

**SUBJECT:** Water Use in Labrador Inuit Lands

**OBLIGATION:** Administration of Water Use in Labrador Inuit Lands (LIL)  
5.2.8 - 5.2.10, 5.4.1 - 5.4.4, 5.4.6 - 5.4.8, 5.4.10 - 5.4.12

**PARTIES:** Nunatsiavut Government  
Province - Minister of Environment and Conservation  
Person

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Submit proposal for Water Use on Labrador Inuit Lands (LIL) to the Nunatsiavut Government for: a) new Water Use; or  b) renewal, extension or amendment of existing water use right required for extension or modification of a Development in existence on the Effective Date.	a) Person other than the Nunatsiavut Government  b) Existing Water User	a) Before submitting an application for a Water Use Permit to the Minister.  b) Prior to expiry of the existing valid Water Use right.
2	Reject or approve proposal with or without terms and conditions and notify the Minister of the decision.	Nunatsiavut Government	As soon as practicable.
3	Submit application for Water Use to the Minister.	a) Person other than the Nunatsiavut Government or  b) Nunatsiavut Government	a) Upon approval of proposal by Nunatsiavut Government; or  b) as desired when the application is from the Nunatsiavut Government.
4	Verify whether application is subject to Environmental Assessment.	Province - Minister of Environment and Conservation  Canada - Relevant Federal	Prior to approval.

		Minister Nunatsiavut Government	
5	If proposed use is for community Water supply purposes and does not interfere with public health, issue Water Use Permit.	Province - Minister of Environment and Conservation	As soon as practicable after completion of any required Environmental Assessment.
6	For all other applications, issue Water Use Permit unless adverse effects are determined outside LIL for which adequate compensation is not possible or would not be adequate.	Province - Minister of Environment and Conservation	Upon submission by Person if there is no variance from the terms and conditions approved by the Nunatsiavut Government.
7	Notify Nunatsiavut Government of intent to reject application or establish terms or conditions different from those established by the Nunatsiavut Government. Provide: a) sufficient details; and, b) reasonable time frame for response.	Province - Minister of Environment and Conservation	Prior to rejecting proposal or altering terms or conditions.
8	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within time frames established in Activity 7(b).
9	Make decision on application as approved by the Nunatsiavut Government in Activity 2 and: a) reject; b) approve according to terms or conditions set by Nunatsiavut Government; or c) approve with varied terms or conditions, after attempting to reach agreement with the Nunatsiavut Government.	Province - Minister of Environment and Conservation	As desired after receiving views submitted by Nunatsiavut Government.

10	Notify Nunatsiavut Government of desire to approve with varied terms or conditions.	Province - Minister of Environment and Conservation	As soon as practicable.
11	Accept or reject application based on varied terms and conditions.	Nunatsiavut Government	Upon reviewing new terms and conditions.
12	Issue Water Use Permit without payment of application fees.	Province - Minister of Environment and Conservation	Upon approval of Nunatsiavut Government in Activity 11.

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

The Nunatsiavut Government can be a Person.

No person may use water in LISA without obtaining a Water Use Permit unless it is being used for personal, family or domestic purposes, including hygiene and sanitation (5.2.2 & 5.2.4).

Inuit may use Water without a Water Use Permit for the purposes related to Inuit Domestic Harvesting and the Inuit Domestic Fishery including transportation for Harvesting (5.2.3).

Any right to use Water in LISA that exists on the Effective Date continues according to the original terms and conditions of the valid grant, lease, or licence (5.2.7).

Applicants for a Water Use Permit on LIL are subject to Environmental Assessment under Chapter 11 (5.2.9).

A new Water Use Permit must conform to the Land Use Plan (5.2.10).

Any use of land, Water, Tidal Waters, or buildings legally existing within the LISA when the Land Use Plan comes into effect which does not conform with the Land Use Plan or which becomes non-conforming as a result of an amendment to the Land Use Plan may continue without conforming to the Land Use Plan (10.8.1).

Unless otherwise provided in the Agreement, any non-conforming use permitted which ceases for a continuous period of 12 months loses its status as a permitted non-conforming use (10.8.2).

The following are deemed to have been approved by the Nunatsiavut Government:

- (a) a Use of Water on, in, under or flowing through LIL in relation to Exploration which commenced prior to the Effective Date in accordance with an exploration plan approved under Provincial Legislation if the Person authorized to carry out the Exploration holds a valid grant, lease, license or other instrument for the Use of Water;
- (b) a Use of Water on, in, under or flowing through LIL in relation to quarrying which

commenced prior to the Effective Date in accordance with a quarry permit issued under Provincial Legislation if the Person authorized to carry out the quarrying holds a valid grant, lease, license or other instrument for the Use of Water; or

- (c) a Use of Water on, in, under or flowing through LIL in relation to Exploration in LIL or quarrying in LIL outside Specified Materials Lands in accordance with a Work Plan that has been approved under section 4.11.15 (5.4.5).

Nothing affects the discretion of the Minister to prohibit, in accordance with Laws of General Application, the bulk removal of water from Newfoundland and Labrador (5.4.9).

A Water Use Permit issued to the Nunatsiavut Government may be assigned by the Nunatsiavut Government to an Inuk or Inuit Business (5.4.13).

---

### ***FINAL AGREEMENT PROVISIONS***

- 5.2.8 Any renewal, extension or amendment to a right referred to in section 5.2.7, that is required for purposes of an extension or modification to a Development in existence on the Effective Date shall be effected by the issuance of a Water Use Permit in accordance with this chapter.
- 5.2.9 Except for Water Uses referred to in sections 5.2.3 and 5.2.4, all applications for the Use of Water in the Labrador Inuit Settlement Area and all applications for renewals, extensions, or amendments of permitted Water Uses in the Labrador Inuit Settlement Area are subject to Environmental Assessment under chapter 11 prior to the issuance, renewal, extension or amendment of the Water Use Permit.
- 5.2.10 A decision of the Minister respecting a Water Use Permit in the Labrador Inuit Settlement Area must conform to the Land Use Plan.
- 5.4.1 No Person, including the Nunatsiavut Government, may use Water that is on, in, under or flowing through Labrador Inuit Lands for any purpose other than one referred to in section 5.2.3 or 5.2.4 without a Water Use Permit issued by the Minister, but the Water Use Permit shall be issued without payment of application fees.
- 5.4.2 If the Nunatsiavut Government wishes to use Water that is on, in, under or flowing through Labrador Inuit Lands for a purpose other than one referred to in section 5.2.3 or 5.2.4 it shall submit an application to the Minister who shall approve the application and issue a Water Use Permit in accordance with the provisions of this part.
- 5.4.3 If a Person, other than the Nunatsiavut Government, wishes to use Water that is on, in, under or flowing through Labrador Inuit Lands for a purpose other than one referred to in sections 5.2.3 or 5.2.4, that Person shall, before submitting an application for a Water Use Permit to the Minister under 5.4.6, submit the proposed application to the Nunatsiavut Government. For purposes of this part, the proposed application submitted to the Nunatsiavut Government is referred to as a proposal.
- 5.4.4 The Nunatsiavut Government may reject a proposal or approve a proposal, with or without terms and conditions and inform the Minister of its decision.
- 5.4.6 If a proposal referred to in section 5.4.3 is approved by the Nunatsiavut Government, the Person may then submit that proposal, as approved by the Nunatsiavut Government, as an application to the Minister, who shall, in accordance with this part, determine whether to issue a Water Use Permit.
- 5.4.7 The Minister shall not refuse an application referred to in section 5.4.6 unless the Minister determines that the proposed Water Use will have adverse effects outside Labrador Inuit Lands

for which compensation of or to a third party whose rights are detrimentally affected is not possible or would not be adequate.

- 5.4.8 Notwithstanding section 5.4.7, the Minister shall not refuse to issue a Water Use Permit for a proposal referred to in section 5.4.6 that is for community Water supply purposes.
- 5.4.10 Nothing in this chapter affects the discretion of the Minister to refuse to issue a Water Use Permit for reasons of public health.
- 5.4.11 Prior to rejecting an application for the Use of Water referred to in section 5.4.6, the Minister shall Consult the Nunatsiavut Government.
- 5.4.12 Prior to establishing terms and conditions with respect to an application for the Use of Water referred to in section 5.4.6 that are different from those established by the Nunatsiavut Government under section 5.4.4, the Minister shall Consult the Nunatsiavut Government with a view to reaching an agreement. If no agreement is reached, the Nunatsiavut Government may:
- (a) reject the issuance of the Water Use Permit, in which case it shall not be issued; or
  - (b) agree to the issuance of the Water Use Permit on the terms and conditions established by the Minister.
- 

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

General Definitions and Interpretation - 1.1.1 - “Consult”, “Water Use”, “Water Use Permit”  
Chapter 11 - Environmental Assessment

**SUBJECT:** Power Development affecting Tidal Water in schedule 5-A

**OBLIGATION:** Negotiate a Compensation Agreement with Nunatsiavut Government  
5.4.14

**PARTIES:** Developer  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Propose Tidal Water power Development.	Developer	As desired.
2	If Development is expected to substantially alter the quantity, quality or rate of flow of Tidal Waters adjacent to LIL within the area shown in schedule 5-A, then notify Nunatsiavut Government of desire to conclude Compensation Agreement.	Developer	Before proceeding with Development.
3	Enter into negotiations in accordance with activities 2 to 5 of Activity Sheet 5-6.	Nunatsiavut Government Developer	As agreed.
4	Proceed with Development.	Developer	After concluding a Compensation Agreement with Nunatsiavut Government and acquiring all other Government permits.

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

“Developer” can include a Government.

Environmental Assessment provisions of Chapter 11, Land Use Planning provisions of Chapter 10 and Water Use provisions of Chapter 5 will apply to this Development.

***FINAL AGREEMENT PROVISIONS***

5.4.14 Notwithstanding that the definition of Water does not include Tidal Waters, if a power

Development is proposed within the area set out in the Map Atlas (shown for illustrative purposes only in schedule 5-A) that substantially alters the quantity, quality or rate of flow of Tidal Waters adjacent to Labrador Inuit Lands within the area shown in schedule 5-A, the Development shall not be permitted to proceed until the Nunatsiavut Government and the Developer have concluded a Compensation Agreement and, for purposes of negotiations or an arbitration related to the Compensation Agreement, Inuit shall be entitled to claim for losses likely to result from the substantial alteration to the quantity, quality or rate of flow of the Tidal Waters adjacent to Labrador Inuit Lands within the area shown in schedule 5-A.

---

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

General Definitions and Interpretation - 1.1.1 - “Development”

5.1.1 - “Compensation Agreement”

5.6.1 Inuit rights to Compensation

Schedule 5-A - “Map showing potential Tidal power area”

**SUBJECT:** Water Use in Labrador Inuit Settlement Area (LISA) outside  
Labrador Inuit Lands  
(LIL)

**OBLIGATION:** Consult Nunatsiavut Government before issuing a Water Use Permit  
5.2.8 - 5.2.10, 5.5.1 - 5.5.4

**PARTIES:** Person  
Existing Water User  
Province - Minister of Environment and Conservation  
Canada  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Submit application for Water Use in Labrador Inuit Settlement Area (LISA) outside Labrador Inuit Lands (LIL) to the Minister for: a) new Water Use; or  b) renewal, extension or amendment of existing water use right required for extension or modification of a Development in existence on the Effective Date.	Person; or  Existing Water User	a) Before using Water for which a Water Use Permit is required.  b) Prior to expiry of the existing valid Water Use right.
2	Verify whether application is subject to Environmental Assessment.	Province - Minister of Environment and Conservation  Canada - Relevant Federal Minister	Prior to approval.
3	Notify Nunatsiavut Government of application for Water Use Permit: 1) in LISA outside LIL; and 2) outside LISA which may affect Water or Water Use in LISA. Provide: a) sufficient details; and,	Province - Minister of Environment and Conservation	Before determining whether to issue a Water Use Permit.

	<p>b) i) in LISA: reasonable time frame; or</p> <p>ii) outside LISA: the full period of any timetable established under Laws of General Application.</p>		
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 and determine whether or not the proposed Use of Water affects Inuit rights taking into account the factors in section 5.5.1 of the Agreement.	Province - Minister of Environment and Conservation	Upon receipt of views.
6	Determine whether to issue a Water Use Permit taking into account matters referred to in section 5.5.1 of the Agreement.	Province - Minister of Environment and conservation	Following the completion of the Consultation in Activity 3 to 5.
7	<p>If proposed Use of Water in LISA outside LIL affects Inuit rights under the Agreement, determine if:</p> <p>a) there is no reasonable alternative to satisfy the applicant's requirements; and</p> <p>b) there are no reasonable measures the applicant could take to avoid affecting Inuit rights.</p>	Province - Minister of Environment and Conservation	Following the determination referred to in Activity 6.
8	Notify Nunatsiavut Government and Applicant of decision and if proposed Water Use will substantially	Province - Minister of Environment and Conservation	Upon making a decision.

	<p>alter quantity, quality or rate of flow of Water on, in, under, flowing through or adjacent to LIL direct Applicant to:</p> <p>a) conclude a Compensation Agreement; or</p> <p>b) include Water Compensation provisions in any relevant Parks Impact and Benefits Agreement (PIIBA), Protected Area Agreement (PAA), or Inuit Impact and Benefits Agreement (IIBA).</p>		
9	Commence and conclude a Compensation Agreement as per Activity Sheet 5-6 or revise PIBA, PAA, IIBA.	Nunatsiavut Government Developer	Upon notification by the Minister in Activity 8.
10	Issue the Water Use Permit.	Province - Minister of Environment and Conservation	Upon completion of any required Compensation Agreement.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

No person may use water in LISA without obtaining a Water Use Permit unless it is being used for personal, family or domestic purposes, including hygiene and sanitation (5.2.2 & 5.2.4). Inuit may use Water without a Water Use Permit for the purposes related to Inuit Domestic Harvesting and the Inuit Domestic Fishery including transportation for Harvesting (5.2.3).

Any right to use Water in LISA that exists on the Effective Date continues according to the original terms and conditions (5.2.7).

If it is determined by the Minister in Activity 7 that there are reasonable alternatives, which do not impact on Inuit Rights, direct Applicant to consider these.

The Minister shall not unreasonably deny an application by any Person for the Use of Water in LISA for purposes of an Inuit Community or for purposes of a development in LIL where water for that purpose is not readily available in LIL (5.5.9).

Any use of land, Water, Tidal Waters, or buildings legally existing within the LISA when the Land Use Plan comes into effect which does not conform with the Land Use Plan or which becomes non-conforming as a result of an amendment to the Land Use Plan may continue without conforming to the Land Use Plan (10.8.1).

Unless otherwise provided in the Agreement, any non-conforming use permitted which ceases for a continuous period of 12 months loses its status as a permitted non-conforming use (10.8.2).

---

### ***FINAL AGREEMENT PROVISIONS***

- 5.2.8 Any renewal, extension or amendment to a right referred to in section 5.2.7, that is required for purposes of an extension or modification to a Development in existence on the Effective Date shall be effected by the issuance of a Water Use Permit in accordance with this chapter.
- 5.2.9 Except for Water Uses referred to in sections 5.2.3 and 5.2.4, all applications for the Use of Water in the Labrador Inuit Settlement Area and all applications for renewals, extensions, or amendments of permitted Water Uses in the Labrador Inuit Settlement Area are subject to Environmental Assessment under chapter 11 prior to the issuance, renewal, extension or amendment of the Water Use Permit.
- 5.2.10 A decision of the Minister respecting a Water Use Permit in the Labrador Inuit Settlement Area must conform to the Land Use Plan.
- 5.5.1 Before determining whether to issue a Water Use Permit in the Labrador Inuit Settlement Area outside Labrador Inuit Lands, or a Water Use Permit outside the Labrador Inuit Settlement Area that may affect Water or a Water Use in the Labrador Inuit Settlement Area, the Minister shall Consult the Nunatsiavut Government with respect to the application for the Water Use Permit and shall, in making the determination, take into account:
- (a) the impact of the proposed Water Use on Fish, Fish Habitat, Aquatic Plants, Wildlife, Plants and Habitat in the Labrador Inuit Settlement Area;
  - (b) the impact of the proposed Water Use on Harvesting rights of Inuit under the Agreement;
  - (c) the impact of the proposed Water Use on the quantity, quality or rate of flow of Water on, in, under, flowing through or adjacent to Labrador Inuit Lands;
  - (d) measures to Mitigate any negative effects or impacts of the proposed Water Use;
  - (e) existing water rights; and
  - (f) any other matters that the Nunatsiavut Government and the Minister consider relevant.
- 5.5.2 Notwithstanding the definition of Consultation, if a time is established under a Law of General Application for purposes of the issuance of Water Use Permits outside the Labrador Inuit Settlement Area, Consultation with respect to the issuance of a Water Use Permit under section 5.5.1 shall be carried out within the time and the Nunatsiavut Government shall be given the full period of time available under the Law to complete the Consultation.
- 5.5.3 If the Minister, after Consulting the Nunatsiavut Government in accordance with section 5.5.1, determines that the Water Use may affect Inuit rights under the Agreement, the Minister shall not issue a Water Use Permit in the Labrador Inuit Settlement Area, outside Labrador Inuit Lands, unless the Minister also determines that:
- (a) there is no alternative that could reasonably satisfy the requirements of the applicant; and
  - (b) if there is no reasonable alternative, there are no reasonable measures whereby the applicant could avoid affecting Inuit rights under the Agreement.
- 5.5.4 If the proposed Water Use referred to in section 5.5.1 may substantially alter the quantity, quality or rate of flow of Water on, in, under, flowing through or adjacent to Labrador Inuit Lands, the Minister shall not

issue the Water Use Permit unless the Minister has made the determinations referred to in section 5.5.3 and:

- (a) a Compensation Agreement is in effect; or
- (b) in circumstances where a Park Impacts and Benefits Agreement or a Protected Area Agreement referred to in section 5.2.15 or an Inuit Impacts and Benefits Agreement is required, a Park Impacts and Benefits Agreement, Protected Area Agreement or Inuit Impacts and Benefits Agreement that includes provisions respecting the rights of Inuit to compensation under this part has been concluded.

---

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

General Definitions and Interpretation - 1.1.1 - “Consult”, “Water”, “Water Use”, “Water Use Permit”

5.1.1 - “Compensation Agreement”

Chapter 11 - Environmental Assessment

**SUBJECT:** Exercise of Ministerial powers affecting Use of Water in Labrador Inuit Settlement Area (LISA)

**OBLIGATION:** Consult Nunatsiavut Government, the Torngat Joint Fisheries Board and the Torngat Wildlife and Plants Co-Management Board 5.5.5 & 5.5.6

**PARTIES:** Province - Minister of Environment and Conservation  
Nunatsiavut Government  
Torngat Joint Fisheries Board  
Torngat Wildlife and Plants Co-Management Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government, Torngat Joint Fisheries Board and Torngat Wildlife and Plants Co-Management Board of intent to: a) change Legislation, policies, or guidelines which may affect Use of Water in LISA; or b) exercise powers under 5.5.6 of the Agreement. Provide: i) sufficient details; and ii) reasonable time frame for response.	Province - Minister of Environment and Conservation	As soon as practicable after determining whether changes are required to Legislation, policies or guidelines or making decision to exercise powers.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government Torngat Joint Fisheries Board Torngat Wildlife and Plants Co-Management Board	Within time frame established in Activity 1(ii).
3	Give full and fair consideration to views presented by the Nunatsiavut Government and the Boards.	Province - Minister of Environment and Conservation	Upon receipt of views.
4	Make decision with respect to a) changes in Legislation, policies, or guidelines which may affect Use of Water in LISA; or	Province - Minister of Environment and Conservation	Following completion of Consultations in Activities 1 to 3.

	b) exercise of powers under 5.5.6 of the Agreement.		
--	---	--	--

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

Nothing in this Activity Sheet permits a Use of Water with respect to Water on, in, under, flowing through or adjacent to LIL for purposes of a Development (5.5.6).

The Nunatsiavut Government has no responsibility and incurs no liability with respect to the exercise of Ministerial powers on this Activity Sheet and those powers do not derogate from Inuit Water rights (5.5.7).

***FINAL AGREEMENT PROVISIONS***

5.5.5 The Minister shall, as soon as practicable, Consult the Nunatsiavut Government, the Torngat Joint Fisheries Board and the Torngat Wildlife and Plants Co-Management Board on matters set out in section 5.5.6 and any proposed changes to Legislation, policies or guidelines that may affect the Use of Water in the Labrador Inuit Settlement Area.

5.5.6 Except as provided in this chapter, nothing in part 5.4 restricts the Minister’s power to:

- (a) use Water on, in, under or flowing through or adjacent to Labrador Inuit Lands for purposes related to research, protection and conservation of Water, aquatic life and aquatic habitat;
- (b) establish standards and measures for the protection of Water, including community Water supplies, on, in, under or flowing through or adjacent to Labrador Inuit Lands;
- (c) use or authorize the Use of Water on, in, under or flowing through or adjacent to Labrador Inuit Lands for purposes of fighting fires;
- (d) establish flood control measures, develop flood plain management strategies and designate flood risk zones with respect to Water on, in, under, flowing through or adjacent to Labrador Inuit Lands;
- (e) carry out or authorize hydrologic data collection and hydrologic research with respect to Water on, in, under, flowing through or adjacent to Labrador Inuit Lands; and
- (f) use or authorize the Use of Water on, in, under or flowing through or adjacent to Labrador Inuit Lands for any other similar purpose that is in the common interest of Inuit and the other residents of the Labrador Inuit Settlement Area;

but nothing in this section permits a Use of Water with respect to Water on, in, under, flowing through or adjacent to Labrador Inuit Lands for purposes of a Development.

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

General Definitions and Interpretation - 1.1.1 - “Consult”, “Water Use Permit”



**SUBJECT:** Delegation of water management responsibilities in Labrador Inuit Settlement Area (LISA)

**OBLIGATION:** Include Nunatsiavut Government representation on delegated body 5.5.8

**PARTIES:** Province - Minister of Environment and Conservation  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Inform Nunatsiavut Government of intent to delegate responsibility for management of: a) Water in LISA; or b) issuance of Water Use Permits in LISA; or c) issuance of Water Use Permits that may affect Water in LISA.	Province - Minister of Environment and Conservation	As desired.
2	Request Nunatsiavut Government to appoint one member to a regional board, body or authority.	Province - Minister of Environment and Conservation	Upon decision to delegate responsibility.
3	Appoint member(s) to delegated body.	Nunatsiavut Government	As required.

**FINAL AGREEMENT PROVISIONS**

5.5.8 If the Province decides to delegate responsibility for the management of Water or the issuance of Water Use Permits in the Labrador Inuit Settlement Area or the issuance of Water Use Permits that may affect Water in the Labrador Inuit Settlement Area to a board, body or authority, at least one member of the board, body or authority shall be appointed by the Nunatsiavut Government.

**SUBJECT:** Compensation

**OBLIGATION:** Negotiate a Compensation Agreement  
5.6.2-5.6.5

**PARTIES:** Nunatsiavut Government  
Developer  
Arbitration Panel  
Province - Minister of Environment and Conservation

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Commence negotiations over compensation for Water Use through Compensation Agreement.	Nunatsiavut Government Developer	Within 7 clear days after ministerial notification in Activity 8 of Activity Sheet 5-3.
2	Conclude negotiations over Compensation Agreement.	Nunatsiavut Government Developer	Within 60 clear days of commencement of negotiations.
3	If agreement not reached refer matter to arbitration under Chapter 21 of the Agreement.	Nunatsiavut Government - or - Developer	As desired, anytime after 60 clear days.
4	Conduct arbitration and make decision, taking into account factors listed in section 5.6.5 of the Agreement.	Arbitration Panel	Within 90 clear days of receiving referral.
5	Inform Disputants and Parties of Arbitration Panel decision.	Arbitration Panel	Once decision is rendered.
6	Approve the Water Use Permit application.	Province - Minister of Environment and Conservation	Upon determination that a Compensation Agreement is in effect.

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

There is no requirement to begin negotiations for a Compensation Agreement if it has been dealt with satisfactorily in an Impact and Benefits Agreement (5.6.2 (b)).

An Arbitration Panel shall presume that a substantial change in the quality, quantity or flow of Water on, in, under, through or adjacent to LIL entitles the Nunatsiavut Government to

compensation (5.6.6).

An Arbitration Panel may, if it receives a request for compensation in kind from the Nunatsiavut Government, award compensation under a Compensation Agreement, Inuit Impacts and Benefits Agreement or Protected Area Agreement in the form of compensation in kind or partly in the form of monetary compensation and partly in the form of compensation in kind (5.6.8).

Unless otherwise agreed by the Nunatsiavut Government and a Developer, a determination of compensation made by the Arbitration Panel shall provide for periodic payments and periodic review of the payments for the purpose of adjustments, having due regard to the nature and duration of the Water Use (5.6.7).

Nothing in this part restricts any of the rights or remedies of Inuit in the event that a Person uses Water without a required Water Use Permit, breaches the terms and conditions of a Water Use Permit so as to affect Inuit Water rights or breaches the terms or conditions of a Compensation Agreement (5.6.9).

---

## ***FINAL AGREEMENT PROVISIONS***

- 5.6.2 No Water Use Permit shall be issued to a Developer in respect of a Development in the Labrador Inuit Settlement Area that may substantially alter the quantity, quality or rate of flow of Water on, in, under, flowing through or adjacent to Labrador Inuit Lands unless, after the Minister has made the determinations referred to in section 5.5.3:
- (a) the Developer has entered into a compensation agreement with the Nunatsiavut Government in accordance with this part or a compensation agreement has been established by an Arbitration Panel in accordance with section 5.6.3 and this part; or
  - (b) the Developer and the Nunatsiavut Government have agreed on compensation provisions regarding the matters referred to in section 5.6.5 in an Inuit Impacts and Benefits Agreement.
- 5.6.3 Unless an Inuit Impacts and Benefits Agreement has been reached, a Developer and the Nunatsiavut Government shall negotiate for the purpose of reaching a Compensation Agreement. If a Compensation Agreement has not been concluded by the Nunatsiavut Government and the Developer within 60 clear days from the commencement of the negotiations, the Nunatsiavut Government or the Developer may refer any unresolved issue relating to the content, terms or conditions of the Compensation Agreement to arbitration under chapter 21 and the Arbitration Decision shall be made within 90 clear days from the date of referral.
- 5.6.4 For the purposes of section 5.6.3, the negotiations shall be deemed to have commenced seven clear days from the determinations by the Minister referred to in section 5.5.3.
- 5.6.5 If a Dispute over compensation is referred to arbitration under this chapter, chapter 7 or chapter 9, the Arbitration Panel, in determining the compensation to be awarded to Inuit under a Compensation Agreement, Inuit Impacts and Benefits Agreement or Protected Area Agreement referred to in section 5.2.15, shall take into account:
- (a) the anticipated adverse effects, including incremental and cumulative effects, of the change in quantity, quality or rate of flow of Water on, in, under, flowing through or adjacent to Labrador Inuit Lands that are likely to result from the proposed Water Use;
  - (b) the anticipated nuisance, inconvenience, disturbance or noise caused by the change in quantity, quality, or rate of flow of Water on, in, under, flowing through or adjacent to Labrador Inuit Lands that is likely to result from the proposed Water Use;

- (c) the anticipated adverse effects of the change in quantity, quality, or rate of flow of Water upon pre-existing Water Uses by Inuit or in Labrador Inuit Lands that are likely to result from the proposed Water Use;
  - (d) the cultural attachment of Inuit to Labrador Inuit Lands, including Water, that would be adversely affected by the change in quantity, quality, or rate of flow of Water;
  - (e) the decrease in value of Labrador Inuit Lands, including Water, that are likely to be affected by the change in quantity, quality or rate of flow of Water;
  - (f) the level of damage that is likely to result from the Water Use;
  - (g) interference with Inuit rights under the Agreement; and
  - (h) any other matter the Arbitration Panel may consider relevant for purposes of determining the compensation award.
- 

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

5.1.1 - "Compensation Agreement"  
Chapter 7 - Economic Development  
Chapter 9 - National Parks and Protected Areas