

SUBJECT: General Fisheries Clauses

OBLIGATION: Information sharing relevant to Conservation and management in the Labrador Inuit Settlement Area (LISA)
13.2.2

PARTIES: Province - Minister of Fisheries and Aquaculture
Minister of Environment and Conservation
Minister of Tourism, Culture and Recreation
Canada - Minister of Fisheries and Oceans
Nunatsiavut Government
Torngat Joint Fisheries Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request information relevant to the Conservation and management of Fish, Aquatic Plants, fisheries or Fish Habitat in LISA.	Province - relevant Minister Canada - Minister of Fisheries and Oceans Nunatsiavut Government Torngat Joint Fisheries Board	As required.
2	Share and exchange information.	Province - relevant Minister Canada - Federal Minister of Fisheries and Oceans Nunatsiavut Government Torngat Joint Fisheries Board	Upon request, in a timely manner.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

In most cases the provincial Minister responsible for this Activity Sheet will be the Minister of Fisheries and Aquaculture or Environment and Conservation, but for commercial Sports Fish Camps the provincial Minister of Tourism, Recreation and Culture is responsible.

Parks Canada Agency will be the federal department responsible for this Activity Sheet for information related to the Torngat Mountains National Park or Park Reserve.

FINAL AGREEMENT PROVISIONS

13.2.2 Information relevant to the Conservation and management of Fish, Aquatic Plants, fisheries or Fish Habitat

in the Labrador Inuit Settlement Area shall be shared and exchanged in a timely manner among the Minister, the Torngat Joint Fisheries Board and the Nunatsiavut Government upon the request of any of them.

CROSS-REFERENCED AND RELATED PROVISIONS

13.1.1. - Definitions - “Conservation”

SUBJECT: Inuit Domestic Fishery

OBLIGATION: Transportation outside of the Labrador Inuit Settlement Area (LISA) of Fish or Aquatic Plants Harvested in the Inuit Domestic Fishery 13.4.9

PARTIES: Inuit

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Label any Fish or Aquatic Plant that is to be transported outside of LISA to Inuit or other aboriginal individuals as being Harvested in the Inuit Domestic Fishery.	Inuit	Before transporting.
2	Carry out transport.	Inuit	Following labelling.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

An Inuk may be required by the Minister or the Nunatsiavut Government to obtain a permit to transport any Fish or Aquatic Plant outside LISA (13.4.10).

FINAL AGREEMENT PROVISIONS

13.4.9 Inuit have the right to transport outside the Labrador Inuit Settlement Area to Inuit or other aboriginal individuals any Fish or Aquatic Plant Harvested under section 13.4.1, 13.4.2 or 13.4.11, on condition that the Fish or Aquatic Plant so transported is identified as having been Harvested in the Inuit Domestic Fishery.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Inuit Domestic Fishery”, “Fish”, “Aquatic Plant”, and “Harvest”

SUBJECT: Inuit Domestic Fishery

OBLIGATION: Permits for transportation outside of the Labrador Inuit Settlement Area (LISA) of Fish or Aquatic Plants Harvested in the Inuit Domestic Fishery
13.4.10

PARTIES: Province - Minister of Fisheries and Aquaculture or Environment and Conservation
Canada - Minister of Fisheries and Oceans
Nunatsiavut Government
Inuk

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	If required by the federal, Provincial or Nunatsiavut Government, request permit from relevant government for the transport of Fish and Aquatic Plants outside of LISA to Inuit or other aboriginal people.	Inuk	Before transporting.
2	Issue permit containing terms and conditions as established by Laws of General Application and waive any fees.	Nunatsiavut Government - or - Province - Minister of Fisheries and Aquaculture or Environment and Conservation - or - Canada - Minister of Fisheries and Oceans	Upon request unless good cause exists for refusing.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Any permit for the transport of Fish and Aquatic Plants outside of LISA required by the Nunatsiavut Government must contain terms and conditions that meet or beat those under Laws of General Application.

Any fee for issuing permits shall be waived (13.4.10(c)).

FINAL AGREEMENT PROVISIONS

13.4.10 Notwithstanding section 13.4.9, an Inuk may be required by the Minister or the Nunatsiavut Government to obtain a permit to transport any Fish or Aquatic Plant outside the Labrador Inuit Settlement Area, but:

- (a) the permit shall be issued upon request unless good cause exists for refusing to issue the permit;
 - (b) the permit shall contain terms and conditions established under Laws of General Application; and
 - (c) any fee for the permit shall be waived.
-

CROSS-REFERENCED AND RELATED PROVISIONS

13.4.9 - Restrictions on Inuit Right to transport Fish and Aquatic Plants

13.9.1 - Nunatsiavut Government Law making powers

SUBJECT: **Limitations of the Inuit Domestic Fishery**

OBLIGATION: **Consultation with respect to establishing measures for Conservation, public health or public safety which affect the Inuit Domestic Fishery 13.5.1(c) - 13.5.3**

PARTIES: **Province - Relevant Provincial Minister
Canada - Relevant federal Minister
Nunatsiavut Government**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to reach an agreement on measures the Nunatsiavut Government could take to effect Conservation, public health or public safety measures which directly affects the Inuit Domestic Fishery. Provide: a) sufficient details, and b) reasonable time frame for response.	Province - Relevant Provincial Minister - or - Canada - Relevant Federal Minister	Before establishing a measure.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by the Nunatsiavut Government in attempt to reach agreement.	Province - Relevant Provincial Minister - or - Canada - Relevant Federal Minister	Within 60 clear days after notification in Activity 1.
4	If an agreement is reached, implement it in accordance with its terms and conditions.	Province - or - Canada - and - Nunatsiavut Government	As agreed.
5	If no agreement is reached, terminate Consultation, establish measures and	Province - Relevant Provincial Minister - or -	As desired, after the expiry of the 60 clear day Consultation period, starting

	provide written reasons to Nunatsiavut Government.	Canada - Relevant Federal Minister	with the notice in Activity 1.
--	--	------------------------------------	--------------------------------

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The obligations in this Activity Sheet do not apply if Consultation is not practical in situations of emergency, see Activity Sheet 13-5.

Depending on the circumstances various federal or Provincial Ministers may be required to establish measures under existing Legislation for public health and public safety.

For Conservation the federal Minister of Fisheries and Oceans would be the responsible Party, but other departments may be involved.

Conservation measures include such things as setting a Total Allowable Catch and Total Allowable Harvest.

The Provincial Department of Fisheries and Aquaculture has many of the provincial responsibilities under this Activity Sheet.

FINAL AGREEMENT PROVISIONS

- 13.5.1 The exercise by an individual of rights in the Inuit Domestic Fishery is subject only to:
 - (c) measures in relation to Conservation, public health or public safety, established by the Minister under Legislation.
- 13.5.2 Subject to section 13.5.4, before establishing a measure referred to in subsection 13.5.1(c) that directly affects the Inuit Domestic Fishery, the Minister shall Consult the Nunatsiavut Government for the purpose of attempting to reach agreement on measures that the Nunatsiavut Government could take to effect the same purpose. If, failing agreement, the Minister establishes any measure that limits the Inuit Domestic Fishery, the Minister shall give to the Nunatsiavut Government the reasons, in writing, for any measures that have been established.
- 13.5.3 The Consultation referred to in section 13.5.2 may be terminated by the Minister 60 clear days from the date that Consultation is initiated if, in that time, the Consultation has failed to result in agreement.

CROSS-REFERENCED AND RELATED PROVISIONS

13.5.4 - Establishing measures in cases of Emergency

SUBJECT: Limitations of the Inuit Domestic Fishery

OBLIGATION: Establishing measures in cases of emergency for Conservation, public health or public safety affecting the Inuit Domestic Fishery
13.5.4

PARTIES: Province - Relevant Provincial Minister
Canada - Relevant Federal Minister

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish measures for Conservation, public health or public safety measures that directly affect the Inuit Domestic Fishery.	Province - Relevant Provincial Minister - or - Canada - Relevant Federal Minister	As required in case of an emergency, if Consultation is not practical.
2	Notify the Nunatsiavut Government of measure(s) that has (have) been established.	Province - Relevant Provincial Minister - or - Canada - Relevant Federal Minister	Within 7 clear days of establishing measure.
3	Seek advice and views of the Nunatsiavut Government.	Province - Relevant Provincial Minister - or - Canada - Relevant Federal Minister	As soon as practicable after implementing Activity 2.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Depending on the circumstances various federal or Provincial Ministers may be required to establish measures under existing Legislation for public health and public safety in cases of emergency.

For Conservation it is expected that the federal Minister of Fisheries and Oceans would be the responsible Party.

The Minister will provide the Nunatsiavut Government with details relevant to the emergency and the decision (including actions taken) at the time of notification.

FINAL AGREEMENT PROVISIONS

13.5.4 If Consultation under section 13.5.2 is not practicable because of an emergency, the Minister shall, within seven clear days from the date of the establishment of a measure referred to in subsection 13.5.1(c), notify the Nunatsiavut Government of the measure that has been established and seek the advice and views of the

Nunatsiavut Government as soon as practicable thereafter.

CROSS-REFERENCED AND RELATED PROVISIONS

13.5.1(c) - Limitations on Inuit Domestic Fishery

13.5.2 - Consultation before the establishment of any limitation measures

SUBJECT: Inuit Domestic Harvest Level

OBLIGATION: Establishment of the Inuit Domestic Harvest Level in Labrador Inuit Settlement Area (LISA)
13.6.3 -13.6.9, 13.6.13, 13.9.7, 13.9.8

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish Total Allowable Catch or Total Allowable Harvest Level for a species or stock of Fish or Aquatic Plant in LISA.	Canada - Minister of Fisheries and Oceans	If desired, after Consultation process in Activity Sheet 13-4.
2	Invite recommendation from Nunatsiavut Government for Inuit Domestic Harvest Level and indicate reasonable time frame for a response.	Canada - Minister of Fisheries and Oceans	As soon as practicable following the establishment of the Total Allowable Catch or Total Allowable Harvest.
3	Estimate the amount of a species or stock of Fish or Aquatic Plant that is needed annually by Inuit for their food, social and ceremonial purposes and submit recommendation to the Minister along with all relevant available information specified under section 13.6.6 of the Agreement. Send a copy to Torngat Joint Fisheries Board.	Nunatsiavut Government	As soon as practicable after recommendation is requested or based on any timing provided by the Minister in Activity 2.
4	Review any recommendations provided by Nunatsiavut Government. If no recommendations are received proceed with Consultation on Activity Sheet 13-7.	Canada - Minister of Fisheries and Oceans	Upon receipt of response or when the time frame identified in Activity 2 expires.
5	If the recommendation is supported by the information	Canada - Minister of Fisheries and Oceans	As soon as practicable.

	referred to in section 13.6.6 of the Agreement, establish the recommended Inuit Domestic Harvest Level.		
6	If information provided does not support the recommended Inuit Domestic Harvest Level, then provide determination and reasons to the Nunatsiavut Government and invite a second recommendation.	Canada - Minister of Fisheries and Oceans	Upon determining that the first recommendation is not supported by the information referred to in section 13.6.6 of the Agreement.
7	Submit a second recommended Inuit Domestic Harvest Level including supporting information referred to in section 13.6.6 of the Agreement. Send copy to Torngat Joint Fisheries Board.	Nunatsiavut Government	Within 30 clear days or any other time frame agreed.
8	Review second recommendation provided by Nunatsiavut Government. If no recommendation is received proceed with Consultation on Activity Sheet 13-7.	Canada - Minister of Fisheries and Oceans	Upon receipt of response or when the time frame identified in Activity 6 expires.
9	If the second recommendation is supported by the information referred to in section 13.6.6 of the Agreement, establish the recommended Inuit Domestic Harvest Level.	Canada - Minister of Fisheries and Oceans	As soon as practicable.
10	If second recommendation is not supported by information provided, then notify Nunatsiavut Government of intent to establish Inuit Domestic Harvest Level. Provide: a) sufficient details; and b) reasonable time frames for response.	Canada - Minister of Fisheries and Oceans	Before establishing the Inuit Domestic Harvest Level, but Consultation can be terminated after 30 clear days if no agreement is reached.
11	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 10 (b).

12	Give full and fair consideration of views presented by Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
13	Either: a) reach agreement and establish Inuit Domestic Harvest Level; or b) terminate Consultation and establish Inuit Domestic Harvest Level.	Canada - Minister of Fisheries and Oceans	a) As agreed; or b) failing agreement 30 clear days after initiating Consultation at Activity 10.
14	Notify Nunatsiavut Government and the Torngat Joint Fisheries Board of decision regarding the Inuit Domestic Harvest Level.	Canada - Minister of Fisheries and Oceans	Upon making decision.
15	Provide documentation to each eligible Inuk specifying the allocated quantity of a species or stock of Fish or Aquatic Plant that they may Harvest in the Inuit Domestic Fishery.	Nunatsiavut Government	Upon establishment of the Inuit Domestic Harvest Level.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

No fee may be imposed on an individual Harvesting his/her allotment of the Inuit Domestic Harvest Level (13.4.13).

Nothing described in this Activity Sheet is intended to prevent the Nunatsiavut Government from making unsolicited recommendations for the Inuit Domestic Harvest Level (13.6.4).

An Inuit Domestic Harvest Level is intended to be for the protection of the Inuit Domestic Fishery and shall be the basis for management of Harvesting of the species or stock of Fish or Aquatic Plant to which it relates. It constitutes the first demand against a Total Allowable Catch or a Total Allowable Harvest. An Inuit Domestic Harvest Level is only necessary in cases where a Total Allowable Catch or a Total Allowable Harvest is established (13.6.1 and 13.6.2).

Inuit Domestic Harvest Levels may be revised whenever the Total Allowable Catch or a Total Allowable Harvest is established or renewed (13.6.3).

It is expected that the Torngat Joint Fisheries Board will be involved in any decision to establish a Total Allowable Catch or a Total Allowable Harvest and by association the Nunatsiavut Government would be aware of this via its representative (13.11.1 and 13.11.2(b)).

The obligations and discretions of the federal Minister to establish or reject recommended Inuit Domestic

Harvest Levels and to Consult (and potentially terminate Consultation) with the Nunatsiavut Government for the establishment of that Level may not be delegated to a public servant below the level of Regional Director General (13.6.12).

Nunatsiavut Government shall provide recommendations in writing and, at the request of the Minister, provide supporting information (13.9.5).

FINAL AGREEMENT PROVISIONS

- 13.6.3 For each species or stock of Fish or Aquatic Plant in the Labrador Inuit Settlement Area for which a Total Allowable Catch or Total Allowable Harvest is established, the Minister shall establish an Inuit Domestic Harvest Level for the food, social and ceremonial purposes of Inuit in relation to that species or stock of Fish or Aquatic Plant.
- 13.6.4 The Nunatsiavut Government may make a recommendation for the Inuit Domestic Harvest Level for a species or stock of Fish or Aquatic Plant to the Minister or the Minister may request such a recommendation.
- 13.6.5 Subject to sections 13.6.7 and 13.6.8, the Minister shall establish the Inuit Domestic Harvest Level recommended by the Nunatsiavut Government.
- 13.6.6 The Inuit Domestic Harvest Level is an estimate of the quantity of a species or stock of Fish or Aquatic Plant in the Labrador Inuit Settlement Area needed annually by Inuit for their food, social and ceremonial purposes that is based on all relevant available information, including:
- (a) any data that may be compiled on an ongoing basis by the Nunatsiavut Government using Inuit traditional knowledge;
 - (b) any data that may be compiled on an ongoing basis by Inuit Government during monitoring of the Inuit Domestic Fishery;
 - (c) historical data;
 - (d) information on variations in the availability and accessibility of the species or stock of Fish or Aquatic Plant; and
 - (e) information that may be provided by the Nunatsiavut Government about the nutritional, social and ceremonial importance of the species or stock of Fish or Aquatic Plant to Inuit.
- 13.6.7 If the Minister determines that a recommendation referred to in section 13.6.4 is not supported by the information referred to in section 13.6.6, the Minister shall provide the Nunatsiavut Government with the determination and the reasons for the determination, and the Nunatsiavut Government may, within 30 clear days or any other time agreed upon with the Minister, make a second recommendation for the Inuit Domestic Harvest Level to the Minister.
- 13.6.8 If the Minister determines that a second recommendation referred to in section 13.6.7 is not supported by the information referred to in section 13.6.6, the Minister may, after Consulting the Nunatsiavut Government for the purpose of attempting to reach agreement on the Inuit Domestic Harvest Level, establish an Inuit Domestic Harvest Level that differs from the Inuit Domestic Harvest Level recommended by the Nunatsiavut Government.
- 13.6.9 The Consultation referred to in section 13.6.8 may be terminated by the Minister 30 clear days from the date that Consultation is initiated if, in that time, the Consultation has failed to result in agreement.
- 13.6.13 The Minister shall give notice to the Nunatsiavut Government and the Torngat Joint Fisheries Board of

- any decision that the Minister makes concerning an Inuit Domestic Harvest Level.
- 13.9.7 The Nunatsiavut Government shall inform the Torngat Joint Fisheries Board of its recommendations to the Minister and shall inform the Minister and the Torngat Joint Fisheries Board in a timely manner of the measures it proposes taking to manage the Inuit Domestic Fishery.
- 13.9.8 Where an Inuit Domestic Harvest Level is established, the Nunatsiavut Government shall provide to each Inuk who has a right to participate in the Inuit Domestic Fishery and has been allocated a portion of the Inuit Domestic Harvest Level by the Nunatsiavut Government, documentation that specifies the species or stock of Fish or Aquatic Plant that may be Harvested and the quantity that may be Harvested by that Inuk.
-

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

13.4.2 - Inuit rights to Harvest in Inuit Domestic Fishery with documentation

13.9.5(a) - Power of the Nunatsiavut Government to recommend an IDHL to the Minister.

SUBJECT: Inuit Domestic Harvest Level

OBLIGATION: Consultation in the event of a nil response from Nunatsiavut Government regarding Inuit Domestic Harvest Level
13.6.10, 13.6.11, 13.6.13, 13.9.8

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to establish Inuit Domestic Harvest Level. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	When time frame for submission and response on Activity Sheet 13-6 (Activity 4 or 8) has expired or when it is clear that the Nunatsiavut Government will not be submitting a recommendation.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 1(b).
3	Give full and fair consideration of views presented by the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
4	Either: a) reach agreement and establish Inuit Domestic Harvest Level; or b) terminate Consultation and establish Inuit Domestic Harvest Level.	Canada - Minister of Fisheries and Oceans	a) As agreed; or b) failing agreement 30 clear days after initiating Consultation at Activity 1.
5	Provide documentation to each eligible Inuk specifying the allocated quantity of a species or stock of Fish or Aquatic Plant that they may Harvest in the Inuit Domestic Fishery.	Nunatsiavut Government	Upon establishment of the Inuit Domestic Harvest Level.

--	--	--	--

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

No fee may be imposed on an individual Harvesting his/her allotment of the Inuit Domestic Harvest Level (13.4.13).

The obligations and discretions of the federal Minister to establish or reject recommended Inuit Domestic Harvest Levels and to Consult (and potentially terminate Consultation) with the Nunatsiavut Government for the establishment of that Level may not be delegated to a public servant below the level of Regional Director General (13.6.12).

FINAL AGREEMENT PROVISIONS

- 13.6.10 If, after having been requested to make a recommendation under section 13.6.4, the Nunatsiavut Government fails to do so, the Minister may establish the Inuit Domestic Harvest Level for a species or stock of Fish or Aquatic Plant after Consulting the Nunatsiavut Government for the purpose of attempting to reach agreement on the Inuit Domestic Harvest Level.
- 13.6.11 The Consultation referred to in section 13.6.10 may be terminated by the Minister 30 clear days from the date that Consultation is initiated if, in that time, the Consultation has failed to result in agreement.
- 13.6.13 The Minister shall give notice to the Nunatsiavut Government and the Torngat Joint Fisheries Board of any decision that the Minister makes concerning an Inuit Domestic Harvest Level.
- 13.9.8 Where an Inuit Domestic Harvest Level is established, the Nunatsiavut Government shall provide to each Inuk who has a right to participate in the Inuit Domestic Fishery and has been allocated a portion of the Inuit Domestic Harvest Level by the Nunatsiavut Government, documentation that specifies the species or stock of Fish or Aquatic Plant that may be Harvested and the quantity that may be Harvested by that Inuk.

CROSS REFERENCED AND RELATED PROVISIONS

- General Definitions and Interpretation - 1.1.1 - “Consult”
- 13.4.2 - Inuit rights to Harvest in Inuit Domestic Fishery with documentation
- 13.9.5(a) - Power of the Nunatsiavut Government to recommend an IDHL to the Minister
- 13.9.6 - Nunatsiavut Government shall provide recommendations in writing and provide supporting data

SUBJECT: Inuit Domestic Harvest Level

OBLIGATION: Reduction of Inuit Domestic Fishery in the Labrador Inuit Settlement Area (LISA)
13.6.13, 13.6.14, 13.6.16, 13.9.8

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine if Inuit Domestic Harvest Level (IDHL) is equal to or greater than the Total Allowable Catch (TAC) or Total Allowable Harvest (TAH) of a species or stock of Fish or Aquatic Plant in LISA.	Canada - Minister of Fisheries and Oceans	After a Total Allowable Catch or Total Allowable Harvest is established.
2	If the IDHL is equal to or greater than the TAC/TAH, then close all relevant Recreational Fishing, commercial fishing and fishing by any other Person that does not have an aboriginal right to fish in LISA.	Canada - Minister of Fisheries and Oceans	As required.
3	If no other aboriginal group other than the Inuit have aboriginal or treaty rights in LISA, then allocate TAC/TAH to Inuit.	Canada - Minister of Fisheries and Oceans	As required.
4	If another aboriginal group other than the Inuit has aboriginal or treaty rights in LISA, then notify the Nunatsiavut Government of intent to equitably allocate the TAC/TAH. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	As soon as practicable.

5	Review information as provided, prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 4(b).
6	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
7	Determine equitable allocation to the Nunatsiavut Government and aboriginal groups who have aboriginal or treaty rights and notify them, including the Torngat Joint Fisheries Board of decision.	Canada - Minister of Fisheries and Oceans	As soon as practicable.
8	Provide documentation to each eligible Inuk specifying the allocated quantity of a species or stock of Fish or Aquatic Plant that they may Harvest in the Inuit Domestic Fishery.	Nunatsiavut Government	Upon establishment of the Inuit Domestic Harvest Level.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

No fee may be imposed on an individual Harvesting his/her allotment of the Inuit Domestic Harvest Level (13.4.13).

Where the Inuit Domestic Harvest Level exceeds the TAC/TAH, the Nunatsiavut Government shall not allocate that excess (13.9.11).

FINAL AGREEMENT PROVISIONS

13.6.13 The Minister shall give notice to the Nunatsiavut Government and the Torngat Joint Fisheries Board of any decision that the Minister makes concerning an Inuit Domestic Harvest Level.

13.6.14 If, for a species or stock of Fish or Aquatic Plant in the Labrador Inuit Settlement Area for which a Total Allowable Catch or Total Allowable Harvest is established, the Total Allowable Catch or Total Allowable Harvest is less than the Inuit Domestic Harvest Level, all Recreational Fishing, commercial fisheries and Harvesting of Fish and Aquatic Plants by Persons other than Inuit and an aboriginal people referred to in section 13.6.16 in the Labrador Inuit Settlement Area directed at that species or stock of Fish or Aquatic Plant shall be closed and, subject to section 13.6.16, the Minister shall allocate the Total Allowable Catch or Total Allowable Harvest to Inuit.

- 13.6.16 If an aboriginal people of Canada, other than Inuit, has an aboriginal or treaty right in the Labrador Inuit Settlement Area with respect to a species or stock of Fish or Aquatic Plant to which section 13.6.14 or 13.6.15 applies, the Minister shall, prior to making any allocation of that species or stock of Fish or Aquatic Plant, Consult the Nunatsiavut Government and determine an equitable allocation of the Total Allowable Catch or Total Allowable Harvest for Inuit.
- 13.9.8 Where an Inuit Domestic Harvest Level is established, the Nunatsiavut Government shall provide to each Inuk who has a right to participate in the Inuit Domestic Fishery and has been allocated a portion of the Inuit Domestic Harvest Level by the Nunatsiavut Government, documentation that specifies the species or stock of Fish or Aquatic Plant that may be Harvested and the quantity that may be Harvested by that Inuk.
-

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”

13.4.2 - Inuit rights to Harvest in Inuit Domestic Fishery with documentation

SUBJECT: Inuit Domestic Harvest Level

OBLIGATION: Temporary reduction of Inuit Domestic Fishery in the Labrador Inuit Settlement Area (LISA)
13.6.15, 13.6.16, 13.9.8

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine if Inuit Domestic Harvest Level (IDHL) is equal to or greater than the temporarily reduced Total Allowable Catch (TAC) or Total Allowable Harvest (TAH) of a species or stock of Fish or Aquatic Plant in LISA.	Canada - Department of Fisheries and Oceans	After a Total Allowable Catch or Total Allowable Harvest is established and reduced for a period of time.
2	If the IDHL is equal to or greater than the temporarily reduced TAC/TAH, then close all relevant Recreational, commercial fishing and fishing by any other Person that does not have an aboriginal right to fish in LISA for that period of time.	Canada - Minister of Fisheries and Oceans	As required.
3	If no other aboriginal group other than the Inuit have aboriginal or treaty rights in LISA, then allocate TAC/TAH to Inuit.	Canada - Minister of Fisheries and Oceans	As required.
4	If another aboriginal group other than the Inuit has aboriginal or treaty rights in LISA, then notify the Nunatsiavut Government of intent to equitably allocate, for a period of time, the TAC/TAH. Provide:	Canada - Minister of Fisheries and Oceans	As soon as practicable.

	a) sufficient details, and b) reasonable time frame for response.		
5	Review information as provided, prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 4(b).
6	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
7	Determine equitable allocation to aboriginal groups who have aboriginal or treaty rights and advise aboriginal groups, including the Torngat Joint Fisheries Board, of decision.	Canada - Minister of Fisheries and Oceans	As soon as practicable.
8	Provide documentation to each eligible Inuk specifying the allocated quantity of a species or stock of Fish or Aquatic Plant that they may Harvest in the Inuit Domestic Fishery.	Nunatsiavut Government	Upon establishment of the Inuit Domestic Harvest Level.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

No fee may be imposed on an individual Harvesting his/her allotment of the Inuit Domestic Harvest Level (13.4.13).

Where the Inuit Domestic Harvest Level exceeds the portion of TAC/TAH, the Nunatsiavut Government shall not allocate that excess (13.9.11).

FINAL AGREEMENT PROVISIONS

13.6.15 If, after a Total Allowable Catch or Total Allowable Harvest has been established for a species or stock of Fish or Aquatic Plant in the Labrador Inuit Settlement Area, the Minister reduces that Total Allowable Catch or Total Allowable Harvest for a period of time to a quantity that is less than the Inuit Domestic Harvest Level, all Recreational Fishing, commercial fisheries and Harvesting of Fish and Aquatic Plants by Persons other than Inuit and an aboriginal people referred to in section 13.6.16 in the Labrador Inuit Settlement Area directed at that species or stock of Fish or Aquatic Plant shall be closed for that period and, subject to section 13.6.16, the Minister shall allocate the Total Allowable Catch or Total Allowable Harvest to Inuit.

- 13.6.16 If an aboriginal people of Canada, other than Inuit, has an aboriginal or treaty right in the Labrador Inuit Settlement Area with respect to a species or stock of Fish or Aquatic Plant to which section 13.6.14 or 13.6.15 applies, the Minister shall, prior to making any allocation of that species or stock of Fish or Aquatic Plant, Consult the Nunatsiavut Government and determine an equitable allocation of the Total Allowable Catch or Total Allowable Harvest for Inuit.
- 13.9.8 Where an Inuit Domestic Harvest Level is established, the Nunatsiavut Government shall provide to each Inuk who has a right to participate in the Inuit Domestic Fishery and has been allocated a portion of the Inuit Domestic Harvest Level by the Nunatsiavut Government, documentation that specifies the species or stock of Fish or Aquatic Plant that may be Harvested and the quantity that may be Harvested by that Inuk.
-

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

13.4.2 - Inuit rights to Harvest in Inuit Domestic Fishery with documentation

SUBJECT: Customary Fishing Areas

OBLIGATION: Establish Customary Fishing Areas in the Zone
13.7.1, 13.7.3, 13.7.5, 13.7.7, 13.9.4 (b), 13.9.6

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Recommend the location and boundaries of a Customary Fishing Area to the Minister, including : a) the fisheries management measures applicable in such areas; and b) its reasons for considering the area to be of customary or traditional importance to Inuit.	Nunatsiavut Government	As desired.
2	Review recommendations provided by Nunatsiavut Government and: a) accept recommendations and establish the Customary Fishing Area including the applicable fisheries management measures; or b) reject and provide written reasons to Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of recommendations.
3	Notify Torngat Joint Fisheries Board of decision with respect to the Customary Fishing Area.	Canada - Minister of Fisheries and Oceans	Upon making a decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Minister of Fisheries and Oceans will also notify Nunatsiavut Government where the recommendations made are accepted and the Customary Fishing Area will be established.

The fisheries management measures applicable in a Customary Fishing Area may, where appropriate,

identify parts of the Customary Fishing Area where specified species or stocks of Fish or Aquatic Plant may be Harvested solely by Inuit and place restrictions or limitations on fisheries other than the Inuit Domestic Fishery, including:

- (a) restrictions on type of equipment, including vessel size;
 - (b) limitations on when Harvesting may be conducted; and
 - (c) limitations on the species or stocks of Fish or Aquatic Plant that may be Harvested (13.7.2).
-

FINAL AGREEMENT PROVISIONS

- 13.7.1 To protect the Inuit Domestic Fishery and facilitate Harvesting in the Inuit Domestic Fishery the Minister shall, after considering the recommendations of the Nunatsiavut Government respecting fishing areas that are of customary or traditional importance to Inuit, establish such areas in the Zone and the fisheries management measures applicable in such areas.
- 13.7.3 The Minister shall give the reasons, in writing, to the Nunatsiavut Government if the Minister does not accept its recommendations concerning a Customary Fishing Area.
- 13.7.5 Subject to section 13.7.6, before deciding to change the boundaries of, or disestablish, a Customary Fishing Area or before deciding to amend the fisheries management measures applicable in a Customary Fishing Area, the Minister shall Consult the Nunatsiavut Government and shall inform the Nunatsiavut Government in writing of the decision.
- 13.7.7 The Minister shall give notice to the Torngat Joint Fisheries Board of any decision that the Minister makes under this part.
- 13.9.4 Subject to this chapter, the Nunatsiavut Government may:...
- (b) recommend the location and boundaries of Customary Fishing Areas, and the fisheries management measures applicable therein, to the Minister; and...
- 13.9.6 The Nunatsiavut Government shall, in making a recommendation for the establishment of a Customary Fishing Area, provide its reasons for considering the area to be of customary or traditional importance to Inuit.
-

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Customary Fishing Area"

SUBJECT: Customary Fishing Areas

OBLIGATION: Consultation prior to amending Customary Fishing Area
13.7.4, 13.7.5, 13.7.7

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to change the boundaries, disestablish the Customary Fishing Area, or change the fisheries management measures applicable to a Customary Fishing Area. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	Before making decision.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 1(b).
3	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
4	Make decision and inform Nunatsiavut Government and Torngat Joint Fisheries Board in writing.	Canada - Minister of Fisheries and Oceans	Upon making a decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The obligation to Consult does not apply to emergencies which are dealt with in Activity Sheet 13-12 (13.7.6).

FINAL AGREEMENT PROVISIONS

- 13.7.4 The Minister may change the boundaries of, or disestablish, a Customary Fishing Area or may amend the fisheries management measures applicable in a Customary Fishing Area.
- 13.7.5 Subject to section 13.7.6, before deciding to change the boundaries of, or disestablish, a Customary Fishing Area or before deciding to amend the fisheries management measures applicable in a Customary Fishing Area, the Minister shall Consult the Nunatsiavut Government and shall inform the Nunatsiavut Government in writing of the decision.
- 13.7.7 The Minister shall give notice to the Torngat Joint Fisheries Board of any decision that the Minister makes under this part.
-

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”

SUBJECT: Customary Fishing Areas

OBLIGATION: Changes to Customary Fishing Areas in cases of emergency
13.7.5 - 13.7.7

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Change the boundaries, disestablish the Customary Fishing Area, or change the fisheries management measures applicable to a Customary Fishing Area.	Canada - Minister of Fisheries and Oceans	As desired in case of an emergency.
2	Notify the Nunatsiavut Government of decision.	Canada - Minister of Fisheries and Oceans	Within 7 clear days from the date of making a decision.
3	Seek advice and views of the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	As soon as practicable after Activity 2.
4	Notify the Torngat Joint Fisheries Board.	Canada - Minister of Fisheries and Oceans	As soon as practicable.

FINAL AGREEMENT PROVISIONS

- 13.7.5 Subject to section 13.7.6, before deciding to change the boundaries of, or disestablish, a Customary Fishing Area or before deciding to amend the fisheries management measures applicable in a Customary Fishing Area, the Minister shall Consult the Nunatsiavut Government and shall inform the Nunatsiavut Government in writing of the decision.
- 13.7.6 If Consultation under section 13.7.5 is not practicable because of an emergency, the Minister shall, within seven clear days from the date of a decision referred to in section 13.7.5, notify the Nunatsiavut Government of the decision and seek the advice and views of the Nunatsiavut Government as soon as practicable thereafter.
- 13.7.7 The Minister shall give notice to the Torngat Joint Fisheries Board of any decision that the Minister makes under this part.

SUBJECT: Inuit Domestic Fishery

OBLIGATION: Establishing times and places for the Inuit Domestic Fishery recommended by Nunatsiavut Government
13.8.1 - 13.8.3, 13.9.7

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Recommend times and places for Inuit Domestic Fishery to the Minister of Fisheries and Oceans and provide a copy to the Torngat Joint Fisheries Board.	Nunatsiavut Government	As desired.
2	Review recommendations and: a) establish times and places as recommended; or b) notify Nunatsiavut Government of intent to reach agreement on varying those recommendations and: i) provide sufficient details and; ii) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	Upon receipt of recommendations.
3	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 2(b)(ii).
4	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
5	Establish times and places of Inuit Domestic Fishery and provide timely, written, reasons for any variations from Nunatsiavut	Canada - Minister of Fisheries and Oceans	a) As agreed; or b) failing agreement 30 clear days after initiating

	Government recommendations.		Consultation at Activity 2 (b).
--	-----------------------------	--	---------------------------------

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This is expected to be a fairly common activity, at least annually if not semi-annually.

FINAL AGREEMENT PROVISIONS

- 13.8.1 If the Nunatsiavut Government recommends times and places for the Inuit Domestic Fishery, the Minister shall either establish the recommended times and places or, after Consulting the Nunatsiavut Government for the purpose of attempting to reach agreement on those times and places, establish times and places that differ from those recommended by the Nunatsiavut Government. The Minister shall give to the Nunatsiavut Government, on a timely basis, the reasons, in writing, if the Minister establishes times and places that differ from those recommended by the Nunatsiavut Government unless agreement on times and places has been achieved through Consultation.
- 13.8.2 If, after having been requested to make a recommendation for times and places for the, the Nunatsiavut Government fails to do so, the Minister may establish the times and places after Consulting the Nunatsiavut Government for the purpose of attempting to reach agreement on the times and places.
- 13.8.3 The Consultation referred to in sections 13.8.1 and 13.8.2 may be terminated by the Minister 30 clear days from the date that Consultation is initiated if, in that time, the Consultation has failed to result in agreement.
- 13.9.7 The Nunatsiavut Government shall inform the Torngat Joint Fisheries Board of its recommendations to the Minister and shall inform the Minister and the Torngat Joint Fisheries Board in a timely manner of the measures it proposes taking to manage the Inuit Domestic Fishery.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

SUBJECT: Inuit Domestic Fishery

OBLIGATION: Establishing times and places for the Inuit Domestic Fishery after nil response by Nunatsiavut Government
13.8.2 & 13.8.3

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request recommendations for times and places of Inuit Domestic Fishery from Nunatsiavut Government and provide reasonable time frame for a response.	Canada - Minister of Fisheries and Oceans	As desired.
2	If recommendations are received then proceed with process under Activity Sheet 13-13.	Canada - Minister of Fisheries and Oceans	Upon receipt of recommendations.
3	If no recommendations are received, then notify Nunatsiavut Government of intent to establish times and places for Inuit Domestic Fishery. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	After expiry of time frame for response established in Activity 1.
4	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame established in Activity 3(b).
5	Give full and fair consideration to views presented by the Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
6	Establish times and places of Inuit Domestic Fishery and notify Nunatsiavut Government.	Canada - Minister of Fisheries and Oceans	a) As agreed; or b) failing agreement 30 clear days after initiating Consultation at Activity 3.

FINAL AGREEMENT PROVISIONS

- 13.8.2 If, after having been requested to make a recommendation for times and places for the Inuit Domestic Fishery, the Nunatsiavut Government fails to do so, the Minister may establish the times and places after Consulting the Nunatsiavut Government for the purpose of attempting to reach agreement on the times and places.
- 13.8.3 The Consultation referred to in sections 13.8.1 and 13.8.2 may be terminated by the Minister 30 clear days from the date that Consultation is initiated if, in that time, the Consultation has failed to result in agreement.
-

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

SUBJECT: Nunatsiavut Government Powers

OBLIGATION: Documentation authorizing transfer of Harvesting opportunities in Inuit Domestic Fishery
13.9.9

PARTIES: Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Provide documentation to individuals who have Harvesting rights transferred to them, specifying: a) time period; b) name of the transferor; and c) where an Inuit Domestic Harvest Level has been established, the allocated quantity of a species or stock of Fish or Aquatic Plant that may be harvested.	Nunatsiavut Government	Upon request from the transferor or transferee.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Requests for transfers would be in accordance with any Inuit Law which may be in effect.

An Inuk may transfer a right to Harvest to:

- (a) that Inuk’s spouse;
- (b) that Inuk’s parent or child;
- (c) an individual to whom that Inuk stands in the position of a parent;
- (d) an individual who stands in the position of a parent to that Inuk;
- (e) another Inuk; or
- (f) another aboriginal individual (13.4.11).

An individual in possession of a permit issued as described in this Activity Sheet does not need any other form of permit or licence to exercise the rights under the Inuit Domestic Fishery (13.4.12).

This section does not restrict Canada's authority to require licences for the use and possession of firearms under federal Law on the same basis as applies to other aboriginal people of Canada (13.4.12).

No fee may be imposed on an individual Harvesting his/her allotment of the Inuit Domestic Harvest Level (13.4.13).

FINAL AGREEMENT PROVISIONS

13.9.9 The Nunatsiavut Government shall provide to each individual to whom an opportunity to Harvest has been transferred under section 13.4.11 documentation specifying that the individual is authorized to participate for a specified period of time in the Inuit Domestic Fishery, the name of the transferor and, where an Inuit Domestic Harvest Level is established and the transferor has been allocated a portion of the Inuit Domestic Harvest Level by the Nunatsiavut Government, the species or stock of Fish or Aquatic Plant that may be Harvested and the quantity that may be Harvested.

SUBJECT: Torngat Joint Fisheries Board

OBLIGATION: Establish and operate the Board
 13.10.1 - 13.10.3, 13.10.5(a) & (c), 13.10.18 - 13.10.20, 13.10.22

PARTIES: Nunatsiavut Government
 Canada - Minister of Fisheries and Oceans
 Province - Department of Fisheries and Aquaculture
 Members of Board
 Chairperson
 Chief Justice of Supreme Court of Newfoundland and Labrador -
 Trial Division

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish the Board by appointing members to four year terms.	Three (3) by the Nunatsiavut Government Two (2) by Canada - Minister of Fisheries and Oceans One (1) by the Province	On the Effective Date.
2	Take and subscribe oath set out in Schedule 13-A of the Agreement before an officer authorized by law to administer oaths.	Members of the Board	Upon appointment and before assuming office.
3	Commence discussions to nominate chairperson.	Members of the Board	Upon appointment.
4	Refer name of nominee to federal Minister for appointment as chairperson.	Members of the Board	Within 60 clear days of appointment of the Members.
5	Appoint nominee.	Canada - Minister of Fisheries and Oceans	As soon as practicable after receipt of name.
6	If no agreement is reached on nominee, then request Chief Justice to name a Chairperson.	Canada - Minister of Fisheries and Oceans	Upon expiration of 60 clear day period.

7	Appoint chairperson.	Chief Justice of Supreme Court of Newfoundland and Labrador - Trial Division	As soon as practicable after receipt of request.
8	Take and subscribe oath set out in Schedule 13-A of the Agreement before an officer authorized by law to administer oaths.	Chairperson	Upon appointment and before assuming office.
9	Conduct business, by consensus, in Inuktitut and one of Canada's official languages.	Torngat Joint Fisheries Board	Ongoing.
10	If consensus cannot be achieved call for vote.	Chairperson	After reasonable efforts to reach consensus.
11	Cast deciding vote.	Chairperson	Where vote results in tie.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Each member of the Torngat Joint Fisheries Board:...

(b) may be reappointed to office;...

(d) shall be subject to such rules relating to conflict of interest as may be agreed among the Parties from time to time but no member shall be considered to be in a position of conflict of interest or to be biased solely because the member is an Inuk or a public servant (13.10.5).

In relation to Activity 6, it is assumed that the Chief Justice will inform the Parties as to the appropriate procedures for appointing the chairperson in the event of non-consensus amongst the Members of the Board.

The chairperson may be removed from office for cause at any time by the federal Minister (13.10.6).

A member of the Torngat Joint Fisheries Board other than the chairperson may be removed from office for cause at any time by the Government that appointed the member (13.10.7).

No member of the Torngat Joint Fisheries Board shall be a delegate of the Government that appointed the member (13.10.8).

Each member of the Torngat Joint Fisheries Board has the right to participate fully in all deliberations and decisions of the Torngat Joint Fisheries Board (13.10.9).

A vacancy in the membership of the Torngat Joint Fisheries Board, excluding the chairperson, shall be filled within 30 clear days by a replacement member appointed by the Government that made the original

appointment. A vacancy in the position of the chairperson shall be filled in the manner set out in this Activity Sheet (13.10.10).

A quorum of the Board shall be the chairperson, two members appointed by the Nunatsiavut Government and one member appointed by each of the federal Minister and the Province (13.10.11).

The Torngat Joint Fisheries Board may hire the employees necessary for the conduct of its business (13.10.12).

In the event of a decision by vote, a member in the minority may file a report that shall be appended to the decision (13.10.20).

Governments may have non-voting advisors or observers attend meetings of the Torngat Joint Fisheries Board. The costs of each advisor or observer shall be paid by the Government sending that individual (13.10.21).

Inuit may use Inuktitut in all their dealings with the Torngat Joint Fisheries Board (13.10.23).

All resolutions, decisions, rules, recommendations and advice of the Torngat Joint Fisheries Board shall be made available in Inuktitut (13.10.24).

The obligations of the Torngat Joint Fisheries Board to use Inuktitut in its proceedings may be met through interpretation and translation (13.10.25).

Communication from the Torngat Joint Fisheries Board:

- (a) to Canada shall be in one of Canada's official languages;
- (b) to the Province shall be in English; and
- (c) to the Nunatsiavut Government shall be in English and, at the request of the Nunatsiavut Government, in Inuktitut (13.10.26).

The Torngat Joint Fisheries Board may make rules respecting the management of its internal affairs and the conduct of its business (13.10.27).

FINAL AGREEMENT PROVISIONS

- 13.10.1 On the Effective Date, there shall be established a public body known as the Torngat Joint Fisheries Board.
- 13.10.2 The Torngat Joint Fisheries Board shall consist of seven members, including the chairperson, to be appointed as follows:
- (a) the chairperson shall be nominated by the members referred to in subsections (b), (c) and (d) and appointed by the federal Minister;
 - (b) three members shall be appointed by the Nunatsiavut Government;
 - (c) two members shall be appointed by the federal Minister; and

- (d) one member shall be appointed by the Province.
- 13.10.3 If the members of the Torngat Joint Fisheries Board referred to in subsections 13.10.2(b), 13.10.2(c) and 13.10.2(d) fail to agree on the nomination of the chairperson within 60 clear days from the commencement of discussions, the appointment shall be made by the Chief Justice.
- 13.10.5 Each member of the Torngat Joint Fisheries Board:...
- (a) shall be appointed for a term of four years;...
- (c) shall, before assuming office, take and subscribe an oath in the form set out in schedule 13-A before an officer authorized by Law to administer oaths; and...
- 13.10.18 Subject to section 13.10.19, all decisions of the Torngat Joint Fisheries Board shall be by consensus of the members.
- 13.10.19 If, in the opinion of the chairperson, a decision of the Torngat Joint Fisheries Board cannot be decided by consensus after reasonable efforts have been made to achieve consensus, the chairperson may declare that the decision shall be decided by a vote in accordance with section 13.10.20.
- 13.10.20 If a decision of the Torngat Joint Fisheries Board is decided by vote, the decision shall be decided by a majority of votes cast and the chairperson shall vote only in order to break a tie. In the event of a decision by vote, a member in the minority may file a report that shall be appended to the decision.
- 13.10.22 The Torngat Joint Fisheries Board shall conduct its business in Inuktitut and in one of Canada's official languages but the Nunatsiavut Government may, from time to time, waive the requirement that business be conducted in Inuktitut.
-

CROSS REFERENCED AND RELATED PROVISIONS

Schedule 13-A: Oath of Office of Board Members

BUDGET AND FUNDING RESPONSIBILITIES

See Torngat Joint Fisheries Board budget in Annex D, Part 3

13.10.21 - Costs and presence of federal and Provincial non-voting advisors or observers

LEGISLATIVE/REGULATORY AMENDMENTS

It is assumed that provisions authorizing the establishment of the Torngat Joint Fisheries Board will be included in the federal and Provincial ratification Legislation.

SUBJECT: Powers and Responsibilities of the Torngat Joint Fisheries Board

OBLIGATION: Consult the Nunatsiavut Government before making recommendations to the Minister with respect to the Inuit Domestic Fishery
13.11.1 - 13.11.3, 13.11.6 - 13.11.8

PARTIES: Torngat Joint Fisheries Board
Nunatsiavut Government
Canada - Minister of Fisheries and Oceans
Province - Relevant Provincial Minister

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of the intent to make recommendations to the Minister which might affect the Inuit Domestic Fishery. Provide: a) sufficient details; and b) reasonable time frame for response.	Torngat Joint Fisheries Board	Prior to making recommendations to the Minister.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frame identified in Activity 1(b).
3	Give full and fair consideration to views presented by the Nunatsiavut Government. Provide written reasons if not accepting the advice of the Nunatsiavut Government.	Torngat Joint Fisheries Board	As soon as practicable.
4	Make recommendations, in writing, to the Minister with respect to issues set out in sections 13.11.1 and 13.11.2 of the Agreement. Recommendations shall include results of Consultation with the Nunatsiavut Government.	Torngat Joint Fisheries Board	As required by the relevant Minister, according to species and specific fishery.

5	<p>Make recommendations in writing to the Minister on those issues set out in section 13.11.3 of the Agreement.</p> <p>Recommendations shall include results of Consultation with the Nunatsiavut Government.</p>	Torngat Joint Fisheries Board	As desired.
6	<p>Make decision and notify the Board, giving timely written reasons where the Board's recommendations are not accepted.</p>	<p>Canada - Minister of Fisheries and Oceans</p> <p>Province - Relevant Provincial Minister</p>	As soon as practicable.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the Board intends to make a recommendation which will not affect the Inuit Domestic Fishery, it does not have to Consult first with the Nunatsiavut Government (Activities 1-3) and can proceed with Activities 4 to 6.

The Torngat Joint Fisheries Board may:

- (a) collect the data necessary to formulate its recommendations;
- (b) subject to chapter 11, participate in Environmental Assessment processes and recommend to the Minister and the Nunatsiavut Government measures to monitor impacts of Projects and Undertakings on Fish, Aquatic Plants and Fish Habitat;
- (c) if approved by the Minister and the Nunatsiavut Government, implement measures to monitor impacts of Projects and Undertakings on Fish, Aquatic Plants and Fish Habitat;
- (d) conduct studies and research and undertake public education and awareness programs; and
- (e) advise the Minister on any matter that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or fishery in the Labrador Inuit Settlement Area and, through advisory processes established by the Minister, the Conservation and management of Fish in Waters Adjacent to the Zone (13.11.4).

At the request of the Minister, the Board shall provide all supporting data for its recommendations (13.11.6).

FINAL AGREEMENT PROVISIONS

13.11.1 The Torngat Joint Fisheries Board shall make recommendations to the Minister in relation to:

- (a) the Conservation of species or stocks of Fish in the Labrador Inuit Settlement Area listed in schedules 13-B and 13-C, species of Aquatic Plants in the

Labrador Inuit Settlement Area and Fish Habitat in the Labrador Inuit Settlement Area; and

- (b) the management of fisheries in the Labrador Inuit Settlement Area, other than the Inuit Domestic Fishery and the Inuit Domestic Harvest Level, with respect to a species or stock of Fish listed in schedules 13-B and 13-C,

and shall be the primary body making such recommendations.

13.11.2 The recommendations referred to in section 13.11.1 may include recommendations respecting:

- (a) waters within which Harvesting is to be carried out;
- (b) the establishment of Total Allowable Catches, Total Allowable Harvests and allocations to the Labrador Inuit Settlement Area;
- (c) the attachment of catch controls, such as quotas, to licences to fish;
- (d) the attachment of fishing effort controls, such as vessel size and gear restrictions, to licences to fish;
- (e) the management of non-aboriginal food fisheries;
- (f) the management of Recreational Fishing, including the establishment and variation of quotas of Fish that may be taken for Recreational Fishing purposes from a river or watershed or from a Sports Fish Camp;
- (g) the criteria and conditions for issuance of licences to transport Fish to, from and in the Labrador Inuit Settlement Area; and
- (h) the criteria for issuance of Commercial Fishing Licences and licences for the commercial processing of Fish, which may include:
 - (i) traditional participation in the fishery, adjacency and residency requirements;
 - (ii) socio-economic needs; and
 - (iii) economic viability.

13.11.3 The Torngat Joint Fisheries Board may make recommendations to the Minister on:

- (a) the exercise of licensing responsibilities by authorities other than the Minister;
- (b) standards and requirements for the professional certification of Harvesters

- engaged in commercial fisheries in the Zone;
- (c) the use, management and maintenance of fishing or recreational harbours in the Labrador Inuit Settlement Area;
 - (d) plans for the Conservation and management of particular Fish Habitats in the Labrador Inuit Settlement Area;
 - (e) the Harvesting of Aquatic Plants in the Labrador Inuit Settlement Area; and
 - (f) Aquaculture in the Labrador Inuit Settlement Area.
- 13.11.6 The Torngat Joint Fisheries Board shall make its recommendations to the Minister in writing and shall, at the request of the Minister, include all supporting information.
- 13.11.7 Before making a recommendation that might affect the Inuit Domestic Fishery, the Torngat Joint Fisheries Board shall Consult the Nunatsiavut Government. The Torngat Joint Fisheries Board shall provide the reasons, in writing, to the Nunatsiavut Government if the Torngat Joint Fisheries Board does not accept its advice. The Torngat Joint Fisheries Board shall advise the Minister of the results of the Consultation.
- 13.11.8 The Minister shall notify the Torngat Joint Fisheries Board, in writing, of the Minister's decision with respect to any recommendation the Torngat Joint Fisheries Board makes under sections 13.11.1 and 13.11.3 and shall give timely written reasons to the Torngat Joint Fisheries Board if the Minister does not accept its recommendation.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 -“Consult”
Schedules 13-B and 13-C: Species or Stocks of Fish in LISA

SUBJECT: Powers and Responsibilities of the Torngat Joint Fisheries Board

**OBLIGATION: Board functions at the request of Governments
13.11.5**

**PARTIES: Torngat Joint Fisheries Board
Nunatsiavut Government
Canada - Minister of Fisheries and Oceans
Province - Minister of Fisheries and Aquaculture
Minister of Environment and Conservation**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request Board to perform any function relating to any species or stock of Fish or Aquatic Plant, Fish Habitat or fishery in the Labrador Inuit Settlement Area (LISA).	Nunatsiavut Government Canada - Minister of Fisheries and Oceans Province - Relevant Provincial Minister	As desired.
2	Decide whether to perform function as requested.	Torngat Joint Fisheries Board	Upon request.
3	If accepted, advise the requesting Government and carry out functions.	Torngat Joint Fisheries Board	Once decision has been taken.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Provincial Department of Fisheries and Aquaculture has many of the Provincial responsibilities under this Activity Sheet.

FINAL AGREEMENT PROVISIONS

13.11.5 At the request of either the Minister or the Nunatsiavut Government, whichever has jurisdiction with respect to the particular matter, and subject to funding specially provided by the Government making the request, the Torngat Joint Fisheries Board may perform any function that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or fishery in the Labrador Inuit Settlement Area, including:

- (a) functions related to fisheries management measures such as monitoring catch and quotas, exercising co-operative enforcement responsibilities and assisting in the resolution of fishing gear conflicts;
- (b) functions related to the use, management and maintenance of fishing or recreational harbours; and
- (c) functions related to Aquaculture, including the issuance of Aquaculture licences.

BUDGET AND FUNDING RESPONSIBILITIES

The Government making the request for these functions shall assume the costs of such activities.

SUBJECT: Powers and Responsibilities of the Torngat Joint Fisheries Board

OBLIGATION: Consultation regarding Ministerial initiatives
13.11.9 -13.11.11

PARTIES: Torngat Joint Fisheries Board
Canada - Minister of Fisheries and Oceans
Province - Minister of Fisheries and Aquaculture

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	<p>Notify the Board of intent to:</p> <p>a) establish special initiatives or programs which relate to any species or stock of Fish or Aquatic Plant, Fish Habitat or fisheries, including licence retirement and emergency response programs;</p> <p>b) remove or change any of the limited entry criteria applicable for participation in commercial fisheries directed at a species or stock of Fish listed in schedule 13-B of the Agreement which are in effect on the Effective Date; and</p> <p>c) issue any Aquaculture licence in Labrador Inuit Settlement Area (LISA). Provide: i) sufficient details; and ii) reasonable time frame for response.</p>	<p>Canada - Minister of Fisheries and Oceans</p> <p>Canada - Minister of Fisheries and Oceans</p> <p>Province - Minister of Fisheries and Aquaculture</p>	<p>Before making a decision or taking action.</p>
2	<p>Review information as provided; prepare and submit views.</p>	<p>Torngat Joint Fisheries Board</p>	<p>As per time frame established in Activity 1 (ii).</p>
3	<p>Give full and fair consideration to views presented by the Board.</p>	<p>Canada - Minister of Fisheries and Oceans</p> <p>Province - Minister of Fisheries and Aquaculture</p>	<p>Upon receipt of views and before making decision or taking action.</p>

FINAL AGREEMENT PROVISIONS

- 13.11.9 The Minister shall Consult the Torngat Joint Fisheries Board prior to establishing special initiatives or programs that relate to any species or stock of Fish or Aquatic Plant, Fish Habitat or fisheries in the Labrador Inuit Settlement Area, including licence retirement and emergency response programs.
- 13.11.10 The Minister shall Consult the Torngat Joint Fisheries Board before making any decision to remove or change any of the limited entry criteria applicable to participation in commercial fisheries in the Labrador Inuit Settlement Area directed at a species or stock of Fish listed in schedule 13-B that are in effect on the Effective Date.
- 13.11.11 The Minister shall Consult the Torngat Joint Fisheries Board before issuing any Aquaculture licence for a site in the Labrador Inuit Settlement Area.
-

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"
Schedule 13-B: Species or Stocks of Fish in LISA

SUBJECT: Commercial Harvesting

OBLIGATION: Allocation of additional Commercial Fishing licences for species in Schedule 13-B
13.12.1 & 13.12.2

PARTIES: Canada -Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer to the Nunatsiavut Government 70% of any additional Commercial Fishing Licences to be issued in any calendar year, to fish in the Labrador Inuit Settlement Area (LISA) for a species or stock of Fish listed in schedule 13-B of the Agreement.	Canada - Minister of Fisheries and Oceans	Upon decision to issue more Commercial Fishing Licences than the number available for issuance in the year of the Agreement.
2	Issue remaining 30% of any additional Commercial Fishing Licences taking into account the following criteria: a) residency in LISA; b) adjacency to the Zone; and c) individual historical attachment to the commercial fisheries of that species or stock in LISA.	Canada - Minister of Fisheries and Oceans	Upon decision to issue more Commercial Fishing Licences than the number available for issuance in the year of the Agreement.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant (13.12.9).

Nothing in this part prevents the Minister from continuing to issue Commercial Fishing Licences available for issuance on the Effective Date (13.12.10).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

The Agreement provisions described in this Activity Sheet do not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the commercial fishing licences (13.9.1 (c)(i)).

A licence is deemed to be available for issuance if a Person is eligible to be issued the licence in accordance with the then existing federal policy for issuance of Commercial Fishing Licences (13.12.24).

FINAL AGREEMENT PROVISIONS

13.12.1 If in any calendar year after the Effective Date the Minister decides to issue more Commercial Fishing Licences to fish in the Labrador Inuit Settlement Area for a species or stock of Fish listed in schedule 13-B than the number available for issuance in the year of the Agreement, the Minister, when issuing those additional licences, shall take into account the following criteria:

- (a) residency in the Labrador Inuit Settlement Area;
- (b) adjacency to the Zone; and
- (c) individual historical attachment to the commercial fishery of that species or stock in the Labrador Inuit Settlement Area.

13.12.2 Subject to section 13.12.9, if in any calendar year after the Effective Date the Minister decides to issue more Commercial Fishing Licences to fish in the Labrador Inuit Settlement Area for a species or stock of Fish listed in schedule 13-B than the number available for issuance in the year of the Agreement, the Minister shall offer to issue 70 percent of the additional licences to the Nunatsiavut Government.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Commercial Fishing Licences"
Schedule 13-B: Species or Stocks of Fish in LISA

SUBJECT: Commercial Harvesting

OBLIGATION: Allocation of additional Commercial Fishing licences for species in Schedule 13-C 13.12.3 & 13.12.5

PARTIES: Canada - Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer to the Nunatsiavut Government 60% of any additional Commercial Fishing Licences to be issued in any calendar year, to fish in the Labrador Inuit Settlement Area (LISA) for a species or stock of Fish listed in schedule 13-C of the Agreement.	Canada - Minister of Fisheries and Oceans	Upon decision to issue more Commercial Fishing Licences than the number available for issuance in the year of the Agreement.
2	Offer to the Nunatsiavut Government 60% of any Commercial Fishing Licences to fish in the LISA for a species or stock of Fish listed in schedule 13-C of the Agreement that was not subject to commercial licencing on the Effective Date.	Canada - Minister of Fisheries and Oceans	Upon decision to issue Commercial Fishing Licences after the Effective Date.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant (13.12.9).

Nothing in this part prevents the Minister from continuing to issue Commercial Fishing Licences available for issuance on the Effective Date (13.12.10).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

The Agreement provisions described in this Activity Sheet do not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the

commercial fishing licences (13.9.1 (c)(i)).

A licence is deemed to be available for issuance if a Person is eligible to be issued the licence in accordance with the existing federal policy for issuance of Commercial Fishing Licences (13.12.24).

FINAL AGREEMENT PROVISIONS

- 13.12.3 Subject to section 13.12.9, if in any calendar year after the Effective Date the Minister decides to issue more Commercial Fishing Licences to fish in the Labrador Inuit Settlement Area for a species or stock of Fish listed in schedule 13-C than the number available for issuance in the year of the Agreement, the Minister shall offer to issue 60 percent of the additional licences to the Nunatsiavut Government.
- 13.12.5 Subject to section 13.12.9, if after the Effective Date the Minister decides to issue Commercial Fishing Licences to fish in the Labrador Inuit Settlement Area for a species or stock of Fish listed in schedule 13-C that was not subject to commercial licensing on the Effective Date, the Minister shall offer to issue 60 percent of the licences to the Nunatsiavut Government.
-

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Commercial Fishing Licences"
Schedule 13-C: Species or Stocks of Fish in LISA

SUBJECT: Commercial Harvesting

OBLIGATION: Allocation of additional Commercial Fishing licences for species in Schedule 13-D
13.12.4 & 13.12.6

PARTIES: Canada - Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer to the Nunatsiavut Government 20% of any additional Commercial Fishing Licences to be issued in any calendar year, to fish in the Waters Adjacent to the Zone for a species or stock of Fish listed in schedule 13-D of the Agreement.	Canada - Minister of Fisheries and Oceans	Upon decision to issue more Commercial Fishing Licences than the number available for issuance in the year of the Agreement.
2	Offer to the Nunatsiavut Government 20% of Commercial Fishing Licences to fish in the Waters Adjacent to the Zone for a species or stock of Fish listed in schedule 13-D of the Agreement which was not subject to commercial licencing of Effective Date.	Canada - Minister of Fisheries and Oceans	Upon decision to issue Commercial Fishing Licences after the Effective Date.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant (13.12.9).

Nothing in this Activity Sheet prevents the Minister from continuing to issue Commercial Fishing Licences available for issuance on the Effective Date (13.12.10).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

The Agreement provisions described in this Activity Sheet do not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the commercial fishing licences (13.9.1 (c)(i)).

A licence is deemed to be available for issuance if a Person is eligible to be issued the licence in accordance with the existing federal policy for issuance of Commercial Fishing Licences (13.12.24).

FINAL AGREEMENT PROVISIONS

- 13.12.4 Subject to section 13.12.9, if in any calendar year after the Effective Date the Minister decides to issue more Commercial Fishing Licences to fish in Waters Adjacent to the Zone for a species or stock of Fish listed in schedule 13-D than the number available for issuance in the year of the Agreement, the Minister shall offer to issue 20 percent of the additional licences to the Nunatsiavut Government.
- 13.12.6 Subject to section 13.12.9, if after the Effective Date the Minister decides to issue Commercial Fishing Licences to fish in Waters Adjacent to the Zone for a species or stock of Fish listed in schedule 13-D that was not subject to commercial licensing on the Effective Date, the Minister shall offer to issue 20 percent of the licences to the Nunatsiavut Government.
-

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Commercial Fishing Licences”, “Waters Adjacent to the Zone”
Schedule 13-D: Species or Stocks of Fish in LISA

SUBJECT: Commercial Harvesting

OBLIGATION: Allocation of additional Commercial Fishing licences for shrimp
13.12.7

PARTIES: Canada - Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer access to the Nunatsiavut Government to an additional Commercial Fishing Licence or some other means to access up to 11% of the quantity available to be Harvested under those licences to fish shrimp in the Waters Adjacent to the Zone.	Canada - Minister of Fisheries and Oceans	In any calendar year upon decision to issue more Commercial Fishing Licences than the number available for issuance in the year of the Agreement.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant (13.12.9).

Nothing in this Activity Sheet prevents the Minister from continuing to issue Commercial Fishing Licences available for issuance on the Effective Date (13.12.10).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

The Agreement provisions described in this Activity Sheet do not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the commercial fishing licences (13.9.1 (c)(i)).

A licence is deemed to be available for issuance if a Person is eligible to be issued the licence in accordance with the existing federal policy for issuance of Commercial Fishing Licences (13.12.24).

FINAL AGREEMENT PROVISIONS

13.12.7 If in any calendar year after the Effective Date the Minister decides to issue more Commercial Fishing Licences to fish for shrimp in Waters Adjacent to the Zone than the number available for issuance in the year of the Agreement, the Minister shall offer access to the Nunatsiavut Government through an additional Commercial Fishing Licence issued to the Nunatsiavut Government or by some other means to 11 percent of the quantity available to be Harvested under those licences.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Commercial Fishing Licences”, “Waters Adjacent to the Zone”

Activity Sheet: 13-24

SUBJECT: Commercial Harvesting**OBLIGATION:** Allocation of commercial licences for Harvesting of Aquatic Plants
13.12.8**PARTIES:** Canada - Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer to the Nunatsiavut Government 60% of commercial licences to Harvest Aquatic Plants in the Labrador Inuit Settlement Area (LISA) that were not subject to commercial licencing on the Effective Date.	Canada - Minister of Fisheries and Oceans	Upon decision to issue new licences after the Effective Date.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant (13.12.9).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

FINAL AGREEMENT PROVISIONS

13.12.8 Subject to section 13.12.9, if after the Effective Date the Minister decides to issue commercial licences to Harvest in the Labrador Inuit Settlement Area an Aquatic Plant that was not subject to commercial licensing on the Effective Date, the Minister shall offer to issue 60 percent of the licences to the Nunatsiavut Government.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Aquatic Plant"

SUBJECT: Commercial Harvesting

OBLIGATION: Establish limits of Fish to be taken by Sports Fish Camps in the Labrador Inuit Settlement Area (LISA) 13.12.11 & 13.12.13

PARTIES: Canada - Minister of Fisheries and Ocean
 Province - Minister of Tourism, Culture and Recreation
 Torngat Joint Fisheries Board
 Sports Fish Camp Owners or Operators

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Torngat Joint Fisheries Board and Sports Fish Camp owners or operators (of camps established before the Effective Date) of intent to establish and cap the number of Fish that may be taken annually in LISA. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	As required.
2	Review information as provided; prepare and submit views.	Torngat Joint Fisheries Board Sports Fish Camp Owners or Operators	Within time frame establish in Activity 1 (b).
3	Give full and fair consideration to views presented by Torngat Joint Fisheries Board and the Sports Fish Camp owners or operators.	Canada - Minister of Fisheries and Oceans	Upon receipt of views.
4	Establish and cap the number of Fish that may be taken annually at or from each such Sports Fish Camp in LISA.	Canada - Minister of Fisheries and Oceans Province - Minister of Tourism, Culture and Recreation	As required.
5	Give an allocation of surplus Fish to the Nunatsiavut	Canada - Minister of Fisheries and Oceans	If number of Fish available for Sport Fish Camps in

	Government on a priority basis for Sports Fish Camps owned by Inuit Businesses.		LISA exceeds the number established in Activity 4.
--	---	--	--

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

While the Provincial Minister of Tourism, Culture and Recreation issues licenses to Sports Fish Camps, it is the responsibility of the federal Minister of the Department of Fisheries and Oceans to establish and cap the number of fish which may be taken from Sports Fish Camps.

The opportunity for Sports Fish Camps allocated to them cannot be transferred to a third party separately from the transfer of the Sport Fish Camp (13.12.12).

Any Fish that are surplus after fulfilling the obligation of this Activity Sheet may be allocated by the Minister (13.12.15).

Nothing in the Agreement prevents Inuit from acquiring additional commercial fishing opportunities or Recreational Fishing opportunities through the processes applicable to all Persons (13.12.22 (b)).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

This Activity Sheet does not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the commercial fishing licences (13.9.1 (c)(i)).

FINAL AGREEMENT PROVISIONS

13.12.11 After Consulting the Torngat Joint Fisheries Board and the owners or operators of Sports Fish Camps existing in the Labrador Inuit Settlement Area on the Effective Date, the Minister shall establish and cap:

- (a) the total amount of a species of Fish that may be taken annually at or from those Sports Fish Camps; and
- (b) the amount of a species of Fish that may be taken annually at or from each such Sports Fish Camp.

13.12.13 If the total amount of a species of Fish available for Sports Fish Camps in the Labrador Inuit Settlement Area exceeds the number established under subsection 13.12.11(a), the Minister shall make an allocation to the Nunatsiavut Government on a priority basis for the purpose of supporting the establishment and continued operation of Sports Fish Camps owned by Inuit Businesses.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”, “Recreational Fishing”, “Sports Fish Camp”

SUBJECT: Commercial Harvesting

OBLIGATION: Allocation of Fish for Recreational Fishing when the commercial fishery for that species is closed
13.12.14

PARTIES: Canada - Minister of Fisheries and Oceans
Sports Fish Camp Owners or Operators
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Allocate annual allotment of Fish that may be taken annually at or from Sports Fish Camps in Labrador Inuit Settlement Area (LISA), that existed on the Effective Date, under Activity 4 of Activity Sheet 13-25.	Canada - Minister of Fisheries and Oceans	Upon closure for an indefinite period of a commercial fishery in LISA for a species or stock listed in schedules 13-B or 13-C of the Agreement, while the Recreational Fishery remains open.
2	Offer to the Nunatsiavut Government 80% of any remaining surplus.	Canada -Minister of Fisheries and Oceans	After making allocation to Sports Fish Camps.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Any Fish that are surplus after fulfilling the obligation of this Activity Sheet may be allocated by the Minister (13.12.15).

Nothing in the Agreement prevents Inuit from acquiring additional commercial fishing opportunities or Recreational Fishing opportunities through the processes applicable to all Persons (13.12.22 (b)).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

This Activity Sheet does not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may Harvest Fish under the commercial fishing licences (13.9.1 (c)(i)).

FINAL AGREEMENT PROVISIONS

13.12.14 If a commercial fishery in the Labrador Inuit Settlement Area for a species or stock of Fish listed in schedule 13-B or 13-C is closed for an indefinite period but Recreational Fishing with respect to that species or stock remains open in the Labrador Inuit Settlement Area, the Minister shall offer to the Nunatsiavut Government 80 percent of all commercial Recreational Fishing opportunities in the

Labrador Inuit Settlement Area with respect to that species or stock that are surplus to the number established under subsection 13.12.11(a).

CROSS REFERENCED AND RELATED PROVISIONS

Schedule 13-B: Species or Stocks of Fish in LISA

Schedule 13-C: Species or Stocks of Fish in LISA

General Definitions and Interpretation - 1.1.1 - "Recreational Fishing", "Sports Fish Camp"

SUBJECT: Commercial Harvesting

OBLIGATION: Offer to the Nunatsiavut Government first refusal for any Aquaculture Facilities to be established in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) 13.12.16-13.12.18, Schedule 13-E

PARTIES: Province - Minister of Fisheries and Aquaculture
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer Nunatsiavut Government right of first refusal to establish any Aquaculture Facility in LISA outside LIL.	Province - Minister of Fisheries and Aquaculture	Within 30 clear days from receipt of a letter of intent from a Person other than an Inuit business.
2	Respond to Minister in established time frame whether Nunatsiavut Government wishes to exercise right of first refusal.	Nunatsiavut Government	As per schedule 13-E.
3	If exercising right of first refusal, establish Aquaculture Facility in accordance with sequence of activities in schedule 13-E of the Agreement.	Nunatsiavut Government	Within two years of notification of acceptance in Activity 2.
4	Declare that the right of first refusal to the Nunatsiavut Government has lapsed.	Province - Minister of Fisheries and Aquaculture	If Nunatsiavut Government fails, without just cause, to establish Aquaculture Facility within two years of notifying the Minister in Activity 2.
5	Offer opportunity to establish Aquaculture Facilities to original applicant or other third party.	Province - Minister of Fisheries and Aquaculture	As desired if Nunatsiavut Government: a) declines right of first refusal in Activity 2; or b) fails to establish Aquaculture Facility within two years of notifying the Minister in Activity 2.

--	--	--	--

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This Activity Sheet does not create an obligation for the Province to permit an Aquaculture Facility to be established in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL).

The Nunatsiavut Government shall not authorize any Non-Beneficiary to Harvest or operate under a Commercial Fishing Licence, Fish processing licence or Aquaculture licence issued to the Nunatsiavut Government if that Person is not eligible to be issued a similar licence by the Minister (13.9.10).

Subject to the preceding planning assumption, this Activity Sheet does not limit the authority of the Nunatsiavut Government in relation to its law making authority determine who may operate pursuant to the Aquaculture licences (13.9.1 (c)(ii)).

Nothing in the Agreement prevents Inuit from acquiring additional Aquaculture Facilities through processes applicable to all Persons (13.12.22 (b)).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

FINAL AGREEMENT PROVISIONS

13.12.16 The Nunatsiavut Government has a right of first refusal to establish any Aquaculture Facility in the Labrador Inuit Settlement Area outside Labrador Inuit Lands and, upon approval of the Minister, to obtain the Aquaculture licences necessary to establish such Aquaculture Facility.

13.12.17 The exercise of the right of first refusal referred to in section 13.12.16 is governed by schedule 13-E.

13.12.18 If the Nunatsiavut Government does not exercise its right of first refusal under section 13.12.16, or if the right of first refusal is exercised and the Nunatsiavut Government fails, without just cause, to establish an Aquaculture Facility within two years of notifying the Minister of its intention to exercise the right of first refusal pursuant to paragraph 3 of schedule 13-E, the Minister may declare that the right of first refusal of the Nunatsiavut Government has lapsed and the opportunity to establish an Aquaculture Facility may then be made available in accordance with paragraph 9 of schedule 13-E.

Schedule 13-E: Right of First Refusal for Aquaculture in the Labrador Inuit Settlement Area Outside Labrador Inuit Lands.

- a) Any Person other than an Inuit Business who intends to apply to the Minister for a licence to carry on Aquaculture in the Labrador Inuit Settlement Area outside Labrador Inuit Lands shall forward a letter of intent to the Province.
- b) Within 30 clear days from receipt of a letter of intent referred to in paragraph 1, the Minister shall notify the Nunatsiavut Government.
- c) The Nunatsiavut Government shall have 90 clear days from receipt of the notice under paragraph 2 to notify the Minister in writing whether or not it intends to exercise the right of first refusal referred to in section 13.12.16.

- d) If the Nunatsiavut Government does not exercise the right of first refusal within the time set out in paragraph 3, the right of first refusal shall lapse.
- e) The Minister shall, within 21 clear days from the receipt of notice from the Nunatsiavut Government that it intends to exercise the right of first refusal, notify the Person referred to in paragraph 1 of the Nunatsiavut Government's decision.
- f) The Nunatsiavut Government shall have 120 clear days from the date it gives the notice referred to in paragraph 3 within which to complete any required community consultations, identify an operator if the operator will not be the Nunatsiavut Government (herein "designated operator"), make application for rights to occupy the proposed Aquaculture Facility and apply to the Minister for an Aquaculture licence.
- g) The Minister shall approve, with or without conditions, or reject the licence application referred to in paragraph 6 within 60 clear days of the Nunatsiavut Government or designated operator obtaining an approval required under Part X of the *Environmental Protection Act* or from the aquaculture licensing committee under the *Aquaculture Act*, whichever is later.
- h) If the license referred to in paragraph 6 is issued, the Nunatsiavut Government or designated operator must make every attempt to establish the Aquaculture Facility within two years from the date of the license and if the Nunatsiavut Government or designated operator fails, without just cause, to establish the Aquaculture Facility within that time, the Minister may declare that the right of first refusal of the Nunatsiavut Government has lapsed.
- i) If the Minister declares that the right of first refusal of the Nunatsiavut Government has lapsed or that the licence application of the Nunatsiavut Government referred to in paragraph 6 has been finally rejected, the opportunity to obtain an Aquaculture licence may then be made available to the original applicant or other third party and the Nunatsiavut Government shall not have a further right of first refusal in relation to the application, except at the discretion of the Minister.
- j) The Minister may extend any time period set out in this schedule when requested by the Nunatsiavut Government.
-

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Aquaculture"

SUBJECT: Commercial Harvesting

OBLIGATION: Consult on privatizing or decommissioning Fish processing facilities in Labrador Inuit Settlement Area (LISA) 13.12.19 & 13.12.20

PARTIES: Province - Department of Fisheries and Aquaculture
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to privatize or decommission any publicly-owned Fish plant or Fish processing facility in LISA. Provide: a) sufficient details; and b) reasonable time frame for response.	Province - Department of Fisheries and Aquaculture	Prior to privatizing or decommissioning any publicly-owned Fish plant or Fish processing facility in 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 the Nunatsiavut Government.	Province - Department of Fisheries and Aquaculture	Upon receipt of views.
4	Offer Nunatsiavut Government right of first refusal to acquire the Fish plant or processing facility for the sum of \$1.00 and, the right to obtain the necessary licences therefor.	Province - Minister of Fisheries and Aquaculture	Upon decision to privatize or decommission any publicly-owned Fish plant or Fish processing facility.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This Activity Sheet does not affect the Inuit Domestic Harvest Levels constituting a first demand against a Total Allowable Catch (TAC) or a Total Allowable Harvest (TAH) (13.6.2).

This Activity Sheet does not limit the authority of the Nunatsiavut Government in relation to its law

making authority to determine who may carry out the processing under the Fish processing licences (13.9.1 (c)(iii)).

Nothing in the Agreement prevents Inuit from acquiring additional commercial fishing opportunities through processes applicable to all Persons (13.12.22 (b)).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

FINAL AGREEMENT PROVISIONS

13.12.19 The Province shall Consult the Nunatsiavut Government prior to making any decision to privatize or decommission any publicly-owned Fish plant or Fish processing facility in the Labrador Inuit Settlement Area.

13.12.20 If the Province decides to privatize or decommission any publicly-owned Fish plant or Fish processing facility in the Labrador Inuit Settlement Area, the Nunatsiavut Government shall have a right of first refusal to acquire the Fish plant or Fish processing facility for the sum of \$1.00 and, upon approval of the Minister, to obtain the necessary licences therefor.

CROSS REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

SUBJECT: Commercial Harvesting

OBLIGATION: Offering percentage of additional licences for Fish processing in the Labrador Inuit Settlement Area (LISA)
13.12.21

PARTIES: Province - Minister of Fisheries and Aquaculture

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Offer to issue 70% of additional licences or processing capacity for land-based Fish to the Nunatsiavut Government.	Province - Minister of Fisheries and Aquaculture	Upon decision to issue more licences, or increase processing capacity, than existed on the Effective Date for land-based Fish in LISA.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This Activity Sheet does not limit the authority of the Nunatsiavut Government in relation to its law making authority to determine who may carry out the processing under the Fish processing licences (13.9.1 (c)(iii)).

Nothing in the Agreement prevents Inuit from acquiring additional commercial fishing opportunities through processes applicable to all Persons (13.12.22 (b)).

All licences issued to the Nunatsiavut Government shall be subject to Laws of General Application governing similar licences (13.12.23).

For purposes of calculating the number of licences available for issuance, in this Activity Sheet, a licence is deemed to be available for issuance if a Person is eligible to be issued the licence in accordance with the then existing federal policy for the issuance of Commercial Fishing Licences (13.12.24).

FINAL AGREEMENT PROVISIONS

13.12.21 If in any calendar year after the Effective Date the Minister decides to issue more licences for land-based Fish processing capacity in the Labrador Inuit Settlement Area than the number available for issuance in the year of the Agreement or to otherwise increase the processing capacity existing on the Effective Date, the Minister shall offer to issue 70 percent of the additional licences or processing capacity to the Nunatsiavut Government.

SUBJECT: Harvesting outside Labrador Inuit Settlement Area (LISA)

OBLIGATION: Negotiate arrangements for communal food fishing licences for Beneficiaries resident in Labrador outside the Labrador Inuit Settlement Area (LISA)
13.13.1 & 13.13.2

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Negotiate an arrangement for communal food fishing licences to be issued in accordance with the <i>Fisheries Act</i> for fishing in the Tidal Waters of Lake Melville by Beneficiaries resident in Labrador outside LISA for a period of 9 years.	Canada - Minister of Fisheries and Oceans Nunatsiavut Government	As agreed to by the Parties.
2	Make a decision on the extension of the arrangement.	Canada - Minister of Fisheries and Oceans	Prior to the expiration of the 9 years.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

An arrangement referred to in this Activity Sheet:

- i) shall not form part of the Agreement; and
- ii) 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 sections 25 and 35 of the *Constitution Act, 1982* (13.13.3).

FINAL AGREEMENT PROVISIONS

13.13.1 Canada and the Nunatsiavut Government shall negotiate an arrangement for communal food fishing licences to be issued in accordance with the *Fisheries Act* for fishing in the Tidal Waters of Lake Melville by Beneficiaries resident in Labrador outside the Labrador Inuit Settlement Area.

13.13.2 The arrangement referred to in section 13.13.1 shall be for a period of nine years. Prior to the expiration of the nine years, the Minister may extend the arrangement.

SUBJECT: Interjurisdictional Matters

OBLIGATION: Invite Nunatsiavut Government to participate in formulating and implementing International Agreements 13.14.1 & 13.14.2

PARTIES: Canada
Nunatsiavut Government
Nunatsiavut Government representative

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Invite Nunatsiavut Government to nominate a representative(s) to participate in discussions to initiate or amend International Agreements relating to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting Labrador Inuit Settlement Area (LISA). Indicate any applicable deadline.	Canada	Upon decision to initiate or amend International Agreements.
2	Nominate representative(s).	Nunatsiavut Government	As per time frame established in Activity 1.
3	Commence discussions to initiate or amend International Agreements.	Canada Nunatsiavut Government representative	As desired.
4	Interpret and administer any International Agreement to treat the Inuit on at least as favourable a basis as any other aboriginal people of Canada.	Canada	Upon concluding or amending any International Agreements.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Department of Fisheries and Oceans is the key department for this Activity Sheet however the involvement of the Department of Foreign Affairs might be triggered.

Canada’s discussion with the Nunatsiavut Government representative(s) shall extend beyond those

generally available to non-governmental organizations (13.14.2).

FINAL AGREEMENT PROVISIONS

- 13.14.1 Any Legislation implementing an International Agreement that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area shall be interpreted and administered to treat Inuit on at least as favourable a basis as any other aboriginal people of Canada.
- 13.14.2 Canada shall include Inuit representation, nominated by the Nunatsiavut Government, in discussions leading to the formulation of Canada's position respecting any International Agreement, or an amendment thereto, that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area, and the discussions shall extend beyond those generally available to non-governmental organizations.

SUBJECT: Interjurisdictional Matters

OBLIGATION: Invite Torngat Joint Fisheries Board to have a role in negotiating or amending Domestic Interjurisdictional Agreements 13.14.3 & 13.14.4

PARTIES: Canada - Department of Fisheries and Oceans
 Province - Department of Fisheries and Aquaculture
 Torngat Joint Fisheries Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Invite Torngat Joint Fisheries Board to have a role in negotiating or amending a Domestic Interjurisdictional Agreement relating to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting Labrador Inuit Settlement Area (LISA). Indicate any applicable deadline.	Canada - Department of Fisheries and Oceans Province - Department of Fisheries and Aquaculture	Upon decision to negotiate or amend a Domestic Interjurisdictional Agreement.
2	Fulfill role as indicated in Activity 1.	Torngat Joint Fisheries Board	As per any time frame established.
3	Interpret and administer any Legislation implementing Domestic Interjurisdictional Agreement to treat the Inuit on at least as favourable a basis as any other aboriginal people of Canada.	Canada - Department of Fisheries and Oceans Province - Department of Fisheries and Aquaculture	Upon conclusion of any Domestic Interjurisdictional Agreement.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Board shall have a role in the negotiations commensurate with its status, functions and responsibilities (13.14.4).

FINAL AGREEMENT PROVISIONS

13.14.3 Any Legislation implementing a Domestic Interjurisdictional Agreement that relates to any species or

stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area shall be interpreted and administered to treat Inuit on at least as favourable a basis as any other aboriginal people of Canada affected by the Legislation.

- 13.14.4 When Canada or the Province negotiates a Domestic Interjurisdictional Agreement, or an amendment thereto, that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area, the Torngat Joint Fisheries Board shall have a role in the negotiations commensurate with its status, functions and responsibilities.