

**SUBJECT:** Torngat Mountains National Park Reserve

**OBLIGATION:** Establish Torngat Mountains National Park Reserve  
9.1.1

**PARTIES:** Canada - Parks Canada Agency

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish area shown on schedule 9-A of the Agreement and described in appendix D-2 as a National Park Reserve.	Canada - Parks Canada Agency	On the Effective Date.

***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

There will be a consequential amendment to the *Canada National Parks Act* undertaken in the ratification legislation that will produce this result.

Prior to the establishment of the Torngat Mountains National Park Reserve, a Park Impacts and Benefits Agreement (PIBA) must be concluded between Canada and Labrador Inuit Association (the PIBA was initialled on November 12, 2003). A land transfer agreement between Canada and the Province also has to be completed prior to the establishment (9.2.2).

***FINAL AGREEMENT PROVISIONS***

9.1.1 The area set out in the Map Atlas (shown for illustrative purposes only in schedule 9-A) and described in appendix D-2 shall become a National Park Reserve, to be called the Torngat Mountains National Park Reserve of Canada, on the Effective Date.

***CROSS-REFERENCED AND RELATED PROVISIONS***

Schedule 9-A: Map of proposed Torngat Mountains National Park Reserve  
Appendix D-2: Description of Torngat Mountains National Park Reserve

***BUDGET AND FUNDING RESPONSIBILITIES***

23.5.1 Canada shall transfer:...

(b) \$1.0 million under the Park Impacts and Benefits Agreement for the Torngat Mountains National Park Reserve of Canada.

**COMMUNICATION ACTIVITIES**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Press release.	Nunatsiavut Government  Canada - Parks Canada Agency  Province - Department of Environment and Conservation	On Effective Date.

**LEGISLATIVE/REGULATORY AMENDMENTS**

There will be a consequential amendment to the *Canada National Parks Act* undertaken in the ratification Legislation that will produce this result.

**SUBJECT:** Torngat Mountains National Park Reserve

**OBLIGATION:** Establish Torngat Mountains National Park Reserve as a National Park  
9.1.2

**PARTIES:** Canada - Parks Canada Agency  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to undertake work to establish the Torngat Mountains National Park Reserve as a National Park. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Parks Canada Agency	As soon as practicable after a decision has been taken to turn the National Park Reserve into a National Park.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1(b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Parks Canada Agency	Prior to making any decision or taking any action to establish the Torngat Mountains National Park.
4	Establish the Torngat Mountains National Park Reserve as a National Park.	Canada - Parks Canada Agency	As desired after Consultation.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The work to be undertaken by Canada in Consultation with the Nunatsiavut Government to establish the Torngat Mountains National Park is subject to the *Canada National Parks Act* (9.1.2).

Transforming the National Parks Reserve into a National Park does not require the negotiation of a PIBA. The existing PIBA will remain in effect (9.2.7).

## ***FINAL AGREEMENT PROVISIONS***

9.1.2 Subject to the Canada National Parks Act, Canada undertakes to:

- (a) establish the Torngat Mountains National Park Reserve of Canada as a National Park, to be called the Torngat Mountains National Park of Canada; and
- (b) Consult the Nunatsiavut Government with respect to the establishment of the Torngat Mountains National Park Reserve of Canada as a National Park.

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## ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Consult”  
*Canada National Parks Act*

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## ***LEGISLATIVE/REGULATORY AMENDMENTS***

There might be a consequential amendment to the *Canada National Parks Act* undertaken in the ratification Legislation that would produce this result.

**SUBJECT:** Torngat Mountains National Park Reserve

**OBLIGATION:** Public consultation prior to redrawing the boundaries of the Torngat Mountains National Park Reserve or the Torngat Mountains National Park  
**9.1.3**

**PARTIES:** Canada - Parks Canada Agency

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Conduct public consultation in the Labrador Inuit Settlement Area (LISA) regarding proposed substantive changes to the boundaries of the Torngat Mountains National Park or the Torngat Mountains National Park Reserve.	Canada - Parks Canada Agency	Before substantially redrawing the boundaries.

***FINAL AGREEMENT PROVISIONS***

9.1.3 Canada shall conduct a process of public consultation in the Labrador Inuit Settlement Area before substantially redrawing the boundaries of the Torngat Mountains National Park of Canada or the Torngat Mountains National Park Reserve of Canada.

***CROSS-REFERENCED AND RELATED PROVISIONS***

9.2 - National Parks and National Parks Reserves  
*Canada National Parks Act*

**SUBJECT:** National Parks and National Parks Reserve

**OBLIGATION:** Consult before establishing a park or marine conservation areas in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)  
**9.2.1**

**PARTIES:** Canada - Parks Canada Agency  
 Province - Department of Environment and Conservation  
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to enter into an agreement to establish a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL). Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Parks Canada Agency  Province - Department of Environment and Conservation	Prior to entering into any agreement for purposes of establishing a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1(b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Parks Canada Agency  Province - Department of Environment and Conservation	Prior to entering into any agreement for purposes of establishing a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

The current practice for the establishment of a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve by Parks Canada Agency is to undertake a feasibility study in cooperation with the Nunatsiavut Government, the Province and other

parties as appropriate, prior to establishment as its form of consultation.

The Consultation referred to in this Activity Sheet includes the land transfer agreement between Canada and the Province (9.2.1).

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***FINAL AGREEMENT PROVISIONS***

9.2.1 Prior to entering into any agreement for purposes of establishing a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area outside Labrador Inuit Lands, Canada and the Province shall Consult the Nunatsiavut Government about the proposed agreement.

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***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Consult”

**SUBJECT:** National Parks and National Parks Reserve

**OBLIGATION:** Negotiate a park impacts and benefits agreement (PIBA)  
9.2.2 - 9.2.4

**PARTIES:** Canada - Minister for Parks Canada Agency  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Negotiate an agreement pursuant to section 9.2.2 of the Agreement to address any matter connected with the proposed establishment or substantial enlargement of a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.	Canada - Parks Canada Agency Nunatsiavut Government	Prior to establishment or substantial enlargement of a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.
2	If no Parks Impact and Benefits Agreement (PIBA) is reached, select a conciliator.	Canada - Parks Canada Agency Nunatsiavut Government	a) in the case where a land transfer agreement has been completed, 18 months after the transfer of lands to Canada by the Province;  b) in the case where a land transfer agreement is not necessary, 18 months after commencement of PIBA negotiations; or  c) any other time agreed to between Canada and the Nunatsiavut Government.
3	Submit a report to Canada and the Nunatsiavut Government for consideration.	Conciliator	As soon as practicable.



4	Attempt to reach agreement.	Canada - Parks Canada Agency Nunatsiavut Government	Within 60 clear days following receipt of conciliation report.
5	Submit one report each to the Minister for consideration.	Canada - Parks Canada Agency Nunatsiavut Government	If no agreement is reached within 60 clear days following receipt of conciliation report.
6	Decide on terms of the PIBA.	Canada - Minister for Parks Canada Agency	Before establishment or substantial enlargement.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

A Park Impacts and Benefits Agreement:

- (a) shall not form part of the Agreement; and
- (b) is not intended to be a treaty or land claims agreement and is not intended to recognize or affirm aboriginal or treaty rights within the meaning of section 25 and 35 of the *Constitution Act, 1982* (9.2.5).

Any provisions respecting archaeology in a PIBA shall be consistent with the regime applicable to land under the control and administration of Canada under chapter 15 (9.2.6).

Where a Park Impacts and Benefits Agreement has been negotiated for a National Park Reserve or National Marine Conservation Area Reserve, no additional PIBA shall be required upon designation as a National Park or National Marine Conservation Area (9.2.7).

If there is a Conflict between an Inuit Law and a federal Law of General Application relating to a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, the federal Law of General Application prevails to the extent of the Conflict (9.2.9).

Any co-operative management board for a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve shall be an advisory board. The Minister may accept or reject the advice of the co-operative management board (9.2.10).

Inuit rights for trapping of Furbearers and non-consumptive commercial activities in relation to Wildlife and Fish or the permitting of extraction of Carving Stone shall not be affected except as provided in a PIBA or otherwise specifically provided in this Agreement (9.2.11, 9.2.13).

Except as provided in section 4.6.9 and except for quarrying of Quarry Material that may be required for construction necessary for, or related to, a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, exploration for and development of Subsurface Resources shall not be permitted (9.2.12).

If Canada intends to contract for the establishment, operation or maintenance of facilities in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area

Reserve in LISA, Canada shall:

- a) give fair consideration to qualified Inuit contractors; and
- b) ensure that all contractors give fair consideration to qualified Inuit contractors (9.2.14);

and this requirement shall not restrict the provisions of a PIBA that deal with economic benefits for Inuit (9.2.15).

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## ***FINAL AGREEMENT PROVISIONS***

9.2.2 Prior to the establishment or substantial enlargement of a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area, Canada and the Nunatsiavut Government shall negotiate a park impacts and benefits agreement that:

- (a) shall address any matter connected with the proposed National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve or any proposed substantial enlargement of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve that might have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit; and
- (b) may include provisions related to:
  - (i) the participation of Inuit in the management of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve through a co-operative management board;
  - (ii) Mitigation of potential negative impacts of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve on Inuit;
  - (iii) the use of Inuit camps, cabins and travel routes for the exercise of the Harvesting rights of Inuit in the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve;
  - (iv) hiring of qualified Inuit in connection with the establishment, operation and maintenance of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve;
  - (v) any opportunities for Inuit Businesses associated with the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, including guiding and tourism;
  - (vi) archaeology and access to and display of Archaeological Materials in the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, but no such provisions may relieve Canada of its obligations under part 9.3;
  - (vii) Harvesting by Inuit in the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve;
  - (viii) technology to extract Carving Stone, the amount of Carving Stone that may be extracted,

physical access for purposes of extracting Carving Stone, and the protection of the Environment and the integrity of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in relation to the extraction of Carving Stone; and

- (ix) any other matters that Canada and the Nunatsiavut Government consider to be relevant to the needs of Inuit and the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.

9.2.3 If Canada and the Nunatsiavut Government have not concluded an agreement referred to in section 9.2.2 within 18 months from the conclusion of an agreement between Canada and the Province providing for the transfer to Canada of administration and control of the area necessary for the establishment of the National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, or any other time agreed to by Canada and the Nunatsiavut Government, they shall select a conciliator who shall submit a report to Canada and the Nunatsiavut Government for consideration. If Canada and the Nunatsiavut Government cannot agree following conciliation, each of them shall, within 60 clear days from receipt of the conciliator's report, submit a report to the Minister for the Minister's consideration and decision on the terms of the agreement.

9.2.4 If an agreement between Canada and the Province referred to in section 9.2.3 is not necessary with respect to the establishment of a National Marine Conservation Area or National Marine Conservation Area Reserve and if Canada and the Nunatsiavut Government have not concluded an agreement referred to in section 9.2.2 within 18 months from the commencement of negotiations for that purpose, or any other time agreed to by them, they shall select a conciliator who shall submit a report to them for consideration. If Canada and the Nunatsiavut Government cannot agree following conciliation, each party shall, within 60 clear days from receipt of the conciliator's report, submit a report to the Minister for the Minister's consideration and decision on the terms of the agreement.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - "Carving Stone", "Furbearer", "Harvesting"

Chapter 12: Wildlife and Plants - Inuit Harvesting Rights

Chapter 13: Fisheries - Inuit Harvesting Rights

**SUBJECT:** Archaeological Activities in National Parks and National Park Reserves

**OBLIGATION:** Consult regarding Archaeological Activities in the Park or Park Reserve  
9.3.1

**PARTIES:** Canada - Parks Canada Agency  
Nunatsiavut Government  
Province - Department of Tourism, Culture and Recreation  
(Provincial Archaeology Office)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Province and Nunatsiavut Government of intention to carry out, permit, authorize, or cancel or alter a permit or authorization for Archaeological Activities in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area (LISA). Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Parks Canada Agency	Prior to carrying out, permitting, authorizing, or cancelling or altering a permit or authorization for Archaeological Activities.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government  Province - Department of Tourism, Culture and Recreation (Provincial Archaeology Office)	As per time frame established in Activity 1(b).
3	Give full and fair consideration to views presented by Nunatsiavut Government and the Province.	Canada - Parks Canada Agency	Prior to carrying out, permitting, authorizing, or cancelling or altering a permit or authorization for Archaeological Activities.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

For greater certainty, this Activity Sheet applies to the Torngat Mountains National Park Reserve and the

proposed Torngat Mountains National Park (9.1.4).

Canada is exempt from the obligation to Consult in the case of emergencies, in which case it may proceed according to Activity Sheet 9-7 (9.3.2).

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***FINAL AGREEMENT PROVISIONS***

9.3.1 Canada shall Consult the Province and the Nunatsiavut Government before:

- (a) carrying out, permitting or authorizing an Archaeological Activity in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area;
- (b) cancelling any permit or authorization in relation to an Archaeological Activity in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area; or
- (c) altering the terms or conditions of any permit or authorization in relation to an Archaeological Activity in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area.

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***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Consult”

**SUBJECT:** Archaeological Activities in National Parks and National Park Reserves

**OBLIGATION:** Notify Nunatsiavut Government and Province regarding emergencies in the Labrador Inuit Settlement Area (LISA)  
9.3.2

**PARTIES:** Canada - Parks Canada Agency

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Carry out, permit, authorize, or cancel or alter a permit or authorization for Archaeological Activities in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the LISA.	Canada - Parks Canada Agency	As required in the event of an emergency.
2	Notify Nunatsiavut Government and the Province of actions taken and provide reasons.	Canada - Parks Canada Agency	As soon as practicable.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

An emergency shall be deemed to exist if:

- (a) a Person is wilfully ignoring the terms of Legislation or a permit in respect of an Archaeological Activity, Archaeological Material or an Archaeological Site; or
- (b) Archaeological Material or an Archaeological Site is in imminent danger of being destroyed or of being disturbed contrary to the terms of Legislation or a permit (9.3.2).

**FINAL AGREEMENT PROVISIONS**

9.3.2 If Consultation under section 9.3.1 is not practical because of an emergency, Canada shall, as soon as practicable after taking an action referred to in subsection 9.3.1(a), 9.3.1(b) or 9.3.1(c), notify the Province and the Nunatsiavut Government of, and provide reasons for, its action. For purposes of this section an emergency shall be deemed to exist if:

- (a) a Person is wilfully ignoring the terms of Legislation or a permit in respect of an Archaeological Activity, Archaeological Material or an Archaeological Site; or

- (b) Archaeological Material or an Archaeological Site is in imminent danger of being destroyed or of being disturbed contrary to the terms of Legislation or a permit.
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***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Archaeological Activity”, “Archaeological Material”, “Archaeological Site”, “Consult”

**SUBJECT:** Archaeological Activities in National Parks and National Park Reserves

**OBLIGATION:** Provide archaeological information to Nunatsiavut Government and Province  
9.3.3

**PARTIES:** Canada - Parks Canada Agency

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Provide the Province - Provincial Archaeology Office and the Nunatsiavut Government with information identified in section 9.3.3 of the Agreement relative to any National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area (LISA).	Canada - Parks Canada Agency	Ongoing upon establishment of any National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve.

**FINAL AGREEMENT PROVISIONS**

9.3.3 Canada shall provide the Province and the Nunatsiavut Government the following information relative to any National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve in the Labrador Inuit Settlement Area:

- (a) copies of all reports, forms and records received from a Permit Holder as defined in chapter 15;
- (b) Archaeological Site record forms for all known Archaeological Sites; and
- (c) Archaeological Site inventory maps showing the locations of all known Archaeological Sites.

**CROSS-REFERENCED AND RELATED PROVISIONS**

General Definitions and Interpretation - 1.1.1 - “Archaeological Site”  
Chapter 15: Archaeology - “Permit Holder”



**SUBJECT:** Protected Areas

**OBLIGATION:** Establish, change or discontinue Protected Areas within Labrador Inuit Lands (LIL) by Nunatsiavut Government  
9.4.1, 9.4.4, 9.4.11

**PARTIES:** Nunatsiavut Government  
Canada - Canadian Wildlife Service (CWS)  
Department of Fisheries and Oceans  
Province - Department of Environment and Conservation  
(Parks Division)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make laws in relation to the establishment, use and operation of Protected Areas in LIL and send copies to Canada and the Province.	Nunatsiavut Government	As desired.
2	Notify Canada and the Province of the intent to establish, discontinue, redraw the boundaries or change the level or scope of protection in a Protected Area in LIL. Provide: a) sufficient details; and b) reasonable time frame for response.	Nunatsiavut Government	Upon decision.
3	Review information as provided; prepare and submit views.	Canada Province	As per time frame established in Activity 2 (b).
4	Give full and fair consideration to views presented by Canada and the Province.	Nunatsiavut Government	Upon receipt of views.
5	Establish, change or discontinue Protected Areas in LIL.	Nunatsiavut Government	As desired following compliance with Chapter 10 Land Use Planning and Chapter 11 Environmental Assessment.

## ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

For the purposes of Consultation by the Nunatsiavut Government, the relevant federal department(s) are determined according to their respective departmental mandates and may include more than one of them.

The establishment of Protected Areas in the Labrador Inuit Settlement Area (LISA) is subject to Chapter 10 Land Use Planning and Chapter 11 Environmental Assessment of the Agreement (9.4.1).

Nothing described in this Activity Sheet affects the rights of the Inuit or the Nunatsiavut Government under the Agreement (9.4.2).

Nothing described in this Activity Sheet confers jurisdiction on the Nunatsiavut Government to make laws in relation to the establishment, use or operation of a Protected Area under federal or Provincial Legislation (9.4.5).

If there is a Conflict between an Inuit Law under this section and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict (9.4.8).

If there is a Conflict between an Inuit Law and federal or Provincial Legislation in relation to critical habitat of species at risk, the federal or Provincial Legislation prevails to the extent of the Conflict (9.4.9).

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## ***FINAL AGREEMENT PROVISIONS***

- 9.4.1 The establishment of Protected Areas in the Labrador Inuit Settlement Area is subject to chapters 10 and 11.
- 9.4.4 Subject to section 9.4.5, Protected Areas within Labrador Inuit Lands shall be established by the Nunatsiavut Government, which may make laws in relation to the establishment, use and operation of Protected Areas in Labrador Inuit Lands.
- 9.4.11 The Nunatsiavut Government shall Consult the Province and Canada before establishing a Protected Area, discontinuing a Protected Area, redrawing the boundaries of a Protected Area or changing the level or scope of protection in a Protected Area in Labrador Inuit Lands.

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## ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - “Consult”, “Protected Area”  
Chapter 10 - Land Use Planning  
Chapter 11 - Environmental Assessment  
Self-Government 17.5.1 - Inuit registry of laws

**SUBJECT:** Protected Areas

**OBLIGATION:** Establish Protected Area within Labrador Inuit Lands (LIL) by Canada or the Province  
9.4.6, 9.4.10 (a), 9.4.13

**PARTIES:** Canada - Canadian Wildlife Service (CWS)  
Department of Fisheries and Oceans  
Province - Department of Environment and Conservation (Parks Division)  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to establish a Protected Area in LIL. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - or - Province - Department of Environment and Conservation (Parks Division)	Upon decision to establish a Protected Area in LIL.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - or - Province -Department of Environment and Conservation (Parks Division)	Upon receipt of views.
4	Negotiate a Protected Area Agreement including all matters in section 9.4.13 of the Agreement.	Nunatsiavut Government  Canada - or - Province - Department of Environment and Conservation (Parks Division)	Prior to the establishment of a Protected Area.
5	Establish a Protected Area in LIL.	Canada - or - Province - Department of Environment and Conservation (Parks Division)	As desired, following Consultation and completion of a Protected Area Agreement.

## ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

Except as provided in a Protected Area Agreement, nothing in this part affects the rights of the Inuit or the Nunatsiavut Government under the Agreement (9.4.2).

Nothing described in this Activity Sheet confers jurisdiction on the Nunatsiavut Government to make laws in relation to the establishment, use or operation of a Protected Area under federal or Provincial Legislation (9.4.5).

Nothing described in this Activity Sheet is intended to affect the expropriation of LIL under part 4.18 of the Agreement (9.4.7).

If there is a Conflict between an Inuit Law and federal or Provincial Legislation in relation to critical habitat of species at risk, the federal or Provincial Legislation prevails to the extent of the Conflict (9.4.9).

Inuit shall have a right of entry at no cost into Protected Areas in the Labrador Inuit Settlement Area, but nothing in this Activity Sheet creates a right to free use of facilities for which user fees are charged in a Protected Area (9.4.19).

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## ***FINAL AGREEMENT PROVISIONS***

9.4.6 No Protected Area may be established under federal or Provincial Legislation in Labrador Inuit Lands until an agreement with respect to the Protected Area has been concluded between the Nunatsiavut Government and Canada or the Province as the case may be, but an agreement under this section:

- (a) shall not form part of the Agreement; and
- (b) is not intended to be a treaty or land claims agreement and is not intended to recognize or affirm aboriginal or treaty rights within the meaning of section 25 and 35 of the *Constitution Act, 1982*.

9.4.10 Canada or the Province, as the case may be, shall Consult the Nunatsiavut Government before it:

- (a) establishes a Protected Area,...
- in the Labrador Inuit Settlement Area.

9.4.13 A Protected Area Agreement shall address all matters relevant to the establishment, development and operation of a Protected Area and any matter connected with the Protected Area that might have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit and shall include provisions related to:

- (a) steps that will be taken by the relevant Parties in the establishment of the Protected Area;
- (b) management of the Protected Area;
- (c) Mitigation of potential negative impacts of the Protected Area on Inuit;
- (d) the use of Inuit camps, cabins and travel routes for the exercise of Harvesting rights of

Inuit in the Protected Area;

- (e) hiring of qualified Inuit in connection with the establishment, development and operation of the Protected Area;
- (f) archaeology;
- (g) any opportunities for Inuit Businesses associated with the Protected Area including guiding and tourism; and
- (h) Harvesting by Inuit.

***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Consult”  
 Self-Government 17.5.1 - Inuit registry of laws

***COMMUNICATION ACTIVITIES***

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Joint press release.	Nunatsiavut Government  Canada - or - Province	Upon establishment of Protected Area.

**SUBJECT:** Protected Areas

**OBLIGATION:** Establish Protected Area for purposes of Conservation within Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) by Canada or the Province  
 9.4.10 (a), 9.4.12, 9.4.13, 9.4.16

**PARTIES:** Canada - Canada Wildlife Service (CWS)  
 Department of Fisheries and Oceans  
 Province - Department of Environment and Conservation (Parks Division)  
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of the intent to establish a Protected Area for purposes of Conservation in the LISA outside LIL. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - - or - Province - Department of Environment and Conservation (Parks Division)	Upon decision to establish a Protected Area in the LISA outside LIL.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - or - Province - Department of Environment and Conservation (Parks Division)	Upon receipt of views.
4	Negotiate a Protected Area Agreement including all matters in section 9.4.13 of the Agreement.	Canada - or - Province - Department of Environment and Conservation (Parks Division)	Upon decision to establish a Protected Area.
5	Conclude Protected Area Agreement with Nunatsiavut Government.	Canada - or - Province - Department of	Within 120 clear days of commencement of negotiations.

		Environment and Conservation (Parks Division)	
6	If no agreement is reached, establish Protected Area.	Canada - relevant Minister - or - Province - Minister of Environment and Conservation	As desired after expiry of the 120 clear day period.
7	Refer any matter remaining in dispute to arbitration under the Dispute Resolution Chapter.	Nunatsiavut Government	As desired after the expiry of the 120 clear day period.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

A Protected Area Agreement:

- (a) shall not form part of the Agreement; and
- (b) is not intended to be a treaty or land claims agreement and is not intended to recognize or affirm aboriginal or treaty rights within the meaning of section 25 and 35 of the *Constitution Act, 1982* (9.4.14).

A Protected Area Agreement shall be consistent with Chapter 15: Archaeology (9.4.15).

Inuit have a right of entry at no cost into Protected Areas within LISA, but nothing in this section creates a right to free use of facilities for which user fees are charged in a Protected Area (9.4.19).

The definition of Conservation for the purposes of this Activity Sheet reflects the definition of Conservation as set out in the Wildlife and Plants Chapter and the Fisheries Chapter.

**FINAL AGREEMENT PROVISIONS**

9.4.10 Canada or the Province, as the case may be, shall Consult the Nunatsiavut Government before:

- (a) establishes a Protected Area....

... in the Labrador Inuit Settlement Area.

9.4.12 If, following the Consultation referred to in section 9.4.10, the Minister intends to establish a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands or make a substantial change in the level or scope of protection in a Protected Area in Labrador Inuit Settlement Area outside Labrador Inuit Lands, the Minister shall, subject to sections 9.4.16, 9.4.17 and 9.4.18, negotiate with the Nunatsiavut Government for purposes of concluding an agreement with respect to the Protected Area.

9.4.13 A Protected Area Agreement shall address all matters relevant to the establishment,

development and operation of a Protected Area and any matter connected with the Protected Area that might have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit and shall include provisions related to:

- (a) steps that will be taken by the relevant Parties in the establishment of the Protected Area;
- (b) management of the Protected Area;
- (c) Mitigation of potential negative impacts of the Protected Area on Inuit;
- (d) the use of Inuit camps, cabins and travel routes for the exercise of Harvesting rights of Inuit in the Protected Area;
- (e) hiring of qualified Inuit in connection with the establishment, development and operation of the Protected Area;
- (f) archaeology;
- (g) any opportunities for Inuit Businesses associated with the Protected Area including guiding and tourism; and
- (h) Harvesting by Inuit.

9.4.16 If the Minister intends to establish a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands or make a substantial change in the level or scope of protection in a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands under section 9.4.12 for the purposes of Conservation, as defined in chapter 12 or 13, and a Protected Area Agreement has not been concluded with the Nunatsiavut Government within 120 clear days from the commencement of negotiations, the Minister may establish the Protected Area without first concluding a Protected Area Agreement and any matter in dispute may be referred by the Nunatsiavut Government to arbitration under chapter 21.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - "Consult"

Dispute Resolution - Chapter 21 - arbitration process



**SUBJECT:** Protected Areas

**OBLIGATION:** Establish Protected Area for purposes other than Conservation within Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) by Canada or the Province and negotiate Protected Area Agreement  
 9.4.10 (a), 9.4.12, 9.4.13, 9.12.17

**PARTIES:** Canada - Parks Canada Agency  
 Province - Department of Tourism, Culture and Recreation  
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of the intent to establish a Protected Area for purposes other than Conservation in LISA outside LIL. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Parks Canada Agency - or - Province - Department of Tourism, Culture and Recreation	Upon decision to establish a Protected Area in the LISA outside LIL.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - Parks Canada Agency - or - Province - Department of Tourism, Culture and Recreation	Upon receipt of views.
4	Commence negotiation of a Protected Area Agreement with the Nunatsiavut Government.	Canada - Parks Canada Agency - or - Province - Department of Tourism, Culture and Recreation	Upon decision to establish a Protected Area.
5	Conclude Protected Area Agreement with Nunatsiavut Government.	Canada - Parks Canada Agency - or - Province - Department of Tourism, Culture and Recreation	Within 120 clear days of commencement of negotiations.
6	Refer any matter remaining in Dispute to arbitration	Nunatsiavut Government	As desired after the expiry of the 120 clear day period.

	under the Dispute Resolution Chapter.	Canada - Parks Canada Agency Province - Department of Tourism, Culture and Recreation	
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***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

A Protected Area Agreement:

- (a) shall not form part of the Agreement; and
- (b) is not intended to be a treaty or land claims agreement and is not intended to recognize or affirm aboriginal or treaty rights within the meaning of section 25 and 35 of the *Constitution Act, 1982* (9.4.14).

A Protected Area Agreement shall be consistent with the Archaeology Chapter (9.4.15).

Inuit have a right of entry at no cost into Protected Areas within the LISA, but nothing in this section creates a right to free use of facilities for which user fees are charged in a Protected Area (9.4.19).

The definition of Conservation for the purposes of this Activity Sheet reflects the definition of Conservation as set out in the Wildlife and Plants Chapter and the Fisheries Chapter.

***FINAL AGREEMENT PROVISIONS***

9.4.10 Canada or the Province, as the case may be, shall Consult the Nunatsiavut Government before it:

- (a) establishes a Protected Area;...
- ... in the Labrador Inuit Settlement Area.

9.4.12 If, following the Consultation referred to in section 9.4.10, the Minister intends to establish a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands or make a substantial change in the level or scope of protection in a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands, the Minister shall, subject to sections 9.4.16, 9.4.17 and 9.4.18, negotiate with the Nunatsiavut Government for purposes of concluding an agreement with respect to the Protected Area.

9.4.13 A Protected Area Agreement shall address all matters relevant to the establishment, development and operation of a Protected Area and any matter connected with the Protected Area that might have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit and shall include provisions related to:

- (a) steps that will be taken by the relevant Parties in the establishment of the Protected Area;
- (b) management of the Protected Area;
- (c) Mitigation of potential negative impacts of the Protected Area on Inuit;

- (d) the use of Inuit camps, cabins and travel routes for the exercise of Harvesting rights of Inuit in the Protected Area;
- (e) hiring of qualified Inuit in connection with the establishment, development and operation of the Protected Area;
- (f) archaeology;
- (g) any opportunities for Inuit Businesses associated with the Protected Area including guiding and tourism; and
- (h) Harvesting by Inuit.

9.4.17 If the Minister intends to establish a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands or make a substantial change in the level or scope or protection in a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands under section 9.4.12 for any purpose other than the purpose of Conservation, as defined in chapter 12 or 13, and a Protected Area Agreement has not been concluded with the Nunatsiavut Government within 120 clear days from the commencement of negotiations, any matter in dispute may be referred to arbitration under chapter 21.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - “Consult”  
Dispute Resolution - Chapter 21 - arbitration process

**SUBJECT:** Protected Areas

**OBLIGATION:** Modify Protected Area within Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) by Canada or the Province  
9.4.10 (b)-(d), 9.4.12, 9.4.13

**PARTIES:** Canada - Canadian Wildlife Service (CWS)  
Parks Canada Agency  
Department of Fisheries and Oceans  
Province - Department of Environment and Conservation  
(Parks Division)  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to discontinue, redraw the boundaries or change the level or scope of protection in a Protected Area in LISA outside LIL. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - or - Province -Department of Environment and Conservation (Parks Division)	Upon intent to make a change to a Protected Area in the LISA.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - or - Province - Department of Environment and Conservation (Parks Division)	Upon receipt of views.
4	Negotiate a Protected Area Agreement including the matters listed in section 9.4.13 of the Agreement.	Nunatsiavut Government  Canada - or - Province -Department of Environment and Conservation (Parks Division)	If proposing a substantial change in the level or scope of protection in LISA outside LIL.
5	Modify the Protected Area.	Canada - or -	Upon completion of Consultation and Protected

		Province -Department of Environment and Conservation (Parks Division)	Area Agreement if required.
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***FINAL AGREEMENT PROVISIONS***

9.4.10 Canada or the Province, as the case may be, shall Consult the Nunatsiavut Government before it:...

- (b) discontinues a Protected Area,
- (c) changes the level or scope of protection in a Protected Area, or
- (d) redraws the boundaries of a Protected Area,...

... in the Labrador Inuit Settlement Area.

9.4.12 If, following the Consultation referred to in section 9.4.10, the Minister intends to establish a Protected Area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands or make a substantial change in the level or scope of protection in a Protected Area in Labrador Inuit Settlement Area outside Labrador Inuit Lands, the Minister shall, subject to sections 9.4.16, 9.4.17 and 9.4.18, negotiate with the Nunatsiavut Government for purposes of concluding an agreement with respect to the Protected Area.

9.4.13 A Protected Area Agreement shall address all matters relevant to the establishment, development and operation of a Protected Area and any matter connected with the Protected Area that might have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit and shall include provisions related to:

- (a) steps that will be taken by the relevant Parties in the establishment of the Protected Area;
- (b) management of the Protected Area;
- (c) Mitigation of potential negative impacts of the Protected Area on Inuit;
- (d) the use of Inuit camps, cabins and travel routes for the exercise of Harvesting rights of Inuit in the Protected Area;
- (e) hiring of qualified Inuit in connection with the establishment, development and operation of the Protected Area;
- (f) archaeology;
- (g) any opportunities for Inuit Businesses associated with the Protected Area including guiding and tourism; and
- (h) Harvesting by Inuit.

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***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation 1.1.1 - “Consult”

**SUBJECT:** Protected Areas

**OBLIGATION:** Establish an emergency reserve under the *Provincial Wilderness and Ecological Reserves Act* in the Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)  
**9.4.18**

**PARTIES:** Province - Department of Environment and Conservation  
(Parks Division)  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish an emergency reserve under the <i>Provincial Wilderness and Ecological Reserves Act</i> in an endangered area in the LISA outside LIL.	Province -Department of Environment and Conservation (Parks Division)	As required under the Act.
2	Commence negotiations for a Protected Area Agreement.	Province -Department of Environment and Conservation (Parks Division)  Nunatsiavut Government	Within 90 clear days from the date of Legislation or order establishing the emergency reserve.
3	Refer any matter in dispute to arbitration under Chapter 21.	Province -Department of Environment and Conservation (Parks Division)  Nunatsiavut Government	As desired, if a Protected Area Agreement has not been concluded within 120 clear days from the commencement of negotiations.
4	Establish the endangered area as a reserve under the <i>Provincial Wilderness and Ecological Reserves Act</i> .	Province -Department of Environment and Conservation (Parks Division)	As desired following conclusion of a Protected Area Agreement.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

If the emergency reserve is not established as a reserve within two years from the date of the Legislation or order establishing the emergency reserve, the emergency reserve shall cease to exist as a Protected Area (9.4.18 (d)).

An “endangered area” is an area that has been found suitable for the establishment in it of a reserve and in the opinion of the Minister is in danger, because of some imminent activity, action or event, of becoming an area that would not be suitable for the establishment in it of a reserve (9.4.18).

***FINAL AGREEMENT PROVISIONS***

- 9.4.18 An emergency reserve may be established under the Wilderness and Ecological Reserves Act in an endangered area in the Labrador Inuit Settlement Area outside Labrador Inuit Lands prior to the commencement of negotiations for purposes of concluding a Protected Area Agreement with respect to such Protected Area but:
- (a) negotiation of a Protected Area Agreement in respect of such Protected Area must be commenced within 90 clear days from the date of the Legislation or order establishing the emergency reserve;
  - (b) if a Protected Area Agreement has not been concluded with the Nunatsiavut Government within 120 clear days from the commencement of negotiations, any matter in dispute may be referred to arbitration under chapter 21;
  - (c) subject to sections 9.4.16 and 9.4.17, an emergency reserve shall not be established as a reserve under the *Wilderness and Ecological Reserves Act* until a Protected Area Agreement has been concluded with the Nunatsiavut Government; and
  - (d) if the emergency reserve is not established as a reserve within two years from the date of the Legislation or order establishing the emergency reserve, the emergency reserve shall cease to exist as a Protected Area.

For purposes of this section an “endangered area” is an area that has been found suitable for the establishment in it of a reserve and in the opinion of the Minister is in danger, because of some imminent activity, action or event, of becoming an area that would not be suitable for the establishment in it of a reserve.

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***CROSS-REFERENCED AND RELATED PROVISIONS***

*Provincial Wilderness and Ecological Reserves Act*



**SUBJECT:** Protected Areas

**OBLIGATION:** Inuktitut translation of Government publications  
9.4.20

**PARTIES:** Canada - Parks Canada Agency  
Canada Wildlife Service (CWS)  
Department of Fisheries and Oceans  
Province - Department of Environment and Conservation  
(Parks Division)  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make available Inuktitut versions of Government publications informing the public about a Protected Area in Labrador Inuit Settlement Area (LISA).	Canada  Province - Department of Environment and Conservation (Parks Division)  Nunatsiavut Government	Ongoing and as required.

***FINAL AGREEMENT PROVISIONS***

9.4.20 Any Government publication informing the public about Protected Areas in the Labrador Inuit Settlement Area must be made available in Inuktitut.

***BUDGET AND FUNDING RESPONSIBILITIES***

The Governments and their relevant departments responsible for creating a Protected Area will assume all costs related to translation and publication in Inuktitut.