

SUBJECT: Environmental Assessment process on Labrador Inuit Lands (LIL)

OBLIGATION: Give notice of Projects on Labrador Inuit Lands (LIL) and negotiate harmonization arrangements
11.2.3, 11.2.5 - 11.2.7, 11.2.9

PARTIES: Nunatsiavut Government
Canada - Relevant federal Authority
Province - Department of Environment and Conservation
(Environmental Assessment Division)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review respective Project proposals and determine whether adverse Environmental Effects could be reasonably expected on LIL or adverse effects on Inuit rights under the Agreement, as the case may be.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of Project proposal.
2	If adverse Environmental Effects are reasonably expected, notify relevant Governments. Provide: a) relevant available information; (b) information on potential adverse Environmental Effects; and c) reasonable time frame for response.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable once it has been determined that adverse Environmental Effects may reasonably be expected.
3	Review information and notify other Governments in writing of whether their Environmental Assessment processes apply.	Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	Within the time frame established in Activity 2(c).

		Nunatsiavut Government	
4	If <i>Canadian Environmental Assessment Act</i> (CEAA) and the <i>Provincial Environmental Protection Act</i> (EPA) do not apply, proceed to assess under Inuit Law under Activity Sheet 11-3.	Nunatsiavut Government	After determining jurisdiction in Activity 3.
5	If CEAA, EPA and/or Inuit Law apply, notify all relevant Governments of: a) how their respective Environmental Assessment processes will be applied; b) proposed harmonization measures; and c) reasonable time frame for responses.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	Before making a final decision on the matter.
6	Review information; prepare and submit views.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	Within the time frame established in Activity 5(c).
7	Give full and fair consideration to views presented.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment	As soon as practicable after receipt of views.

		Division)	
8	Make best efforts to negotiate an agreement or arrangement for the coordination and harmonization of the Environmental Assessment processes.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	Before making any further determination or before taking any further action in relation to the Project.
9	Proceed with Environmental Assessment as per harmonization agreement or under applicable Provincial Legislation under Activity Sheet 11-4 or applicable federal Legislation under Activity Sheet 11-10.	Nunatsiavut Government Canada - Relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division)	As per terms of harmonization agreement or applicable Legislation.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Consultations referred to in Activities 5 through 8 may involve each Party and their relevant authorities, and may occur simultaneously.

The participation of the Nunatsiavut Government in harmonization negotiations is dependant on whether or not it has enacted an Inuit Law on Environmental Assessment.

If approved by the Parties to the Environmental Assessment, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat (12.9.1 (c)).

FINAL AGREEMENT PROVISIONS

11.2.3 If a Project is subject to more than one Environmental Assessment, the relevant Authority and the Nunatsiavut Government shall, having regard to any harmonization measures that may have been established pursuant to section 11.2.2, negotiate an agreement or arrangement for the coordination and harmonization of the applicable Environmental Assessment processes so as to avoid unnecessary overlap and duplication while also meeting their respective decision-making needs with respect to the Project.

- 11.2.5 Unless superseded by a harmonization measure established pursuant to section 11.2.2 or a harmonization agreement under section 11.2.3, sections 11.2.6, 11.2.7, 11.2.8 and 11.2.9 apply to a Project or to an Undertaking that may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area or adverse effects on Inuit rights under the Agreement, as the case may be.
- 11.2.6 When the Nunatsiavut Government receives a registration document or an application for a Project in Labrador Inuit Lands or an application for a permit, licence or authorization in relation to a Project in Labrador Inuit Lands and the Project, in the opinion of the Nunatsiavut Government, may reasonably be expected to have adverse Environmental Effects, the Nunatsiavut Government shall give timely written notice of the Project and shall provide relevant available information on the Project and the potential adverse Environmental Effects to the Provincial Minister and to the Minister responsible for the *Canadian Environmental Assessment Act*.
- 11.2.7 When an Authority receives a registration document or an application for a Project or an application for a permit, licence or authorization in relation to a Project and the Project, in the opinion of the Authority, may reasonably be expected to have adverse Environmental Effects, the Authority shall give:
- (a) timely written notice of the Project and shall provide relevant available information on the Project and the potential adverse Environmental Effects to the Nunatsiavut Government; and
 - (b) written notice of the Project to the other Authority.
- 11.2.9 After giving or receiving a notice and information required under section 11.2.6, 11.2.7 or 11.2.8, the Nunatsiavut Government and the relevant Authority shall, before making any further determination or taking any further action in relation to the Project or Undertaking, Consult each other about:
- (a) how their respective Environmental Assessment processes are to be applied; and
 - (b) whether any harmonization is to be pursued in relation to the Environmental Assessment of the Project or Undertaking.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation 1.1.1 - "Consult"

11.1.1 - "Authority"

11.2.2 - Commitment to avoid unnecessary overlap and duplication

SUBJECT: Environmental Assessment process in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)

OBLIGATION: Give notice of Projects in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)
11.2.3, 11.2.7, 11.2.9

PARTIES: Canada - relevant federal Authority
Province - Department of Environment and Conservation
(Environmental Assessment Division)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review Project application and determine whether adverse Environmental Effects could be reasonably expected or adverse effects on Inuit rights under the Agreement, as the case may be.	Canada - relevant federal Authority or Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of Project application.
2	If adverse Environmental Effects are reasonably expected, notify Nunatsiavut Government and the other Authority. Provide: a) relevant available information on the Project; b) potential adverse Environmental Effects.	Canada - relevant federal Authority or Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after determining the potential adverse Environmental Effects.
3	Notify the Nunatsiavut Government and other relevant Authority of the proposed Environmental Assessment process,	Canada - relevant federal Authority or Province - Department of Environment and Conservation	As soon as practicable once the process has been identified.

	including any proposed harmonization between federal and provincial processes and provide sufficient time frame for response.	(Environmental Assessment Division)	
4	Review information; prepare and submit views.	Nunatsiavut Government	Within the time frame established in Activity 3.
5	Give full and fair consideration to the views presented by the Nunatsiavut Government.	Canada - relevant federal Authority or Province - Department of Environment and Conservation (Environmental Assessment Division)	Before making any decision on Environmental Assessment process.
6	Proceed with the Environmental Assessment under applicable Provincial Legislation under Activity Sheet 11-5 or applicable federal Legislation under Activity Sheet 11-10.	Canada - relevant federal Authority or Province - Department of Environment and Conservation (Environmental Assessment Division)	As required.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

With respect to the Environmental Assessment process in LISA, outside LIL, the federal and Provincial governments may enter into harmonization agreements as per their Environmental Assessment Acts and Consult the Nunatsiavut Government before making a decision on how to proceed. As the Nunatsiavut Government does not have jurisdiction in LISA, outside LIL, it is not intended that federal or Provincial Authorities will harmonize their Environmental Assessment process with those of the Nunatsiavut Government.

If approved by the Parties to the Environmental Assessment, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat in LISA (12.9.1 (c)).

FINAL AGREEMENT PROVISIONS

11.2.3 If a Project is subject to more than one Environmental Assessment, the relevant Authority and the Nunatsiavut Government shall, having regard to any harmonization measures that may have been established pursuant to section 11.2.2, negotiate an agreement or arrangement for the coordination and harmonization of the applicable Environmental Assessment processes so as to avoid unnecessary overlap and duplication while also meeting their respective decision-making needs with respect to the Project.

- 11.2.7 When an Authority receives a registration document or an application for a Project or an application for a permit, licence or authorization in relation to a Project and the Project, in the opinion of the Authority, may reasonably be expected to have adverse Environmental Effects, the Authority shall give:
- (a) timely written notice of the Project and shall provide relevant available information on the Project and the potential adverse Environmental Effects to the Nunatsiavut Government; and
 - (b) written notice of the Project to the other Authority.
- 11.2.9 After giving or receiving a notice and information required under section 11.2.6, 11.2.7 or 11.2.8, the Nunatsiavut Government and the relevant Authority shall, before making any further determination or taking any further action in relation to the Project or Undertaking, Consult each other about:
- (a) how their respective Environmental Assessment processes are to be applied; and
 - (b) whether any harmonization is to be pursued in relation to the Environmental Assessment of the Project or Undertaking.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation 1.1.1 - “Consult”, “Project”, “Environmental Effect”
11.1.1 - “Authority”

SUBJECT: Environmental Assessment Process on Labrador Inuit Lands (LIL)

OBLIGATION: Environmental Assessment under Inuit Laws
11.2.10, 11.4.1, 11.4.3, 11.4.4

PARTIES: Canada - relevant federal Authority
Province - Department of Environment and Conservation
(Environmental Assessment Division)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine whether <i>Canadian Environmental Assessment Act</i> (CEAA) or <i>Environmental Protection Act</i> (EPA) apply as per Activities 1-4 of Activity Sheet 11-1.	Canada - relevant federal Authority or Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of notice of project.
2	If proposal does not require action under CEAA or EPA then assess proposal only under Inuit Law.	Nunatsiavut Government	As soon as practicable after making a decision on the applicable jurisdiction.
3	Provide a copy of the report on matters identified in section 11.2.10 of Agreement to the Province - Department of Environment and Conservation (Environmental Assessment Division).	Nunatsiavut Government	Upon completion of the Environmental Assessment.
4	Notify the Province - Department of Environment and Conservation (Environmental Assessment Division) of intent to allow Project in LIL to proceed. Provide: a) sufficient details; and b) reasonable time frame for response.	Nunatsiavut Government	Before making a decision or taking any action that would allow a Project to proceed.

5	Review information as provided; prepare and submit views.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Within the time frame established in Activity 4(b).
6	Give full and fair consideration to views presented by the Province - Department of Environment and Conservation (Environmental Assessment Division).	Nunatsiavut Government	As soon as practicable after receipt of views.
7	Make a decision or take action.	Nunatsiavut Government	After giving full and fair consideration to any views presented by the Province - Department of Environment and Conservation (Environmental Assessment Division).

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If approved by the Nunatsiavut Government, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat (12.9.1 (c)).

FINAL AGREEMENT PROVISIONS

- 11.2.10 Notwithstanding harmonization measures established pursuant to section 11.2.2 or a harmonization agreement under section 11.2.3, an Environmental Assessment of a Project shall consider and where appropriate take account of, but not be limited to, the following:
- (a) the definition and scope of the Project;
 - (b) the scope of the assessment;
 - (c) the purpose of the Project, the need for the Project and alternatives to the Project;
 - (d) a description of the existing Environment and its relation to the Project;
 - (e) any Environmental Effects of the Project including the Environmental Effects of malfunctions or accidents that may occur in connection with the Project, and any

cumulative Environmental Effects that are likely to occur in combination with other undertakings, projects, works or activities that have been or will be carried out;

- (f) impacts in Labrador Inuit Lands and the Inuit Communities and impacts on Harvesting by Inuit, Inuit land use and Inuit rights as set out in the Agreement;
 - (g) the significance of the Environmental Effects and impacts referred to in subsections (e) and (f);
 - (h) the well-being and quality of life of residents in any community in the Labrador Inuit Settlement Area potentially affected by the Project;
 - (i) comments from the public;
 - (j) measures that are technically and economically feasible and that would Mitigate any significant adverse Environmental Effects of the Project;
 - (k) alternative means of carrying out the Project that are technically and economically feasible and the Environmental Effects of those alternative means;
 - (l) the need for and requirements of a Follow-up Program in respect of the Project;
 - (m) the capacity of renewable resources that are likely to be significantly affected by the Project to meet the needs of the present and those of the future;
 - (n) the protection of the Environment and its eco-systemic integrity;
 - (o) Inuit traditional knowledge; and
 - (p) the scope of the assessment factors referred to in subsections (c) through (o).
- 11.4.1 If a proposed undertaking, project, work or activity in Labrador Inuit Lands requires a decision, approval, permit, licence or authorization of the Nunatsiavut Government under an Inuit Law, but does not require a decision, approval, permit, licence or authorization of an Authority, it may be assessed only under Inuit Laws.
- 11.4.3 Upon completion of an Environmental Assessment of a Project in Labrador Inuit Lands under Inuit Laws, the Nunatsiavut Government shall provide the Provincial Authority with a report on the matters referred to in section 11.2.10.
- 11.4.4 Prior to making any decision or taking any action that would allow a Project in Labrador Inuit Lands to proceed, the Nunatsiavut Government shall Consult the Provincial Authority.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 “Consult”, “Project”

11.1.1 - “Authority”

11.3.1 - 11.3.4 - Nunatsiavut Government jurisdiction over environmental assessments

SUBJECT: Environmental Assessment Process on Labrador Inuit Lands (LIL)

OBLIGATION: Environmental Assessment under Provincial Legislation
11.5.2

PARTIES: Canada - relevant federal Authority
Province - Department of Environment and Conservation
(Environmental Assessment Division)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine whether <i>Canadian Environmental Assessment Act</i> (CEAA), <i>Environmental Protection Act</i> (EPA), and/or Inuit Laws apply as per Activities 1-3 of Activity Sheet 11-1.	Canada - relevant federal Authority Province - Department of Environment and Conservation (Environmental Assessment Division) Nunatsiavut Government	Upon receipt of notice of project.
2	If EPA applies, conduct Environmental Assessment under harmonization agreement reached under Activity Sheet 11-1, or if there is no harmonization agreement, then assess proposal under EPA.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after making a decision on the applicable jurisdiction and any harmonization agreement.
3	Provide a copy of the report on matters identified in section 11.2.10 of Agreement to the Nunatsiavut Government.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon completion of the Environmental Assessment.
4	Notify the Nunatsiavut Government of intent to allow project in LIL to proceed. Provide: c) sufficient details; and d) reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Before making a decision or taking any action that would allow a Project to proceed.

5	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within the time frame established in Activity 4(b).
6	Give full and fair consideration to views presented by the Nunatsiavut Government	Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after receipt of views.
7	Make a decision or take action.	Province - Department of Environment and Conservation (Environmental Assessment Division)	After giving full and fair consideration to any views presented by the Nunatsiavut Government.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If approved by the Province, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the Minister measures to monitor the impact of the Project on Wildlife, Plants and Habitat (12.9.1 (c)).

If the Province determines that a board, tribunal or panel will be established to conduct an Environmental Assessment on a Project entirely within LIL, that will be established under Activity Sheet 11-6.

If the Province determines that a board, tribunal or panel will be established to conduct an Environmental Assessment on a Project partly within LIL, that will be established under Activity Sheet 11-8.

FINAL AGREEMENT PROVISIONS

11.5.2 Prior to making any decision or taking any action that would allow a Project to proceed, the Provincial Authority shall Consult the Nunatsiavut Government.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 “Consult”

11.1.1 - “Authority”

11.2.10 - Factors to consider when conducting an Environmental Assessment.

SUBJECT: Environmental Assessment for Projects in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)

OBLIGATION: Notify and Consult regarding Projects subject to *Environmental Protection Act (EPA)* expected to have adverse Environmental Effects on Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL)
11.2.5, 11.2.7, 11.5.1, 11.5.2.

PARTIES: Province - Department of Environment and Conservation
(Environmental Assessment Division)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review Project in LISA outside LIL and determine whether; a) adverse Environmental Effects in LISA; or b) adverse effects on Inuit rights under the Agreement can reasonably be expected.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of application or registration document.
2	If adverse effects are reasonably expected, give written notice to the relevant federal Authority, and notify Nunatsiavut Government providing relevant available information on: a) the project, and b) potential adverse Environment Effects.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after determining the potential adverse effects.
3	Notify the Nunatsiavut Government of anticipated Environmental Effects. Provide: a) sufficient details; and b) reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Before making any further determination or taking any further action.
4	Review information as provided; prepare and	Nunatsiavut Government	Within time frame identified in Activity 3 (c).

	submit views.		
5	Give full and fair consideration to views presented by the Nunatsiavut Government.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after receipt of views.
6	Notify the Nunatsiavut Government of intent to achieve meaningful participation of Inuit in the Environmental Assessment. Provide: a) sufficient details; and b) reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	If, in the opinion of the Provincial Authority, the Project may reasonably be expected to have adverse Environmental Effects in LIL or adverse effects on Inuit rights under the Agreement.
7	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame identified in Activity 6 (b).
8	Give full and fair consideration to views presented by the Nunatsiavut Government.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable after receipt of views.
9	Conduct Environmental Assessment.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As per <i>Environmental Protection Act</i> (EPA).
10	Make preliminary decision on Project.	Province - Department of Environment and Conservation (Environmental Assessment Division)	As per <i>Environmental Protection Act</i> (EPA).
11	Notify Nunatsiavut Government. Provide: a) sufficient detail; and b) reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	If intending to allow Project to proceed.
12	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 11 (b).

13	Give full and fair consideration to views presented by the Nunatsiavut Government.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of views.
14	Make final decision on Project and notify proponent and Nunatsiavut Government.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Once a final decision has been taken.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

A change or addition to the Voisey’s Bay Undertaking that requires an Environmental Assessment shall be absolutely deemed to be a Project and the Parties shall take all reasonable steps to conclude a harmonization agreement for the purposes of an Environmental Assessment (8.3.9).

If approved by the Parties to the Environmental Assessment, the Torngat Wildlife and Plants Co-management Board may participate in the Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat in LISA (12.9.1 (c)).

FINAL AGREEMENT PROVISIONS

- 11.2.5 Unless superseded by a harmonization measure established pursuant to section 11.2.2 or a harmonization agreement under section 11.2.3, sections 11.2.6, 11.2.7, 11.2.8 and 11.2.9 apply to a Project or to an Undertaking that may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area or adverse effects on Inuit rights under the Agreement, as the case may be.
- 11.2.7 When an Authority receives a registration document or an application for a Project or an application for a permit, licence or authorization in relation to a Project and the Project, in the opinion of the Authority, may reasonably be expected to have adverse Environmental Effects, the Authority shall give:
 - (a) timely written notice of the Project and shall provide relevant available information on the Project and the potential adverse Environmental Effects to the Nunatsiavut Government; and
 - (b) written notice of the Project to the other Authority.
- 11.5.1 With respect to a Project in the Labrador Inuit Settlement Area outside Labrador Inuit Lands, the Provincial Authority shall, in addition to providing the notice and information required under section 11.2.7:
 - (a) Consult the Nunatsiavut Government about the Environmental Effects of the Project;
 - (b) Consult the Nunatsiavut Government about the best way to achieve meaningful participation of Inuit in any Environmental Assessment under the *Environmental Protection Act* if, in the opinion of the Provincial Authority, the Project may reasonably be expected to have adverse Environmental Effects in Labrador Inuit Lands or adverse effects on Inuit rights under the Agreement but nothing in this subsection derogates from section 11.5.6; and

- (c) provide the Nunatsiavut Government with a report on the matters referred to in section 11.2.10 upon completion of an Environmental Assessment of the Project.
- 11.5.2 Prior to making any decision or taking any action that would allow a Project to proceed, the Provincial Authority shall Consult the Nunatsiavut Government.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Environmental Effect"

11.1.1 - "Authority"

SUBJECT: Environmental Assessment entirely in Labrador Inuit Lands (LIL) under Provincial Legislation

OBLIGATION: Establish and operate board, tribunal or public review panel 11.5.3, 11.5.4, 11.5.8 - 11.5.10

PARTIES: Province - Department of Environment and Conservation
(Environmental Assessment Division)
Province - Minister of Environment and Conservation
Province - Lt. Governor in Council
Nunatsiavut Government
Board, tribunal or public review panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine whether Project in Labrador Inuit Lands (LIL) is to be assessed by a board, tribunal or public review panel.	Province - Department of Environment and Conservation (Environmental Assessment Division)	After determining that EPA applies.
2	If yes, then notify the Nunatsiavut Government that a board, tribunal or public review panel is being established and, a) request set number of nominations equal to the number of nominations supplied by the Province, and b) provide reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	Before establishing board, tribunal or public review panel.
3	Create joint list of equal number of nominees for board, tribunal or public review panel.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Upon receipt of nominees from the Nunatsiavut Government.
4	Jointly appoint equal number of members to board, tribunal or public review panel.	Nunatsiavut Government - and - Province - Lt. Governor in Council	After receiving list of nominees.

5	Jointly select the chairperson of the board, tribunal or public review panel from the list of appointees.	Nunatsiavut Government - and - Province - Minister of Environment and Conservation (Environmental Assessment Division)	Upon appointment of members.
6	Conduct Environmental Assessment.	Board, tribunal or public review panel.	As per terms and reference upon appointment.
7	Prepare and submit report, in accordance with section 11.5.8. of the Agreement, to Nunatsiavut Government and Province - Department of Environment and Conservation (Environmental Assessment Division).	Board, tribunal or public review panel.	Upon completion of Environmental Assessment.
8	Discuss and attempt to reach agreement on allowing the Project to proceed.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
9	If agreement is reached, implement it in accordance with its terms and conditions.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
10	If no agreement is reached, take actions or make decision within respective jurisdictions.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
11	Notify proponent of action taken or decision made.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Once decision is made.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall have standing before the board, tribunal or public review panel (11.5.5).

FINAL AGREEMENT PROVISIONS

- 11.5.3 If a Project in Labrador Inuit Lands is being assessed by a board, tribunal or public review panel under the *Environmental Protection Act*, the members of the board, tribunal or public review panel shall be appointed jointly by the Nunatsiavut Government and the Provincial Authority from a list composed of equal numbers of nominations by each of the Nunatsiavut Government and the Provincial Authority.
- 11.5.4 For purposes of section 11.5.3, one half of the members appointed to the board, tribunal or public review panel, other than the chairperson, shall be Nunatsiavut Government nominees and the chairperson shall be selected jointly by the Nunatsiavut Government and the Provincial Authority.
- 11.5.8 Upon completion of an Environmental Assessment conducted by a board, tribunal or public review panel referred to in section 11.5.3, 11.5.6 or 11.5.7, the board, tribunal or public review panel shall prepare and submit a report to the Provincial Authority and the Nunatsiavut Government which shall include, but shall not be limited to:
- (a) a description of the Environmental Assessment process, including provisions for public participation;
 - (b) a summary of any comments and recommendations from the public; and
 - (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the board, tribunal or public review panel.
- 11.5.9 The Nunatsiavut Government and the Provincial Authority shall discuss the report referred to in section 11.5.8 with a view to reaching agreement on whether each of them, within their respective jurisdictions, will allow the Project to proceed and, if so, on what terms and conditions.
- 11.5.10 If the Nunatsiavut Government and the Provincial Authority fail to reach agreement on the matters referred to in section 11.5.9 within any time frame established by Law for taking an action or making a decision with respect to the Project, the Nunatsiavut Government and the Provincial Authority, within their respective jurisdictions, may take an action or make a decision notwithstanding section 11.5.9.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 “Consult”

11.1.1 - “Authority”

11.2.10 - Factors to consider when conducting an Environmental Assessment

11.3.1 - 11.3.4 - Nunatsiavut Government jurisdiction over environmental assessments

SUBJECT: Environmental Assessment on Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) under Provincial Legislation

OBLIGATION: Establish and operate board, tribunal or public review panel 11.5.6, 11.5.8 - 11.5.10

PARTIES: Province - Department of Environment and Conservation
(Environmental Assessment Division)
Province - Minister of Environment and Conservation
Province - Lt. Governor in Council
Nunatsiavut Government
Board, tribunal or public review panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine whether Project in LISA outside LIL is to be assessed by board, tribunal or public review panel.	Province - Department of Environment and Conservation (Environmental Assessment Division)	After receipt of proposal.
2	Notify Nunatsiavut Government that a board, tribunal or public review panel is being established and, a) request nominations; and b) indicate reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	After determining that board, tribunal or public review panel would be necessary.
3	Submit list of nominees for board, tribunal or public review panel as requested.	Nunatsiavut Government	Within time frame established in Activity 2 (b).
4	Establish board, tribunal or public review panel and appoint members including one from the list of nominees provided by Nunatsiavut Government.	Province - Lt. Governor in Council	Within any time frames established by Law.
7	Conduct Environmental Assessment.	Board, tribunal or public review panel.	As per terms of reference upon appointment.
	Prepare and submit report in	Board, tribunal or public review	Upon completion of

8	accordance with section 11.5.8. of the Agreement to Nunatsiavut Government and Provincial Authority.	panel	Environmental Assessment.
9	Discuss and attempt to reach agreement on allowing the Project to proceed.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
10	If agreement is reached implement it in accordance with its terms and conditions.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
11	If no agreement is reached, take actions or make decision within respective jurisdictions.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
12	Notify proponent of action taken or decision made.	Nunatsiavut Government Provincial Authority	Once decision is made.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall have standing before the board, tribunal or public review panel (11.5.6 (b)).

FINAL AGREEMENT PROVISIONS

11.5.6 If a Project in the Labrador Inuit Settlement Area, outside Labrador Inuit Lands, is being assessed by a board, tribunal or public review panel under the *Environmental Protection Act*:

- (a) the Nunatsiavut Government shall provide to the Provincial Authority a list of nominees and the Provincial Authority shall appoint to the board, tribunal or public review panel at least one member who is a nominee of the Nunatsiavut Government; and
- (b) the Nunatsiavut Government shall have standing before the board, tribunal or public review panel.

11.5.8 Upon completion of an Environmental Assessment conducted by a board, tribunal or public review panel referred to in section 11.5.3, 11.5.6 or 11.5.7, the board, tribunal or public review panel shall

prepare and submit a report to the Provincial Authority and the Nunatsiavut Government which shall include, but shall not be limited to:

- (a) a description of the Environmental Assessment process, including provisions for public participation;
- (b) a summary of any comments and recommendations from the public; and
- (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the board, tribunal or public review panel.

11.5.9 The Nunatsiavut Government and the Provincial Authority shall discuss the report referred to in section 11.5.8 with a view to reaching agreement on whether each of them, within their respective jurisdictions, will allow the Project to proceed and, if so, on what terms and conditions.

11.5.10 If the Nunatsiavut Government and the Provincial Authority fail to reach agreement on the matters referred to in section 11.5.9 within any time frame established by Law for taking an action or making a decision with respect to the Project, the Nunatsiavut Government and the Provincial Authority, within their respective jurisdictions, may take an action or make a decision notwithstanding section 11.5.9.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Project"

11.1.1 - "Authority"

11.2.10 - Factors to consider when conducting an Environmental Assessment

11.3.1 - 11.3.4 - Nunatsiavut Government jurisdiction over environmental assessments

SUBJECT: Environmental Assessment for Projects located or carried out in both Labrador Inuit Lands (LIL) and Labrador Inuit Settlement Area (LISA) outside LIL under Provincial Legislation

OBLIGATION: Establish and operate board, tribunal or public review panel 11.5.7 -11.5.10

PARTIES: Province - Department of Environment and Conservation
(Environmental Assessment Division)
Province - Lt. Governor in Council
Board, tribunal or public review panel
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of Environmental Assessment by board, tribunal or public review panel under Provincial <i>Environmental Protection Act</i> (EPA) for the assessment of a Project located or carried out in both LIL and LISA outside LIL: a) request a list of nominees; and b) indicate reasonable time frame for response.	Province - Department of Environment and Conservation (Environmental Assessment Division)	After determining that board, tribunal or public review panel will be established.
2	Jointly create list of nominees for board, tribunal or public review panel.	Nunatsiavut Government - and - Province - Department of Environment and Conservation (Environmental Assessment Division)	As soon as practicable.
3	Jointly appoint members from the list to the board, tribunal or public review panel.	Nunatsiavut Government - and - Province - Lt. Governor in Council	As agreed.
4	Conduct Environmental Assessment.	Board, tribunal or public review panel.	Upon appointment as per terms of reference upon appointment.
5	Prepare and submit report in	Board, tribunal or public review	Once Environmental

	accordance with section 11.5.8 of the Agreement to Nunatsiavut Government and Provincial Authority.	panel	Assessment has been completed.
6	Discuss report and attempt to reach agreement on allowing the Project to proceed.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frames established by Law.
7	If agreement is reached implement it in accordance with its terms and conditions.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
8	If no agreement is reached, take actions or make decision within respective jurisdiction.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Within any time frame established by Law.
9	Notify proponent of actions taken or decisions made.	Nunatsiavut Government Province - Department of Environment and Conservation (Environmental Assessment Division)	Once decisions are made.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall have standing before the board, tribunal or public review panel (11.5.7).

FINAL AGREEMENT PROVISIONS

11.5.7 Where a Project is proposed to be located or carried out both in Labrador Inuit Lands and in the Labrador Inuit Settlement Area, outside Labrador Inuit Lands, and is being assessed by a board, tribunal or public review panel under the *Environmental Protection Act*, the Provincial Authority and the Nunatsiavut Government shall appoint the members from a list composed of nominations from the Nunatsiavut Government and the Provincial Authority, and the Nunatsiavut Government shall have standing before the board, tribunal or review panel.

11.5.8 Upon completion of an Environmental Assessment conducted by a board, tribunal or public review

panel referred to in section 11.5.3 11.5.6 or 11.5.7, the board, tribunal or public review panel shall prepare and submit a report to the Provincial Authority and the Nunatsiavut Government which shall include, but shall not be limited to:

- (a) a description of the Environmental Assessment process, including provisions for public participation;
- (b) a summary of any comments and recommendations from the public; and
- (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the board, tribunal or public review panel.

11.5.9 The Nunatsiavut Government and the Provincial Authority shall discuss the report referred to in section 11.5.8 with a view to reaching agreement on whether each of them, within their respective jurisdictions, will allow the Project to proceed and, if so, on what terms and conditions.

11.5.10 If the Nunatsiavut Government and the Provincial Authority fail to reach agreement on the matters referred to in section 11.5.9 within any time frame established by Law for taking an action or making a decision with respect to the Project, the Nunatsiavut Government and the Provincial Authority, within their respective jurisdictions, may take an action or make a decision notwithstanding section 11.5.9.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Project"

11.1.1 - "Authority"

11.2.10 - Factors to consider when conducting an Environmental Assessment

11.3.1 - 11.3.4 - Nunatsiavut Government jurisdiction over environmental assessments

SUBJECT: Environmental Assessment for projects in proximity to Labrador Inuit Settlement Area (LISA) under Provincial legislation

OBLIGATION: Notify and Consult regarding Undertaking which is expected to have adverse Environmental Effects on Labrador Inuit Settlement Area (LISA) or on Inuit Rights
11.2.8, 11.2.9, 11.5.11

PARTIES: Province - Department of Environment and Conservation
(Environmental Assessment Division)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review registration document or application for Undertaking in proximity to LISA and determine whether; a) adverse Environmental Effects in LISA; or b) adverse effects on Inuit rights under the Agreement can reasonably be expected.	Province - Department of Environment and Conservation	Upon receipt of application or registration document.
2	If adverse effects are reasonably expected, notify Nunatsiavut Government providing relevant available information on: a) the project, and b) potential adverse Environment Effects.	Province - Department of Environment and Conservation	As soon as practicable after determining the potential adverse effects.
3	Notify the Nunatsiavut Government of: a) proposed Environmental Assessment process that will be applied, b) any possible participation of Inuit and Nunatsiavut Government in Environmental Assessment; c) any proposed harmonization of Environmental Assessment processes; and d) reasonable time frame for response.	Province - Department of Environment and Conservation	Before making any further determination or taking any further action.

4	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame identified in Activity 3 (d).
5	Give full and fair consideration to views presented by the Nunatsiavut Government.	Province - Department of Environment and Conservation	As soon as practicable after receipt of views.
6	Conduct Environmental Assessment.	Province - Department of Environment and Conservation	As per Provincial <i>Environmental Protection Act</i> (EPA).
7	Make preliminary decision on Undertaking.	Province - Department of Environment and Conservation	As per Provincial <i>Environmental Protection Act</i> (EPA).
8	Notify Nunatsiavut Government. Provide: a) sufficient detail; and b) reasonable time frame for response.	Province - Department of Environment and Conservation	If intending to allow Undertaking to proceed.
9	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 8 (b).
10	Give full and fair consideration to views presented by the Nunatsiavut Government.	Province - Department of Environment and Conservation	Upon receipt of views.
11	Make final decision on Undertaking and notify proponent and Nunatsiavut Government.	Province - Department of Environment and Conservation	Once a final decision has been taken.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If approved by the Parties to the Environmental Assessment, the Torngat Wildlife and Plants Co-management Board may participate in the Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat in LISA (12.9.1 (c)).

FINAL AGREEMENT PROVISIONS

11.2.8 When an Authority receives a registration document or an application for an Undertaking or an application for a permit, licence or authorization in relation to an Undertaking and the Undertaking, in

the opinion of the Authority, may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area, the Authority shall give timely written notice of the Undertaking and shall provide relevant available information on the Undertaking and the potential adverse Environmental Effects to the Nunatsiavut Government.

- 11.2.9 After giving or receiving a notice and information required under section 11.2.6, 11.2.7 or 11.2.8, the Nunatsiavut Government and the relevant Authority shall, before making any further determination or taking any further action in relation to the Project or Undertaking, Consult each other about:
- (a) how their respective Environmental Assessment processes are to be applied; and
 - (b) whether any harmonization is to be pursued in relation to the Environmental Assessment of the Project or Undertaking.
- 11.5.11 If, in the opinion of the Provincial Authority, an Undertaking that is subject to the *Environmental Protection Act*, may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area or adverse effects on Inuit rights under the Agreement, the Provincial Authority shall, in addition to providing the notice and information required under section 11.2.8:
- (a) Consult the Nunatsiavut Government about the Environmental Assessment applicable to the Undertaking;
 - (b) Consult the Nunatsiavut Government about the possible participation of Inuit and the Nunatsiavut Government in that Environmental Assessment; and
 - (c) in any event, Consult the Nunatsiavut Government before making any decision or taking any action to allow the Undertaking to proceed.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”, “Undertaking”

11.2.10 - Factors to consider when conducting an Environmental Assessment

Subject: Federal Environmental Assessment Process

OBLIGATION: Application of *Canadian Environmental Assessment Act (CEAA)* to Projects or Undertakings
11.2.5, 11.2.8, 11.2.9, 11.6.1, 11.6.2

PARTIES: Canada - relevant federal Authority
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review registration document or application for Undertaking that is subject to CEAA and identify if: a) it may reasonably be expected to have adverse Environmental Effects in LISA; or b) it will have adverse effects on Inuit rights under the Agreement.	Canada - relevant federal Authority	Upon receipt of application or registration document.
2	If adverse effects are reasonably expected, notify Nunatsiavut Government and the Provincial Authority. Provide: a) available information; and, b) details of potential adverse Environment Effects or adverse effects on Inuit rights.	Canada - relevant federal Authority	As soon as practicable after determining the potential adverse Environmental Effects or adverse effects on Inuit rights.
3	Notify the Nunatsiavut Government of: a) proposed Environmental Assessment process that will be applied, b) any possible participation of Inuit and Nunatsiavut Government in Environmental Assessment; c) any proposed harmonization of Environmental	Canada - relevant federal Authority	Before making any further determination or taking any further action.

	Assessment processes; and d) reasonable time frame for response.		
4	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame identified in Activity 3 (d).
5	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - relevant federal Authority	As soon as practicable after receipt of views.
6	Conduct Environmental Assessment.	Canada - relevant federal Authority	Once initial Consultation with Nunatsiavut Government has been concluded.
7	Provide copies to the Nunatsiavut Government of any reports generated as a result of the assessment process.	Canada - relevant federal Authority	Upon conclusion of Environmental Assessment.
7	Make preliminary decision on Project or Undertaking.	Canada - relevant federal Authority	As per <i>Canadian Environmental Assessment Act (CEAA)</i> .
8	Notify Nunatsiavut Government. Provide: a) sufficient detail; and b) reasonable time frame for response.	Canada - relevant federal Authority	If intending to allow Project or Undertaking to proceed.
9	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 8 (b).
10	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - relevant federal Authority	Upon receipt of views.
11	Make final decision on	Canada - relevant federal	Once a final decision has

	Project or Undertaking and notify proponent and Nunatsiavut Government.	Authority	been taken.
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If approved by the Parties to the Environmental Assessment, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat in LISA (12.9.1 (c)).

The federal Authority shall provide copies of any report generated as a result of the Environmental Assessment including, where applicable, the rationale, conclusions, and recommendations of the official, mediator or review panel that carried out the assessment (11.6.1 (c)).

FINAL AGREEMENT PROVISIONS

- 11.2.5 Unless superseded by a harmonization measure established pursuant to section 11.2.2 or a harmonization agreement under section 11.2.3, sections 11.2.6, 11.2.7, 11.2.8 and 11.2.9 apply to a Project or to an Undertaking that may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area or adverse effects on Inuit rights under the Agreement, as the case may be.
- 11.2.8 When an Authority receives a registration document or an application for an Undertaking or an application for a permit, licence or authorization in relation to an Undertaking and the Undertaking, in the opinion of the Authority, may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area, the Authority shall give timely written notice of the Undertaking and shall provide relevant available information on the Undertaking and the potential adverse Environmental Effects to the Nunatsiavut Government.
- 11.2.9 After giving or receiving a notice and information required under section 11.2.6, 11.2.7 or 11.2.8, the Nunatsiavut Government and the relevant Authority shall, before making any further determination or taking any further action in relation to the Project or Undertaking, Consult each other about:
 - (a) how their respective Environmental Assessment processes are to be applied; and
 - (b) whether any harmonization is to be pursued in relation to the Environmental Assessment of the Project or Undertaking.
- 11.6.1 If, in the opinion of a federal Authority, a Project or an Undertaking that is subject to the *Canadian Environmental Assessment Act* may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area or adverse effects on Inuit rights under the Agreement, the Authority shall, in addition to providing the notice and information required under sections 11.2.7 and 11.2.8, ensure that the Nunatsiavut Government:
 - (a) is Consulted about the Environmental Effects of the Project or Undertaking;
 - (b) is Consulted about the best way to achieve meaningful participation of Inuit in the Environmental Assessment; and
 - (c) receives the report generated as a result of the Environmental Assessment, including, where applicable, the rationale, conclusions, and recommendations of the official, mediator or review panel that carried out the Environmental Assessment.

- 11.6.2 A federal Authority shall Consult the Nunatsiavut Government before taking any action that would allow a Project or Undertaking, referred to in section 11.6.1, to proceed or making a decision to issue a permit, licence, funding, or other authorization in relation to the Project or Undertaking.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation 1.1.1 - “Consult”, “Project”, “Undertaking”

11.1.1 - “Authority”

11.2.7 - Notification regarding Projects.

11.2.10 - Factors to consider when conducting an Environmental Assessment

SUBJECT: Federal Environmental Assessment Process

OBLIGATION: Public Review Panels for a Project
11.6.3(a) & 11.6.6

PARTIES: Canada - relevant federal Authority
Canada - Minister of relevant federal Authority
Nunatsiavut Government
Review Panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review Project proposal and determine whether it shall be subject to public review.	Canada - relevant federal Authority	After receipt of Project proposal.
2	Request nominations from Nunatsiavut Government for membership on the review panel.	Canada - relevant federal Authority	Before appointment of review panel.
3	Submit list of nominees to relevant federal Authority.	Nunatsiavut Government	Upon request.
4	Appoint at least one member from list of nominees to review panel.	Canada - Minister of relevant federal Authority	As desired.
5	Conduct hearings.	Review panel	As required.
6	Prepare and submit report as set out in section 11.6.6 of the Agreement to the relevant Authorities and the Nunatsiavut Government.	Review panel	Upon completion of public hearings.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall be entitled to make representations to the review panel (11.6.5).

FINAL AGREEMENT PROVISIONS

11.6.3 If Canada refers a Project or Undertaking referred to in section 11.6.1 to a review panel under the

Canadian Environmental Assessment Act:

- (a) in the case of a Project, at least one member of the review panel shall be a nominee of the Nunatsiavut Government; and...

11.6.6 Upon completion of the mediation or of the hearings of the review panel, the mediator or review panel shall prepare and submit a report to the relevant Authorities and the Nunatsiavut Government which shall include, but shall not be limited to:

- (a) a description of the Environmental Assessment process, including provisions for public participation;
 - (b) a summary of any comments and recommendations from the public; and
 - (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the mediator or review panel.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Project"

11.1.1 - "Authority"

11.2.10 - Factors to consider when conducting an Environmental Assessment

11.6.1 - Consultation by Federal Authorities on Environmental Assessment

11.6.2 - Consultation by Federal Authorities prior to allowing Project or Undertaking to proceed

SUBJECT: Federal Environmental Assessment Process

OBLIGATION: Review Panels for an Undertaking
11.6.3(b) & 11.6.6

PARTIES: Canada - relevant federal Authority
Canada - Minister of relevant federal Authority
Nunatsiavut Government
Review panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review Undertaking proposal and determine whether it shall be subject to review panel process.	Canada - relevant federal Authority	After receipt of Undertaking proposal.
2	Request nominations from Nunatsiavut Government for membership on the review panel.	Canada - relevant federal Authority	Before appointment of review panel.
3	Submit list of nominees to federal Authority.	Nunatsiavut Government	Upon request.
4	Appoint review panel from list which includes candidates nominated by Nunatsiavut Government.	Canada - Minister of relevant Federal Authority	As desired.
5	Conduct hearings	Review panel	As required.
6	Prepare and submit report as set out in section 11.6.6 of the Agreement to the relevant Authorities and Nunatsiavut Government.	Review panel	Upon completion of public hearings.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall be entitled to make representations to the review panel (11.6.5).

FINAL AGREEMENT PROVISIONS

11.6.3 If Canada refers a Project or Undertaking referred to in section 11.6.1 to a review panel under the *Canadian Environmental Assessment Act*...

- (b) in the case of an Undertaking, the members of the review panel shall be selected from a list that includes candidates nominated by the Nunatsiavut Government.

11.6.6 Upon completion of the mediation or of the hearings of the review panel, the mediator or review panel shall prepare and submit a report to the relevant Authorities and the Nunatsiavut Government which shall include, but shall not be limited to:

- (a) a description of the Environmental Assessment process, including provisions for public participation;
- (b) a summary of any comments and recommendations from the public; and
- (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the mediator or review panel.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Undertaking"

11.1.1 "Authority"

11.2.10 - Factors to consider when conducting an Environmental Assessment

11.6.1 - Consultation by Federal Authorities on Environmental Assessment

11.6.2 - Consultation by Federal Authorities prior to allowing Project or Undertaking to proceed

SUBJECT: Federal Environmental Assessment Process

OBLIGATION: Use of a mediator to assist in the Environmental Assessment of a Project or Undertaking
11.6.4 - 11.6.6

PARTIES: Canada - relevant federal Authority
Mediator
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Review Undertaking or Project proposal and determine whether it shall require the assistance of a mediator.	Canada - relevant federal Authority	After receipt of Undertaking or Project proposal.
2	Notify Nunatsiavut Government of intent to use a mediator. Provide: a) relevant information; and b) reasonable time frame for response.	Canada - relevant federal Authority	Before appointment of mediator.
3	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within the time frame established in Activity 2 (b).
4	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - relevant federal Authority	Before making appointment.
5	Appoint mediator.	Canada - Minister of relevant federal Authority	As required.
6	Conduct mediation.	Mediator	As required.
7	Prepare and submit report as set out in section 11.6.6 of the Agreement to the	Mediator	Upon completion of mediation.

	relevant Authorities and Nunatsiavut Government.		
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall be entitled to make representations to the mediator (11.6.5).

FINAL AGREEMENT PROVISIONS

- 11.6.4 If Canada intends to appoint a mediator to assist in conducting an Environmental Assessment under the *Canadian Environmental Assessment Act* with respect to a Project or Undertaking referred to in section 11.6.1, the appropriate federal Authority shall Consult the Nunatsiavut Government before making the appointment.
- 11.6.6 Upon completion of the mediation or of the hearings of the review panel, the mediator or review panel shall prepare and submit a report to the relevant Authorities and the Nunatsiavut Government which shall include, but shall not be limited to:
 - (a) a description of the Environmental Assessment process, including provisions for public participation;
 - (b) a summary of any comments and recommendations from the public; and
 - (c) the rationale, conclusions, recommendations and where applicable, Mitigation measures and Follow-up Program requirements recommended by the mediator or review panel.

CROSS-REFERENCED AND RELATED PROVISIONS

- General Definitions and Interpretation - 1.1.1 - "Project", "Undertaking"
- 11.1.1 - "Authority"
- 11.2.10 - Factors to consider when conducting an Environmental Assessment
- 11.6.1 - Consultation by Federal Authorities on Environmental Assessment
- 11.6.2 - Consultation by Federal Authorities prior to allowing Project or Undertaking to proceed

SUBJECT: Monitoring

**OBLIGATION: Coordinate the Follow-up Program and implement the Mitigation measures
11.7.1**

**PARTIES: Nunatsiavut Government
Canada - relevant federal Authority
Province - relevant Provincial Authority**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify other relevant governments of respective Follow-up Programs and Mitigation measures.	Nunatsiavut Government Canada - relevant federal Authority Province - relevant Provincial Authority	As soon as practicable once Follow-up Program and Mitigation measures have been identified.
2	Coordinate to the extent possible Follow-up Programs and Mitigation measures.	Nunatsiavut Government Canada - relevant federal Authority Province - relevant Provincial Authority	As agreed.
3	Implement respective Mitigation measures.	Nunatsiavut Government Canada - relevant federal Authority Province - relevant Provincial Authority	As agreed.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If approved by the relevant federal or Provincial Minister, the Torngat Wildlife and Plants Co-management Board may participate in Environmental Assessment processes and recommend to the relevant Minister and Nunatsiavut Government measures to monitor the impact of the Project or Undertaking on Wildlife, Plants and Habitat in LISA (12.9.1 (c)).

If approved by the relevant federal or Provincial Minister and the Nunatsiavut Government, the Torngat Wildlife and Plants Co-management Board will implement these monitoring measures (12.9.1 (d)).

FINAL AGREEMENT PROVISIONS

- 11.7.1 If a Project or an Undertaking that may reasonably be expected to have adverse Environmental Effects in the Labrador Inuit Settlement Area is allowed to proceed subject to a permit, licence or other authorization containing conditions that require Mitigation measures, the Nunatsiavut Government and the relevant Authorities, within their respective jurisdictions, shall:
- (a) coordinate their responsibilities for Follow-up Programs to the extent possible; and
 - (b) in the exercise of their powers or the performance of their duties and functions, ensure that any Mitigation measures that they consider to be appropriate are implemented.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Mitigate”, “Project”, “Undertaking”
11.1.1 - “Authority”, “Follow-up Program”