

chapter R-13.1

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

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TITLE I

INTERPRETATION

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

(a) “local government” means, in Category IA lands, one of the bands, within the meaning of the Indian Act (R.S.C. 1985, c. I-5), of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its constitution as a corporation as provided for in Section 9 of the Agreement and, thereafter, this corporation; in Category IB lands, one of the Cree landholding corporations created pursuant to section 2;

(a.1) “Naskapi local government” means, in Category IA-N lands, the band, within the meaning of the Indian Act, called the Naskapis de Schefferville, until its constitution as a corporation as provided for in section 7 of the Northeastern Québec Agreement and, thereafter, this corporation; in Category IB-N lands, the Naskapi Landholding Corporation created pursuant to section 7.1;

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

(c) “band” means one of the bands, within the meaning of the Indian Act, of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its constitution as a corporation as provided for in section 9 of the Agreement and, thereafter, this corporation;

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

(d) “beneficiary”, “Cree beneficiary”, “Inuit beneficiary” and “Naskapi beneficiary” have the meaning ascribed to these expressions by the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);

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

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

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

(g) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), and Complementary Agreements Nos 1, 3 and 4 tabled in the National Assembly on 18 April and 19 October 1978, respectively, as Sessional Papers, Nos 114 and 387;

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

(h) *(paragraph repealed)*;

(i) *(paragraph repealed)*;

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

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

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

(l) “territory” has the meaning ascribed to this word, except where it refers to the territory of a municipality, by the Act respecting Cree, Inuit and Naskapi Native persons;

(m) “Cree village” means a Cree village constituted by The Cree Villages and the Naskapi Village Act (chapter V-5.1);

(n) “Naskapi village” means the Naskapi Village of Kawawachikamach constituted by The Cree Villages and the Naskapi Village Act;

(o) “northern village” means a northern village constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

1978, c. 93, s. 1; 1979, c. 25, s. 20; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 1996, c. 2, s. 868; 1999, c. 40, s. 252; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2013, c. 19, s. 91.

TITLE II

LANDHOLDING CORPORATIONS

2. Cree landholding corporations are incorporated under the names of Corporation foncière de Mistassini, Corporation foncière de Waswanipi, Corporation foncière de Némiscau, Corporation foncière de Fort-Rupert, Corporation foncière de Eastmain, Corporation foncière de Nouveau-Comptoir (Wemindji), Corporation foncière de Chisasibi and Corporation foncière de Poste-de-la Baleine.

These corporations may also be designated by the names, in Cree, of Mistassini Ahschee Ahtabewowseenanooch, Waswanipi Ahschee Ahtabewowseenanooch, Nemiscau Ahschee Ahtabewowseenanooch, Waskagheganish Ahschee Ahtabewowseenanooch, Easman Ahschee Ahtabewowseenanooch, Wemindji Ahschee Ahtabewowseenanooch, Chisasibi Ahschee Ahtabewowseenanooch, Whapmagoostoo Ahschee Ahtabewowseenanooch and, in English of Mistassini Landholding Corporation, Waswanipi Landholding Corporation, Nemaska Landholding Corporation, Rupert House Landholding Corporation, Eastmain Landholding Corporation, Paint Hills (Wemindji) Landholding Corporation, Chisasibi Landholding Corporation and Great Whale River Landholding Corporation.

1978, c. 93, s. 2.

3. The Cree beneficiaries of each of the Cree communities of Mistassini, Waswanipi, Nemaska, Rupert House, Eastmain, Paint Hills, Fort George and Great Whale River are automatically and exclusively the members of the Cree landholding corporations incorporated pursuant to section 2.

1978, c. 93, s. 3.

4. The object of each of the landholding corporations incorporated pursuant to section 2 is to receive and to hold, in full ownership, the Category IB lands. As such, it administers them and it may grant rights upon them in accordance with this Act but it shall not sell or cede them except to the Government. Furthermore, it exercises the other functions vested in it by other Acts.

1978, c. 93, s. 4.

5. Inuit landholding corporations are incorporated under the names of Corporation foncière de Fort-George, Corporation foncière de Kuujjuarapik, Corporation foncière d’Umiujaq, Corporation foncière de Inoucdjouac, Corporation foncière de Povungnituk, Corporation foncière de Akulivik, Corporation foncière de Ivujivik, Corporation foncière de Saglouc, Corporation foncière de Maricourt (Wakeham), Corporation foncière de Koartac, Corporation foncière de Bellin (Payne), Corporation foncière de Aupaluk, Corporation foncière de Tasiujaq, Corporation foncière de Fort Chimo, Corporation foncière de Port Nouveau-Québec and Corporation foncière de Killiniq (Port-Burwell).

These corporations may also be designated, in English and in Inuttituut, by the names determined by order of the Government upon the recommendation of the interested landholding corporations.

1978, c. 93, s. 5; 2003, c. 7, s. 1.

6. The Inuit beneficiaries of each of the Inuit communities of Fort George, Great Whale River, Umiujaq, Inoucdjouac, Povungnituk, Akulivik, Ivujivik, Sagluc, Maricourt (Wakeham), Koartac, Bellin (Payne), Aupaluk, Tasiujaq, Fort Chimo, Port Nouveau-Québec and Killiniq (Port-Burwell) are automatically and exclusively the members of the Inuit landholding corporations incorporated pursuant to section 5.

1978, c. 93, s. 6; 2003, c. 7, s. 2.

7. The object of each of the landholding corporations incorporated pursuant to section 5 is to receive and to hold, in full ownership, the Category I lands contemplated in section 109. As such, it administers them and it may grant rights upon them in accordance with this Act, but it shall not sell or cede them except to the Government. Furthermore, it exercises the other functions vested in it by other Acts.

1978, c. 93, s. 7.

7.1. A Naskapi landholding corporation is incorporated under the name of the Corporation foncière naskapie de Schefferville.

This corporation may also be designated under the name, in Naskapi, of NASKAPI ISCHEEOW KATIPPIETOUCH and, in English, of Naskapi Landholding Corporation of Schefferville.

1979, c. 25, s. 21.

7.2. The Naskapi beneficiaries are automatically and exclusively members of the Naskapi Landholding Corporation incorporated under section 7.1.

1979, c. 25, s. 21.

7.3. The object of the Naskapi Landholding Corporation incorporated pursuant to section 7.1 is to receive and to hold, in full ownership, the Category IB-N lands. As such, it administers them and it may grant rights upon them in accordance with this Act, but it shall not sell or cede them except to the Government. Furthermore, it exercises the other functions vested in it by other Acts.

1979, c. 25, s. 21.

8. The landholding corporation has its head office at a place within Category I lands or, in the case of the Naskapi Landholding Corporation, at a place within Category I-N lands, fixed by its board of directors.

1978, c. 93, s. 8; 1979, c. 25, s. 22.

9. The landholding corporation is a non-profit association, without share capital and without pecuniary gain to its members; it is governed, subject to the incompatible provisions of this Act, by Part III of the Companies Act (Revised Statutes, 1964, chapter 271) as it existed on 31 January 1979, except that the enumeration in section 220 of the said Act of the sections which do not apply to the landholding corporation reads as follows: 1 to 28; subparagraph *q* of section 29; 34 to 40; 42 to 73; 76 to 81; subsections 1, 2 and 3 of 83; paragraphs *a* and *b* of subsection 2 of 88; 90 and 91; paragraphs *j* and *k* of subsection 3 of 95; subsection 4 of 98; 99 and 100; paragraphs *d* and *e* of subsection 1, and subsection 2 of 101; 116 and 117; 119.

1978, c. 93, s. 9.

10. The first general meeting of the members of the landholding corporation shall be convened by five members of the age of majority of the said landholding corporation within six months from 31 January 1979. The Minister may extend this time limit.

1978, c. 93, s. 10; 1999, c. 40, s. 252.

11. A board of directors, composed of a minimum of three and a maximum of 12 members elected from among the members of the age of majority of the landholding corporation, shall administer the business of the landholding corporation.

The eligibility of a member to the board of directors of the Naskapi Landholding Corporation is, furthermore, subject to the relevant provisions of subsection 20.28 of the Northeastern Québec Agreement.

1978, c. 93, s. 11; 1979, c. 25, s. 23.

12. Until the election of the first board of directors, the council of the Cree village shall administer the affairs of the landholding corporation incorporated pursuant to section 2, the directors of the community council of each of the Inuit communities shall administer the affairs of the landholding corporation incorporated pursuant to section 5, and the council of the Naskapi village shall administer the affairs of the landholding corporation incorporated pursuant to section 7.1.

1978, c. 93, s. 12; 1979, c. 25, s. 24; 1996, c. 2, s. 869.

13. The decisions of the board of directors of the landholding corporation relating to the subject matters contemplated in sections 25, 28, 29, 37, 38, 41, 43, 48, 53, 56, 58, 116, 120, 128, 129, 135, 140, 145, 191.9, 191.12, 191.13, 191.21, 191.22, 191.25, 191.27, 191.31, 191.35, 191.38 and 191.40 shall be submitted for approval to the members of the corporation.

Rights granted pursuant to section 25, 116 or 191.9 for a five year term or less shall not be subject to the approval of the members of the corporation.

The board of directors shall, by by-law, determine the terms and conditions for approval by the members. This by-law shall be submitted for approval to the members at a special general meeting called for this purpose and be ratified by a vote of at least 65% of the members of the age of majority present and having voted on this by-law.

1978, c. 93, s. 13; 1979, c. 25, s. 25.

14. The landholding corporation shall, at all times, use its assets only for community purposes. It shall not distribute its assets in any manner whatever to any person as distinct from the community, nor pay him dividends, make gifts to him or otherwise benefit him out of its assets.

1978, c. 93, s. 14.

15. No winding-up or dissolution of a corporation may take place without the prior approval of the Minister. The assets of a corporation incorporated pursuant to section 2 which is the subject of a winding-up or dissolution devolve to the Cree Nation Government. The assets of a corporation incorporated pursuant to section 5 which is the subject of a winding-up or dissolution devolve to Makivik Corporation. The assets of the corporation incorporated pursuant to section 7.1 which is the subject of a winding-up or dissolution devolve to the Naskapi Development Corporation established by the Act respecting the Naskapi Development Corporation (chapter S-10.1).

1978, c. 93, s. 15; 1979, c. 25, s. 26; 2013, c. 19, s. 91.

TITLE III

LAND REGIME APPLICABLE IN THE TERRITORY SOUTH OF THE 55TH PARALLEL AND TO CERTAIN LANDS NORTH OF THE 55TH PARALLEL

16. The lands in the territory situated south of the 55th parallel are divided into Category I, Category II and Category III. This title applies to those lands and to the Category I lands north of the 55th parallel transferred to the local government of Great Whale River and to the Category II lands of Great Whale River, also north of

the 55th parallel, on which the Cree beneficiaries have the rights mentioned in section 66. This title does not apply to the Category I lands transferred to the Fort George Landholding Corporation.

Those lands in the territory which are situated south of the 55th parallel also include Category IA-N lands, and this title does not apply to those lands.

1978, c. 93, s. 16; 1979, c. 25, s. 27.

CHAPTER I

CATEGORY I LANDS

DIVISION I

GENERAL PROVISIONS

17. The Cree beneficiaries are entitled to a total area of five thousand five hundred and forty-four and one-tenth (5 544.1) square kilometres of Category I lands. Such lands are themselves subdivided into Category IA and IB lands; Category IB lands include the Special Category IB lands.

1978, c. 93, s. 17.

18. The Government shall, as soon as possible, by order in council, and upon such conditions as it may determine in accordance with this Act, allocate and transfer the administration, management and control of the Category IA lands of a total area of three thousand two hundred and ninety-nine and six-tenths (3 299.6) square kilometres to the Government of Canada for the exclusive use and benefit of the local governments.

1978, c. 93, s. 18.

19. The Government shall, as soon as possible, by letters patent, and upon such conditions as it may determine in accordance with this Act, allocate and transfer the ownership of Category IB lands of a total area of two thousand two hundred and forty-four and five-tenths (2 244.5) square kilometres to the Cree landholding corporations incorporated pursuant to section 2.

1978, c. 93, s. 19.

20. Category I lands are excluded from the territory of the Eeyou Istchee James Bay Regional Government.

1978, c. 93, s. 20; 1996, c. 2, s. 870; 2013, c. 19, s. 91.

21. The Government shall allocate and transfer the lands mentioned in sections 18 and 19 by temporary deeds, based upon a preliminary territorial description. Such lands shall correspond substantially with the Category I lands mentioned in Section 4 of the Agreement. These temporary deeds remain in force until the issuance of the deeds contemplated in section 22.

1978, c. 93, s. 21.

22. As soon as the delimitation of the lands and the documents relating thereto have been completed, the transfers of the lands contemplated in sections 18 and 19 shall be made by final deed, based upon technical territorial descriptions.

1978, c. 93, s. 22.

23. The Government shall amend the territorial descriptions provided for in sections 21 and 22 following the application of the land regime provided for in this Act.

1978, c. 93, s. 23.

24. Category I lands include, without being limited thereto:

(a) lands within the perimeter of Category I lands, on which the Government had granted rights, before 11 November 1975, in the form of leases, occupation permits or other authorizations;

(b) lands within the perimeter of Category I lands, which, on 11 November 1975, were the object of exploration permits issued to the Société de développement de la Baie-James;

(c) lands on which had been built, as of 11 November 1975, branch roads, within the perimeter of Category I lands, leading to the Cree agglomerations, as well as the lands, within these agglomerations, on which had been built, as of the same date, roads other than the roads mentioned in paragraph c of section 94.

1978, c. 93, s. 24.

25. The State retains the bare ownership of the Category IA lands. Category IB lands shall not be sold or ceded except to the State and this obligation constitutes a prohibition to sell or to cede other than to the State.

The local government may grant, to any person, servitudes, usufructuary rights and other rights of use and occupation and leases on Category I lands.

However, rights granted to non-beneficiaries on Category IA lands, for a term of more than five years, including their renewal, are subject to all provincial laws and regulations, in the same manner as if such lands were Category IB lands on the date such rights are granted.

The Cree beneficiaries have, at all times, the right to reside on the Category I lands of the community to which they belong, in accordance with the by-laws of the interested band or, as the case may be, the interested Cree village.

1978, c. 93, s. 25; 1996, c. 2, s. 881; 1999, c. 40, s. 252.

26. Category IB lands are unseizable.

1978, c. 93, s. 26.

27. Category I lands are transferred for Cree community purposes and may be used for commercial, industrial, residential or other purposes.

1978, c. 93, s. 27.

28. Notwithstanding section 25, no watercourse or lake in Category IB lands and no right pertaining thereto may be granted by the interested landholding corporation to a non-member, without the consent of the Government.

1978, c. 93, s. 28.

29. The total area of Category I lands, allocated in accordance with sections 18 and 19, shall never be less than five thousand five hundred and forty-four and one-tenth (5 544.1) square kilometres without the consent of the interested local government, except upon expropriation by Canada or except where there is no replacement of lands following an expropriation effected in accordance with section 33.

This total area shall never be greater than five thousand five hundred and forty-four and one-tenth (5 544.1) square kilometres without the consent of the Government.

1978, c. 93, s. 29.

DIVISION II

LAND ADMINISTRATION

§ 1. — *Services*

30. The interested local government shall first consult with the Government in cases where it allows any person other than a signatory of the Agreement, Cree beneficiaries and bodies composed of a majority of Cree beneficiaries to occupy Category I lands for projects of regional or provincial interest.

1978, c. 93, s. 30.

31. The interested local government shall, when required, allocate lots of land for community services such as roads, schools, hospitals, police stations, telecommunications and other community services of the same nature provided by the Government, its agents or mandataries of the State or by a Cree village. The local government shall make such allocation, at its option, by way of leases, servitudes or similar contracts and for the sum of \$1.

1978, c. 93, s. 31; 1996, c. 2, s. 871; 1999, c. 40, s. 252.

32. The Government and, with its approval and upon such conditions as it may determine, its agents or mandataries of the State and all public bodies and legal persons established in the public interest authorized to do so by present or future legislation, cannot establish by expropriation any servitudes other than the servitudes required for the organization of the services listed in sections 35 and 46.

1978, c. 93, s. 32; 1999, c. 40, s. 252; 2009, c. 52, s. 647.

33. The Government and, with its approval and upon such conditions as it may determine, the entities mentioned in section 32 have the right to expropriate Category I lands in full ownership when they cannot organize the services listed in sections 35 and 46 without a full taking of the Category I lands required.

The Government and the entities mentioned in section 32 must expropriate in full ownership when the organization of the services listed in sections 35 and 46 would result in the effective withdrawal of Category I lands from the use and enjoyment of the Cree beneficiaries.

1978, c. 93, s. 33.

34. The Expropriation Act (chapter E-24) applies to the expropriations made pursuant to sections 32 and 33 except where it is incompatible with this chapter, in which case the latter prevails.

1978, c. 93, s. 34.

35. The services contemplated in sections 32 and 33 are the following:

(a) infrastructures: such as regional roads and arteries, bridges, airports, maritime structures and protection and irrigation facilities;

(b) local services: such as water systems, sewers, purification plants, treatment plants, fire protection services and other services generally provided by local or municipal governments;

(c) public utilities: such as electricity, gas, oil, telecommunications and telephones;

(d) gas pipelines, oil pipelines and energy transmission lines;

(e) other services of a similar nature established by law.

1978, c. 93, s. 35.

36. However, in the cases provided for in paragraph *d* of section 35, the following conditions apply:

(a) the installations shall, taking into account all circumstances, be situated as far away as possible from the centre of the agglomeration and at least eight kilometres from the said centre;

(b) lands necessary for such purposes shall be replaced in all cases;

(c) all reasonable efforts shall be made to locate such gas pipelines, oil pipelines and energy transmission lines on Category III or Category II lands, for equal cost.

1978, c. 93, s. 36.

37. The interested local government is entitled to compensation in money when servitudes are established pursuant to section 32 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 35 and in section 46.

1978, c. 93, s. 37.

38. The interested local government is, at its option, entitled to compensation in an equal area of land or in money, or partly in land and partly in money, when lands are taken pursuant to section 33 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 35 and in section 46.

1978, c. 93, s. 38.

39. The interested local government is not entitled to any compensation when servitudes are established pursuant to section 32 or when lands are taken pursuant to section 33 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 35 and in section 46 and these services are of direct benefit to:

(a) Category I lands, or

(b) the Cree community or the agglomeration in which it resides.

1978, c. 93, s. 39.

40. Direct benefit, contemplated in section 39, is determined with respect to the potential use of the services by, or the future advantages to, the Cree community, or the future benefit to Category I lands.

1978, c. 93, s. 40.

41. The following services are of direct benefit for the lands or the communities mentioned in section 39:

(a) public services expressly requested by the interested local government;

(b) essential services for the community, provided such services are used by the Cree beneficiaries.

They include local services generally provided by municipal or local governments and by public utilities, as well as local roads, bridges and airports and other similar services.

For any other service, the burden of proof in establishing the direct benefit within the meaning of this section lies upon the expropriator.

1978, c. 93, s. 41.

42. The expropriation notice shall contain a statement indicating whether or not the service is of direct benefit. The interested local government has the right to contest this statement in accordance with section 45.

1978, c. 93, s. 42.

43. In the case of compensation in the form of land, the following rules apply:

(a) the interested local government shall indicate its preference to the Government as to the selection of lands as soon as the notice of expropriation has been communicated to it or, if the right to expropriate is contested, as soon as the final judgment on the application has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the local government, taking into consideration the preference of the latter, an area with characteristics similar to those of the expropriated lands, as far as possible, and contiguous to Category I lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced. The local government shall then be entitled to select from the new area a piece of land equal in size to the land expropriated;

(d) the procedure provided for in this section begins on the day on which the Government communicates the notice of expropriation provided for in paragraph *a* or, if the right to expropriate is contested, on the day on which final judgment on the application is communicated; this procedure ends at the latest on the one hundred and twentieth day which follows the beginning of the procedure;

(e) if there is no agreement on the choice of the replacement lands within the period of 120 days, the compensation shall take the form of money.

1978, c. 93, s. 43; I.N. 2016-01-01 (NCCP).

44. The establishment of a servitude pursuant to section 32 or the taking of lands pursuant to section 33 for the organization of a service contemplated in section 35 or 46, including any construction work relating thereto, may proceed after 60 days from the beginning of the procedure contemplated in paragraph *d* of section 43.

1978, c. 93, s. 44.

45. If there is no agreement between the interested local government and the expropriator respecting the determination of what is direct benefit, or if the compensation is to be in the form of money and there is no agreement as to what is suitable compensation, the decision as to one or the other of these two questions shall be made by the Administrative Tribunal of Québec, unless there is an agreement to submit the matter to final and binding arbitration.

1978, c. 93, s. 45; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 646.

46. Special Category IB lands are also subject to the following special provisions:

(a) the right of the Government and of its agents and mandataries of the State to establish, in addition to the services listed in section 35, additional services for public purposes;

(b) in the case of additional services contemplated in paragraph *a*, only activities which do not require a permanent staff of more than 10 persons per activity are authorized;

(c) the right of the Government to grant the necessary authorizations for the duration of those activities;

(d) the Government and its agents and mandataries of the State have access, at all times, to Special Category IB lands as if they were Category II lands, for the purposes mentioned in this section.

1978, c. 93, s. 46; 1999, c. 40, s. 252.

47. Lands expropriated in accordance with section 33 shall be classified as Category III lands.

Lands selected pursuant to section 43 shall be classified as Category I lands. Such lands shall be taken from Category II or Category III lands and, in the case of Category II lands, shall be replaced in accordance with the procedure provided for in section 74.

1978, c. 93, s. 47.

48. The interested local government may elect to have the expropriated lands reclassified as Category I lands when such lands are no longer required and when the compensation was in the form of lands or the services were declared to be of direct benefit. In such a case, the lands allocated as compensation revert to the Gouvernement du Québec and shall be reclassified as Category III or Category II lands according to the category to which they belonged.

1978, c. 93, s. 48.

§ 2. — *Immovables of Québec, leases and occupation permits*

49. The buildings and other installations used for the public service which belonged to the State on 11 November 1975 remain its property, with the right to use, replace, add to and reconstruct them for public purposes.

1978, c. 93, s. 49; 1999, c. 40, s. 252.

50. The holders of leases, occupation permits or other authorizations granted by the Government before 11 November 1975, on lands classified under this Act as Category I lands, may continue to exercise their rights for the same purposes, as if such lands were Category III lands, until the expiry of the term fixed for the exercise of those rights.

Those grants of rights may be renewed and those rights may be exercised in accordance with the preceding paragraph.

1978, c. 93, s. 50.

§ 3. — *Natural resources*

51. The Société de développement de la Baie-James to which the Government issued, prior to 11 November 1975, exploration permits on lands classified as Category I lands under this Act may, in accordance with such permits, carry out exploration activities on such lands and exploit the ore deposits forming the object of such permits as though such lands were Category III lands, subject to section 52.

1978, c. 93, s. 51.

52. The holders of rights or titles granted before 11 November 1975 in the form of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Mining Act (1965, 1st session, chapter 34), as amended to 11 November 1975, on lands surrounded by or adjacent to lands classified under this Act as Category I lands, may use Category I lands to the extent necessary for the exercise of their rights and their mining and exploration activities, in accordance with Division XXII of the Mining Act (1965, 1st session, chapter 34), as amended to 11 November 1975.

The Category I lands required for such purposes shall be subject only to temporary servitudes which shall be governed by the applicable provisions of the Mining Act (chapter M-13.1).

The compensation to be paid to the interested local government by the Government for the use of such Category I lands for purposes other than exploration shall consist of replacement lands of an equal area, in accordance with the procedure provided for in section 74. The compensation to be paid, in the case of

exploration, shall be equivalent to the amount paid to the Government for the use of surface rights on lands in the domain of the State in similar cases.

1978, c. 93, s. 52; 1987, c. 23, s. 76; 1987, c. 64, s. 344; 1999, c. 40, s. 252.

53. The State retains the ownership of the mineral rights and subsurface rights on Category I lands.

No minerals or mineral or other subsurface rights may be obtained, extracted, mined or exercised from or with respect to any Category I lands, from 11 November 1975, without the consent of the interested local government and without the payment of the compensation agreed upon for the use of rights over such lands.

1978, c. 93, s. 53; 1999, c. 40, s. 252.

54. The consent provided for in section 53 is not required when the holders of the rights provided for in sections 51 and 52 wish to explore or develop the extension of mineralization in Category I lands around the lands subject to the mining rights mentioned in the said sections.

1978, c. 93, s. 54.

55. Deposits, in Category I lands, of soapstone or other similar material used for traditional arts and crafts of the Cree beneficiaries are granted in full ownership to the interested local government.

1978, c. 93, s. 55.

56. Permits must be obtained by the interested local government from the Minister of Natural Resources and Wildlife for the use of gravel and other similar material generally used for earth works for personal and community use.

When such permits are applied for, the Minister of Natural Resources and Wildlife shall not withhold them if all applicable regulations are complied with. However, no duties may be collected.

1978, c. 93, s. 56; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

57. Cree beneficiaries are entitled to use the forest on Category I lands for personal needs and community purposes.

1978, c. 93, s. 57.

58. The interested local government has the exclusive right to the commercial exploitation of the forest resources on Category I lands and may act directly or through persons authorized by it.

In such a case, the local government shall obtain a forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1) who shall not refuse to issue it if the commercial cutting conforms to the development and marketing plan approved by him.

Where forest resources are commercially exploited, the local government is not required to pay stumpage dues.

1978, c. 93, s. 58; 1979, c. 81, s. 20; 1986, c. 108, s. 252; 2010, c. 3, s. 326.

59. Subject to sections 57 and 58, the exploitation of forest resources on Category I lands must be carried on in accordance with the standards established in the applicable laws and regulations. The general program of forest protection, including costs, is applicable to it.

1978, c. 93, s. 59.

§ 4. — *Residence*

60. Non-beneficiaries residing on Category I lands, on 11 November 1975, have the right to remain there until the expiration of their rights of occupancy or residence on such lands but they are subject to the by-laws of the interested band or, as the case may be, of the interested Cree village.

1978, c. 93, s. 60; 1996, c. 2, s. 881.

61. Subject to section 60, non-beneficiaries are not authorized to reside on Category I lands except in virtue of the by-laws of the interested band or, as the case may be, of the interested Cree village.

Such by-laws must authorize non-beneficiaries to reside on Category I lands if, with the approval of the local government, they are engaged in administrative or public duties or in scientific studies, provided that such activities do not require the presence of a number of persons sufficient to significantly alter the demographic composition of the Cree community.

1978, c. 93, s. 61; 1996, c. 2, s. 881.

62. Persons married to Cree beneficiaries and the members of their families, to the first degree, are authorized to reside on Category I lands.

1978, c. 93, s. 62; 1979, c. 25, s. 28.

§ 5. — *Access*

63. The public has access to roads, arteries, airports, bridges, public seaplane bases, wharves, harbours, rivers and major lakes, public buildings and lands used for public purposes.

1978, c. 93, s. 63.

64. The following persons also have access to Category I lands:

- (a) persons authorized to reside thereon;
- (b) persons authorized to exercise public functions or engaged in technical surveys, or in the construction or operation of public installations or public services;
- (c) holders of mining rights and persons involved in activities required for the exercise of such rights;
- (d) any other person authorized by the interested band or, as the case may be, the interested Cree village.

1978, c. 93, s. 64; 1996, c. 2, s. 872.

65. Subject to sections 63 and 64, only Cree beneficiaries have access to Category I lands and the interested band or, as the case may be, the interested Cree village may, by its power to make by-laws, control access thereto provided that such right of access is not withheld or unduly restricted.

1978, c. 93, s. 65; 1996, c. 2, s. 881.

CHAPTER II

CATEGORY II LANDS

DIVISION I

GENERAL PROVISIONS

66. Category II lands have a total area of sixty-nine thousand nine hundred and ninety-five and two-tenths (69 995.2) square kilometres. Such lands remain lands in the domain of the State. This total area shall not be modified except in accordance with the application of this Act.

The Cree beneficiaries have, on Category II lands, the rights which are granted to them by this Act and any other Act which refers to those lands.

The Government shall allocate and describe Category II lands by order in council. Such lands shall correspond substantially to the Category II lands mentioned in Section 4 of the Agreement. The Government shall amend such descriptions following the application of the land regime provided for in this Act.

1978, c. 93, s. 66; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

67. Category II lands include, without being limited thereto:

(a) the strip of land measuring one hundred and fifty-two and four-tenths (152.4) metres, indicated in the territorial descriptions provided for in sections 21 and 22, on each side of regional or provincial roads and main arteries existing on 11 November 1975 within the perimeter of Category I lands;

(b) within the perimeter of Category I lands, the beds of the lakes and rivers as well as a strip of land extending sixty and ninety-six hundredths (60.96) metres along the coast and on each side of such lakes and rivers, indicated in the territorial descriptions provided for in sections 21 and 22, except for a distance of 1.6 km in each direction from the centre of the coastal Cree agglomerations and for a distance of 1.6 km in each direction along the shoreline of the riverside Cree agglomerations;

(c) the intertidal zone in front of Category I and Category II lands.

1978, c. 93, s. 67.

68. Only Cree beneficiaries and persons authorized by the interested Cree village, may establish or operate commercial facilities on the strips of land measuring one hundred and fifty-two and four-tenths (152.4) metres referred to in paragraph *a* of section 67, subject to the provisions relating to mining operations or other mining activities contained in section 52 that are applicable to such strips of land.

1978, c. 93, s. 68; 1996, c. 2, s. 881.

69. Only Cree beneficiaries and persons authorized by the interested Cree village may establish or operate commercial facilities on the strips of land measuring sixty and ninety-six hundredths (60.96) metres referred to in paragraph *b* of section 67, subject to the provisions relating to mining operations and other mining activities contained in section 52 that are applicable to such strips of land.

1978, c. 93, s. 69; 1996, c. 2, s. 881.

DIVISION II

REGIME

§ 1. — *Development*

70. The Government, the Société d'énergie de la Baie-James, Hydro-Québec, the Société de développement de la Baie-James, and their nominees and any other persons duly authorized have the right, subject to all applicable laws and regulations, to develop Category II lands. Category II lands appropriated for development purposes shall be classified as Category III lands.

The interested Cree village then has the right to a replacement of the said lands with an equal area of Category II lands in accordance with the procedure provided in section 74, to monetary compensation agreed upon between the village and the Government, or to compensation partly in one and partly in the other of these forms, if the parties agree.

1978, c. 93, s. 70; 1996, c. 2, s. 873.

71. With respect to Category II lands, “development” means any act or deed which prevents beneficiaries from exercising their hunting, fishing and trapping activities, except for “pre-development”, which means any act or deed relating to surveys and research in the field for a limited period of time for the purpose of gathering information with a view to deciding whether or not development will take place.

1978, c. 93, s. 71.

72. Except in the case of activities directly related to pre-development, the Government may make regulations to control the rights of or the exercise of rights by non-beneficiaries and may establish appropriate enforcement mechanisms where the authorized activities of non-beneficiaries interfere with or could reasonably be expected to interfere with the rights granted to the beneficiaries by the Act respecting hunting and fishing rights in the James Bay and New Québec Territories (chapter D-13.1).

1978, c. 93, s. 72.

73. The Government shall give notice of the decision to undertake a development on Category II lands to the interested Cree village. That notice shall reproduce section 74.

1978, c. 93, s. 73; 1996, c. 2, s. 881.

74. In the case of compensation in the form of land, the following rules apply:

(a) the interested Cree village shall indicate its preference to the Government, as to the selection of lands, as soon as the decision to proceed with the development has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the village, taking into consideration the preference of the latter, an area with characteristics similar to the Category II lands required for the purposes of development, as far as possible, and contiguous to Category II lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced. The village shall then be entitled to select from that new area a piece of land contiguous to the Category II lands and equal in size to the land appropriated for the purposes of such development as full compensation for the reappropriation of that land;

(d) the procedure provided for in this section begins on the day on which the Government communicates the decision provided for in paragraph *a* and ends at the latest on the one hundred and twentieth day which follows; nevertheless, the appropriation of lands for development purposes or any related construction work may proceed after 60 days from the beginning of the procedure;

(e) if the village does not exercise the right it has under paragraph c within the 120-day period, the compensation shall then be made in the form of lands, chosen by the Government from the proposed replacement lands provided for in paragraph c, unless there is an agreement to submit the matter to final and binding arbitration.

1978, c. 93, s. 74; 1996, c. 2, s. 874.

75. Subject to the laws and regulations of general application, the Government, the Société d'énergie de la Baie-James, Hydro-Québec, and all public bodies, agencies and legal persons authorized by law may modify or regulate the flow of rivers in Category II lands, even if such rivers flow through, or are adjacent to, Category I lands and even if these modifications or regularizations have downstream effects, including within Category I lands.

1978, c. 93, s. 75; 1999, c. 40, s. 252.

76. The modification or regularization of rivers provided for in section 75 is, however, in Category I lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of this river;

(b) for the purposes of establishing or maintaining in Category I lands of the services listed in sections 35 and 46 which are of direct benefit, the water level of rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level, the Government and the bodies mentioned in section 75 are liable for damages to such facilities, installations or rights connected therewith.

1978, c. 93, s. 76.

77. Subsections 8.1, 8.2 and 8.4 and paragraph 8.10.3 of Section 8 of the Agreement concerning either Le Complexe La Grande (1975) or, if they materialize, the project to develop the Nottaway, Broadback and Rupert rivers, known under the name of NBR Complex, and the project to develop the Great Whale River, the Little Whale River and the Coast River, known under the name of Great Whale Complex, take precedence over sections 75 and 76.

1978, c. 93, s. 77.

78. The modification or regularization of the flow regime of the rivers provided for in section 75 may be carried out without any expropriation being effected and without any consent being requested under this Act for the utilization of the lands contemplated therein.

1978, c. 93, s. 78.

79. The rights and guarantees granted to the beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) are subject to the rights of the Government, the Société d'énergie de la Baie-James, Hydro-Québec, the Société de développement de la Baie-James, their nominees and any other persons duly authorized to develop Category II lands, in accordance with the applicable laws and regulations.

1978, c. 93, s. 79.

80. The servitudes for the organization of the services contemplated in sections 35 and 46 may be established on Category II lands without payment of any compensation.

1978, c. 93, s. 80.

§ 2. — *Natural resources*

81. The Société de développement de la Baie-James to which the Government issued, prior to 11 November 1975, exploration permits on lands classified as Category II lands under this Act may, in accordance with such permits, carry out exploration activities on such lands and exploit the ore deposits forming the subject of such permits as though such lands were Category III lands. In the case of exploration activities, section 82 does not apply. In the case of exploitation of ore deposits, sections 70 to 74 apply.

1978, c. 93, s. 81.

82. Mineral exploration and technical surveys in Category II lands do not constitute development activities within the meaning of section 71, and may be carried out without giving rise to compensation. Nevertheless, such activities must be so carried out as to avoid unreasonable conflict with the exercise of the right to harvest of beneficiaries provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1978, c. 93, s. 82.

83. Cree beneficiaries may acquire, by way of a permit issued free of charge by the Minister of Natural Resources and Wildlife, who shall not unduly refuse it, the right to exploit soapstone for the purposes of traditional arts and crafts. Applications for permits are made through the interested Cree village.

1978, c. 93, s. 83; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 1996, c. 2, s. 881; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

84. The permit contemplated in section 83 is granted by the Minister of Natural Resources and Wildlife in accordance with the conditions and regulations established by the Government.

1978, c. 93, s. 84; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

85. To obtain the permit mentioned in section 83, the lands contemplated in the application for a permit shall be in the shape of a square or a rectangle, the sides of which shall not exceed 400 metres, and shall be marked out on the ground by the Cree beneficiary in the following manner:

(a) by planting a stake at the apex of each angle of the lot of land and indicating thereon the number of the permit;

(b) the length of the stakes above ground must be approximately one metre and 25 centimetres and their diameter at least 9 centimetres; they must be squared on all four sides for a length of at least 25 centimetres starting from the head; stumps or trees of the required dimension may be used in place of stakes;

(c) in territory where there is no wood from which stakes conformable to the requirements of paragraph *b* can be made, the apices of the angles may be marked by a pile of stones and earth at least one metre in diameter and 50 centimetres high supporting a stake of a smaller diameter;

(d) the lines between the stakes shall be marked out or indicated on the ground in such a way that they may be followed from one stake to the next.

1978, c. 93, s. 85.

86. Applications for soapstone permits must be made in writing to the Minister of Natural Resources and Wildlife and be accompanied with:

(a) the name and place of residence of the applicant;

(b) a sketch indicating to the satisfaction of the Minister

i. the location of the deposit and of the land requested in relation to the nearest agglomeration and to the physiographical characteristics of the surrounding territory;

- ii. the shape and area of the land contemplated by the application;
- iii. the length and breadth of the sides of the land contemplated in the application.

1978, c. 93, s. 86; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

87. The permit contemplated in section 83 is valid for one year.

1978, c. 93, s. 87.

88. The zones contemplated in such a permit are limited to the outcrops easily accessible to the Cree beneficiaries.

1978, c. 93, s. 88.

89. The right to exploit soapstone, which the Cree beneficiaries may acquire, is subordinate to the rights relating to other mineral substances, in such a way that it will not prevent possible mining development on Category II lands; consequently, any permit issued pursuant to section 83 on a lot of land may be cancelled by the Minister of Natural Resources and Wildlife after the registration of claims and of other titles to mining rights other than for soapstone, granted pursuant to the Mining Act (chapter M-13.1) on the said land, and after a 30-day notice to the holder of the permit.

1978, c. 93, s. 89; 1979, c. 81, s. 20; 1987, c. 64, s. 344; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

90. Forest operations on Category II lands are compatible with hunting, fishing and trapping activities.

The integrated forest development plans drawn up for Category II lands by the Minister of Natural Resources and Wildlife under the Sustainable Forest Development Act (chapter A-18.1) must take hunting, fishing and trapping activities into account.

1978, c. 93, s. 90; 1979, c. 81, s. 20; 1986, c. 108, s. 253; 2001, c. 6, s. 157; 2010, c. 3, s. 327.

§ 3. — *Access*

91. Subject to the rights of the beneficiaries under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), persons exercising a right compatible with such rights, as well as persons exercising duties imposed by law, have access to Category II lands and may remain there and erect constructions thereon.

1978, c. 93, s. 91.

92. In addition to the general provisions of any applicable law, the exercise of the rights provided for in section 91 is subject to the following special provisions:

(a) persons wishing to carry out exploration activities, pre-development activities, scientific studies and administrative activities must obtain authorization therefor from the Minister;

(b) the applications for the authorizations contemplated in paragraph *a* shall include information relating to the object, nature, importance and duration of the activities, and a description of the installations;

(c) where an authorization is granted, the information so furnished to the Minister shall be communicated to the interested Cree village, as soon as possible;

(d) activities which do not involve substantial operations in the field, such as geoscientific studies and mining exploration of the type contemplated in the Mining Act (chapter M-13.1) are not subject to the obtaining of the authorization provided for in paragraph *a*, nor to the communication of the information provided for in paragraphs *b* and *c*;

(e) the activities provided for in paragraphs *a* and *d* shall be carried out in such a manner as to avoid any unreasonable conflict with the rights which the beneficiaries are acknowledged to have under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1978, c. 93, s. 92; 1987, c. 64, s. 344; 1996, c. 2, s. 881.

CHAPTER III

CATEGORY III LANDS

DIVISION I

GENERAL PROVISIONS

93. Category III lands, representing all the lands in the territory situated south of the 55th parallel not included in Category I, Category IA-N and Category II lands, remain lands in the domain of the State, with the exception of lands granted in full ownership.

1978, c. 93, s. 93; 1979, c. 25, s. 29; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

94. Category III lands include, without being limited thereto:

(a) lands the ownership of which was ceded by letters patent or otherwise before 11 November 1975, within the perimeter of Category I lands;

(b) lands, within the perimeter of Category I lands, which, as of 11 November 1975, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar rights, as defined in the Mining Act (1965, 1st session, chapter 34) on 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category I lands mentioned in section 17;

(c) lands, within the perimeter of Category I lands, on which regional and provincial roads and main arteries indicated in the territorial descriptions provided for in sections 21 and 22 were constructed as of 11 November 1975;

(d) lands, within the perimeter of Category I lands, on which landing strips, airport installations, seaplane bases and maritime structures were located as of 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category I lands mentioned in section 17;

(e) lands, within the perimeter of Category II lands, the ownership of which was ceded by letters patent or otherwise before 11 November 1975;

(f) lands, within the perimeter of Category II lands, which were the subject, as of 11 November 1975, of leases, occupation permits, mining claims, development licences, exploration permits, mining concessions and mining leases; however, the areas of such lands are included in the calculation of the total area of Category II lands mentioned in section 66;

(g) lands, within the perimeter of Category II lands, on which roads, landing strips, airport installations, seaplane bases and maritime structures were located as of 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category II lands mentioned in section 66;

(h) the intertidal zone in front of Category III lands;

(i) lands, the ownership of which was ceded by letters patent or otherwise before 31 January 1978, within the perimeter of Category IA-N lands;

(j) lands, within the perimeter of Category IA-N lands, which, as of 31 January 1978, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other

similar rights, as defined in the Mining Act (chapter M-13); however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191.2;

(k) lands, within the perimeter of Category IA-N lands, on which landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191.2.

1978, c. 93, s. 94; 1979, c. 25, s. 30.

95. The lands mentioned in paragraph *a* of section 94 and the persons holding titles thereon are subject to the by-laws of the interested band or, as the case may be, the interested Cree village as though such lands were Category I lands. Such persons are entitled to all municipal services offered by the band or by the Cree village to residents of lands adjacent to or surrounding Category I lands, on the same conditions, the whole subject to the rights of such persons and the exercise of such rights.

1978, c. 93, s. 95; 1996, c. 2, s. 875.

95.1. The lands mentioned in paragraph *i* of section 94 and the persons holding titles thereon are subject to the by-laws of the Naskapi band as though such lands were Category IA-N lands. Such persons are entitled to all municipal services offered by the Naskapi band to residents of adjacent Category IA-N lands or surrounding Category IA-N lands, on the same conditions, the whole subject to the rights of such persons and the exercise of such rights.

1979, c. 25, s. 31.

96. Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *b* of section 94 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 18 or 19 according to whether such lands were included within the perimeter of Category IA lands or Category IB lands. If part of such lands is taken for development under the Mining Act (chapter M-13.1), the Government shall replace them in accordance with the procedure established for the replacement of Category II lands provided for in section 74.

1978, c. 93, s. 96; 1987, c. 64, s. 344.

96.1. Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *j* of section 94 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 191.3. If part of such lands is taken for development under the Mining Act (chapter M-13.1), the Government shall replace them in accordance with the procedure established for the replacement of Category II-N lands provided for in section 191.55.

1979, c. 25, s. 32; 1987, c. 64, s. 344.

97. When the use of lands mentioned in paragraph *d* of section 94 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 18 or 19 according to whether such lands were included within the perimeter of Category IA lands or Category IB lands, the whole subject to the right of use of the holders thereof and subject to the mineral interests granted before 11 November 1975.

1978, c. 93, s. 97.

97.1. When the use of lands mentioned in paragraph *k* of section 94 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 191.3, the whole subject to the rights of use of the holders thereof and subject to the mineral interests granted before 31 January 1978.

1979, c. 25, s. 33.

98. Upon reversion of the rights which the Government has granted on the lands mentioned in paragraph *f* of section 94, such lands shall be classified as Category II lands.

1978, c. 93, s. 98.

99. Where, by a decision of the Government, the use of the lands mentioned in paragraph *g* of section 94 is no longer required, such lands shall be classified as Category II lands.

1978, c. 93, s. 99.

DIVISION II

REGIME

§ 1. — *Development*

100. The Government, the Société d'énergie de la Baie-James, Hydro-Québec, the Société de développement de la Baie-James, and their nominees and any other persons duly authorized have the right, subject to all applicable laws and regulations, to develop Category III lands.

1978, c. 93, s. 100.

101. Subject to laws and regulations of general application, the Government, the Société d'énergie de la Baie-James, Hydro-Québec, and all public bodies, agencies and legal persons authorized by law may modify or regulate the flow of rivers in Category III lands, even if such rivers flow through, or are adjacent to, Category II, Category I or Category IA-N lands, and even if these modifications or regularizations have downstream effects, including within Category II, Category I or Category IA-N lands.

1978, c. 93, s. 101; 1979, c. 25, s. 34; 1999, c. 40, s. 252.

102. The modification or the regularization of rivers provided for in section 101 is, however, in Category I and Category IA-N lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of this river;

(b) for the purposes of establishing or maintaining, in Category I or Category IA-N lands, the services listed in section 35, 46 or 191.19, as the case may be, which are of direct benefit as contemplated in section 41 or 191.25, as the case may be, the water level of rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level, the Government and the bodies mentioned in section 101 are liable for damages to such facilities, installations or rights connected therewith.

1978, c. 93, s. 102; 1979, c. 25, s. 35.

103. Subsections 8.1, 8.2 and 8.4 and paragraph 8.10.3 of Section 8 of the Agreement, concerning either Le Complexe La Grande (1975), or, if they materialize, the project to develop the Nottaway, Broadback and Rupert rivers, known under the name of NBR Complex, and the project to develop the Great Whale River, the Little Whale River and the Coast River, known under the name of Great Whale Complex, take precedence over sections 101 and 102.

1978, c. 93, s. 103.

104. The modification or regularization of rivers provided for in section 101 may be carried out without any expropriation being effected and without any consent being requested under this Act for the utilization of the lands contemplated therein.

1978, c. 93, s. 104.

105. The rights and guarantees granted to the Cree and Naskapi beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) are subject to the rights of the Government, the Société d'énergie de la Baie-James, Hydro-Québec, the Société de développement de la Baie-James, their nominees and any other persons duly authorized to develop Category III lands in accordance with the applicable laws and regulations.

1978, c. 93, s. 105; 1979, c. 25, s. 36.

§ 2. — *Natural resources*

106. Sections 83 to 89 relating to the use of soapstone in Category II lands apply, with the necessary modifications, to the Cree beneficiaries in Category III lands; sections 191.62 to 191.68 relating to the use of soapstone in Category II-N lands apply, with the necessary modifications, to the Naskapi beneficiaries in Category III lands.

1978, c. 93, s. 106; 1979, c. 25, s. 37.

§ 3. — *Access*

107. All persons have access to Category III lands in accordance with the applicable laws and regulations relating to lands in the domain of the State.

1978, c. 93, s. 107; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

TITLE IV

LAND REGIME APPLICABLE IN THE TERRITORY NORTH OF THE 55TH PARALLEL AND TO CERTAIN LANDS SOUTH OF THE 55TH PARALLEL

108. The lands in the territory situated north of the 55th parallel are divided into Category I, Category II and Category III. This title applies to those lands and to the Category I lands south of the 55th parallel transferred to the Fort George landholding corporation. This title does not apply to the Category I lands transferred to the local government of Great Whale River and to the Category II lands of Great Whale River on which the Cree beneficiaries have the rights mentioned in section 66.

Those lands in the territory which are situated north of the 55th parallel also include Category IB-N and Category II-N lands, and this title does not apply to those lands.

1978, c. 93, s. 108; 1979, c. 25, s. 38.

CHAPTER I

CATEGORY I LANDS

DIVISION I

GENERAL PROVISIONS

109. The Inuit beneficiaries are entitled to a total area of eight thousand one hundred and fifty-one and seven-tenths (8 151.7) square kilometres of Category I lands. Such Category I lands include the Special Category I lands.

1978, c. 93, s. 109.

110. The Government shall, as soon as possible, by letters patent, and upon such conditions as it may determine in accordance with this Act, appropriate and transfer the ownership of Category I lands to the Inuit landholding corporations incorporated pursuant to section 5.

1978, c. 93, s. 110.

111. The lands of the Fort George landholding corporation are excluded from the territory of the Eeyou Istchee James Bay Regional Government.

1978, c. 93, s. 111; 1996, c. 2, s. 876; 2013, c. 19, s. 91.

112. The Government shall appropriate and transfer the lands mentioned in section 110 by temporary deeds, based upon a preliminary territorial description. These temporary deeds remain in force until the issuance of the deeds contemplated in section 113.

1978, c. 93, s. 112.

113. As soon as the delimitation of the lands and the documents relating thereto have been completed, the transfers of the lands contemplated in section 110 shall be made by final deed, based upon technical territorial descriptions.

1978, c. 93, s. 113.

114. The Government shall amend the territorial descriptions provided for in sections 112 and 113 following the application of the land regime provided for in this Act.

1978, c. 93, s. 114.

115. Category I lands include, without being limited thereto:

(a) lands within the perimeter of Category I lands, on which the Government had granted rights, before 11 November 1975, in the form of leases or occupation permits;

(b) lands on which had been built, as of 11 November 1975, branch roads within the perimeter of Category I lands leading to the Inuit villages, as well as the lands, within these villages, on which had been built, as of the same date, roads other than the roads mentioned in paragraph *c* of section 178.

1978, c. 93, s. 115.

116. Category I lands shall not be sold or ceded except to the State and this obligation constitutes a prohibition to sell or to cede other than to the State.

The Inuit landholding corporation may grant, to any person, servitudes, usufructuary rights and other rights of use and occupation and leases on Category I lands.

Inuit beneficiaries, their non-Inuit spouses and the members of their families to the first degree have, at all times, the right to reside on Category I lands in accordance with the conditions established by the interested Inuit landholding corporation.

1978, c. 93, s. 116; 1999, c. 40, s. 252; 2006, c. 28, s. 19.

117. Category I lands are unseizable.

1978, c. 93, s. 117.

118. Category I lands are transferred to the Inuit landholding corporations for Inuit community purposes and may be used for commercial, industrial, residential or other purposes.

1978, c. 93, s. 118.

119. Vacant Category I lands held by the Inuit landholding corporation are not subject to property, business, school or water taxes.

1978, c. 93, s. 119; 1999, c. 40, s. 252.

120. The total area of Category I lands appropriated in accordance with section 110 shall never be less than eight thousand one hundred and fifty-one and seven-tenths (8 151.7) square kilometres without the consent of the interested Inuit landholding corporation, except upon expropriation by Canada or except where there is no replacement of lands following an expropriation made in accordance with section 124 or except in the case of section 122.

This total area shall never be greater than eight thousand one hundred and fifty-one and seven-tenths (8 151.7) square kilometres without the consent of the Government.

1978, c. 93, s. 120.

DIVISION II

LAND ADMINISTRATION

§ 1. — Services

121. The interested Inuit landholding corporation shall first consult with the Government and the Makivik Corporation in cases where it allows any person other than a signatory of the Agreement, the Inuit beneficiaries and bodies composed of a majority of Inuit beneficiaries to occupy Category I lands for projects of regional or provincial interest.

1978, c. 93, s. 121.

122. In the absence of suitable lands in the domain of the State within the perimeter of Category I lands, the interested Inuit landholding corporation shall, when required, allocate lots of land for community services such as roads, schools, hospitals, police stations, telecommunications and other community services of the same nature supplied by the Government, its agents or mandataries of the State. The Inuit landholding corporation shall make such allocation at its option by way of leases, servitudes, cessions or similar contracts and for the sum of \$1.

1978, c. 93, s. 122; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

123. The Government and, with its approval and upon such conditions as it may determine, its agents or mandataries of the State, all public bodies and legal persons established in the public interest authorized to do

so by present or future legislation, cannot establish by expropriation any servitudes other than the servitudes required for the organization of the services listed in sections 126 and 138.

1978, c. 93, s. 123; 1999, c. 40, s. 252; 2009, c. 52, s. 648.

124. The Government and, with its approval and upon such conditions as it may determine, the entities mentioned in section 123 have the right to expropriate Category I lands in full ownership when they cannot organize the services listed in sections 126 and 138 without a full taking of the Category I lands required.

The Government and the entities mentioned in section 123 must expropriate in full ownership when the organization of the services listed in sections 126 and 138 would result in the effective withdrawal of Category I lands from the use and enjoyment of the Inuit beneficiaries.

1978, c. 93, s. 124.

125. The Expropriation Act (chapter E-24) applies to the expropriations made pursuant to sections 123 and 124 except where it is incompatible with this chapter in which case the latter prevails.

1978, c. 93, s. 125.

126. The services contemplated in sections 123 and 124 are the following:

(a) infrastructures: such as roads, bridges, airports, maritime structures and protection and irrigation facilities;

(b) local services: such as water systems, sewers, purification plants, treatment plants, fire protection services and other services generally provided by municipal governments;

(c) public utilities: such as electricity, gas, oil, telecommunications and telephones;

(d) gas pipelines, oil pipelines and energy transmission lines;

(e) other services of a similar nature established by law.

1978, c. 93, s. 126.

127. However, in the cases provided for in paragraph *d* of section 126, the following conditions apply:

(a) the installations shall, taking into account all circumstances, be situated as far away as possible from the centre of the village and at least eight kilometres from the said centre;

(b) lands necessary for such purposes shall, in all cases, be replaced or be compensated in money.

1978, c. 93, s. 127.

128. The interested Inuit landholding corporation is entitled to compensation in money when servitudes are established pursuant to section 123 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 126 and in section 138.

1978, c. 93, s. 128.

129. The interested Inuit landholding corporation is, at its option, entitled to compensation in an equal area of land or in money, or partly in land and partly in money, when lands are taken pursuant to section 124 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 126 and in section 138.

1978, c. 93, s. 129.

130. The interested Inuit landholding corporation is not entitled to any compensation when servitudes are established pursuant to section 123 or when lands are taken pursuant to section 124 for the organization of the

services listed in paragraphs *a*, *b*, *c* and *e* of section 126 and in section 138 and these services are of direct benefit to:

- (a) Category I lands, or
- (b) the Inuit community or the village in which it resides.

1978, c. 93, s. 130.

131. No services other than those for local purposes may be established on Category I lands wherever a reasonably economical alternative exists on Category II or Category III lands.

1978, c. 93, s. 131.

132. Direct benefit, contemplated in section 130, is determined with respect to the potential use of the services by, or the future advantages to, the Inuit community, or the benefit to Category I lands.

1978, c. 93, s. 132.

133. The following services are of direct benefit for the lands or the communities mentioned in section 130:

- (a) public services expressly requested by the interested Inuit landholding corporation;
- (b) essential services for the community, provided such services are used by the Inuit beneficiaries.

They include local services generally provided by municipal or local governments and by public utilities, as well as local roads, bridges and airports and other similar services.

For any other service, the burden of proof in establishing the direct benefit within the meaning of this section lies upon the expropriator.

1978, c. 93, s. 133.

134. The expropriation notice shall contain a statement indicating whether or not the service is of direct benefit.

The interested Inuit landholding corporation has the right to contest this statement in accordance with section 137.

1978, c. 93, s. 134.

135. In the case of compensation in the form of land, the following rules apply:

(a) the interested Inuit landholding corporation shall indicate its land selection preference to the Government as soon as the notice of expropriation has been communicated to it or, if the right to expropriate is contested, as soon as the final judgment on the application has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the Inuit landholding corporation, taking into consideration the preference of the latter, an area with characteristics similar to those of the expropriated lands, so far as possible, and contiguous to Category I lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced. The Inuit landholding corporation shall then be entitled to select from the new area a piece of land equal in size to the land expropriated;

(d) the procedure provided for in this section begins on the day on which the Government communicates the notice of expropriation provided for in paragraph *a* or, if the right to expropriate is contested, on the day

on which final judgment on the application is communicated; this procedure ends at the latest on the one hundred and twentieth day which follows the beginning of the procedure;

(e) if there is no agreement on the choice of the replacement lands within the period of 120 days, the compensation shall take the form of money.

1978, c. 93, s. 135; I.N. 2016-01-01 (NCCP).

136. The establishment of a servitude pursuant to section 123 or the taking of lands pursuant to section 124 for the organization of a service contemplated in section 126 or 138, including any construction work relating thereto, may proceed after 60 days from the beginning of the procedure contemplated in paragraph *d* of section 135.

1978, c. 93, s. 136.

137. If there is no agreement between the interested Inuit landholding corporation and the expropriator respecting the determination of what is direct benefit, or if the compensation is to be in the form of money and there is no agreement as to what constitutes suitable compensation, the decision as to one or the other of these two questions shall be made by the Administrative Tribunal of Québec, unless there is an agreement to submit the matter to final and binding arbitration.

1978, c. 93, s. 137; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 647.

138. Special Category I lands are also subject to the following special provisions:

(a) the right of the Government and of its agents and mandataries of the State to establish, in addition to the services listed in section 126, additional services for public purposes;

(b) in the case of additional services contemplated in paragraph *a*, only activities which do not require a permanent staff of more than 10 persons per activity are authorized;

(c) the right of the Government to grant the necessary authorizations for the duration of those activities;

(d) the Government and its agents and mandataries of the State have access, at all time, to Special Category I lands as if they were Category II lands for the purposes mentioned in this section.

1978, c. 93, s. 138; 1999, c. 40, s. 252.

139. Any land expropriated in accordance with section 124 is classified as Category III land.

Lands selected pursuant to section 135 are classified as Category I lands. Such lands shall be taken from Category II or Category III lands and, in the case of Category II lands, shall be replaced in accordance with the procedure provided for in section 159.

1978, c. 93, s. 139.

140. The interested Inuit landholding corporation may elect to have the expropriated lands reclassified as Category I lands where such lands are no longer required and where the compensation was in the form of lands or the services were declared to be of direct benefit. In such a case, the lands allocated as compensation revert to the Government and are reclassified as Category II or Category III lands according to the category to which they belonged.

1978, c. 93, s. 140.

§ 2. — *Immovables of Québec, leases and occupation permits*

141. The buildings and other installations used for the public service which belonged to the State on 11 November 1975, remain its property, with the right to use, replace, add to and reconstruct them for public purposes.

1978, c. 93, s. 141; 1999, c. 40, s. 252.

142. The holders of leases or occupation permits granted by the Government before 11 November 1975, on lands classified under this Act as Category I lands, may continue to exercise their rights for the same purposes, as if such lands were Category III lands.

The exercise of such rights continues until the expiration of the term fixed in such leases or permits, unless such rights are renewed by the Government.

Prior to the renewal of such leases or permits, the Government shall take into consideration the zoning plan of the local municipality in whose territory such lands are located. The municipality shall take into consideration such leases and permits when establishing a zoning plan.

The Government shall remit to the interested Inuit landholding corporation all rents or fees collected after 31 October 1977 for such leases or permits.

1978, c. 93, s. 142; 1996, c. 2, s. 877.

§ 3. — *Natural resources*

143. The holders of rights or titles granted before 11 November 1975 in the form of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Mining Act (1965, 1st session, chapter 34), as amended as of 11 November 1975, on lands surrounded by or adjacent to lands classified under this Act as Category I lands, may use Category I lands to the extent necessary for the exercise of their rights and their mining and exploration activities, in accordance with Division XXII of the Mining Act (1965, 1st session, chapter 34), as amended as of 11 November 1975.

The Category I lands required for such purposes shall only be subject to temporary servitudes which shall be governed by the applicable provisions of the Mining Act (chapter M-13.1).

The compensation to be paid to the interested Inuit landholding corporation by the Government for the use of such Category I lands for purposes other than exploration shall consist of replacement lands of an equal area in accordance with the procedure provided for in section 159. The compensation to be paid, in the case of exploration, shall be equivalent to the amount paid to the Government for the use of surface rights on lands in the domain of the State in similar cases.

1978, c. 93, s. 143; 1987, c. 23, s. 76; 1987, c. 64, s. 344; 1999, c. 40, s. 252.

144. The State retains the ownership of the mineral rights and subsurface rights on Category I lands.

1978, c. 93, s. 144; 1999, c. 40, s. 252.

145. No minerals or mineral or other subsurface rights may be obtained, extracted, mined or exercised from or with respect to any Category I lands, from 11 November 1975, without the consent of the interested Inuit landholding corporation and without the payment of the compensation agreed upon for the use of rights over such lands.

1978, c. 93, s. 145.

146. The consent provided for in section 145 is not required when the holders of the rights provided for in section 143 wish to explore or develop the extension of mineralization in Category I lands around the lands subject to the mining rights mentioned in the said section.

1978, c. 93, s. 146.

147. Deposits, in Category I lands, of soapstone or other similar material used for traditional arts and crafts of the Inuit beneficiaries are granted in full ownership to the interested Inuit landholding corporation.

1978, c. 93, s. 147.

148. Permits must be obtained by the interested Inuit landholding corporation from the Minister of Natural Resources and Wildlife for the use of gravel and other similar material generally used for earth works and general construction for personal or community use.

When such permits are applied for, the Minister of Natural Resources and Wildlife shall not withhold them if all applicable regulations are complied with. However, no duties may be collected.

1978, c. 93, s. 148; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

§ 4. — *Access*

149. Unless otherwise provided in this division, Québec laws and regulations of general application and the following provisions govern access to Category I lands:

(a) the public will have access to roads, arteries, airports, bridges, public seaplane bases, wharves, harbours, public buildings and lands used for public purposes;

(b) persons involved in the construction, installation or operation of public servitudes and public utilities on or adjacent to Category I lands have access to Category I lands. Such right shall be exercised only to the extent required for such purposes;

(c) persons involved in public administration or in rendering public services or engaged in technical surveys for public purposes on or adjacent to Category I lands have access to Category I lands. Such right shall be exercised only to the extent required for such purposes;

(d) holders of mineral or ancillary rights granted on or with respect to Category I lands and in respect to lands surrounded by Category I lands and persons engaged in activities required for the exercise thereof, to the extent required for such exercise, have access to Category I lands; and

(e) such other persons as are authorized by the Inuit land holding corporation have access to Category I lands.

1978, c. 93, s. 149.

§ 5. — *Residence*

150. Non-beneficiaries residing on Category I lands, on 11 November 1975, have the right to remain there until the expiration of their rights of occupancy or residence on such lands.

1978, c. 93, s. 150.

§ 6. — *Selection*

151. Lands within an eight kilometre radius from each Inuit village which for any reason are not selectable as Category I lands may, at the option of the interested Inuit landholding corporation, and with the agreement

of the Minister, when such reason ceases to exist, be classified as Category I lands in exchange for an equivalent area of Category I lands situated outside the eight kilometre radius.

1978, c. 93, s. 151.

CHAPTER II

CATEGORY II LANDS

DIVISION I

GENERAL PROVISIONS

152. Category II lands have a total area of eighty-one thousand five hundred and ninety-six and eight-tenths (81 596.8) square kilometres. Such lands shall remain lands in the domain of the State. This total area shall not be modified except in accordance with the application of this Act.

The Inuit beneficiaries have, on Category II lands, the rights which are granted to them by this Act and any other Act which refers to those lands.

The Government shall appropriate and describe Category II lands by order in council. The Government shall amend such descriptions following the application of the land regime provided for in this Act.

1978, c. 93, s. 152; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

153. Category II lands include, without being limited thereto, within the perimeter of Category I lands, the beds of the George, Koksoak, Leaf, Payne, Povungnituk, Great Whale and Le Goulet rivers as well as a strip of land extending sixty and ninety-six hundredths (60.96) metres along the coast and on each side of these rivers, except for a distance of one and six-tenths (1.6) kilometres in each direction from the centre of the coastal Inuit villages and for a distance of one and six-tenths (1.6) kilometres in each direction along the shoreline, from the centre of the riverside Inuit villages.

1978, c. 93, s. 153.

154. The regime established in Chapter I applies to the strip of land sixty and ninety-six hundredths (60.96) metres long mentioned in section 153, except that persons navigating on such rivers or along the coast or crossing such lands have access to such lands. Such lands are included in the calculation of the total area of Category I lands mentioned in section 109.

1978, c. 93, s. 154.

DIVISION II

REGIME

§ 1. — *Development*

155. The Government, Hydro-Québec, as well as their nominees and any other persons duly authorized have the right, subject to all applicable laws and regulations to develop Category II lands. Category II lands appropriated for development purposes are classified as Category III lands.

The interested Inuit landholding corporation then has the right to a replacement of the said lands with an equal area of Category II lands in accordance with the procedure provided for in section 159 or, to monetary compensation agreed upon between the corporation and the Government, or to compensation partly in one and partly in the other of these forms if the parties agree.

1978, c. 93, s. 155.

156. With respect to Category II lands, “development” means any act or deed which prevents beneficiaries from exercising their hunting, fishing and trapping activities, except for “pre-development” which means any act or deed relating to surveys and research in the field for a limited period of time for the purpose of gathering information with a view to deciding whether or not development will take place.

1978, c. 93, s. 156.

157. Except in the case of activities directly related to pre-development, the Government may make regulations to control the rights of or the exercise of rights by non-beneficiaries and may establish appropriate enforcement mechanisms when the authorized activities of non-beneficiaries interfere with or could reasonably be expected to interfere with the rights granted to beneficiaries by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1978, c. 93, s. 157.

158. The Government shall give notice of the decision to undertake a development on Category II lands to the interested Inuit landholding corporation. That notice shall reproduce section 159.

1978, c. 93, s. 158.

159. In the case of compensation in the form of lands, the following rules shall apply:

(a) the interested Inuit landholding corporation shall indicate its preference to the Government, as to the selection of lands, as soon as the decision to proceed with the development has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the corporation, taking into consideration the preference of the latter, an area with characteristics similar to the Category II lands required for the purposes of development, so far as possible, and contiguous to Category II lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced. The corporation is then entitled to select from that area a piece of land contiguous to the Category II lands and equal in size to the land appropriated for the purposes of such development as full compensation for the reappropriation of that land;

(d) the procedure provided for in this section begins on the day on which the Government communicates the decision provided for in paragraph *a* and ends at the latest on the one hundred and twentieth day which follows; nevertheless, the appropriation of lands for development purposes or any related construction work may proceed after 60 days from the beginning of the procedure;

(e) if the corporation does not exercise the right it has under paragraph *c* within the 120-day period, the compensation shall then be made in the form of lands, chosen by the Government from the proposed replacement lands provided for in paragraph *c*, unless there is an agreement to submit the matter to final and binding arbitration.

1978, c. 93, s. 159.

160. Subject to the laws and regulations of general application, the Government, Hydro-Québec, and all public bodies, agencies and legal persons authorized by law may modify or regulate the flow of rivers in Category II lands, even if such rivers flow through, or are adjacent to, Category I lands and even if these modifications or regularizations have downstream effects, including within Category I lands.

1978, c. 93, s. 160; 1999, c. 40, s. 252.

161. The modification or regularization of rivers provided for in section 160 is, however, in Category I lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of this river;

(b) for the purposes of establishing or maintaining, in Category I lands, the services listed in sections 126 and 138 which are of direct benefit as contemplated in section 133, the water level of the rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level the Government and the bodies mentioned in section 160 shall be liable for damages to such facilities, installations or rights connected therewith.

1978, c. 93, s. 161.

162. Subsections 8.1, 8.2 and 8.4 and paragraph 8.10.3 of Section 8 of the Agreement concerning either Le Complexe La Grande (1975) or, if it materializes, the project to develop the Great Whale River, the Little Whale River and the Coast River, known under the name of Great Whale Complex, take precedence over sections 160 and 161.

1978, c. 93, s. 162.

163. The modification or regularization of the flow regime of the rivers mentioned in section 160 may be carried out without any expropriation being effected and without any consent being requested for the utilization of the lands contemplated therein.

1978, c. 93, s. 163.

164. The rights and guarantees granted to beneficiaries by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) are subject to the rights of the Government, Hydro-Québec, their nominees and any other persons duly authorized to develop Category II lands, in accordance with the applicable laws and regulations.

1978, c. 93, s. 164.

165. The servitudes for the organization of the services contemplated in sections 126 and 138 may be established on Category II lands without payment of any compensation.

1978, c. 93, s. 165.

§ 2. — *Natural resources*

166. Mineral exploration, technical surveys, mapping and diamond drilling activities in Category II lands do not constitute development activities within the meaning of section 156, and may be carried out without giving rise to compensation. Nevertheless, such activities must be so carried out as to avoid unreasonable conflict with the exercise of the right to harvest of beneficiaries provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1978, c. 93, s. 166.

167. Every Inuit beneficiary or interested Inuit landholding corporation or interested local Inuit cooperative may obtain without cost from the Minister of Natural Resources and Wildlife a permit to exploit soapstone for the traditional arts and crafts of Inuit beneficiaries.

1978, c. 93, s. 167; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

168. The permit contemplated in section 167 is granted by the Minister of Natural Resources and Wildlife in accordance with the conditions and regulations established by the Government.

1978, c. 93, s. 168; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

169. To obtain the permit mentioned in section 167, the lands contemplated in an application for a permit shall have a square or rectangular shape, the sides of which shall not exceed 400 metres in length, and be marked out on the ground in the following manner:

(a) by planting a stake at the apex of each angle of the lot of land and indicating thereon the number of the permit;

(b) the length of the stakes above ground must be approximately one metre and twenty-five (25) centimetres and their diameter at least nine (9) centimetres; they must be squared on all four sides for a length of at least twenty-five (25) centimetres starting from the head; stumps or trees of the required dimension may be used in place of stakes;

(c) in territory where there is no wood from which stakes conformable to the requirements of paragraph *b* can be made, the apices of the angles may be marked by a pile of stones and earth at least one (1) metre in diameter and fifty (50) centimetres high supporting a stake of a smaller diameter;

(d) the lines between the stakes shall be marked out or indicated on the ground in such a way that they may be followed from one stake to the next.

1978, c. 93, s. 169.

170. Applications for soapstone permits must be made in writing to the Minister of Natural Resources and Wildlife and be accompanied with:

(a) the name and place of residence of the applicant;

(b) a sketch indicating to the satisfaction of the Minister:

i. the location of the deposit and of the land requested in relation to the nearest village and to the geographical characteristics of the surrounding territory;

ii. the shape and area of the land contemplated by the application;

iii. the length and breadth of the sides of the land contemplated in the application.

1978, c. 93, s. 170; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

171. The permit contemplated in section 167 is valid for one year.

1978, c. 93, s. 171.

172. The zones contemplated in such a permit are limited to the outcrops easily accessible to the Inuit beneficiaries.

1978, c. 93, s. 172.

173. The right to exploit soapstone, which the Inuit beneficiaries may acquire, is subordinate to the rights relating to other mineral substances, in such a way that it will not prevent possible mining development on Category II lands; consequently, any permit issued pursuant to section 167 on a lot of land may be cancelled by the Minister of Natural Resources and Wildlife after the registration of claims and of other titles to mining rights other than for soapstone, granted pursuant to the Mining Act (chapter M-13.1) on the said land, and after a 30-day notice to the holder of the permit.

1978, c. 93, s. 173; 1979, c. 81, s. 20; 1987, c. 64, s. 344; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

174. Commercial cutting programs in Category II lands are defined according to management plans elaborated by the Ministère des Ressources naturelles et de la Faune which shall take into consideration the hunting, fishing and trapping activities of beneficiaries.

1978, c. 93, s. 174; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

§ 3. — *Access*

175. Subject to the rights of beneficiaries under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), persons exercising a right compatible with such rights, as well as persons exercising duties imposed by law, have access to Category II lands and may remain there and erect constructions thereon.

1978, c. 93, s. 175.

176. In addition to the general provisions of any applicable law, the exercise of the rights provided for in section 175 is subject to the following special provisions:

(a) persons wishing to carry out exploration activities, pre-development activities, scientific studies and administrative activities must obtain authorizations therefor from the Minister;

(b) the application for authorizations contemplated in paragraph *a* shall include information relating to the objective, the approximate number of persons involved, the nature, importance and duration of the activities, and a description of the installations;

(c) where such authorization is granted, the information so furnished to the Minister shall be communicated to the interested Inuit landholding corporation and to Makivik Corporation, as soon as possible;

(d) activities which do not involve substantial operations in the field, such as geoscientific studies and mining exploration of the type contemplated in the Mining Act (chapter M-13.1) are not subject to the obtaining of the authorization provided for in paragraph *a*, nor to the communication of the information provided for in paragraphs *b* and *c*;

(e) the activities provided for in paragraphs *a* and *d* shall be carried out in such a manner as to avoid any unreasonable conflict with the rights which the beneficiaries are acknowledged to have under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1978, c. 93, s. 176; 1987, c. 64, s. 344.

CHAPTER III

CATEGORY III LANDS

DIVISION I

GENERAL PROVISIONS

177. Category III lands, representing all the lands in the territory situated north of the 55th parallel not included in Category I, Category IB-N, Category II and Category II-N lands, remain lands in the domain of the State with the exception of lands granted in full ownership.

1978, c. 93, s. 177; 1979, c. 25, s. 39; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

178. Category III lands include, without being limited thereto:

(a) lands the ownership of which was ceded by letters patent or otherwise before 11 November 1975, within the perimeter of Category I lands;

(b) lands, within the perimeter of Category I lands, which, as of 11 November 1975, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar rights, as defined in the Mining Act (1965, 1st session, chapter 34) on 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category I lands mentioned in section 109;

(c) lands, within the perimeter of Category I lands, on which, the main roads identified in the territorial descriptions contemplated in sections 112 and 113 were constructed, as of 11 November 1975;

(d) lands, within the perimeter of Category I lands, on which landing strips, airport installations, seaplane bases and maritime structures were located as of 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category I lands mentioned in section 109;

(e) lands, within the perimeter of Category II lands, the ownership of which was ceded by letters patent or otherwise before 11 November 1975;

(f) lands, within the perimeter of Category II lands, which were the subject, as of 11 November 1975, of leases, occupation permits, mining claims, mining concessions and mining leases; however, the areas of such lands are included in the calculation of the total area of Category II lands mentioned in section 152;

(g) lands, within the perimeter of Category II lands, on which roads, landing strips, airport installations, seaplane based and maritime structures were located as of 11 November 1975; however, the areas of such lands are included in the calculation of the total area of Category II lands mentioned in section 152;

(h) lands the ownership of which was ceded by letters patent or otherwise before 31 January 1978, within the perimeter of Category IB-N lands;

(i) lands, within the perimeter of Category IB-N lands, which, as of 31 January 1978, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar rights, as defined in the Mining Act (chapter M-13); however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191.2;

(j) lands, within the perimeter of Category IB-N lands, on which landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191.2;

(k) lands, within the perimeter of Category II-N lands, the ownership of which was ceded by letters patent or otherwise before 31 January 1978;

(l) lands, within the perimeter of Category II-N lands, which were the subject, as of 31 January 1978, of leases, occupation permits, mining claims, development licences, exploration permits, mining concessions and mining leases; however, the areas of such lands are included in the calculation of the total area of Category II-N lands mentioned in section 191.48;

(m) lands, within the perimeter of Category II-N lands, on which roads, landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such lands are included in the calculation of the total area of Category II-N lands mentioned in section 191.48.

1978, c. 93, s. 178; 1979, c. 25, s. 40.

179. Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *b* of section 178 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 110.

1978, c. 93, s. 179.

179.1. Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *i* of section 178 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 191.4.

1979, c. 25, s. 41.

180. If part of the lands mentioned in paragraph *b* of section 178 is taken for development under the Mining Act (chapter M-13.1), the Government shall replace them in accordance with the procedure established for the replacement of Category II lands provided for in section 159.

1978, c. 93, s. 180; 1987, c. 64, s. 344.

180.1. If part of the lands mentioned in paragraph *i* of section 178 is taken for development under the Mining Act (chapter M-13.1), the Government shall replace them in accordance with the procedure established for the replacement of Category II-N lands provided for in section 191.55.

1979, c. 25, s. 42; 1987, c. 64, s. 344.

181. When the use of the lands mentioned in paragraph *d* of section 178 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 110, the whole subject to the right of use of the holders thereof and subject to the mineral interests granted before 11 November 1975.

1978, c. 93, s. 181.

181.1. When the use of the lands mentioned in paragraph *j* of section 178 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 191.4, the whole subject to the right of use of the holders thereof and subject to the mineral interests granted before 31 January 1978.

1979, c. 25, s. 43.

182. Upon reversion of the rights which the Government has granted on the lands mentioned in paragraph *f* of section 178, such lands shall be classified as Category II lands.

1978, c. 93, s. 182.

182.1. Upon reversion of the rights which the Government has granted on the lands mentioned in paragraph *l* of section 178, such lands shall be classified as Category II-N lands.

1979, c. 25, s. 44.

183. When the use of the lands mentioned in paragraph *g* of section 178 is no longer required, as determined by the Government, such lands shall be classified as Category II lands.

1978, c. 93, s. 183.

183.1. When the use of the lands mentioned in paragraph *m* of section 178 is no longer required, as determined by the Government, such lands shall be classified as Category II-N lands.

1979, c. 25, s. 45.

183.2. The lands mentioned in paragraph *h* of section 178 and the persons holding titles thereon are subject to the by-laws of the Naskapi village as though such lands were Category IB-N lands. Such persons are entitled to all municipal services offered by the village to residents of adjacent Category IB-N lands or surrounding lands, on the same conditions, the whole subject to the rights of such persons and the exercise of such rights.

1979, c. 25, s. 45; 1996, c. 2, s. 878.

DIVISION II

REGIME

§ 1. — *Development*

184. The Government, Hydro-Québec, their nominees and any other persons duly authorized are entitled, subject to all applicable laws and regulations, to develop Category III lands.

1978, c. 93, s. 184.

185. Subject to the laws and regulations of general application, the Government, Hydro-Québec, and all public bodies, agencies and legal persons authorized by law may modify or regulate the flow of rivers in Category III lands, even if such rivers flow through, or are adjacent to, Category II or Category II-N lands, or Category I or Category IB-N lands, and even if such modifications or regularizations have downstream effects, including within Category II or Category II-N lands, or Category I or Category IB-N lands.

1978, c. 93, s. 185; 1979, c. 25, s. 46; 1999, c. 40, s. 252.

186. Nevertheless, the modification or regularization of rivers provided for in section 185 is, in Category I and Category IB-N lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of the river;

(b) for the purposes of establishing or maintaining, in Category I or Category IB-N lands, the services listed in section 126, 138 or 191.19, as the case may be, which are of direct benefit as contemplated in section 133 or 191.25, as the case may be, the water level of rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level, the Government and the bodies mentioned in section 185 are liable for damages to such facilities, installations or rights connected therewith.

1978, c. 93, s. 186; 1979, c. 25, s. 47.

187. Subsections 8.1, 8.2 and 8.4 and paragraph 8.10.3 of Section 8 of the Agreement, concerning either Le Complexe La Grande (1975), or, if it materializes, the project to develop the Great Whale River, the Little Whale River and the Coast River, known under the name of Great Whale Complex, take precedence over sections 185 and 186.

1978, c. 93, s. 187.

188. The modification or the regularization of rivers provided for in section 185 may be carried out without any expropriation being effected and without any consent being requested under this Act for the utilization of the lands contemplated therein.

1978, c. 93, s. 188.

189. The rights and guarantees granted to the Inuit and Naskapi beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) are subject to the rights which the Government, Hydro-Québec, their nominees and any other persons duly authorized have to develop Category III lands in accordance with the applicable laws and regulations.

1978, c. 93, s. 189; 1979, c. 25, s. 48.

§ 2. — *Natural resources*

190. Sections 167 to 173 relating to the use of soapstone in Category II lands apply with the necessary modifications to the Inuit beneficiaries in Category III lands; sections 191.62 to 191.68 relating to the use of soapstone in Category II-N lands apply with the necessary modifications to the Naskapi beneficiaries in Category III lands.

1978, c. 93, s. 190; 1979, c. 25, s. 49.

§ 3. — *Access*

191. All persons have access to Category III lands in accordance with the applicable laws and regulations relating to lands in the domain of the State.

1978, c. 93, s. 191; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

TITLE IV.1

LAND REGIME APPLICABLE TO CERTAIN LANDS SITUATED IN THE SCHEFFERVILLE REGION

1979, c. 25, s. 50.

191.1. The lands in the territory, in addition to Category I, Category II and Category III lands, are also divided into Category I-N and Category II-N lands. This title applies only to Category I-N and Category II-N lands.

1979, c. 25, s. 50.

CHAPTER I

CATEGORY I-N LANDS

1979, c. 25, s. 50.

DIVISION I

GENERAL PROVISIONS

1979, c. 25, s. 50.

191.2. The Naskapi beneficiaries are entitled to a total area of three hundred and twenty-six and three-tenths (326.3) square kilometres of Category I-N lands. Such lands are subdivided into Category IA-N and Category IB-N lands.

1979, c. 25, s. 50.

191.3. The Government shall, within the time limits provided for in section 20 of the Northeastern Québec Agreement, by order in council and upon such conditions as it may determine in accordance with this Act, transfer the administration, management and control of Category IA-N lands, determined pursuant to the said section, to the Government of Canada, for the exclusive use and benefit of the Naskapi local government.

1979, c. 25, s. 50; 1999, c. 40, s. 252.

191.4. The Government shall, as soon as possible, on the expiry of the time limit provided for in the second paragraph, by letters patent and upon such conditions as it may determine in accordance with this Act, transfer the ownership of Category IB-N lands to the Naskapi Landholding Corporation incorporated pursuant to section 7.1.

Category IB-N lands have the same area as Category I-N lands mentioned in section 191.2, after subtracting, within two months following the determination of Category IA-N lands, from their northern part, the area of Category IA-N lands determined in accordance with section 191.3.

1979, c. 25, s. 50; 1999, c. 40, s. 252.

191.5. The Government shall transfer the lands mentioned in sections 191.3 and 191.4 by temporary deeds, based upon a preliminary territorial description. These temporary deeds remain in force until the issuance of the deeds contemplated in section 191.6.

1979, c. 25, s. 50.

191.6. As soon as the delimitation of the lands and the documents relating thereto have been completed, the transfers of the lands contemplated in sections 191.3 and 191.4 shall be made by final deed, based upon technical territorial descriptions.

1979, c. 25, s. 50.

191.7. The Government shall amend the territorial descriptions provided for in sections 191.5 and 191.6 following the application of the land regime provided for in this Act.

1979, c. 25, s. 50.

191.8. Category I-N lands include, without being limited thereto:

(a) lands within the perimeter of Category I-N lands on which the Government had granted rights, before 31 January 1978, in the form of leases, occupation permits or any other authorizations;

(b) lands on which had been built, as of 31 January 1978, roads within the perimeter of Category I-N lands.

1979, c. 25, s. 50.

191.9. The State retains the bare ownership of Category IA-N lands. Category IB-N lands shall not be sold or ceded except to the State and this obligation constitutes a prohibition to sell or to cede other than to the State.

The Naskapi local government may grant, to any person, servitudes, usufructuary rights and other rights of use and occupation and leases on Category I-N lands.

However, rights granted to non-beneficiaries on Category IA-N lands, for a term of more than five years, including their renewal, are subject to all provincial laws and regulations, in the same manner as if such lands were Category IB-N lands, on the date such rights are granted.

Naskapi beneficiaries have, at all times, the right to reside on Category I-N lands of the Naskapi community in accordance with the by-laws of the Naskapi band or of the Naskapi village, as the case may be.

1979, c. 25, s. 50; 1996, c. 2, s. 882; 1999, c. 40, s. 252.

191.10. Category IB-N lands are unseizable.

1979, c. 25, s. 50.

191.11. Category I-N lands are transferred for Naskapi community purposes and may be used for commercial, industrial, residential or other purposes.

1979, c. 25, s. 50.

191.12. Notwithstanding section 191.9, no watercourse or lake in Category IB-N lands and no right pertaining thereto may be granted by the Naskapi Landholding Corporation to a non-member, without the consent of the Government.

1979, c. 25, s. 50.

191.13. The total area of Category I-N lands shall never be less than three hundred and twenty-six and three-tenths (326.3) square kilometres without the consent of the Naskapi local government, except upon expropriation by Canada or except where there is no replacement of lands following an expropriation made in accordance with section 191.17.

This total area shall never be greater than three hundred and twenty-six and three-tenths (326.3) square kilometres without the consent of the Government.

1979, c. 25, s. 50.

DIVISION II

LAND ADMINISTRATION

1979, c. 25, s. 50.

§ 1. — Services

1979, c. 25, s. 50.

191.14. The Naskapi local government shall first consult with the Government in the case where it allows any person other than a signatory of the Northeastern Québec Agreement, the Naskapi beneficiaries and bodies composed in majority of Naskapi beneficiaries to occupy Category I-N lands for projects of regional or provincial interest.

1979, c. 25, s. 50.

191.15. The Naskapi local government shall, when required, allocate lots of land for community services such as roads, schools, hospitals, police stations, telecommunications and other community services of the same nature provided by the Government, its agents or mandataries of the State or by the Naskapi village. The Naskapi local government shall make such allocation, at its option, by way of leases, servitudes, or similar contracts and for the sum of \$1.

1979, c. 25, s. 50; 1996, c. 2, s. 883; 1999, c. 40, s. 252.

191.16. The Government and, with its approval and upon such conditions as it may determine, its agents or mandataries of the State, all public bodies and legal persons established in the public interest authorized to do so by present or future legislation, cannot establish by expropriation any servitudes other than the servitudes required for the organization of the services listed in section 191.19.

1979, c. 25, s. 50; 1999, c. 40, s. 252; 2009, c. 52, s. 649.

191.17. The Government and, with its approval and upon such conditions as it may determine, the entities mentioned in section 191.16 have the right to expropriate Category I-N lands in full ownership when they cannot organize the services listed in section 191.19 without a full taking of the Category I-N lands required.

The Government and the entities mentioned in section 191.16 must expropriate in full ownership when the organization of the services listed in section 191.19 would result in the effective withdrawal of Category I-N lands from the use and enjoyment of the Naskapi beneficiaries.

1979, c. 25, s. 50.

191.18. The Expropriation Act (chapter E-24) applies to the expropriations made pursuant to sections 191.16 and 191.17 except where it is incompatible with this chapter, in which case the latter prevails.

1979, c. 25, s. 50.

191.19. The services contemplated in sections 191.16 and 191.17 are the following:

(a) infrastructures: such as regional roads and arteries, bridges, airports and protection and irrigation facilities;

(b) local services: such as water systems, sewers, purification plants, treatment plants, fire protection services and other services generally provided by municipal or local governments;

(c) public utilities: such as electricity, gas, oil, telecommunications and telephones;

(d) gas pipelines, oil pipelines and energy transmission lines;

(e) other services of a similar nature established by law.

1979, c. 25, s. 50.

191.20. However, in the cases provided for in paragraph *d* of section 191.19, the following conditions apply:

(a) the installations shall, taking into account all circumstances, be situated as far away as possible from the centre of the village;

(b) lands necessary for such purposes shall be replaced, subject to section 191.22 in respect of Block Pearce, Block Cartier and Block Matemace;

(c) all reasonable efforts shall be made to situate such gas pipelines, oil pipelines and energy transmission lines in Category III or Category II-N lands, for equal cost.

1979, c. 25, s. 50.

191.21. The Naskapi local government is entitled to compensation in money when servitudes are established pursuant to section 191.16 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191.19.

1979, c. 25, s. 50.

191.22. The Naskapi local government is, at its option, entitled to compensation in an equal area of land or in money, or partly in land and partly in money, when lands are taken pursuant to section 191.17 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191.19.

In Block Cartier or Block Pearce, defined in section 20 of the Northeastern Québec Agreement, for the organization of all the services listed in section 191.19, the compensation is exclusively in money, when the block within which the lands are taken becomes Category IA-N lands.

In Block Matemace, defined in section 20 of the Northeastern Québec Agreement, for the organization of all the services listed in section 191.19, the compensation is exclusively in money, when the block within which the lands are taken is subject to a relocation provided for in the same section of the Agreement and when Québec has serious grounds for not being able to replace such lands.

1979, c. 25, s. 50.

191.23. The Naskapi local government is not entitled to any compensation when servitudes are established pursuant to section 191.16 or when lands are taken pursuant to section 191.17 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191.19 and these services are of direct benefit to:

- (a) Category I-N lands, or
- (b) the Naskapi community or the agglomeration in which it resides.

1979, c. 25, s. 50.

191.24. Direct benefit, contemplated in section 191.23, is determined with respect to the potential use of the services by, or the future advantages to, the Naskapi community, or the future benefit to Category I-N lands.

1979, c. 25, s. 50.

191.25. The following services are of direct benefit for the lands or the community mentioned in section 191.23:

- (a) public services expressly requested by the Naskapi local government;
- (b) essential services for the Naskapi community, provided such services are used by the Naskapi beneficiaries to improve their quality of life.

They include local services generally provided by municipal or local governments and by public utilities, as well as local roads, bridges and airports and other similar services.

For any other service, the burden of proof in establishing the direct benefit within the meaning of this section lies upon the expropriator.

1979, c. 25, s. 50.

191.26. The expropriation notice shall contain a statement indicating whether or not the service is of direct benefit. The Naskapi local government has the right to contest this statement in accordance with section 191.29.

1979, c. 25, s. 50.

191.27. In the case of compensation in the form of land, the following rules apply:

- (a) the Naskapi local government shall indicate its preference to the Government as to the selection of lands as soon as the notice of expropriation has been communicated to it or, if the right to expropriate is contested, as soon as the final judgment on the application has been communicated to it;
- (b) if there is disagreement as to the choice of lands, the Government shall then propose to the Naskapi local government, taking into consideration the preference of the latter, an area with characteristics similar to those of the expropriated lands, as far as possible, and contiguous to Category I-N lands;
- (c) the area so proposed as replacement land shall be double the size of the land to be replaced. The Naskapi local government shall then be entitled to select from the new area a piece of land equal in size to the land expropriated and contiguous to Category I-N lands;
- (d) the procedure provided for in this section begins on the day on which the Government communicates the notice of expropriation provided for in paragraph *a* or, if the right to expropriate is contested, on the day on which final judgment on the application is communicated; this procedure ends at the latest on the one hundred and twentieth day which follows the beginning of the procedure;

(e) if there is no agreement on the choice of the replacement lands within the period of 120 days, the compensation shall take the form of money.

1979, c. 25, s. 50; I.N. 2016-01-01 (NCCP).

191.28. The establishment of a servitude pursuant to section 191.16 or the taking of lands pursuant to section 191.17 for the organization of a service contemplated in section 191.19, including any construction work relating thereto, may proceed after 60 days from the beginning of the procedure contemplated in paragraph *d* of section 191.27.

1979, c. 25, s. 50.

191.29. If there is no agreement between the Naskapi local government and the expropriator respecting the determination of what is direct benefit, or if the compensation is to be in the form of money and there is no agreement as to what is suitable compensation, the decision as to one or the other of these two questions shall be made by the Administrative Tribunal of Québec, unless there is an agreement to submit the matter to final and binding arbitration.

1979, c. 25, s. 50; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 648.

191.30. Lands expropriated in accordance with section 191.17 shall be classified as Category III lands.

Lands selected pursuant to section 191.27 are classified as Category I-N lands. Such lands shall be taken from Category III lands.

1979, c. 25, s. 50.

191.31. The Naskapi local government may elect to have the expropriated lands reclassified as Category I-N lands when such lands are no longer required and when the compensation was made in the form of lands or the services were declared to be of direct benefit. In such a case, the lands allocated as compensation revert to the Government and shall be reclassified as Category III lands.

1979, c. 25, s. 50.

§ 2. — *Immovables of Québec, leases and occupation permits*

1979, c. 25, s. 50.

191.32. The buildings and other installations used for the public service which belonged to the State on 31 January 1978, remain its property, with the right to use, replace, add to and reconstruct them for public purposes.

1979, c. 25, s. 50; 1999, c. 40, s. 252.

191.33. The holders of leases, occupation permits or other authorizations granted by the Government before 31 January 1978, on lands classified under this Act as Category I-N lands, may continue to exercise their rights for the same purposes, as if such lands were Category III lands until the expiry of the term fixed for the exercise of such rights.

Those grants of rights may be renewed and those rights may be exercised in accordance with the preceding paragraph.

1979, c. 25, s. 50.

§ 3. — *Natural resources*

1979, c. 25, s. 50.

191.34. The holders of rights or titles granted before 31 January 1978 in the form of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Mining Act, as amended to 31 January 1978, on lands surrounded by or adjacent to lands classified under this Act as Category I-N lands, may use Category I-N lands to the extent necessary for the exercise of their rights and their mining and exploration activities, in accordance with Division XXII of the Mining Act, as amended to 31 January 1978.

The Category I-N lands required for such purposes shall be subject only to temporary servitudes, which shall be governed by the applicable provisions of the Mining Act (chapter M-13.1).

The compensation to be paid to the Naskapi local government by the Government for the use of such Category I-N lands for purposes other than exploration shall consist of replacement lands of an equal area in accordance with the procedure provided for in section 191.55. The compensation to be paid, in the case of exploration, shall be equivalent to the amount paid to the Government for the use of surface rights on lands in the domain of the State in similar cases.

1979, c. 25, s. 50; 1987, c. 23, s. 76; 1987, c. 64, s. 344; 1999, c. 40, s. 252.

191.35. The State retains the ownership of the mineral rights and subsurface rights on Category I-N lands.

No minerals or mineral or other subsurface rights may be obtained, extracted, mined or exercised from or with respect to any Category I-N lands, from 31 January 1978, without the consent of the Naskapi local government and without the payment of the compensation agreed upon for the use of rights over such lands.

1979, c. 25, s. 50; 1999, c. 40, s. 252.

191.36. The consent provided for in section 191.35 is not required when the holders of the rights provided for in section 191.34 wish to explore or develop the extension of mineralization in Category I-N lands around the lands subject to the mining rights mentioned in the said section.

1979, c. 25, s. 50.

191.37. Deposits, in Category I-N lands, of soapstone or other similar material used for traditional arts and crafts of the Naskapi beneficiaries are granted in full ownership to the Naskapi local government.

1979, c. 25, s. 50.

191.38. Permits must be obtained by the Naskapi local government from the Minister of Natural Resources and Wildlife for the use of gravel and other similar material generally used for earth works for personal and community use.

When such permits are applied for, the Minister of Natural Resources and Wildlife shall not withhold them if all applicable regulations are complied with. However, no duties may be collected.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

191.39. Naskapi beneficiaries are entitled to use the forest on Category I-N lands, for personal needs and community purposes.

1979, c. 25, s. 50.

191.40. The Naskapi local government has the exclusive right to the commercial exploitation of the forest resources on Category I-N lands and may act directly or through persons authorized by it.

In such a case, the Naskapi local government shall obtain a forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (chapter A-18.1) who shall not refuse to issue it if the commercial cutting conforms to the development and marketing plan approved by him.

Where forest resources are commercially exploited, the Naskapi local government is not required to pay stumpage dues.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1986, c. 108, s. 254; 2010, c. 3, s. 328.

191.41. Subject to sections 191.39 and 191.40, the exploitation of forest resources on Category I-N lands must be carried on in accordance with the standards established in the applicable laws and regulations. The general program of forest protection, including costs, is applicable to it.

1979, c. 25, s. 50.

§ 4. — *Residence*

1979, c. 25, s. 50.

191.42. Non-beneficiaries residing on Category I-N lands, on 31 January 1978, have the right to remain there until the expiration of their rights of occupancy or residence on such lands but they are subject to the by-laws of the Naskapi band or, as the case may be, of the Naskapi village.

1979, c. 25, s. 50; 1996, c. 2, s. 882.

191.43. Subject to section 191.42, non-beneficiaries are not authorized to reside on Category I-N lands except in virtue of the by-laws of the Naskapi band or, as the case may be, of the Naskapi village.

Such by-laws must authorize non-beneficiaries to reside on Category I-N lands if, with the approval of the Naskapi local government, they are engaged in administrative or public duties or in scientific studies, provided that such activities do not require the presence of a number of persons sufficient to significantly alter the demographic composition of the Naskapi village contemplated in section 20 of the Northeastern Québec Agreement.

1979, c. 25, s. 50; 1996, c. 2, s. 882.

191.44. Persons married to Naskapi beneficiaries and the members of their families, to the first degree, are authorized to reside on Category I-N lands.

1979, c. 25, s. 50.

§ 5. — *Access*

1979, c. 25, s. 50.

191.45. The public has access to roads, arteries, airports, bridges, public seaplane bases, wharves, rivers and major lakes, public buildings and lands used for public purposes.

1979, c. 25, s. 50.

191.46. The following persons also have access to Category I-N lands:

- (a) persons authorized to reside thereon;
- (b) persons authorized to exercise public functions or engaged in technical surveys, or in the construction or operation of public installations or public services;
- (c) holders of mining rights and persons involved in activities required for the exercise of such rights;

(d) any other person authorized by the Naskapi band or, as the case may be, the Naskapi village.

1979, c. 25, s. 50; 1996, c. 2, s. 883.

191.47. Subject to sections 191.45 and 191.46, only Naskapi beneficiaries have access to Category I-N lands and the Naskapi band or, as the case may be, the Naskapi village may, by its power to make by-laws, control access thereto provided that such right of access is not withheld or unduly restricted.

1979, c. 25, s. 50; 1996, c. 2, s. 883.

CHAPTER II

CATEGORY II-N LANDS

1979, c. 25, s. 50.

DIVISION I

GENERAL PROVISIONS

1979, c. 25, s. 50.

191.48. Category II-N lands have a total area of four thousand one hundred and forty-four (4,144) square kilometres. Such lands remain lands in the domain of the State. This total area shall not be modified except in accordance with the application of this Act.

The Naskapi beneficiaries have, on Category II-N lands, the rights which are granted to them by this Act and any other Act which refers to those lands.

The Government shall describe Category II-N lands by order in council. Such lands shall correspond substantially to the Category II-N lands mentioned in section 4 of the Northeastern Québec Agreement. The Government shall amend such description following the application of the land regime provided for in this Act.

1979, c. 25, s. 50; 1987, c. 23, s. 76; 1999, c. 40, s. 252.

191.49. Category II-N lands include, without being limited thereto, a strip of land measuring one hundred and fifty-two and four-tenths (152.4) metres, on each side of the roads built through Category IB-N lands under sections 191.16 and 191.17.

1979, c. 25, s. 50.

191.50. Only Naskapi beneficiaries and persons authorized by the Naskapi village may establish or operate commercial facilities on the strips of land measuring one hundred and fifty-two and four-tenths (152.4) metres referred to in section 191.49, subject to the provisions relating to mining operations or other mining activities contained in section 191.34 that are applicable to such strips of land.

1979, c. 25, s. 50; 1996, c. 2, s. 883.

DIVISION II

REGIME

1979, c. 25, s. 50.

§ 1. — *Development*

1979, c. 25, s. 50.

191.51. The Government, Hydro-Québec, and their nominees and any other persons duly authorized have the right, subject to all applicable laws and regulations, to develop Category II-N lands. Category II-N lands appropriated for development purposes shall be classified as Category III lands.

The Naskapi village then has the right to a replacement of the said lands with an equal area of Category II-N lands in accordance with the procedure provided in section 191.55, to monetary compensation agreed upon between the village and the Government, or to compensation partly in one and partly in the other of these forms, if the parties agree.

1979, c. 25, s. 50; 1996, c. 2, s. 879.

191.52. With respect to Category II-N lands, “development” means any act or deed which prevents beneficiaries from exercising their hunting, fishing and trapping activities, except for “pre-development”, which means any act or deed relating to surveys and research in the field for a limited period of time for the purpose of gathering information with a view to deciding whether or not development will take place.

1979, c. 25, s. 50.

191.53. Except in the case of activities directly related to pre-development, the Government may make regulations to control the rights of or the exercise of rights by non-beneficiaries and may establish appropriate enforcement mechanisms when the authorized activities of non-beneficiaries interfere with or could reasonably be expected to interfere with the rights granted to the beneficiaries by the Act respecting hunting and fishing rights in the James Bay and New Québec Territories (chapter D-13.1).

1979, c. 25, s. 50.

191.54. The Government shall give notice of the decision to undertake a development on Category II-N lands to the Naskapi village. That notice shall reproduce section 191.55.

1979, c. 25, s. 50; 1996, c. 2, s. 883.

191.55. In the case of compensation in the form of land, the following rules apply:

(a) the Naskapi village shall indicate its preference to the Government, as to the selection of lands, as soon as the decision to proceed with the development has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the village, taking into consideration the preference of the latter, an area with characteristics similar to the Category II-N lands required for the purposes of development, as far as possible, and contiguous to Category II-N lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced; the village shall then be entitled to select from that new area a piece of land contiguous to the Category II-N lands and equal in size to the land appropriated for the purposes of such development as full compensation for the reappropriation of that land;

(d) the procedure provided for in this section begins on the day on which the Government communicates the decision provided for in paragraph *a* and ends at the latest on the one hundred and twentieth day which

follows; nevertheless, the appropriation of lands for development purposes or any related construction work may proceed after 60 days from the beginning of the procedure;

(e) if the village does not exercise the right it has under paragraph c within the 120-day period, the compensation shall then be made in the form of lands, chosen by the Government from the proposed replacement lands provided for in paragraph c, unless there is an agreement to submit the matter to final and binding arbitration.

1979, c. 25, s. 50; 1996, c. 2, s. 880.

191.56. Subject to the laws and regulations of general application, the Government, Hydro-Québec, and all public bodies, agencies and legal persons authorized by law may modify or regulate the flow of rivers in Category II-N lands, even if such rivers flow through, or are adjacent to, Category I-N lands and even if these modifications or regularizations have downstream effects, including within Category I-N lands.

1979, c. 25, s. 50; 1999, c. 40, s. 252.

191.57. The modification or regularization of rivers provided for in section 191.56 is, however, in Category I-N lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of this river;

(b) for the purposes of establishing or maintaining in Category I-N lands the services listed in section 191.19 which are of direct benefit as provided for in section 191.25, the water level of rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level, the Government and the bodies mentioned in section 191.56 are liable for damages to such facilities, installations or rights connected therewith.

1979, c. 25, s. 50.

191.58. The modification or regularization of the flow regime of the rivers provided for in section 191.56 may be carried out without any expropriation being effected and without any consent being requested under this Act for the utilization of the lands contemplated therein.

1979, c. 25, s. 50.

191.59. The rights and guarantees granted to the beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) are subject to the rights of the Government, Hydro-Québec, their nominees and any other persons duly authorized to develop Category II-N lands, in accordance with the applicable laws and regulations.

1979, c. 25, s. 50.

191.60. The servitudes for the organization of the services contemplated in section 191.19 may be established on Category II-N lands without payment of any compensation.

1979, c. 25, s. 50.

§ 2. — *Natural resources*

1979, c. 25, s. 50.

191.61. Mineral exploration and technical surveys in Category II-N lands do not constitute development activities within the meaning of section 191.52, and may be carried out without giving rise to compensation. Nevertheless, such activities must be so carried out as to avoid unreasonable conflict with the exercise of the

right to harvest of beneficiaries provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1979, c. 25, s. 50.

191.62. Naskapi beneficiaries may acquire, by way of a permit issued free of charge by the Minister of Natural Resources and Wildlife, who shall not unduly refuse it, the right to exploit soapstone for the purposes of traditional arts and crafts. Applications for permits are made through the Naskapi village.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 1996, c. 2, s. 882; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

191.63. The permit contemplated in section 191.62 is granted by the Minister of Natural Resources and Wildlife in accordance with the conditions and regulations established by the Government.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

191.64. To obtain the permit mentioned in section 191.62, the lands contemplated in the application for a permit shall be in the shape of a square or a rectangle, the sides of which shall not exceed 400 metres, and shall be marked out on the ground by the Naskapi beneficiary in the following manner:

(a) by planting a stake at the apex of each angle of the lot of land and indicating thereon the number of the permit;

(b) the length of the stakes above ground must be approximately one metre and 25 centimetres and their diameter at least 9 centimetres; they must be squared on all four sides for a length of at least 25 centimetres starting from the head; stumps or trees of the required dimension may be used in place of stakes;

(c) in territory where there is no wood from which stakes conformable to the requirements of paragraph *b* can be made, the apices of the angles may be marked by a pile of stones and earth at least one metre in diameter and 50 centimetres high supporting a stake of a smaller diameter;

(d) the lines between the stakes shall be marked out or indicated on the ground in such a way that they may be followed from one stake to the next.

1979, c. 25, s. 50.

191.65. Applications for soapstone permits must be made in writing to the Minister of Natural Resources and Wildlife and be accompanied with:

(a) the name and place of residence of the applicant;

(b) a sketch indicating to the satisfaction of the Minister

i. the location of the deposit and of the land requested in relation to the nearest agglomeration and to the physiographical characteristics of the surrounding territory;

ii. the shape and area of the land contemplated by the application;

iii. the length and breadth of the sides of the land contemplated in the application.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

191.66. The permit contemplated in section 191.62 is valid for one year.

1979, c. 25, s. 50.

191.67. The zones contemplated in such a permit are limited to the outcrops easily accessible to the Naskapi beneficiaries.

1979, c. 25, s. 50.

191.68. The right to exploit soapstone, which the Naskapi beneficiaries may acquire, is subordinate to the rights relating to other mineral substances, in such a way that it will not prevent possible mining development on Category II-N lands; consequently, any permit issued pursuant to section 191.62 on a lot of land may be cancelled by the Minister of Natural Resources and Wildlife after the registration of claims and of other titles to mining rights other than for soapstone, granted pursuant to the Mining Act (chapter M-13.1) on the said land, and after a 30-day notice to the holder of the permit.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1987, c. 64, s. 344; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

191.69. Forest operations on Category II-N lands are compatible with hunting, fishing and trapping activities.

Commercial cutting programs on Category II-N lands are defined according to management plans elaborated by the Ministère des Ressources naturelles et de la Faune, which shall take hunting, fishing and trapping activities into consideration.

1979, c. 25, s. 50; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

§ 3. — *Access*

1979, c. 25, s. 50.

191.70. Subject to the rights of the beneficiaries under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), persons exercising a right compatible with such rights, as well as persons exercising duties imposed by law, have access to Category II-N lands and may remain there and erect constructions thereon.

1979, c. 25, s. 50.

191.71. In addition to the general provisions of any applicable law, the exercise of the rights provided for in section 191.70 is subject to the following special provisions:

(a) persons wishing to carry out exploration activities, pre-development activities, scientific studies and administrative activities must obtain authorization therefor from the Minister;

(b) the applications for the authorizations contemplated in paragraph *a* shall include information relating to the object, nature, importance and duration of the activities, and a description of the installations;

(c) where an authorization is granted, the information so furnished to the Minister shall be communicated to the Naskapi village, as soon as possible;

(d) activities which do not involve substantial operations in the field, such as geoscientific studies and mining exploration of the type contemplated in the Mining Act (chapter M-13.1) are not subject to the obtaining of the authorization provided for in paragraph *a*, nor to the communication of the information provided for in paragraphs *b* and *c*;

(e) the activities provided for in paragraphs *a* and *d* shall be carried out in such a manner as to avoid any unreasonable conflict with the rights which the beneficiaries are acknowledged to have under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1979, c. 25, s. 50; 1987, c. 64, s. 344; 1996, c. 2, s. 883.

TITLE V

SPECIAL PROVISIONS

192. The terms and conditions mentioned in paragraphs 4.4, 5.4, 6.1.2, 6.3.2, 7.4, 7.5, 7.6 and 8.7 of Section 4 and in paragraph 8.1.3 of Section 8 of the Agreement apply notwithstanding any other provisions of this Act. The Government shall modify, if necessary, the territorial descriptions of Category I and Category II lands provided for in sections 21, 22, 66, 112, 113 and 152, and carry out the transfers and reclassifications of lands which are necessary to give effect to these provisions.

1978, c. 93, s. 192.

193. The Société d'énergie de la Baie-James and Hydro-Québec may construct, operate and maintain Le Complexe La Grande (1975) substantially as described in Schedule I to Section 8 of the the Agreement, in whole or in part, with or without LA 1 and EM 1, notwithstanding the provisions of this Act.

The elements of Le Complexe La Grande (1975) which are or which will be constructed shall substantially conform to and be those components contemplated in the said Schedule I as such components may be modified from time to time in accordance with Section 8 of the Agreement.

1978, c. 93, s. 193.

TITLE VI

FINAL PROVISIONS

194. This Act applies to the Government and to the departments and agencies thereof.

1978, c. 93, s. 194.

195. *(Omitted).*

1978, c. 93, s. 195.

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

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

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 93 of the statutes of 1978, in force on 1 June 1979, is repealed effective from the coming into force of chapter R-13.1 of the Revised Statutes.