

SUBJECT: Ocean Management

OBLIGATION: Consult on marine management strategy in Labrador Inuit Settlement Area (LISA)
6.3.1

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 finalize marine management strategy and provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	Before finalizing a marine management strategy.
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	Before making a decision.
4	Finalize marine management strategy.	Canada - Minister of Fisheries and Oceans	Upon making final decision.

FINAL AGREEMENT PROVISIONS

6.3.1 Before finalizing a strategy for the management of estuarine, coastal and marine areas that would directly apply to the estuarine, coastal and marine areas of the Labrador Inuit Settlement Area, the Minister shall Consult the Nunatsiavut Government with respect to the strategy.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Marine Protected Area"

SUBJECT: Ocean Management

OBLIGATION: Consult on development and implementation of integrated management activities in the Labrador Inuit Settlement Area (LISA) 6.3.2 - 6.3.3

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	<p>Notify the Nunatsiavut Government of intent to develop and implement integrated management activities for marine areas in LISA. Provide:</p> <ul style="list-style-type: none"> a) sufficient details, including: <ul style="list-style-type: none"> i) establishment of, and possible Inuit participation in, advisory or management bodies; ii) establishment of environmental guidelines, objectives and criteria respecting the quality of estuarine, coastal and marine areas; and b) reasonable time frame for response. 	Canada - Minister of Fisheries and Oceans	Before developing and implementing integrated management activities for marine areas in LISA.
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	Before making a decision.

4	Develop and implement	Canada - Minister of	Upon taking into
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	plans for the integrated management activities.	Fisheries and Oceans	consideration the views of the Nunatsiavut Government.
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Integrated management activities for marine areas may include activities such as conflict resolution between user groups, zoning, and sea-use planning.

FINAL AGREEMENT PROVISIONS

- 6.3.2 The Minister shall Consult the Nunatsiavut Government in the development and implementation of plans for the integrated management of activities or measures that directly affect the estuarine, coastal and marine areas of the Labrador Inuit Settlement Area.
- 6.3.3 The Consultation referred to in section 6.3.2 shall include Consultation about:
 - (a) the establishment of, and possible Inuit participation in, advisory or management bodies; and
 - (b) the establishment of environmental guidelines, objectives and criteria respecting the quality of the estuarine, coastal and marine areas of the Labrador Inuit Settlement Area.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”

SUBJECT: Marine Protected Areas

OBLIGATION: Consult on development of Marine Protected Areas system as it applies to Labrador Inuit Settlement Area (LISA)
6.4.1

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	If proposing to develop a system of Marine Protected Areas that applies to LISA, notify the Nunatsiavut Government. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	Prior to establishing a system of Marine Protected Areas.
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	Before deciding to proceed with the development of a system of Marine Protected Areas.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The term “system” can refer to one or more Marine Protected Areas.

FINAL AGREEMENT PROVISIONS

6.4.1 If the Minister proposes to develop a system of Marine Protected Areas, the Minister shall Consult the Nunatsiavut Government to the extent that the system applies to the estuarine, coastal and marine areas of the Labrador Inuit Settlement Area.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”, “Marine Protected Area”

SUBJECT: Marine Protected Areas

OBLIGATION: Consult on Marine Protected Area (MPA) in the Zone
6.4.2

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	If proposing to establish, disestablish, or change the boundaries of an MPA in the Zone, notify the Nunatsiavut Government. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Fisheries and Oceans	Prior to establishing, disestablishing, or changing MPA boundaries.
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	Prior to making final decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

In cases of emergency, the Minister may establish, disestablish or change the boundaries of a Marine Protected Area in the Zone without first following the process set out on this Activity Sheet. The Minister shall advise the Nunatsiavut Government as soon as possible after taking that action as per Activity Sheet 6-7 (6.4.9).

FINAL AGREEMENT PROVISIONS

6.4.2 The Minister shall Consult the Nunatsiavut Government prior to establishing, disestablishing or changing the boundaries of a Marine Protected Area in the Zone.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Marine Protected Area"

SUBJECT: Marine Protected Areas

OBLIGATION: Nunatsiavut Government recommendations for the establishment of Marine Protected Areas (MPA) in the Zone 6.4.3 - 6.4.4

PARTIES: Nunatsiavut Government
Canada - Minister of Fisheries and Oceans

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Recommend the establishment of an MPA in the Zone, including terms and conditions relating to a management plan.	Nunatsiavut Government	As desired.
2	Review recommendations as provided.	Canada - Minister of Fisheries and Oceans	Upon receipt of recommendations.
3	Accept, vary, or reject, the recommendations, and if rejecting or varying, provide written reasons.	Canada - Minister of Fisheries and Oceans	After review of recommendations.

FINAL AGREEMENT PROVISIONS

6.4.3 Nothing in this part prevents the Nunatsiavut Government from recommending to the Minister:

- (a) the establishment of Marine Protected Areas in the Zone; and
- (b) terms and conditions relating to management plans for Marine Protected Areas in the Zone.

6.4.4 The Minister shall accept, vary or reject a recommendation made under section 6.4.3 and, in the case of a rejection or variance, shall provide the Nunatsiavut Government with the reasons for the decision in writing.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Marine Protected Area", "Zone"

SUBJECT: Marine Protected Areas

OBLIGATION: Negotiation of a Marine Protected Area (MPA) Agreement
6.4.5 - 6.4.6

PARTIES: Canada - Minister of Fisheries and Oceans
-Department of Fisheries and Oceans (DFO)
Nunatsiavut Government
Conciliator

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Unless otherwise agreed, commence negotiations of an MPA Agreement.	Canada -Department of Fisheries and Oceans Nunatsiavut Government	Prior to the establishment of an MPA in the Zone.
2	Conclude an MPA Agreement.	Canada -Department of Fisheries and Oceans Nunatsiavut Government	Within 180 clear days of commencing negotiations or any other timing agreed.
3	If Agreement cannot be reached, jointly select a conciliator.	Canada -Department of Fisheries and Oceans Nunatsiavut Government	As soon as practicable following the expiry of the negotiation period.
4	Select conciliator.	Canada -Minister of Fisheries and Oceans	If conciliator cannot be agreed to by both Parties.
5	Conduct conciliation and submit report to Nunatsiavut Government and Canada for consideration.	Conciliator	As soon as practicable.
6	If no agreement following conciliation, submit separate reports to the Minister for consideration and decision.	Nunatsiavut Government Canada -Department of Fisheries and Oceans	Within 60 clear days of conclusion of conciliation proceedings.
7	Review reports and make decision on the terms of the MPA Agreement.	Canada -Minister of Fisheries and Oceans	As soon as practicable and before establishing an MPA in the Zone.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Minister should Consult the Nunatsiavut Government prior to establishing a Marine Protected Area (6.4.2) (See Activity Sheet 6-4).

A Marine Protected Area Agreement may include any matter connected with a Marine Protected Area, including those matters identified in Schedule 6-A (6.4.7).

In cases of emergency, the Minister may establish, disestablish or change the boundaries of a Marine Protected Area in the Zone without first following the process set out on this Activity Sheet. The Minister shall advise the Nunatsiavut Government as soon as possible after taking that action as per Activity Sheet 6-7 (6.4.9).

A Marine Protected Area Agreement:

- (a) shall not form part of the Agreement; and
- (b) is not intended to be a treaty or land claims agreement and is not intended to recognize or affirm aboriginal or treaty rights within the meaning of sections 25 and 35 of the *Constitution Act, 1982* (6.4.8).

FINAL AGREEMENT PROVISIONS

6.4.5 Prior to the establishment of a Marine Protected Area in the Zone, Canada and the Nunatsiavut Government shall, unless otherwise agreed between them, negotiate a Marine Protected Area agreement.

6.4.6 If Canada and the Nunatsiavut Government cannot conclude an agreement referred to in section 6.4.5 within 180 clear days from the commencement of negotiations for that purpose, or any other time agreed to by them, they shall select a conciliator who shall submit a report to them for consideration. If Canada and the Nunatsiavut Government cannot agree on the selection of the conciliator, the Minister may select the conciliator. If Canada and the Nunatsiavut Government cannot agree following conciliation, each party shall, within 60 clear days from the conclusion of the conciliation proceedings, submit a report to the Minister for the Minister's consideration and decision on the terms of the agreement.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Marine Protected Area"

SUBJECT: Marine Protected Areas

OBLIGATION: Establishing, disestablishing, or changing the boundaries of a Marine Protected Area (MPA) in the Zone in case of emergency
6.4.9

PARTIES: Canada - Minister of Fisheries and Oceans
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish, disestablish, or change MPA boundaries in the Zone.	Canada -Minister of Fisheries and Oceans	In the event of an emergency.
2	Notify the Nunatsiavut Government of action taken.	Canada -Minister of Fisheries and Oceans	As soon as practicable after taking that action.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This is not to preclude the possibility that the Minister may Consult the Nunatsiavut Government before taking action, in the event of an emergency.

FINAL AGREEMENT PROVISIONS

6.4.9 In the event of an emergency, the Minister may establish, disestablish or change the boundaries of a Marine Protected Area in the Zone without first following the process set out in sections 6.4.2, 6.4.5 and 6.4.6. The Minister shall advise the Nunatsiavut Government as soon as practicable after doing so.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Marine Protected Area", "Zone"

Activity Sheet: 6-8

SUBJECT: Marine Protected Areas**OBLIGATION:** Inuktitut translations of publications regarding Marine Protected Areas (MPA) in the Zone
6.4.10**PARTIES:** Canada - Department of Fisheries and Oceans

	Activities	Responsibility	Timing
1	Identify federal publications informing the public about MPAs in the Zone.	Canada - Department of Fisheries and Oceans	Ongoing.
2	Translate and publish in Inuktitut.	Department of Fisheries and Oceans	As soon as practicable upon identification of materials for publication.

FINAL AGREEMENT PROVISIONS

6.4.10 Federal publications informing the public about Marine Protected Areas in the Zone must be made available in Inuktitut.

BUDGET AND FUNDING RESPONSIBILITIES

The costs associated with translating and publishing shall be borne by Department of Fisheries and Oceans.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Marine Protected Area", "Zone"

SUBJECT: Marine Shipping

OBLIGATION: Consult on the establishment of marine navigation services in the Zone
6.5.1 (a)

PARTIES: Canada - Transport Canada
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to establish marine navigation services in the Zone. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Transport Canada	Prior to establishing marine navigation services in the Zone.
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 Transport Canada	Upon receipt of views, prior to making decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

In the event of an emergency this Activity Sheet does not apply, and the Minister may proceed without Consulting the Nunatsiavut Government (6.5.2).

In the majority of cases the responsible minister for the establishment of marine navigation services will be the Department of Transport Canada, however other ministers may also have the responsibility.

FINAL AGREEMENT PROVISIONS

6.5.1 The Minister shall Consult the Nunatsiavut Government, prior to:

(a) the establishment, by the Minister, of marine navigation services in the Zone; and...

CROSS-REFERENCED AND RELATED PROVISIONS

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

SUBJECT: Marine Shipping

OBLIGATION: Consult on approvals or exemptions under the *Navigable Waters Protection Act* in the Zone
6.5.1(b)

PARTIES: Canada - Minister of the Department of Transport Canada
Nunatsiavut Government

	Activities	Responsibility	Timing
1	Notify the Nunatsiavut Government of intent to approve or exempt activity under the <i>Navigable Waters Protection Act</i> , in the Zone. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Minister of Transport Canada	Prior to approval or exemption.
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 Transport Canada	Upon of receipt of views, and prior to making a decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

In the event of an emergency this Activity Sheet does not apply, and the Minister may proceed without Consulting the Nunatsiavut Government (6.5.2).

FINAL AGREEMENT PROVISIONS

- 6.5.1 The Minister shall Consult the Nunatsiavut Government prior to:...
- (b) the issuance of approvals or exemptions under the *Navigable Waters Protection Act* in the Zone.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Zone"

Navigable Water Protection Act

SUBJECT: Development and Exploration

OBLIGATION: Consult on Mineral Development in the Zone
6.6.1

PARTIES: Canada - various departments
Province - Department of Natural Resources (Mines Branch)
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to permit, approve or authorize the Development of Minerals in the Zone, including marine transportation directly associated with the Development. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - various departments Province - Department of Natural Resources (Mines Branch)	Prior to permitting, approving or authorizing Mineral Development or marine transportation in the Zone.
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 - various departments Province - Department of Natural Resources (Mines Branch)	Upon receipt of views and prior to making a decision.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

A number of departments and agencies are potentially involved on behalf of Canada in this Activity Sheet (e.g. Department of Fisheries and Oceans, Environment Canada, Natural Resources Canada).

One alternative to multilateral consultations is the model provided by the Environmental Management Agreement associated with the Voisey’s Bay Project.

Consultation shall take into consideration Inuit rights in the Zone under the Agreement and that Inuit resident in the Labrador Inuit Settlement Area are adjacent to the Zone.

FINAL AGREEMENT PROVISIONS

- 6.6.1 Canada and the Province shall Consult the Nunatsiavut Government prior to permitting, approving or authorizing a Development of Minerals in the Zone, including any marine transportation in the Zone directly associated with the Development. The Consultation shall take into consideration Inuit rights in the Zone under the Agreement and that Inuit resident in the Labrador Inuit Settlement Area are adjacent to the Zone.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - “Consult”, “Zone”, “Development”, “Minerals”

SUBJECT: Development and Exploration

OBLIGATION: Recommendation with respect to the impact of Developments and Petroleum Exploration on the integrity of landfast sea ice in Labrador Inuit Settlement Area (LISA)
6.6.2

PARTIES: Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make recommendations to the Minister regarding the potential impact of Development and Petroleum Exploration in LISA, including any marine transportation in the Zone directly associated with the Development or Petroleum Exploration, on the integrity of landfast sea ice.	Nunatsiavut Government	As desired.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

A number of departments and agencies are potentially involved on behalf of Canada in this Activity Sheet. NRCan is likely to be the primary department responsible, but it may also involve Transport, DFO and the CNLOPB.

FINAL AGREEMENT PROVISIONS

6.6.2The Nunatsiavut Government may make recommendations to the Minister regarding the potential impact on the integrity of landfast sea ice of a Development or Petroleum Exploration in the Labrador Inuit Settlement Area, including any marine transportation in the Zone directly associated with the Development or Petroleum Exploration.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Petroleum Exploration", "Zone"

SUBJECT: Development and Exploration

OBLIGATION: Consultation by Regulator for activities in the Zone
6.6.3 & 6.6.4 (b)

PARTIES: Regulator
Nunatsiavut Government

	Activities	Responsibility	Timing
1	For activities covered under section 6.6.3 of the Agreement, notify the Nunatsiavut Government of intent to take action. Provide: a) sufficient details; and b) time frame for response as per any applicable Legislation.	Regulator	Prior to making a decision or taking action within any applicable time frame established by Law.
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.	Regulator	Upon receipt of views and prior to making a decision or taking action.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Notwithstanding the definition of Consult, the obligation to Consult shall be carried out within:

- (a) any applicable timetable prescribed by the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*; or
- (b) any timetable that applies to a matter referred to in section 6.6.3 under a Law of General Application and that is applicable to federal and Provincial government departments or agencies (6.6.4).

The Nunatsiavut Government shall have the full period of time available for Consultation under the applicable timetable (6.6.5).

In this Activity Sheet, the Regulator is the department or agency that would regulate under normal circumstances. For example, an offshore pipeline would result in DFO regulating the impact on the sea bed and the Coast Guard would regulate with respect to any implications for navigation.

The Provincial Department of Natural Resources may also have a role in this Activity Sheet as a regulator (eg) for an offshore pipeline.

FINAL AGREEMENT PROVISIONS

- 6.6.3 A Regulator shall Consult the Nunatsiavut Government prior to:
- (a) making a decision to open any part of the Zone to Petroleum Exploration or making a decision to issue Petroleum interests within the Zone;
 - (b) issuing rights in relation to tidal energy within the Zone;
 - (c) making a decision to permit, license or grant the right to construct, operate or abandon a pipeline in the Zone;
 - (d) deciding not to conduct a public review or a public hearing in relation to a potential Petroleum Development or tidal energy project in the Zone;
 - (e) establishing terms of reference or a timetable for the public review of a Petroleum Development, including a Petroleum Development Plan, in the Zone;
 - (f) establishing terms of reference, requirements or guidelines for preparation of a preliminary development plan, environmental issue list, environmental impact statement, socio-economic impact statement or any other plan or statement in relation to a Petroleum Development in the Zone; or
 - (g) making a decision whether to approve a Petroleum Development Plan for a Petroleum Development in the Zone (6.6.4 (b)).
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Petroleum Development", "Petroleum Exploration", "Regulator", "Zone"

Canada-Newfoundland Atlantic Accord Implementation Act and the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act

SUBJECT: Development and Exploration

OBLIGATION: Notification by Regulator for proposed Petroleum Exploration in the Zone or proposed Mineral Development or Petroleum Exploration Program in Ocean Areas Adjacent to the Zone
6.6.6 & 6.6.7

PARTIES: Nunatsiavut Government
Regulator

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government, in writing, of intent to permit proposed Petroleum Exploration Program in the Zone or proposed Development of Minerals or Petroleum Exploration Program in Ocean Areas Adjacent to the Zone. Provide: a) sufficient details; and b) reasonable time frame for response as prescribed by law.	Regulator	Prior to permitting, approving or authorizing activity.
2	If desired, make recommendations.	Nunatsiavut Government	Within time frame established in Activity 1(b).

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Any obligation to consult shall be carried out according to time frames established by relevant legislation (6.6.7).

In this Activity Sheet, the Regulator is the federal or Provincial department or agency that would regulate under normal circumstances. For example, an offshore pipeline would result in DFO regulating the impact on the sea bed and the Coast Guard would regulate with respect to any implications for navigation. Other activities may involve the CNLOPB (for petroleum) and Provincial Department of Natural Resources.

FINAL AGREEMENT PROVISIONS

6.6.6 A Regulator shall notify the Nunatsiavut Government in writing about any permit, approval or authorization that it proposes to issue for:

- (a) a Petroleum exploration program in the Zone, or
- (b) a Development of Mineral or Petroleum Exploration program in Ocean Areas Adjacent to the Zone,

and the Nunatsiavut Government may make recommendations to the Regulator with respect to the proposed permit, approval or authorization.

6.6.7 The recommendations of the Nunatsiavut Government referred to in section 6.6.6 shall be made within:

- (a) any applicable timetable prescribed by the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*; or
- (b) any timetable that applies to a matter referred to in section 6.6.6 under a Law of General Application and that is applicable to federal and Provincial Government departments or agencies.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Development", "Mineral", "Ocean Area Adjacent to the Zone", "Petroleum Development", "Petroleum Exploration", "Zone"

6.1.1 - "Regulator"

SUBJECT: Development and Exploration

OBLIGATION: Consultation by Regulator on nominations to conduct public hearings
6.6.8

PARTIES: Nunatsiavut Government
 Regulator - **Canada-Newfoundland Offshore Petroleum Board (CNOPB)**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to nominate or appoint individual to conduct a public hearing on potential Petroleum Development in the Zone. Provide: a) sufficient details; and b) reasonable time frame for response.	Regulator - CNOPB	Prior to making nomination or appointment.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	Within timeframe established in Activity 1(b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Regulator - CNLOPB	Upon receipt of views, and prior to making nomination or appointment.
4	Make nomination or appointment.	Regulator - CNLOPB	As required.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Nothing in this Activity Sheet alters the obligations required in Chapter 11 - Environmental Assessment (6.6.8).

FINAL AGREEMENT PROVISIONS

6.6.8 Where any individual is to be nominated or appointed for the purpose of conducting a public hearing in relation to a potential Petroleum Development in the Zone, the Regulator shall Consult the Nunatsiavut Government

prior to making the nomination or appointment. Nothing in this section derogates from chapter 11.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Petroleum Development"

6.1.1 - "Regulator"

Chapter 11 - Environmental Assessment

SUBJECT: Development and Exploration

OBLIGATION: Discretionary Consultation by the Canada-Newfoundland Offshore Petroleum Board (CNOBP) on Environmental protection, emergency measures and marine transportation
6.6.9

PARTIES: Nunatsiavut Government
 Canada - Newfoundland Offshore Petroleum Board
 (CNOBP)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to exercise a power or perform a duty in the Zone in relation to 6.6.9 of the Agreement. Provide: a) sufficient details; and b) reasonable time frame for response.	CNOBP	As desired.
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.	CNOBP	Before exercising a power or performing a duty.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Consultation is not obligatory in these matters.

FINAL AGREEMENT PROVISIONS

6.6.9 The Canada-Newfoundland Offshore Petroleum Board may, in the exercise of a power or the performance of a duty, Consult the Nunatsiavut Government in relation to:

- (a) Environmental protection and regulation in the Zone;

- (b) emergency measures in the Zone;
 - (c) marine transportation in the Zone; and
 - (d) other matters that are appropriate in relation to the Zone.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Environment", "Zone".

SUBJECT: Development and Exploration

OBLIGATION: Involve Nunatsiavut Government in implementation of oil pollution and fisheries compensation regime in the Zone under the *Atlantic Accord Implementation Acts*
6.6.10

PARTIES: Canada-Newfoundland Offshore Petroleum Board (CNOBP)
 Canada
 Province
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Decide whether a committee will be established to review and monitor the implementation of the oil pollution and fisheries compensation regime in the Zone.	CNOBP	As required prior to Petroleum Exploration or Petroleum Development being carried out in the Zone.
2	If committee is being established, notify Nunatsiavut Government and request nominees and specify any time frame.	Canada Province	Prior to establishing committee.
3	Each appoint a representative of the Nunatsiavut Government to the committee.	Canada Province	In accordance with Legislation.
4	If no committee will be established notify Nunatsiavut Government regarding the intent to implement the oil pollution and fisheries compensation regime in the Zone. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada Province	Prior to any Petroleum Exploration or Petroleum Development being carried out in the Zone.
5	Review information as	Nunatsiavut Government	Within time frame established

	provided; prepare and submit views.		in Activity 4 (b).
6	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada Province	Prior to implementing the oil pollution and fisheries compensation regime in the Zone.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The oil pollution and fisheries compensation regime is established under the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

FINAL AGREEMENT PROVISIONS

6.6.10 When Petroleum Exploration or Petroleum Development is being carried out in the Zone, each of Canada and the Province shall appoint a representative of the Nunatsiavut Government to the committee responsible for reviewing and monitoring implementation of the oil pollution and fisheries compensation regime under the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, should such a committee be established. If such a committee is not established at any time when Petroleum Exploration or Petroleum Development is being carried out in the Zone, Canada and the Province shall Consult the Nunatsiavut Government about the implementation of the oil pollution and fisheries compensation regime under the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Petroleum Development", "Petroleum Exploration", "Zone"

Canada-Newfoundland Atlantic Accord Implementation Act

Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act

SUBJECT: Development and Exploration

OBLIGATION: Consult Nunatsiavut Government prior to establishing an oil pollution and fisheries compensation regime in the Zone outside of the Atlantic Accord Implementation Acts
6.6.11

PARTIES: Canada
 Province - Department of Natural Resources (Energy Branch)
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government regarding the intent to establish an oil pollution and fisheries compensation regime for Petroleum Exploration or Petroleum Development in the Zone, outside of the Atlantic Accord Implementation Acts. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada Province	Prior to establishing an oil pollution and fisheries compensation regime in the Zone.
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 Nunatsiavut Government.	Canada Province	Prior to establishing an oil pollution and fisheries compensation regime for Petroleum Exploration or Petroleum Development in the Zone.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This Activity Sheet applies to an oil pollution and fisheries compensation regime for Petroleum Exploration or Petroleum Development in the Zone established outside the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.

FINAL AGREEMENT PROVISIONS

- 6.6.11 Canada and the Province shall Consult the Nunatsiavut Government prior to establishing an oil pollution and fisheries compensation regime for Petroleum Exploration or Petroleum Development in the Zone other than the oil pollution and fisheries compensation regime established under the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Petroleum Development", "Petroleum Exploration", "Zone"

Canada-Newfoundland Atlantic Accord Implementation Act

Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act

SUBJECT: Development and Exploration

OBLIGATION: Consult on environmental or social studies pertaining to Petroleum Exploration or Petroleum Development in the Zone
6.6.12

PARTIES: Nunatsiavut Government
 Environmental Studies Management Board under the *Canada Petroleum Resources Act*

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to approve an environmental or social study pertaining to Petroleum Exploration or Petroleum Development in the Zone. Provide: a) sufficient details; and b) reasonable time frame for response.	Environmental Studies Management Board under the <i>Canada Petroleum Resources Act</i>	Prior to approving any studies.
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 Nunatsiavut Government.	Environmental Studies Management Board under the <i>Canada Petroleum Resources Act</i>	Prior to approving any studies.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government may propose environmental and social studies pertaining to Petroleum Exploration or Petroleum Development in the Labrador Inuit Settlement Area for funding under the *Canada Petroleum Resources Act* (6.6.13).

FINAL AGREEMENT PROVISIONS

6.6.12 The Environmental Studies Management Board under the *Canada Petroleum Resources Act* shall Consult the Nunatsiavut Government prior to approving any environmental and social studies pertaining to Petroleum Exploration or Petroleum Development in the Zone.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Petroleum Development", "Petroleum
Exploration", "Zone"

Canada Petroleum Resources Act

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Developments in the Zone

OBLIGATION: Conduct IIBA Negotiations
 6.7.3-6.7.5, 6.7.12

PARTIES: Nunatsiavut Government
 Developer

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government, in writing, of proposed Major Development and intent to negotiate IIBA.	Developer	At the earliest reasonable opportunity.
2	Review proposal and notify Developer of intent to: a) negotiate IIBA or b) waive IIBA.	Nunatsiavut Government	At the earliest reasonable opportunity.
3	Start and conduct negotiations according to principles in section 6.7.4 of the Agreement including matters identified in schedule 6-B, and make efforts to conclude negotiations at the earliest reasonable opportunity.	Developer Nunatsiavut Government	a) At the earliest reasonable opportunity following notification of intent to negotiate at Activity 2(a); or b) upon written notice from Nunatsiavut Government to start negotiations.
4	Conclude IIBA negotiations by: a) continuing negotiations in good faith; b) unilateral referral to arbitration (Activity Sheet 6-21); c) joint referral to arbitration (Activity Sheet 6-22); or d) referral to arbitration on grounds of bad faith (Activity Sheet 6-23).	Nunatsiavut Government Developer	Before commencing Construction, unless Minister approves under Activity Sheet 6-24 or 6-25.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

No Major Development may commence in the Zone until an agreement has been concluded between the Developer and the Nunatsiavut Government or established for them by an Arbitration Panel (6.7.1).

Developers are subject to Harvesting Compensation provisions in chapter 14 of the Agreement unless the Nunatsiavut Government agrees otherwise in an IIBA (6.7.2).

An Inuit Impacts and Benefits Agreement is a contract (6.7.6).

Any permit issued prior to conclusion of an IIBA must be conditional, and of no force or effect until an IIBA is concluded through negotiations or arbitration (6.7.7).

A Developer cannot split a Major Development to avoid negotiating an IIBA (6.7.15).

FINAL AGREEMENT PROVISIONS

6.7.3 An Inuit Impacts and Benefits Agreement may provide for any matter connected with a Major Development in the Zone, including any marine transportation in the Zone directly associated with the Major Development, that could have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit, including any matter identified in schedule 6-B.

6.7.4 The negotiation of Inuit Impacts and Benefits Agreement shall be guided by the following principles:

- (a) the benefits shall be consistent with and promote Inuit cultural goals;
- (b) the nature and extent of the benefits shall be related to the nature, scale and cost of the Major Development;
- (c) the benefits shall not place an excessive burden on the Developer or undermine the viability of the Major Development;
- (d) any negative impacts on the Environment, Inuit and Inuit rights under the Agreement shall be avoided, mitigated or compensated in a manner consistent with the nature, scale and cost of the Major Development; and
- (e) the Inuit Impacts and Benefits Agreement shall give priorities to Inuit but shall not preclude other residents adjacent to the Zone from obtaining benefits from the Major Development.

6.7.5 A Developer who proposes a Major Development in the Zone shall:

- (a) give written notice of the proposed Major Development to the Nunatsiavut Government at the earliest reasonable opportunity;
- (b) start the negotiation of an Inuit Impacts and Benefits Agreement with the Nunatsiavut Government in respect of the proposed Major Development at the earliest reasonable opportunity and, in any event, start the negotiation of an Inuit Impacts and Benefits Agreement with the Nunatsiavut Government in respect of the proposed Major Development upon receipt of written notice to do so from the Nunatsiavut Government; and

- (c) make efforts to conclude an Inuit Impacts and Benefits Agreement with the Nunatsiavut Government at the earliest reasonable opportunity.

6.7.12 Upon agreement of the Nunatsiavut Government and the Developer, the requirement for an IIBA can be waived at any time during negotiations.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Construction", "Developer", "Environment", "Inuit Impacts and Benefits Agreement", "Major Development".

Schedule 6-B: Matters Appropriate for Negotiation and Inclusion in an Inuit Impacts and Benefits Agreement

6.7.13 - Postponement of IIBA for military and national emergencies

6.7.14 - Compensation for projects commenced prior to completion of IIBA

6.7.16 - Access to court on project splitting

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Development in the Zone

OBLIGATION: Unilateral referral to arbitration upon expiry of negotiation period 6.7.8

PARTIES: Nunatsiavut Government
 Minister (relevant Provincial or Federal Minister)
 Developer
 Arbitration Panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Refer unresolved IIBA issues to arbitration.	Nunatsiavut Government - or - Minister (relevant Provincial or Federal Minister) - or - Developer	As desired, no earlier than 90 clear days after the issuance of the last permit or authorization required for the Major Development to commence.
2	Notify other parties of referral to arbitration.	Party making referral at Activity 1	Immediately upon referral to arbitration.
3	Conduct arbitration and make decision.	Arbitration Panel	Within 90 clear days of referral.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Except in the case of a joint submission, the Disputant initiating the arbitration must notify the other parties (21.6.4).

It is recommended that the Developer track the issuance of permits to determine when the last permit was issued.

FINAL AGREEMENT PROVISIONS

6.7.8 If an Inuit Impacts and Benefits Agreement has not been concluded by the Nunatsiavut Government and a Developer within 90 clear days from the date of the last permit or authorization required for the Major Development in the Zone to commence, the Nunatsiavut Government, the Developer or the Minister may refer any unresolved issue relating to the content, terms or conditions of the Inuit Impacts and Benefits Agreement to arbitration under chapter 21 and the Arbitration Decision shall be made within 90 clear days from the date of referral.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Arbitration Panel", "Inuit Impacts and Benefits Agreement", "Major Development", "Zone"

6.7.9 - Joint referral to arbitration

6.7.11 - Ministerial override of IIBA to prevent jeopardization of Major Development.

Chapter 21 - "Dispute Resolution"

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Development in the Zone

OBLIGATION : Joint referral to arbitration
6.7.9

PARTIES: Nunatsiavut Government
 Developer
 Arbitration Panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Refer any or all IIBA questions to arbitration.	Nunatsiavut Government and Developer	At any time after commencement of IIBA negotiations.
2	Conduct arbitration and make a decision.	Arbitration Panel	Within 90 clear days of referral.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Any permit issued prior to conclusion of an IIBA must be conditional, and of no force or effect until an IIBA is concluded through negotiations or arbitration (6.7.7).

FINAL AGREEMENT PROVISIONS

6.7.9 Nothing in this part prevents or is to be construed as preventing the Nunatsiavut Government and a Developer of a Major Development in the Zone from referring any or all questions relating to the content, terms or conditions of an Inuit Impacts and Benefits Agreement to arbitration under chapter 21 and, in that event and if section 6.7.7 applies, the Arbitration Decision shall be made within the arbitration period referred to in section 6.7.8.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Arbitration Decision", "Developer", "Inuit Impacts and Benefits Agreement", "Major Development", "Zone"

6.7.8 - Unilateral referral to Arbitration after expiry of 90 clear day negotiation period.

6.7.11 - Ministerial override of IIBA to prevent jeopardization of Major Development.

Activity Sheet: 6 - 23

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Development in the Zone

OBLIGATION: Referrals to arbitration on grounds of bad faith
 6.7.10

PARTIES: Nunatsiavut Government
 Developer
 Arbitration Panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	If alleging bad faith, refer any unresolved issues to arbitration, along with substantiation of bad faith.	Nunatsiavut Government - or - Developer	As desired, within 90 clear days after issuance of the last permit.
2	Determine whether bad faith has occurred.	Arbitration Panel	Upon receipt of referral.
3	If bad faith has occurred, conduct arbitration and make decision.	Arbitration Panel	Within 90 clear days of referral.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Any permit issued prior to conclusion of an IIBA must be conditional, and of no force or effect until an IIBA is concluded through negotiations or arbitration (6.7.7).

FINAL AGREEMENT PROVISIONS

6.7.10 Notwithstanding section 6.7.8, in the circumstances referred to in section 6.7.7, if a Developer of a Major Development in the Zone or the Nunatsiavut Government considers that the other party is not negotiating in good faith within the first 90 clear days from the date of the last permit or authorization required for the Major Development to commence, that party may immediately refer any unresolved issue relating to the content, terms or conditions of the Inuit Impacts and Benefits Agreement to arbitration under chapter 21 and the Arbitration Decision shall be made within the arbitration period referred to in section 6.7.8.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Arbitration Panel"

6.7.8 - "Unilateral referral to Arbitration after expiry of 90 clear day negotiation period".

Chapter 21 - "Dispute Resolution"

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Development in the Zone

OBLIGATION: Ministerial override based on jeopardization of Major Development 6.7.11 & 6.7.14

PARTIES: Canada - Relevant Federal Minister
 Province - Minister of Natural Resources
 Nunatsiavut Government
 Arbitration Panel

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine whether 90 clear day arbitration period will jeopardize Major Development.	Canada - Relevant Federal Minister Province - Minister of Natural Resources	After last permit has been issued and IIBA referred to arbitration.
2	If yes, authorize commencement of Construction and notify Nunatsiavut Government and relevant parties, including Arbitration Panel.	Canada - Relevant Federal Minister Province - Minister of Natural Resources	Once it has been determined that a Major Development is in jeopardy.
3	Determine outstanding arbitration issues including ensuring compensation for benefits lost through commencement of Major Development prior to conclusion of an IIBA.	Arbitration Panel	Upon making final arbitration decision.

FINAL AGREEMENT PROVISIONS

6.7.11 If an Inuit Impacts and Benefits Agreement has not been concluded by the Nunatsiavut Government and a Developer within 90 clear days from the date of the last permit or authorization required for the Major Development in the Zone to commence and a reference to arbitration has been made under section 6.7.8 but the Minister reasonably believes that the arbitration period referred to in section 6.7.8 would jeopardize the Major Development, the Minister may, subject to section 6.7.14, authorize Construction to commence if the Developer has obtained all necessary approvals. The Minister shall notify the Arbitration Panel and the Nunatsiavut Government of an authorization under this section.

- 6.7.14 If, under section 6.7.11 or 6.7.13, a Major Development in the Zone commences prior to the conclusion of an Inuit Impacts and Benefits Agreement, an Arbitration Panel shall ensure that benefits received by Inuit under the Arbitration Decision include compensation, which may be in the form of replacement benefits, for the benefits lost through commencement of the Major Development prior to the conclusion of the Inuit Impacts and Benefits Agreement.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Arbitration Decision", "Arbitration Panel", "Construction", "Developer", "Inuit Impacts and Benefits Agreement", "Major Development", "Zone"

6.7.8 - "Unilateral referral to Arbitration after expiry of 90 clear day negotiation period".

Chapter 21 - "Dispute Resolution"

SUBJECT: Inuit Impacts and Benefits Agreements (IIBA) for Major Development in the Zone

OBLIGATION: Ministerial override for military and national emergencies 6.7.13 & 6.7.14

PARTIES: Governor in Council
 Canada - Minister of National Defense
 Nunatsiavut Government
 Developer

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Declare military or national emergency.	Governor in Council	As necessary.
2	Determine whether the Major Development in the Zone is connected to the military or national emergency.	Canada - Minister of National Defence	After Governor in Council makes declaration.
3	If connected to emergency, declare so, and authorize Construction of Major Development to commence.	Canada - Minister of National Defence	As desired.
4	Negotiate and attempt to reach agreement on IIBA.	Nunatsiavut Government Developer	Once commencement has been authorized.
5	Refer unresolved issues to arbitration.	Nunatsiavut Government - or - Developer	As desired, if no IIBA has been concluded within 90 clear days of start of Construction.
7	Conduct arbitration and make decision, including determination of compensation for benefits lost through commencement of Major Development prior to conclusion of IIBA.	Arbitration Panel	Within 90 clear days of referral.

FINAL AGREEMENT PROVISIONS

- 6.7.13 If the Governor-in-Council declares a military or national emergency, a Major Development in the Zone that, in the sole discretion of the Minister, is declared to be connected to the military or national emergency may commence prior to the conclusion of an Inuit Impacts and Benefits Agreement, but an Inuit Impacts and Benefits Agreement shall be negotiated between the Developer and the Nunatsiavut Government and, if an Inuit Impacts and Benefits Agreement has not been concluded within 90 clear days from the start of Construction of the Major Development, either the Developer or the Nunatsiavut Government may refer any unresolved issue relating to the content, terms or conditions of the Inuit Impacts and Benefits Agreement to arbitration under chapter 21.
- 6.7.14 If, under section 6.7.11 or 6.7.13, a Major Development in the Zone commences prior to the conclusion of an Inuit Impacts and Benefits Agreement, an Arbitration Panel shall ensure that benefits received by Inuit under the Arbitration Decision include compensation, which may be in the form of replacement benefits, for the benefits lost through commencement of the Major Development prior to the conclusion of the Inuit Impacts and Benefits Agreement.

CROSS-REFERENCED AND RELATED PROVISIONS

- General Definitions and Interpretation - 1.1.1 - "Arbitration Decision", "Arbitration Panel", "Construction", "Developer", "Inuit Impacts and Benefits Agreement", "Major Development", "Zone"
- 6.7.11 - Ministerial override of IIBA to prevent jeopardization of Major Development.
- Chapter 21 - "Dispute Resolution"

SUBJECT: Ports and Harbours in Labrador Inuit Settlement Area (LISA)

OBLIGATION: Consult and establish port or harbour authorities or harbour commissions
 6.8.1 (a) & 6.8.2

PARTIES: Canada - Transport Canada or Department of Fisheries and Oceans
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to establish a port authority or harbour authority or commission. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Transport Canada - or - Canada -Department of Fisheries and Oceans	Prior to establishment of a port authority or harbour commission.
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 Nunatsiavut Government.	Canada - Transport Canada - or - Canada -Department of Fisheries and Oceans	Prior to making a decision on the establishment of a port or harbour authority or commission.
4	Invite Nunatsiavut Government to nominate one person for appointment to the port authority or harbour commission, and specify time frame for response.	Canada - Transport Canada - or - Canada -Department of Fisheries and Oceans	Upon decision to establish a port authority or harbour commission.
5	If desired, submit nomination for appointment to the port authority or harbour commission.	Nunatsiavut Government	As per time frame established in Activity 4.
	Make appointment and	Canada - Transport Canada	

6	establish the port authority or harbour commission.	- or- Canada -Department of Fisheries and Oceans	As desired.
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Depending on who has responsibility for a particular facility, either Transport Canada (in the case of commercial ports) or Department of Fisheries and Oceans Canada (in the case of water ways and small fishing ports) could be responsible for the obligations.

Inuit Community Governments shall have the same powers and functions as other municipal governments in Canada pertaining to the establishment of a port authority or harbour commission (6.8.2).

FINAL AGREEMENT PROVISIONS

6.8.1 Canada shall Consult the Nunatsiavut Government:

(a) prior to establishing a port authority or harbour commission in the Labrador Inuit Settlement Area;

6.8.2 If a port authority or harbour commission is established in respect of a port or harbour in the Labrador Inuit Settlement Area, the Nunatsiavut Government may nominate one individual for appointment to the authority or commission, as the case may be, and Inuit Community Governments shall have the same powers and functions as other municipal governments in Canada pertaining to the establishment of port authorities and harbour commissions.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Inuit Community Government"

SUBJECT: Ports and harbours in Labrador Inuit Settlement Area (LISA)

OBLIGATION: Designate or repeal designations for a public harbour, public port or public port facility in LISA
6.8.1 (b)

PARTIES: Canada - Transport Canada
 -Department of Fisheries and Oceans
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to designate or repeal designation of a public harbour, public port or public port facility in LISA. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	Prior to designating or repealing designation.
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 Nunatsiavut Government.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	Prior to making decision.
4	Designate or repeal designation.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	As desired.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Depending on who has responsibility for a particular facility, either Transport Canada (in the case of commercial ports) or Department of Fisheries and Oceans Canada (in the case of water ways and small fishing ports) could be responsible for the obligations.

Inuit Community Governments shall have the same powers and functions as other municipal governments

in Canada pertaining to establishment of port authorities or harbour commissions (6.8.2).

FINAL AGREEMENT PROVISIONS

6.8.1 Canada shall Consult the Nunatsiavut Government:...

- (b) prior to designating or repealing a designation of a public harbour, public port or public port facility in the Labrador Inuit Settlement Area; and...
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Inuit Community Government"

SUBJECT: Ports and harbours in Labrador Inuit Settlement Area (LISA)

OBLIGATION: Consult on port management agreements in LISA
 6.8.1 (c) & 6.8.3

PARTIES: Canada - Transport Canada
 -Department of Fisheries and Oceans
 Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Nunatsiavut Government of intent to enter an agreement with anyone external to the federal government to manage a public harbour, public port or public port facility in LISA. Provide: a) sufficient details; and b) reasonable time frame for response.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	Prior to entering any agreement.
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 Nunatsiavut Government.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	Prior to making decision to enter into an agreement.
4	If port or facility is in LIL or an Inuit Community, request nomination of one individual for appointment to the management body. Specify any necessary time frame for response.	Canada - Transport Canada - or- Canada -Department of Fisheries and Oceans	Upon decision to enter into agreement.
5	Submit nomination for appointment.	Nunatsiavut Government	Within time frame established in Activity 4.
6	Make appointment and enter	Canada - Transport Canada	As desired.

	into agreement with management body.	- or - Canada -Department of Fisheries and Oceans	
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Depending on who has responsibility for a particular facility, either Transport Canada (in the case of commercial ports) or Department of Fisheries and Oceans Canada (in the case of water ways and small fishing ports) could be responsible for the obligations.

Inuit Community Governments shall have the same powers and functions as other municipal governments in Canada pertaining to establishment of port authorities or harbour commissions (6.8.2).

FINAL AGREEMENT PROVISIONS

6.8.1 Canada shall Consult the Nunatsiavut Government:

- (c) prior to entering an agreement with any Person other than a division of the Government of Canada in respect of the management of a public harbour, public port or public port facility in the Labrador Inuit Settlement Area.

6.8.3 The Nunatsiavut Government may nominate one individual for appointment to any body, other than a division of the Government of Canada, charged with responsibility for the management of a public harbour, public port or public port facility in Labrador Inuit Lands or an Inuit Community.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult", "Inuit Community Government"