4-----5-----9	_____
Your use of mobile camps	1-----2-----3-----4-----5-----9	_____
The use of mobile camps by other outfitters	1-----2-----3-----4-----5-----9	_____
The competition from other New Québec Outfitters	1-----2-----3-----4-----5-----9	_____
Size of the caribou herd	1-----2-----3-----4-----5-----9	_____
Caribou harvest limits	1-----2-----3-----4-----5-----9	_____
Fish species present	1-----2-----3-----4-----5-----9	_____
Fish harvesting limits	1-----2-----3-----4-----5-----9	_____
Resident license fees	1-----2-----3-----4-----5-----9	_____
Non-Resident license fees	1-----2-----3-----4-----5-----9	_____

Marketing of outfitting by provincial government to residents	1-----2-----3-----4-----5-----9	_____
Marketing of outfitting by provincial government to non-residents	1-----2-----3-----4-----5-----9	_____
Available transportation means to the outfitters for clients	1-----2-----3-----4-----5-----9	_____
Regulations imposed by the "Ministère de l'environnement et de la faune"	1-----2-----3-----4-----5-----9	_____
Provincial and Federal goods and services tax	1-----2-----3-----4-----5-----9	_____
Other: _____ _____ _____	1-----2-----3-----4-----5-----9	_____

7. Please rate the influence of the following factors on you starting or buying your outfitting business using the following scale.

1. Very Unimportant; 2. Unimportant; 3. Neither; 4. Important; 5. Very Important

- a. Available territory
<-----1-----2-----3-----4-----5----->
- b. Profit potential
<-----1-----2-----3-----4-----5----->
- c. Knowledge of hunting and fishing
<-----1-----2-----3-----4-----5----->
- d. Desire to work outdoors
<-----1-----2-----3-----4-----5----->
- e. Desire to work in the hospitality industry
<-----1-----2-----3-----4-----5----->
- f. An occupation at which one can make a living in "Nouveau-Québec"
<-----1-----2-----3-----4-----5----->
- g. Desire to own a business
<-----1-----2-----3-----4-----5----->
- h. Continue in the family business
<-----1-----2-----3-----4-----5----->
- i. Other: _____
<-----1-----2-----3-----4-----5----->

8. How many employees does your outfit employ in 1997? _____ # empl.
9. What was your gross revenue in 1997? _____ \$
10. What were your profits, after taxes and other expenses, for 1997? _____ \$
11. How many clients came to your outfitters' in 1997? _____ # clients
12. What was the average length of stay for your clients in 1997? _____ # days
13. How many caribou were harvested at your outfitters' in 1997? _____ # caribou
14. What other wildlife species, other than caribou, were harvested? Please check all that apply.

- _____ a. moose
- _____ b. black bear
- _____ c. waterfowl
- _____ d. brook trout
- _____ e. lake trout
- _____ f. arctic charr
- _____ g. salmon
- _____ h. other: _____

15. a. What effect do you think the James and Northern Québec Agreement had on **YOUR** outfitting business since 1975 (the year it was agreed upon)?

- b. What effect do you think the James and Northern Québec Agreement has had on outfitting **AS A WHOLE** since 1975?

- c. If there was one thing about the agreement that you could change, what would it be?

- d. If there is one thing about the agreement you would keep the same, what would it be?

16 Are you interested in receiving a summary of the results of this study?

- Yes
 No

THANK YOU!!

Please return the questionnaire in the pre-paid envelope enclosed. If the envelope and cover letter are lost, our mailing address is:

**Denis Auger, Assistant Professor
Department of Leisure Studies
University of Ottawa
PO Box 450, Stn A
Ottawa, ON
K1N 6N5**

If you have any questions, please contact:

Denis Auger, University of Ottawa (613) 562-5855

If you have any further comments, please put them below and/or on the back.

APPENDIX 4

APPENDIX 4

Non-Native Questionnaire

Questionnaire # _____

Outfitter Questionnaire

Outfitter: _____
Respondent: _____
Telephone: () _____
Fax: () _____

1 How many years has the outfitting business which you now own been operating? _____ years

2 How many years have you operated the business? _____ years

3 Please check each category of land your business operates on?

- ___ a. Category I
- ___ b. Category II
- ___ c. Category III

Please circle the appropriate qualifier and give an explanation if you feel this is necessary.

4 The limited access to category II territory has _____ the growth of your outfitter business.

a. Hampered b. Not affected c. Helped d. Do not know

Why? _____

5 When you decided to start or purchase your outfitting business, did submitting your application to the Coordinating Committee and interested native parties _____ the start of your outfitter business.

a. Facilitate b. Did not affect c. Hinder d. Do not know

Why? _____

6 When you decided to start/purchase your outfitting business, did the existence of the 7 of 10 rule _____ the start of your outfitter business

a. Facilitate b. Did not affect c. Hinder d. Do not know

Why? _____

7. This question is subdivided into two parts.		
	Part One	Part Two
	Please rate the influence of the following factors on your outfitting business by circling the appropriate number using the scale. 1. Very negative; 2. negative; 3. Neutral; 4. Positive; 5. Very positive; 9. Does not apply	Using the factors that you identified as very positive or 5 and very negative or 1 in the first part, ONLY rank the current influence of <u>these</u> factors, one against the other, on your outfitting business from the strongest influence to the weakest influence. (1: being the strongest influence; 2: being the second strongest and so on).
Factors	Rating Scale	Ranking
Restricted access to Category II land	1-----2-----3-----4-----5-----9	_____
Restricted access to Category III land	1-----2-----3-----4-----5-----9	_____
Going through the Coordinating Committee for the start of the business	1-----2-----3-----4-----5-----9	_____
Going through the Coordinating Committee for expansion	1-----2-----3-----4-----5-----9	_____
Your use of mobile camps	1-----2-----3-----4-----5-----9	_____
The use of mobile camps by other outfitters	1-----2-----3-----4-----5-----9	_____
The competition from other New Québec Outfitters	1-----2-----3-----4-----5-----9	_____
Size of the caribou herd	1-----2-----3-----4-----5-----9	_____
Caribou harvest limits	1-----2-----3-----4-----5-----9	_____

Fish species present	1-----2-----3-----4-----5-----9	_____
Fish harvesting limits	1-----2-----3-----4-----5-----9	_____
Resident license fees	1-----2-----3-----4-----5-----9	_____
Non-Resident license fees	1-----2-----3-----4-----5-----9	_____
Marketing of outfitting by provincial government to residents	1-----2-----3-----4-----5-----9	_____
Marketing of outfitting by provincial government to non-residents	1-----2-----3-----4-----5-----9	_____
Available transportation means to the outfitters for clients	1-----2-----3-----4-----5-----9	_____
Regulations imposed by the "Ministère de l'environnement et de la faune"	1-----2-----3-----4-----5-----9	_____
Provincial and Federal goods and services tax	1-----2-----3-----4-----5-----9	_____
Other: _____ _____ _____	1-----2-----3-----4-----5-----9	_____

8. Please rate the influence of the following factors on you starting or buying your outfitting business using the following scale.

1. Very Unimportant; 2. Unimportant; 3. Neither; 4. Important; 5. Very Important

- a. Available territory
<-----1-----2-----3-----4-----5----->
- b. Profit potential
<-----1-----2-----3-----4-----5----->
- c. Knowledge of hunting and fishing
<-----1-----2-----3-----4-----5----->
- d. Desire to work outdoors
<-----1-----2-----3-----4-----5----->
- e. Desire to work in the hospitality industry
<-----1-----2-----3-----4-----5----->
- f. An occupation at which one can make a living in "Nouveau-Québec"
<-----1-----2-----3-----4-----5----->
- g. Desire to own a business
<-----1-----2-----3-----4-----5----->

- h. Continue in the family business
 <-----1-----2-----3-----4-----5----->
- i. Other: _____
 <-----1-----2-----3-----4-----5----->

9. How many employees does your outfit employ in 1997? _____ # empl.
10. What was your gross revenue in 1997? _____ \$
11. What were your profits, after taxes and other expenses, for 1997? _____ \$
12. How many clients came to your outfitters' in 1997? _____ # clients
13. What was the average length of stay for your clients in 1997? _____ # days
14. How many caribous were harvested at your outfitters' in 1997? _____ # caribou
15. What other wildlife species, other than caribou, were harvested? Please check all that apply.

- _____ a. moose
- _____ b. black bear
- _____ c. waterfowl
- _____ d. brook trout
- _____ e. lake trout
- _____ f. arctic charr
- _____ g. salmon
- _____ h. other: _____

- 16 a. What effect do you think the James and Northern Québec Agreement had on **YOUR** outfitting business since 1975 (the year it was agreed upon)?

b. What effect do you think the James and Northern Québec Agreement has had on outfitting **AS A WHOLE** since 1975?

c. If there was one thing about the agreement that you could change, what would it be?

d. If there is one thing about the agreement you would keep the same, what would it be?

17 Are you interested in receiving a summary of the results of this study?

- Yes
- No

THANK YOU!!

Please return the questionnaire in the pre-paid envelope enclosed. If the envelope and cover letter are lost, my mailing address is:

**Denis Auger, Assistant Professor
Department of Leisure Studies
University of Ottawa
PO Box 450, Stn A
Ottawa, ON
K1N 6N5**

If you have any questions, please contact:

Denis Auger, University of Ottawa (613) 562-5855

If you have any further comments, please put them below and/or on the back.

APPENDIX 5

APPENDIX 5

French Native Questionnaire

de Questionnaire _____

Questionnaire

Pourvoyeur: _____

Répondant: _____

Téléphone: (____) _____

Fax: (____) _____

-
1. Il y a combien d'années que, la pourvoirie dont vous êtes maintenant le propriétaire, est en opération? _____ années
 2. Il y a combien de temps que vous dirigez cette pourvoirie? _____ années
 3. S.V.P. identifier chaque catégorie de terre sur laquelle votre pourvoirie opère?
 - _____ a. catégorie I
 - _____ b. catégorie II
 - _____ c. catégorie III

S.V.P. encercler le qualitatif approprié et donner une explication si vous en sentez le besoin.

4. L'accès limité au territoire de catégorie II a un effet _____ sur le développement de votre pourvoirie.
 - a. négatif
 - b. neutre
 - c. positif
 - d. ne sait pas

Pourquoi? _____

5. Lorsque vous avez pris la décision d'opérer ou d'acheter votre pourvoirie, est-ce que le fait de soumettre le projet au comité de coordination et aux groupes autochtones intéressés a eu un effet _____ sur la mise en opération de votre pourvoirie?
 - a. négatif
 - b. neutre
 - c. positif
 - d. ne sait pas

Pourquoi? _____

6. Cette question se devise en deux parties.		
	Première partie	Deuxième partie
	Identifier le niveau d'influence des facteurs suivants sur l'opération de votre pourvoirie en encerclant le numéro approprié en utilisant l'échelle 1. Très négatif; 2. Négatif; 3. Neutre; 4. Positif; 5. Très positif; 9. Ne s'applique pas	En vous servant des facteurs que vous avez identifiés comme très positifs ou 5 et très négatif ou 1 dans la première partie, ordonner, les uns par rapport aux autres, ces derniers en fonction de l'influence qu'ils ont sur votre pourvoirie du plus fort vers le plus faible (1: est le plus fort; 2: est le deuxième en importance et ainsi de suite).
	Échelle	Ordonné
Accès illimité aux territoires de catégorie II	1-----2-----3-----4-----5-----9	_____
Accès prioritaire aux territoires de catégorie III	1-----2-----3-----4-----5-----9	_____
La soumission du projet au comité de coordination avant de pouvoir opérer votre pourvoirie	1-----2-----3-----4-----5-----9	_____
La soumission du projet au comité de coordination pour le développement de la pourvoirie	1-----2-----3-----4-----5-----9	_____
Utilisation de camps mobiles	1-----2-----3-----4-----5-----9	_____
Utilisation de camps mobiles par vos compétiteurs	1-----2-----3-----4-----5-----9	_____
La compétition des autres pourvoyeurs du Nouveau-Québec	1-----2-----3-----4-----5-----9	_____
La taille du troupeau de Caribous	1-----2-----3-----4-----5-----9	_____
La limite de caribous prélevés par chasseur	1-----2-----3-----4-----5-----9	_____
Espèces de poissons sportifs	1-----2-----3-----4-----5-----9	_____

La limite de poissons à prélever	1-----2-----3-----4-----5-----9	_____
Coût des permis pour résidents	1-----2-----3-----4-----5-----9	_____
Coût des permis pour non-résidents	1-----2-----3-----4-----5-----9	_____
Marketing des pourvoies par le gouvernement provincial auprès des résidents	1-----2-----3-----4-----5-----9	_____
Marketing des pourvoies par le gouvernement provincial auprès des non-résidents	1-----2-----3-----4-----5-----9	_____
Disponibilité des moyens de transport pour les clients	1-----2-----3-----4-----5-----9	_____
Règlement imposé par le Ministère de l'environnement et de la faune	1-----2-----3-----4-----5-----9	_____
Taxe Provinciale et Fédérale	1-----2-----3-----4-----5-----9	_____
Autre: _____	1-----2-----3-----4-----5-----9	_____

7 S.V.P. identifier le niveau d'influence des facteurs suivants sur l'achat ou la mise en opération de votre pourvoirie en encerclant le numéro approprié.

1. Sans aucune importance; 2. Sans importance; 3. Neutre; 4. Important; 5. Très Important

- a. Disponibilité du territoire
<-----1-----2-----3-----4-----5----->
- b. Possibilité de faire des profits
<-----1-----2-----3-----4-----5----->
- c. Connaissance du monde de la chasse et de la pêche
<-----1-----2-----3-----4-----5----->
- d. Désire de travailler en plein-air
<-----1-----2-----3-----4-----5----->
- e. Désire de travailler dans l'industrie des services
<-----1-----2-----3-----4-----5----->
- f. Une façon de gagner sa vie au Nouveau-Québec
<-----1-----2-----3-----4-----5----->
- g. Désire d'être propriétaire de votre propre entreprise
<-----1-----2-----3-----4-----5----->
- h. Continuer dans l'entreprise familiale
<-----1-----2-----3-----4-----5----->

i Autre: _____
<-----1-----2-----3-----4-----5----->

8. Combien d'employés travaillaient pour votre pourvoirie en 1997 ? _____ # empl.
9. Quels étaient vos revenus nets en 1997? _____ \$
10. Quels étaient vos profits, après taxes et dépenses, en 1997? _____ \$
11. Combien de clients sont venus à votre pourvoirie en 1997? _____ # clients
12. En moyenne, durant combien de jours est-ce que vos clients sont-ils restés à votre pourvoirie en 1997? _____ # jours
13. Combien de caribous ont été récoltés à votre pourvoirie en 1997? _____ caribous
14. À part le caribou, quelles autres espèces sont récoltées à votre pourvoirie? S.V.P. identifier toutes les espèces qui s'appliquent.

- _____ a. orignal
- _____ b ours
- _____ c sauvagine
- _____ d omble de fontaine (truite moucheté)
- _____ e truite grise
- _____ f omble chevalier
- _____ g saumon
- _____ h. autre: _____

- 15 a. Selon vous, quels ont été les effets de la Convention de la Baie-James et du Nouveau-Québec sur votre pourvoirie depuis 1975 (l'année de l'adoption de la convention)?

b. Selon vous, quels ont été les effets de la Convention de la Baie-James et du Nouveau-Québec sur les pourvoies depuis 1975?

c. Si vous aviez la possibilité de modifier une chose à la Convention, que changeriez vous?

d. S'il y a une chose de la Convention que vous ne changeriez pas, quelle serait-elle?

16 Êtes-vous intéressé à recevoir un résumé des résultats de cette étude?

- Oui
- Non

Merci!!!

S.V.P. retourner le questionnaire dans l'enveloppe. Si l'enveloppe et la lettre sont égarées, mon adresse est:

**Denis Auger, Professeur Adjoint
Département des Sciences du Loisir
Université d'Ottawa
C.P. 450, Succ A
Ottawa, ON
K1N 6N5**

Si vous avez des questions, n'hésitez pas à me contacter:

Denis Auger, Université d'Ottawa (613) 562-5855

Si vous avez d'autres commentaires, S.V.P. utiliser l'espace ci-dessous et le verso.

APPENDIX 6

APPENDIX 6

French Non-Native Questionnaire

de Questionnaire _____

Questionnaire

Pourvoyeur: _____

Répondant: _____

Téléphone: (_____) _____

Fax: (_____) _____

-
1. Il y a combien d'années que, la pourvoirie dont vous êtes maintenant le propriétaire, est en opération? _____ années
 2. Il y a combien de temps que vous dirigez cette pourvoirie? _____ années
 3. S.V.P. identifier chaque catégorie de terre sur laquelle votre pourvoirie opère.
 - _____ a. catégorie I
 - _____ b. catégorie II
 - _____ c. catégorie III

S.V.P. encercler le qualitatif approprié et donner une explication si vous en sentez le besoin.

4. L'accès limité au territoire de catégorie II a un effet _____ sur le développement de votre pourvoirie.

a. négatif b. neutre c. positif d. ne sait pas

Pourquoi? _____

5. Lorsque vous avez pris la décision de partir ou d'acheter votre pourvoirie, est-ce que le fait de soumettre le projet au comité de coordination et aux groupes autochtones intéressés a eu un effet _____ sur la mise en opération de votre pourvoirie?

a. négatif b. neutre c. positif d. ne sait pas

Pourquoi? _____

6 Lorsque vous avez pris la décision de partir ou d'acheter votre pourvoirie, est-ce que l'existence du règlement 7 de 10 a _____ la mise en opération de votre pourvoirie?

- a. Facilité b. N'a pas eu d'effet c. Fait obstacle au d. ne sait pas

Pourquoi? _____

7. Cette question se devise en deux parties.		
	Première partie	Deuxième partie
	Identifier le niveau d'influence des facteurs suivants sur l'opération de votre pourvoirie en encerclant le numéro approprié en utilisant l'échelle 1. Très négatif; 2. Négatif; 3. Neutre; 4. Positif; 5. Très positif; 9. Ne s'applique pas	En vous servant des facteurs que vous avez identifiés comme très positifs ou 5 et très négatif ou 1 dans la première partie, ordonner, les uns par rapport aux autres, ces derniers en fonction de l'influence qu'ils ont sur votre pourvoirie du plus fort vers le plus faible (1: est le plus fort; 2: est le deuxième en importance et ainsi de suite).
	Échelle	Ordonné
Accès limité aux territoires de catégorie II	1----2----3----4----5----9	_____
Accès limité aux territoires de catégorie III	1----2----3----4----5----9	_____
La soumission du projet au comité de coordination avant de pouvoir opérer votre pourvoirie	1----2----3----4----5----9	_____
La soumission du projet au comité de coordination pour le développement de la pourvoirie	1----2----3----4----5----9	_____
Utilisation de camps mobiles	1----2----3----4----5----9	_____
Utilisation de camps mobiles par vos compétiteurs	1----2----3----4----5----9	_____

La compétition des autres pourvoyeurs du Nouveau-Québec	1-----2-----3-----4-----5-----9	_____
La taille du troupeau de Caribous	1-----2-----3-----4-----5-----9	_____
La limite de caribous prélevés par chasseur	1-----2-----3-----4-----5-----9	_____
Espèces de poissons sportifs	1-----2-----3-----4-----5-----9	_____
La limite de poissons à prélever	1-----2-----3-----4-----5-----9	_____
Coût des permis pour résidents	1-----2-----3-----4-----5-----9	_____
Coût des permis pour non-résidents	1-----2-----3-----4-----5-----9	_____
Marketing des pourvoies par le gouvernement provincial auprès des résidents	1-----2-----3-----4-----5-----9	_____
Marketing des pourvoies par le gouvernement provincial auprès des non-résidents	1-----2-----3-----4-----5-----9	_____
Disponibilité des moyens de transport pour les clients	1-----2-----3-----4-----5-----9	_____
Règlement imposé par le Ministère de l'environnement et de la faune	1-----2-----3-----4-----5-----9	_____
Taxe Provinciale et Fédérale	1-----2-----3-----4-----5-----9	_____
Autre: _____	1-----2-----3-----4-----5-----9	_____

8. S.V.P. identifier le niveau d'influence des facteurs suivants sur l'achat ou la mise en opération de votre pourvoirie en encerclant le numéro approprié.

1. Sans aucune importance; 2. Sans importance; 3. Neutre; 4. Important; 5. Très Important

- a. Disponibilité du territoire
 <-----1-----2-----3-----4-----5----->
- b. Possibilité de faire des profits
 <-----1-----2-----3-----4-----5----->
- c. Connaissance du monde de la chasse et de la pêche
 <-----1-----2-----3-----4-----5----->

- d. Désire de travailler en plein-air
 <-----1-----2-----3-----4-----5----->
- e. Désire de travailler dans l'industrie des services
 <-----1-----2-----3-----4-----5----->
- f. Une façon de gagner sa vie au Nouveau-Québec
 <-----1-----2-----3-----4-----5----->
- g. Désire d'être propriétaire de votre propre entreprise
 <-----1-----2-----3-----4-----5----->
- h. Continuer dans l'entreprise familiale
 <-----1-----2-----3-----4-----5----->
- i. Autre: _____
 <-----1-----2-----3-----4-----5----->

- 9. Combien d'employés travaillaient pour votre pourvoirie en 1997 ? _____ # empl.
- 10. Quels étaient vos revenus nets en 1997? _____ \$
- 11. Quels étaient vos profits, après taxes et dépenses, en 1997? _____ \$
- 12. Combien de clients sont venus à votre pourvoirie en 1997? _____ # clients
- 13. En moyenne, durant combien de jours est-ce que vos clients sont-ils restés à votre pourvoirie en 1997? _____ # jours
- 14. Combien de caribous ont été récoltés à votre pourvoirie en 1997? _____ caribous
- 15. À part le caribou, quelles autres espèces sont récoltées à votre pourvoirie? S.V.P. identifier toutes les espèces qui s'appliquent.

- _____ a. orignal
- _____ b ours
- _____ c sauvagine
- _____ d omble de fontaine (truite moucheté)
- _____ e truite grise
- _____ f omble chevalier
- _____ g saumon
- _____ h. autre: _____

- 16 a. Selon vous, quels ont été les effets de la Convention de la Baie-James et du Nouveau-Québec sur votre pourvoirie depuis 1975 (l'année de l'adoption de la convention)?

b. Selon vous, quels ont été les effets de la Convention de la Baie-James et du Nouveau-Québec sur les pourvoiries depuis 1975?

c. Si vous aviez la possibilité de modifier une chose à la Convention, que changeriez vous?

d. S'il y a une chose de la Convention que vous ne changeriez pas, quelle serait-elle?

17 Êtes-vous intéressé à recevoir un résumé des résultats de cette étude?

Oui
 Non

Merci!!!

S.V.P. retourner le questionnaire dans l'enveloppe. Si l'enveloppe et la lettre sont égarées, mon adresse est:

**Denis Auger, Professeur Adjoint
Département des Sciences du Loisir
Université d'Ottawa
C.P. 450, Succ A
Ottawa, ON
K1N 6N5**

Si vous avez des questions, n'hésitez pas à me contacter:

Denis Auger, Université d'Ottawa (613) 562-5855

Si vous avez d'autres commentaires, S.V.P. utiliser l'espace ci-dessous et le verso.

APPENDIX 7

APPENDIX 7

Questions used during the interview with the experts (M. Parent and M. Dépatie) from the Ministry of Environment and Fauna's Department of Northern Affairs and Development.

- 1 What impact has the JBNQA had on native outfitting in Nouveau-Québec?
- 2 What impact has the JBNQA had on non-native outfitting in Nouveau-Québec?
- 3 How has the JBNQA impacted the development of outfitting in Nouveau-Québec?
- 4 What factors besides the JBNQA have had an impact on outfitting in Nouveau-Québec?

APPENDIX 8

“Date”

“Organization”

“Address”

“Address”

Dear **“Name Manager”**:

The Department of Leisure Studies at the University of Ottawa is conducting a study of the impact of the James Bay and Northern Quebec Agreement and other factors on outfitting. As you know, outfitting and guiding have important economic, recreational and wildlife management implications for the province of Quebec.

Since the agreement was executed, no comprehensive study has been conducted that describes this impact. This study is designed to fill that void of knowledge. To do this we need your help. You are the person who best understands the Act’s impact on your business.

You will find enclosed a short questionnaire (about 5 minutes to complete). Please answer the questions at your earliest convenience and return it in the postage paid envelope enclosed. If you are interested in the results of this study, please answer yes on the appropriate question in the questionnaire and a summary of the results will be sent to you. Your name will not be connected with any published results of this study and any information you provide will be treated with the strictest confidentiality. While your participation is voluntary, it will be of great value to assess the impact of the Act and in guiding similar negotiations and agreements in the future.

Thank you for your consideration. If you have any questions, please contact me at (613) 562-5855.

Sincerely,

Denis Auger,
Assistant Professor
University of Ottawa

APPENDIX 9

“Date”

“Organization”

“Address”

“Address”

M. ou Mme **“Name Manager”**,

Le Département des Sciences du Loisir de l'Université d'Ottawa dirige une étude sur l'impact de la Convention de la Baie James et du Nouveau-Québec et de certains autres facteurs sur l'opération des pourvoies. Comme vous le savez, les pourvoies ont des implications importantes sur la gestion faunique ainsi que sur les valeurs économiques et récréatives pour la province de Québec.

Depuis l'approbation de la Convention, il n'a pas eu d'étude compréhensive sur cet impact. Cette étude a pour but de combler ce vide dans les connaissances. Pour faire ceci nous avons besoin de votre aide, puisque vous êtes la personne la mieux placée pour expliquer l'impact de la convention sur votre pourvoie.

Vous trouverez ci-joint un petit questionnaire (il ne devrait pas prendre plus de 5 minutes à remplir). S'il-vous-plaît remplir ce questionnaire et le retourner dans l'enveloppe préaffranchit fournie avec le questionnaire. Si vous êtes intéressé aux résultats de l'étude, s'il-vous-plaît répondre “oui” à la question appropriée dans le questionnaire et un résumé de l'étude vous sera acheminé. Toutes informations que vous nous donnerez seront traitées avec la plus grande confidentialité. Bien que votre participation à cette étude ce fasse volontairement, elle sera très utile pour évaluer l'impact de la convention et elle aidera à guider des négociations et des conventions dans le futur.

Merci, à l'avance, de votre bonne coopération. Si vous avez besoin de plus d'informations, n'hésitez pas à me contacter au (613) 562-5855.

Veillez accepter mes sentiments les plus sincères,

Denis Auger,
Professeur adjoint
Université d'Ottawa

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