

Nunatsiavut Environmental Protection Act

(CIL 31-12-2012 N-5)

ORIGINAL ENACTMENT IL 2010-07

**AN INUIT LAW TO PROVIDE FOR PROTECTION OF THE ENVIRONMENT
IN LABRADOR INUIT LANDS AND THE INUIT COMMUNITIES,
AND TO PROVIDE FOR THE ENVIRONMENTAL ASSESSMENT
OF INITIATIVES ON LABRADOR INUIT LANDS**

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WHEREAS the Labrador Inuit have a long tradition of living in harmony with the environment in accordance with their own customs and values;

AND WHEREAS the Nunatsiavut Government wishes to protect the environment in accordance with the principles set out in this Inuit Law;

AND WHEREAS the Nunatsiavut Government believes Inuit must participate in decisions respecting protection of the environment and the development of Nunatsiavut in accordance with the cultural and environmental values passed down from their Inuit ancestors,

NOW THEREFORE BE IT ENACTED by the Nunatsiavut Assembly as follows:

PART 1

GENERAL

Short title

1.1 This Inuit Law may be cited as the *Nunatsiavut Environmental Protection Act*.

Definitions and Interpretation

1.2.1 In this Inuit Law, except where otherwise specifically provided:

“Act” means the *Nunatsiavut Environmental Protection Act*;

“Assembly” means the Nunatsiavut Assembly;

“Authority” has the meaning ascribed to it in section 11.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means a federal or Provincial authority, or both, as the case may be, including a Minister, responsible for taking an action or making a decision pursuant to the *Canadian Environmental Assessment Act* or the *Environmental Protection Act*;

“biological diversity” means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystems;

“carrying capacity” means, with reference to an ecosystem, an estimate made in order to ensure that the use, consumption and degradation of natural resources comprising the ecosystem is reasonably sustainable and that accounts for:

- (a) the quantity of natural resources available in the ecosystem;
- (b) the size of the population or community that will use or consume the natural resources; and

- (c) the amount of the natural resources each individual within the population or community uses or consumes;

“development” means:

- (a) an initiative located on or carried out in whole or in part on Labrador Inuit Lands that has been approved or exempted under part 4 ;
- (b) an undertaking, project, work or activity that was in existence, or that was being carried out in whole or in part, on Labrador Inuit Lands after December 1, 2005, but prior to the date on which this Act comes into effect; and
- (c) an undertaking, project, work or activity located on or carried out in whole or in part in an Inuit Community or a reconstruction, redevelopment, renovation or change in an undertaking, project, work or activity located on or carried out in whole or in part in an Inuit Community, but does not include:
 - (i) an Aulavik, a temporary camp used for harvesting, a temporary research camp, a cabin, a house, or a dwelling and associated structures provided such Aulâsimavet, camps, cabins, houses, dwellings and their respective associated structures are used for non-commercial purposes;
 - (ii) an undertaking on Labrador Inuit Lands or in an Inuit Community that was in existence on December 1, 2005;
 - (iii) Exploration;
 - (iv) map staking;
 - (v) National Parks, National Park Reserves, National Marine conservation Areas or National Marine Conservation Area Reserves;
 - (vi) Protected Areas;
 - (vii) Marine Protected Areas; and
 - (viii) marine transportation;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“environment” has the meaning ascribed to “Environment” in section 17.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means the components of the earth and includes:

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include the components referred to in clauses (a) and (b);

"environmental impact" means, in respect of an initiative or a development in Labrador Inuit Lands or an Inuit Community:

- (a) any change that the initiative may cause in the environment; and
- (b) any change to the initiative that may be caused by the environment whether the change occurs in Labrador Inuit Lands or the Inuit Community or elsewhere;

"environmental review" means an Environmental Assessment conducted in accordance with part 4;

"Executive Council" means the Nunatsiavut Executive Council established pursuant to the *Labrador Inuit Constitution*, IL-2005-02;

"includes" means "includes but is not limited to" and "including" means "including but not limited to";

"initiative" means a proposed undertaking, project, work or activity to be carried out in whole or in part on Labrador Inuit Lands and includes a reconstruction, redevelopment, renovation or change in an undertaking, project, work or activity:

- (a) that has been approved pursuant to section 4.3.1 or exempted pursuant to section 4.5.2 ; or
- (b) that was in existence or was being carried out in whole or in part on Labrador Inuit Lands prior to the date on which this Act comes into effect,

"minister" means the Minister of Lands and Natural Resources of the Nunatsiavut Government;

"natural resources" means resources derived from the air, soil, water, and organisms of the biosphere or from the subsurface areas of Labrador Inuit Lands and the Inuit Communities; "pollution of the environment" means a condition of the environment resulting from a development or human action and arising wholly or partly from the presence in the environment of any substance that directly or indirectly:

- (a) endangers the health, safety or welfare of humans;
- (b) interferes with the normal enjoyment of life or property;
- (c) endangers the health of animal life;
- (d) causes damage to plant life or to property; or
- (e) degrades or alters, or forms part of a process of degradation or alteration of, an ecosystem to an extent that is detrimental to its use by humans, animals or plants;

“pollution prevention” means the use of processes, practices, materials, products, substances or energy so as to avoid or minimize waste, the creation of pollutants or pollution of the environment;

“Principle” means a principle of environmental protection set out in section 1.4;

“proponent” means a person or entity responsible for an initiative and an agent of that person or entity;

“release” includes discharge, spray, inject, inoculate, abandon, deposit, spill, leak, seep, pour, emit, empty, throw, dump, place and exhaust;

“safe and healthy environment” means an environment

- (a) whose biological diversity and components, including the interacting natural systems of those components, are preserved for their own sake and for the well being of present and future generations of Inuit; and
- (b) whose quality contributes to the protection of the lives, health and well being of Inuit;

“waste” includes ash and other air borne substances, effluent, offal, slime, tailings, sludge, sewage, garbage, refuse, scrap, litter or other substances or waste products that would or could cause pollution of the environment.

1.2.2 This Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement.

1.2.3 Words and phrases that are not defined in this Act that begin with a capital letter and that are defined in the Labrador Inuit Land Claims Agreement have the meaning ascribed to them in the Labrador Inuit Land Claims Agreement.

1.2.4 In this Act and regulations under this Act:

- (a) words importing female persons include male persons and corporations and words importing male persons include female persons and corporations;
- (b) words in the singular include the plural, and words in the plural include the singular;
- (c) where a word is defined, other parts of speech and grammatical forms of the word have corresponding meanings;
- (d) the expression “shall” or “must” is to be construed as imperative and the expression “may” as permissive; and
- (e) where reference is made to a part, section, subsection, paragraph, sub-paragraph, clause, or schedule the reference is a reference to a part, section, subsection, paragraph, sub-paragraph, clause or schedule of this Act unless otherwise stated.

- 1.2.5 Where there is a Conflict between a provision of this Act or a regulation made under this Act and federal or Provincial Law, the federal or Provincial Law prevails to the extent of the Conflict.

Purpose

- 1.3 The purpose of this Act is to establish a regime in respect of Labrador Inuit Lands and the Inuit Communities that will enable the Nunatsiavut Government to:
- (a) conserve and protect the environment in accordance with Inuit knowledge, culture and values;
 - (b) preserve the long-term productivity of the ecosystems within Labrador Inuit Lands and the Inuit Communities and of which Labrador Inuit Lands and the Inuit Communities are a part;
 - (c) maintain an environment that is capable of sustaining the health of the Inuit;
 - (d) foster Inuit cultural heritage including Inuit values as they relate to the environment;
 - (e) ensure management of the environment in accordance with Inuit knowledge, culture and values; and
 - (f) prevent pollution of the environment in Labrador Inuit Lands and the Inuit Communities.

Principles of Environmental Protection

- 1.4.1 The Inuit and the Nunatsiavut Government must make decisions in relation to the environment under this Act (including decisions under part 4 respecting the significance of the environmental effects of initiatives and decisions respecting Nunatsiavut Government developmental policies, plans and programs) in accordance with Inuit knowledge, culture and values and the principles set out in this section.
- 1.4.2 Inuit have a fundamental right to a safe and healthy environment with a corresponding duty to protect and promote a safe and healthy environment in Labrador Inuit Lands and the Inuit Communities in accordance with Inuit knowledge, culture and values.
- 1.4.3 Inuit and the Nunatsiavut Government must maintain and, as feasible, enhance the safety, health, and biological diversity of the environment for the benefit of future generations of Inuit.
- 1.4.4 Environmental conservation and economic development must receive equal priority in decision-making by Inuit and the Nunatsiavut Government.
- 1.4.5 Inuit, the Nunatsiavut Government and proponents must make decisions respecting development having regard to the precautionary principle which means that where the

environmental impacts of an initiative may cause significant environmental degradation, lack of certainty in Inuit knowledge or in scientific knowledge must not be used as a reason to approve the initiative or to deny or postpone measures to prevent environmental degradation.

- 1.4.6 Proponents must plan and implement initiatives in harmony with the carrying capacity of the ecosystems within which Labrador Inuit Lands are located.
- 1.4.7 A proponent who proposes to extract natural resources from the environment in Labrador Inuit Lands must demonstrate in a review under part 4 that the environmental effects of the initiative will not cause significant environmental degradation.
- 1.4.8 Without limiting subsection 1.4.7, a proponent must plan and implement an initiative and each of its phases, from its start to its abandonment, so as to:
 - (a) present the least risk of significant environmental degradation;
 - (b) minimize unavoidable environmental degradation; and
 - (c) achieve pollution prevention.
- 1.4.9 The proponent is responsible for:
 - (a) the costs of environmental review of the initiative under part 4, including costs incurred by the Nunatsiavut Government;
 - (b) containment, abatement, and remediation of significant negative environmental impacts of the initiative, including any costs of containment, abatement, or remediation of those environmental impacts that may be incurred by the Nunatsiavut Government or an Inuit Community Government;
 - (c) the establishment and maintenance of monitoring and follow-up programs in relation to the initiative and for their associated costs, including costs that may be incurred by the Nunatsiavut Government for purposes of monitoring and follow-up; and
 - (d) abandonment, restoration and closure of the area affected by the initiative upon completion of the initiative, including any abandonment, restoration and closure costs that may be incurred by the Nunatsiavut Government.
- 1.4.10 The Assembly, the Executive Council, the departments, divisions and agencies of the Nunatsiavut Government, and the Inuit Community Governments must cooperate for the protection of the environment.
- 1.4.11 The principle of co-operation in subsection 1.4.10 extends to all measures for achieving the purpose of this Act in accordance with the principles set out in this section.
- 1.4.12 Conservation of natural resources and protection of the environment by the Nunatsiavut Government must be based on a participatory approach aimed at achieving:

- (a) participation of Inuit in environmental reviews by the Nunatsiavut Government; and
- (b) an equitable sharing of the responsibilities for, and the burdens and benefits of, conservation and environmental protection among the Nunatsiavut Government, Inuit, Labrador Inuit Lands, and resource users.

PART 2

MINISTER'S FUNCTIONS

Minister's responsibilities

2.1 The minister is responsible for:

- (a) the protection of the environment in Labrador Inuit Lands and the Inuit Communities;
- (b) the environmental review of initiatives in Labrador Inuit Lands; and
- (c) the administration of this Act.

Departmental Officials

2.2 The minister may appoint an official or officials of the Department of Lands and Natural Resources to:

- (a) develop and recommend to the Executive Council the policies of the Nunatsiavut Government in relation to environmental protection and sustainable development in Labrador Inuit Lands and the Inuit Communities and in relation to environmental reviews pursuant to part 4;
- (b) coordinate and carry out the actions required to implement this Act and the environmental policies of the Nunatsiavut Government; and
- (c) coordinate and carry out the actions required to:
 - (i) achieve the purpose of this Act in accordance with the Principles, and pursue the objectives of environmental protection set out in section 3.2;
 - (ii) protect and promote a safe and healthy environment;
 - (iii) prevent, control and abate significant environmental degradation, including pollution of the environment;
 - (iv) ensure conservation and sustainable use and development of natural resources;

- (v) provide support and perform functions necessary to implement environmental reviews under part 4;
- (vi) develop recommendations for Inuit Laws, policies and programs in relation to environmental protection and sustainable development in Labrador Inuit Lands and the Inuit Communities;
- (vii) provide recommendations for the establishment and maintenance of Protected Areas;
- (viii) administer the *Exploration and Quarrying Standards Act*;
- (ix) negotiate and implement bilateral and multilateral environmental agreements, including harmonized Environmental Assessment agreements, agreements for environmental management and monitoring, compliance agreements and agreements for the remediation and rehabilitation of contaminated and toxic sites in Labrador Inuit Lands and with respect to the Inuit Communities;
- (x) approve monitoring and follow-up programs in relation to Work Plans and the environmental impacts of developments;
- (xi) develop and implement research and education programs for Inuit and others in relation to the environment, sustainable development, the conservation and protection of the environment, environmental reviews and Inuit values and knowledge in relation to the environment, environmental reviews of initiatives and environmental protection in relation to developments;
- (xii) develop and support environmental research, policies, priorities and programs and direct and implement research, programs and projects in relation to the environment, environmental baselines, environmental protection, environmental reviews of initiatives, environmental impacts of developments and Inuit knowledge, culture and values in relation to the environment, environmental baselines, environmental protection, environmental reviews of initiatives and environmental impacts of developments;
- (xiii) develop and carry out a program to collect Inuit knowledge and values in relation to the environment and maintain a central, living, archive of Inuit environmental knowledge and values as a foundation for environmental reviews, environmental protection and environmental decision-making by the Nunatsiavut Government; and
- (xiv) advise the Executive Council on matters relating to emerging environmental issues and issues related to environmental reviews.

Minister may recommend regulations for protection of the environment

- 2.3 The minister may recommend regulations in relation to Labrador Inuit Lands and the Inuit Communities for enactment by the Executive Council in order to:
- (a) prevent environmental degradation, protect environmental quality and achieve the environmental protection objectives set out in section 3.2;
 - (b) enforce environmental protection, appoint inspectors for the purposes of this Act and establish their powers and immunities;
 - (c) set standards for environmental quality and establish emission limits;
 - (d) facilitate environmental reviews; and
 - (e) regulate any other matter deemed necessary for the purpose of this Act, for advancement of the Principles, for achievement of the environmental protection objectives set out in section 3.2 or for the betterment of the environment.

Minister may delegate certain functions

- 2.4 The minister may designate officials of the Department of Lands and Natural Resources to perform functions assigned to the minister under this Act other than a function referred to in this part, section 3.7, and subsections 3.6.4, 3.6.6, 4.2.3, 4.2.4, 4.5.2, 4.11.7, 4.11.10, 4.12.12, 4.17.2 and 4.17.3.

Minister to present annual environmental report to Assembly

- 2.5 The minister must, not later than March 31 in each calendar year, present an annual report to the Assembly for the preceding calendar year regarding the implementation of this Act.

PART 3

ENVIRONMENTAL PROTECTION

Definitions

- 3.1 In this part:

“developer” means the person or entity that owns or operates a development and includes an agent of that person or entity;

“environmental service” means a service or benefit in which the values of an unpolluted environment in Labrador Inuit Lands and the biological diversity sustained by Labrador Inuit Lands are accounted for in Nunatsiavut Government management and decision-making in relation to the environment in Labrador Inuit Lands;

“Nunatsiavut Trust” means:

- (a) the Labrador Inuit Capital Strategy Trust;
- (b) the Tasiujatsoak Trust;
- (c) the Labrador Inuit Settlement Trust; and
- (d) the Implementation Trust;

“Project” has the meaning ascribed to “Project” in section 1.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means any undertaking, project, work or activity proposed to be located or carried out in the Labrador Inuit Settlement Area that requires an Environmental Assessment; and

"Water" has the meaning ascribed to “Water” in section 1.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means surface and subterranean water in liquid or frozen state located in or derived from a natural channel, a lake or other body of inland water but does not include Tidal Waters.

Objectives of environmental protection

3.2 The Executive Council may make regulations for the protection of the environment in Labrador Inuit Lands and the Inuit Communities that are based on Inuit knowledge, culture and values including regulations to:

- (a) preserve biological diversity;
- (b) maintain a safe and healthy environment;
- (c) preserve and enhance the cultural and social relationships between Inuit and their environment;
- (d) prevent or reduce releases of substances contributing to climate change;
- (e) prevent or reduce releases of substances that cause pollution of the environment;
- (f) encourage sustainable development; and
- (g) create a built environment that is environmentally appropriate, esthetically pleasing, safe, healthy, energy efficient, functional and durable.

Science, Research, and Technology

3.3 Nunatsiavut Government regulations for protection of the environment under section 3.2 may promote environmental sciences, research and technology including research designed to:

- (a) better understand and explain the environment in accordance with Inuit knowledge, culture and values and in accordance with scientific knowledge;

- (b) develop innovative technologies and systems to deal with environmental problems;
- (c) attain sustainable development in Labrador Inuit Lands and the Inuit Communities; and
- (d) improve the effectiveness of environmental reviews.

Environmental Education and Public Awareness

- 3.4 Nunatsiavut Government regulations under section 3.2 may include the promotion of environmental education, the appreciation and application of Inuit environmental values, and the development of educational materials and educational programs in order to promote:
- (a) understanding of the environment in Labrador Inuit Lands and the Inuit Communities; and
 - (b) appreciation and application of Inuit knowledge, culture and values in relation to the environment and environmental reviews.

Protections for Water

- 3.5.1 The Executive Council may, subject to subsection 3.5.2 , approve a proposal for Use of Water by the proponent of an initiative on Labrador Inuit Lands provided that
- (a) the environmental impacts of the initiative do not cause significant degradation to the environment including aquatic ecosystems that may be affected by the proposal for the Use of Water; and
 - (b) the initiative may not be located within 50 meters of Water without the prior approval of the Assembly.
- 3.5.2 Where the Labrador Inuit Land Claims Agreement recognizes that the Nunatsiavut Government may approve a proposal for the Use of Water, the Executive Council must not, without the prior consent of the Assembly, approve a proposal for a Water Use that:
- (a) will deposit tailings in Water;
 - (b) is related to the generation or production of energy, or to mining, manufacturing or other industry; or
 - (c) removes Water for use or consumption outside the Labrador Inuit Settlement Area.

Protection of the Environment in Relation to Projects in Inuit Communities

- 3.6.1 Where funding is approved for supply or transfer by the Nunatsiavut Government or a Nunatsiavut Trust to another Person, including an Inuit Community Government, for purposes of a Project in an Inuit Community, the approval is deemed for all purposes to be conditional on:

- (a) completion, to the satisfaction of the minister, of an Environmental Assessment of the Project under federal or Provincial Legislation; and
 - (b) the decision of the minister under subsection 3.6.6.
- 3.6.2 The proponent of a Project referred to in subsection 3.6.1 must register with the minister a detailed description of the Project and a statement of its likely environmental impacts.
- 3.6.3 In the absence of regulations under subsection 3.6.4, a proponent may fulfill the requirements of subsection 3.6.2 by providing the minister with a copy of documents filed with the relevant Authority for purposes of an Environmental Assessment under federal or Provincial Legislation.
- 3.6.4 The minister may make regulations with respect to:
 - (a) registrations under subsection 3.6.2,
 - (b) information required under subsection 3.6.2, and
 - (c) information respecting the results of Environmental Assessments under federal or Provincial Legislation of Projects in Inuit Communities that is to be supplied by the Inuit Community Government, a Nunatsiavut Trust or other Person for purposes of the minister's decision under subsection 3.6.6.
- 3.6.5 No member of the Executive Council, the Nunatsiavut Civil Service or a Nunatsiavut Trust may transfer or authorize the transfer of any money to an Inuit Community Government, a Nunatsiavut Trust or any other Person for purposes of a Project referred to in subsection 3.6.1 unless the transfer has been authorized by a decision of the minister under subsection 3.6.6.
- 3.6.6 The minister may, after considering the results of an Environmental Assessment under federal or Provincial Legislation of a Project referred to in subsection 3.6.1:
 - (a) authorize the supply or transfer of approved funding for the Project;
 - (b) authorize the supply or transfer of funding for the Project subject to terms and conditions for protection of the environment in the Community; or
 - (c) with the consent of the Executive Council, refuse to authorize the supply or transfer of funding for the Project.
- 3.6.7 Before exercising a discretion under paragraphs 3.6.6(b) or 3.6.6(c) the minister must consult the AngajukKâk of the relevant Inuit Community.

Ministerial Orders and revocation of permits and authorizations

- 3.7 Subject to regulations made by the Executive Council under this Act the minister may, for purposes of enforcing this Act and regulations under this Act or for protecting the environment in Labrador Inuit Lands and the Inuit Communities:
 - (a) issue stop orders;

- (b) order a developer to take all steps that are necessary to control, manage, eliminate, remedy or prevent an environmental impact or to comply with this Act, the regulations, or terms or conditions applicable to a development or an initiative;
- (c) require developers to post bonds or other forms of security acceptable to the minister or to pay money to the Nunatsiavut Government in an amount that the minister considers will ensure compliance with an order made under this section;
- (d) require developers to maintain records, supply reports and prepare and file plans with the minister;
- (e) enter into compliance, remediation, monitoring or follow-up agreements with developers;
- (f) amend, vary or revoke any orders made pursuant to this section; and
- (g) amend, vary or revoke any permit, lease, license, easement, consent or authorization issued by the Nunatsiavut Government with respect to the development or initiative.

Power to enact regulations for the purposes of environmental protection

3.8.1 The Executive Council may make regulations in relation to environmental protection in Labrador Inuit Lands and the Inuit Communities, in relation to environmental reviews and for purposes of this Act, including regulations to:

- (a) amplify the statement of the objectives set out in section 3.2 ;
- (b) define any word or phrase that is not already defined in this Act or the Labrador Inuit Land Claims Agreement that may be necessary to define for the purpose of any regulations made under this Act;
- (c) make progress toward or achieve the objectives set out in section 3.2 of this Act;
- (d) designate environmentally sensitive areas and establish Protected Areas and set out the criteria or characteristics that the Minister must use to designate an environmentally sensitive areas or a Protected Area;
- (e) prohibit, restrict or control the lighting of fires and the burning of waste inside structures and in the open air or regulate any of those activities;
- (f) reduce waste, prohibit the release of waste into the environment, set requirements respecting the reuse, recovery, or recycling of waste, and regulate the manner, conditions, places and method of disposal of waste, including standards for the siting, construction, operation and maintenance of recovery, recycling or disposal sites;
- (g) prohibit, restrict or manage the storage of fuels;

- (h) prohibit, restrict or manage the biological, chemical or physical release of substances that may have an adverse environmental impact;
- (i) establish assessment and rehabilitation criteria for contaminated sites and prescribe measures for the cleanup of contaminated sites and pollution;
- (j) determine the duties and rights of vendors, purchasers or other persons with respect to interests in Labrador Inuit Lands that may be contaminated sites;
- (k) authorize environmental monitoring of developments, environmental audits and environmental site assessments and regulate the keeping of environmental records and the making of environmental reports and returns;
- (l) set fees or a scale of fees or the manner of determining fees to be paid to the Nunatsiavut Government for a service supplied by the Nunatsiavut Government or for the use of a facility owned or controlled by the Nunatsiavut Government or for any right, privilege, process or approval provided by the Nunatsiavut Government and;
 - (i) identify the person or classes of persons by whom or on whose behalf the fees are to be paid to the Nunatsiavut Government and require the person or class of persons to pay those fees;
 - (ii) exempt any person or class of persons from the requirement to pay any of those fees; and
 - (iii) generally, set out any condition or any other matter in relation to the payment of fees for a service, facility, right, privilege, process or approval referred to in this paragraph;
- (m) establish a system for payment for environmental services in Labrador Inuit Lands;
- (n) require the posting of bonds or the provision of financial security in relation to initiatives and for the purposes of this Act;
- (o) promote and advance science, research and technologies in relation to the environment, environmental reviews, sustainable development, Inuit culture and Inuit environmental knowledge and values;
- (p) promote and advance environmental education and public awareness;
- (q) prohibit an activity;
- (r) subject to section 17.28.4 of the Labrador Inuit Land Claims Agreement, establish offences and set penalties for offences under this Act or regulations under this Act; and
- (s) address any matter referred to in section 2.3.

3.8.2

Regulations made under subsection 3.8.1 may be made to apply only to a part or parts of Labrador Inuit Lands or to one or more Inuit Communities.

3.8.3

Prior to making a regulation under subsection 3.8.1 that applies in one or more Inuit Communities, the Executive Council must consult the AngajukKâk of the relevant Inuit Community or Communities.

PART 4

ENVIRONMENTAL REVIEWS

Definitions

4.1 In this part:

“assessment” means a detailed assessment or a summary assessment;

“Committee” means a committee established by the Assembly under subsection 4.12.3 for purposes of conducting a detailed review;

“detailed assessment” means an environmental preview report or an environmental impact statement in relation to an undertaking under Part X of the Provincial *Environmental Protection Act* or a comprehensive study, mediation, or panel review in relation to a project under the *Canadian Environmental Assessment Act*;

“detailed review” means an environmental review that is conducted in accordance with section 4.12;

“environment” has the meaning ascribed to “Environment” in section 1.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means the components of the earth and includes:

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms;
- (c) the social, economic, recreational, cultural and aesthetic conditions and factors that influence the life of humans and communities; and
- (d) any part or combination of the components referred to in clauses (a), (b) and (c) and the interrelationships between two or more of them;

"environmental effect" has the meaning ascribed to “Environmental Effect” in section 1.1.1 of the Labrador Inuit Land Claims Agreement and for ease of reference means, in respect of an initiative

- (a) any change that the initiative may cause in the environment, including any change on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by

aboriginal individuals, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and

- (b) any change to the initiative that may be caused by the environment, whether the change occurs within or outside Canada;

“information” includes a registration, notification, screening document, preview report, environmental impact statement, baseline study, environmental protection plan, monitoring or follow-up plan, closure plan, study, Inuit knowledge and a request, directive, order or decision issued by an Authority in relation to the assessment of an initiative;

“review” means a detailed review or a summary review;

“schedule” means section 11.2.10 of the Labrador Inuit Land Claims Agreement, which is appended as a schedule to this Act for ease of reference;

“summary assessment” means a notification or registration of an undertaking under Part X of the Provincial *Environmental Protection Act* or a screening of a project under the *Canadian Environmental Assessment Act*; and

“summary review” means an environmental review that is conducted in accordance with section 4.11.

Reviews of Initiatives

- 4.2.1 An initiative that requires an assessment must undergo a review in accordance with this part before the Assembly or the minister approves the initiative under section 4.3.
- 4.2.2 For greater clarity:
 - (a) an initiative that requires a summary assessment must undergo a summary review in accordance with section 4.11; and
 - (b) an initiative that requires a detailed assessment must undergo a detailed review in accordance with section 4.12.
- 4.2.3 The minister may order an initiative that does not require an assessment to undergo a summary review.
- 4.2.4 Despite the exclusion from review of Aulâsimavet, temporary camps used for harvesting, temporary research camps or cabins, houses, dwellings and associated structures used for non-commercial purposes, the minister may, where he or she is satisfied that the scale, intensity or cumulative environmental effects of any such initiative may cause significant environmental degradation, order such initiative or category of such initiatives to undergo a summary review and may enact regulations for that purpose.

Initiatives require approval

- 4.3.1 No initiative may be carried out by any person on Labrador Inuit Lands without the prior written approval of:

- (a) the Assembly under section 4.12.13; or
- (b) the minister under section 4.11.10.

4.3.2 Subsection 4.3.1 does not apply to:

- (a) an undertaking, project, work or activity related to Exploration unless that undertaking, project, work or activity is subject to an assessment;
- (b) an undertaking, project, work or activity related to quarrying pursuant to an approved Work Plan; or
- (c) an Aulavik, a temporary camp used for harvesting, a temporary research camp, a cabin, a house, or a dwelling and their associated structures provided such Aulâsimavet, camps, cabins, houses, dwellings and their respective associated structures are used for non-commercial purposes.

Approval may be conditional

4.4 An approval under section 4.3 may be given subject to terms and conditions that:

- (a) the Assembly may establish when exercising its authority under paragraph 4.3.1(a); or
- (b) the Minister may establish when exercising his or her authority under paragraph 4.3.1(b).

Triggers for environmental reviews

4.5.1 An initiative must be registered by its proponent with the minister and the registration must comply with regulations made under subsection 4.9.2.

4.5.2 The minister may, by regulation:

- (a) exempt specified classes of initiative or specific initiatives from registration pursuant to subsection 4.5.1; and
- (b) at any time following registration exempt an initiative from review with the consent of the Executive Council.

4.5.3

A summary review under this Act is triggered by:

- (a) the commencement of a summary assessment under federal or provincial law;
- (b) registration pursuant to subsection 4.5.1; or
- (c) the minister issuing an order pursuant to subsection 4.2.3 or 4.2.4 that requires a summary review under section 4.11.

4.5.4 A detailed review under this Act is triggered by:

- (a) the commencement of a detailed assessment under federal or provincial law; or
- (b) the minister issuing an order pursuant to clause 4.11.10(d) that requires a detailed review under section 4.12.

Proponent must supply assessment information

4.6 A proponent who, for purposes of an assessment of an initiative, supplies information to an Authority must:

- (a) supply the same information to the minister and the Inuit Community Government of each Inuit Community that may be directly affected by the initiative;
- (b) publish notice of the initiative in each Inuit Community that may be affected by the initiative in accordance with regulations enacted by the minister; and
- (c) supply a copy of the information to an Inuk or other resident of an Inuit Community who requests it.

Proponent must supply copies of directives and decisions

4.7 Where an Authority issues a request, directive, order or decision in relation to the assessment of an initiative, the proponent of the initiative must immediately supply a copy of the request, directive, order or decision to the minister.

Information to be used for environmental reviews

4.8.1 The Minister and a Committee must use information supplied by the proponent to the Minister under section 4.6 or 4.7 for purposes of a review.

4.8.2 If the minister or a Committee requires information in addition to that supplied under section 4.6 and 4.7 for purposes of a review, the minister or Committee may, in writing, direct the proponent to supply the additional information within the timeframe specified by the Minister or the Committee, as the case may be, and the proponent must comply with that direction.

4.8.3 In a review, the information supplied by the proponent to the minister under section 4.6, section 4.7 or subsection 4.8.2 together with the environmental effects of the initiative, and the significance of those environmental effects will be assessed by the minister or the Assembly, as the case may be, in accordance with Inuit knowledge, values and culture.

4.8.4 The minister must elicit Inuit knowledge from the Inuit for purposes of integrating Inuit knowledge, culture and values into decisions to be made by the Nunatsiavut Government with respect to initiatives and the significance of their environmental effects.

4.8.5 The minister may make available to the proponent and to members of the Inuit public Inuit knowledge that has been supplied by any person or used by the minister or the Committee for purposes of a review.

- 4.8.6 A proponent who obtains Inuit knowledge from Inuit, the minister or any other person for purposes of a review acquires no proprietary rights with respect to that information and nothing in this Act is to be construed so as to confer on the proponent, or any other person, any proprietary right with respect to Inuit knowledge.

Minister to arrange reviews of initiatives

- 4.9.1 When the minister receives information under subsection 4.5.1 or section 4.6 with respect to an initiative that requires an assessment, the minister must take steps to carry out a summary review of the initiative in accordance with section 4.11 or to refer the initiative for a detailed review under section 4.12 unless the initiative has been exempted from review under subsection 4.5.2(b).
- 4.9.2 The minister may enact regulations respecting the conduct of environmental reviews, including regulations:
- (a) respecting registration of initiatives and the information to be provided for purposes of reviews;
 - (b) procedures and timelines for summary reviews; and
 - (c) functions to be performed by the minister's department with respect to reviews.

Purpose of environmental reviews

- 4.10 The purpose of a review is to ensure that decisions made by the Minister or the Assembly respecting initiatives, including decisions with respect to the significance of the environmental effects of an initiative, incorporate Inuit knowledge, culture and values and that a decision by the Minister or the Assembly to allow an initiative to proceed:
- (a) is based on information respecting the environmental effects of the initiative including information supplied by the proponent and information elicited from Inuit by the Minister or the Committee;
 - (b) is made following an assessment of the environmental effects of the initiative and actions or aspects of the initiative that may cause significant degradation to the environment or present risks to human health, and measures that prevent or minimize the degradation or risks;
 - (c) is made in accordance with the Principles and with the objectives of environmental protection set out in section 3.2;
 - (d) is consistent with the cultural and environmental values of the Inuit; and
 - (e) is made after considering and where appropriate taking account of the matters set out in the schedule.

Procedure for summary reviews

- 4.11.1 This section applies to environmental reviews that are triggered by summary assessments, registrations pursuant to subsection 4.5.1, and orders issued by the minister pursuant to subsection 4.2.3 or 4.2.4.
- 4.11.2 An Inuk may make comments to the minister on the potential environmental effects of an initiative within the period prescribed by the minister by regulation under subsection 4.9.2 or within such time as may be allowed by the minister by notice to the Inuit public on the Nunatsiavut Government's website.
- 4.11.3 An Inuk may see the information supplied under sections 4.6, 4.7, 4.8.1 and 4.5.1 or request a printed copy of the information from the proponent or the minister.
- 4.11.4 Inuit may deliver written, video or audio comments on the potential environmental effects of an initiative to the minister in person or by courier, post, email or fax. The place or places where the comments may be delivered may be prescribed by the minister by regulation under subsection 4.9.2 or by notice to the Inuit public on the Nunatsiavut Government's website.
- 4.11.5 The minister must refer all information supplied by the proponent or an Authority in relation to an initiative to officials of the Department of Lands and Natural Resources or agents or consultants retained by the minister who:
 - (a) must summarize the information in terms that are appropriate for purposes of assessment pursuant to Inuit culture and values;
 - (b) must elicit and collect Inuit knowledge in relation to the initiative for consideration and incorporation into decisions to be made by the minister with respect to the initiative;
 - (c) must make reasonable efforts to obtain the views of other ministers of the Nunatsiavut Government whose departments have a function or responsibility with respect to the initiative;
 - (d) may consult with other entities, including Authorities, that have a decision-making role with respect to the initiative or that administer laws or regulations concerning the initiative;
 - (e) consider and evaluate the information supplied to the minister for purposes of summary review of the initiative; and
 - (f) prepare their views and recommendations for consideration by the minister.
- 4.11.6 The minister must, prior to making a decision under subsection 4.11.11:
 - (a) consult Inuit and Authorities that have a decision-making role with respect to the initiative or that administer laws or regulations concerning the initiative; and

- (b) consider the views and recommendations received under subsection 4.11.5, and may seek the advice of the Executive Council and consult any other person prior to making a decision under subsection 4.11.11.

4.11.7 For purposes of clause 4.11.6(a) the minister may, in lieu of or in addition to other consultation measures, convene one or more round table conferences in order to:

- (a) obtain the views of Inuit with respect to the environmental effects of an initiative;
- (b) elicit Inuit knowledge for purposes of the summary review; and
- (c) seek consensus amongst participants with respect to the environmental effects of the initiative and the advice to be given to the minister about environmental decisions to be made in relation to the initiative.

4.11.8 Where the minister convenes a round table conference or conferences in order to assist decision-making with respect to an initiative:

- (a) the minister must formally convene the round table on not less than 10 days written notice to the participants;
- (b) the round table must be comprised of:
 - (i) the minister,
 - (ii) Inuit who may reasonably be affected by the initiative or who may possess knowledge about the environment or about Inuit environmental values in relation to the initiative and who are invited by the minister to attend, and
 - (iii) the AngajukKâk of the Inuit Community or Inuit Communities in closest proximity to the initiative, or his or her designate;
- (c) the minister must invite Authorities that have a decision-making role with respect to the initiative or that administer laws or regulations concerning the initiative to participate in the round table and may invite anyone else the minister considers necessary or appropriate;
- (d) the minister must invite the proponent to observe the round table and may invite the proponent to provide further information or to participate; and
- (e) the minister must make reasonable efforts to convene at least one session of a round table conference, in order of priority and preference:
 - (i) at the site of the initiative,
 - (ii) on Labrador Inuit Lands in the vicinity of the initiative, or
 - (iii) in the Inuit Community closest to the initiative for the purpose of better accessing and understanding Inuit knowledge, culture and values in

relation to the site and the potential environmental effects of the initiative.

4.11.9 A round table must, having regard to section 4.10:

- (a) consider and provide views to the minister on any matter referred to the round table by the minister; and
- (b) consider and discuss any other matter the participants consider necessary or advisable in order to provide views and recommendations about the environmental effects of the initiative to the minister.

4.11.10 After completing the consultations referred to in subsections 4.11.6 and 4.11.7 and complying with the applicable requirements of sections 11.4.3 and 11.4.4 of the Labrador Inuit Land Claims Agreement, the minister may, except in circumstances described in subsection 4.11.12 :

- (a) approve the initiative;
- (b) approve the initiative subject to terms and conditions;
- (c) refuse to approve the initiative; or
- (d) order the initiative to be subjected to a detailed review.

4.11.11 The decision of the minister under section 4.11.10:

- (a) is final and binding except in circumstances described in subsection 4.11.13 and is not subject to appeal;
- (b) must be delivered by the minister to the proponent by certified mail; and
- (c) must be published by the minister on the Nunatsiavut Government website.

4.11.12 Where, following a summary assessment of an initiative, an Authority decides that an initiative must undergo a detailed assessment and the Authority's decision is made before the minister has made his or her decision under subsection 4.11.10, the minister must order that the initiative be reviewed in accordance with the procedures set out in section 4.12.

4.11.13 Where, following a summary assessment of an initiative, an Authority decides the initiative must undergo a detailed assessment and the Authority's decision is made after the minister has made his or her decision under subsection 4.11.10, the initiative must be reviewed in accordance with the procedures set out in section 4.12 notwithstanding any decision of the minister to the contrary.

Procedure for detailed reviews

4.12.1 This section applies to environmental reviews that are triggered by:

- (a) detailed assessments,
 - (b) an order issued by the minister pursuant to clause 4.11.10(d); or
 - (c) an order issued by the minister pursuant to section 4.11.12.
- 4.12.2 An initiative that requires a detailed review in accordance with this section must be approved by the Assembly in accordance with the procedures set out in this section before the initiative may commence and before any permit, authorization or right may be issued by the Nunatsiavut Government for purposes of allowing the initiative to proceed.
- 4.12.3 For purposes of a detailed review under this section the Assembly may refer the initiative to a committee of the Assembly for its views and recommendations having regard to section 4.10 and:
 - (a) must issue terms of reference for the committee;
 - (b) must appoint the chair of the committee; and
 - (c) may direct the minister to report the views and recommendations of the committee to the Assembly.
- 4.12.4 Terms of reference issued under clause 4.12.3(a) must include:
 - (a) procedures to govern consultation with the Inuit; and
 - (b) requirements for notice and the dissemination of information related to the detailed review of the initiative,

and may provide for the holding of public hearings.
- 4.12.5 The minister must make arrangements to facilitate the work of the Committee and to provide assistance and advice to the Committee.
- 4.12.6 The Committee must, before it provides its views and recommendations to the Assembly:
 - (a) consult the Inuit with respect to the initiative and its environmental effects and may hold public hearings for those purposes;
 - (b) elicit and collect Inuit knowledge in relation to the initiative for consideration and incorporation into decisions to be made by the Assembly with respect to the initiative;
 - (c) consider and evaluate the information supplied to the Committee by the proponent, the minister, an Authority, officials of the Department of Lands and Natural Resources and Inuit for purposes of detailed review of the initiative; and
 - (d) provide the proponent and Authorities that have a decision-making role with respect to the initiative or that administer laws or regulations concerning the

initiative with an opportunity to present information and to make representations to the Committee.

- 4.12.7 The Committee may make rules of procedure for purposes of a detailed review that are consistent with this section and the Committee's terms of reference and must publish the rules of procedure on the Nunatsiavut Government's website.
- 4.12.8 An Inuk may make written, video or audio submissions to the minister or the Committee about the potential environmental effects of the initiative within the period prescribed by the Committee's rules of procedure or the Committee's terms of reference.
- 4.12.9 An Inuk may have access to the information supplied under sections 4.6, 4.7, 4.8.1 and 4.5.1 or request a printed copy of the information from the proponent or the minister.
- 4.12.10 The minister must refer all information received in relation to an initiative, including the information obtained under sections 4.6, 4.7, 4.8.1 and 4.5.1, to the Committee and to officials in the Department of Lands and Resources or agents or consultants retained by the minister who must:
- (a) ensure that all information is summarized in terms that are appropriate for purposes of assessment pursuant to Inuit culture and values; and
 - (b) prepare views and recommendations for consideration by the Committee.
- 4.12.11 Proceedings of the Committee must be public but the Committee may meet in camera for purposes of preparing its report and recommendations to the Assembly.
- 4.12.12 The minister must, after complying with the applicable requirements of sections 11.4.3 and 11.4.4 of the Labrador Inuit Land Claims Agreement, present the Committee's report and recommendations to the Assembly.
- 4.12.13 After considering the report and recommendations of the Committee and the minister the Assembly must authorize and direct the minister to:
- (a) approve the initiative;
 - (b) approve the initiative subject to terms and conditions; or
 - (c) refuse to approve the initiative.
- 4.12.14 Decisions referred to in section 4.12.13:
- (a) are final and binding;
 - (b) must be delivered by the minister to the proponent by certified mail; and
 - (c) must be published by the minister on the Nunatsiavut Government website.

Termination of reviews

- 4.13 If an Authority decides that an initiative may not proceed and the Authority's decision is made before a review is completed by the Nunatsiavut Government or before a decision has been made under section 4.11 or 4.12, the minister, Committee or Assembly, as the case may be, must immediately terminate the review and the Nunatsiavut Government must not make a determination under this part with respect to the initiative.

Harmonization of Environmental Assessments

- 4.14.1 Subject to subsection 4.14.2, the minister may, with the consent of the Assembly, enter a harmonization agreement or arrangement under section 11.2.2 or 11.2.3 of the Labrador Inuit Land Claims Agreement that varies, in whole or in part, the procedures and authorities set out in this part and, when executed and approved by the minister and registered in the Registry of Laws as a regulation made pursuant to this subsection, the harmonization agreement has the force of Inuit Law.
- 4.14.2 An agreement or arrangement referred to in subsection 4.14.1 must not vary the power of the Assembly or the minister to decide whether an initiative in Labrador Inuit Lands is allowed to proceed and, if so, on what terms and conditions.

Prohibition against issuance of approvals, permits and licenses

- 4.15 No member of the Executive Council and no member of the Nunatsiavut Civil Service may issue any approval, permit, lease, easement, license or authorization in relation to an initiative unless the initiative is exempt from a review or the initiative has been approved under subsection 4.11.10 or 4.12.13 .

Effect of exemption or approval

- 4.16 The proponent of an initiative that is exempt from a review or that has been approved under subsection 4.11.10 or 4.12.13 must obtain all other approvals, permits, licenses and authorizations required under Inuit Law or laws of general application in order to carry out the initiative.

Costs of reviews

- 4.17.1 The proponent must pay all the costs and expenses incurred by the Nunatsiavut Government in relation to the review of the initiative, including the costs and expenses associated with a round table or Committees, and despite anything else in this Act or regulations to the contrary the minister may delay or refuse to issue a decision under subsection 4.11.10 or 4.12.13 until the minister is satisfied that all such costs have been paid.
- 4.17.2 The minister may, by order, require that the proponent make a payment or payments toward the costs and expenses incurred by the Nunatsiavut Government, or to be incurred by it, in relation to the review of the proponent's initiative prior to the start of the review or at any time during the course of the review.

- 4.17.3 Where a payment has been ordered under section 4.17.2 the minister may also order that the review must not commence or continue until the payment has been made.

Power to make regulations to implement part 4

- 4.18 In addition to powers to make regulations specifically conferred on the minister in this part, the Executive Council may make regulations to implement part 4 and carry out its purpose, including regulations respecting:
- (a) round tables and other procedures by which Inuit and members of the general public may be involved in reviews and Nunatsiavut Government decision-making in relation to reviews and initiatives, and the manner in which the proponent shall meet with, provide information to, and record the opinions, concerns and questions of Inuit and members of the general public;
 - (b) payments for participants in round tables;
 - (c) methods for eliciting Inuit environmental knowledge for purposes of reviews, recording and protection of Inuit knowledge in relation to the environment and access to Inuit knowledge by proponents and the public;
 - (d) translation of information related to environmental reviews and the provision of information in Inuktitut;
 - (e) fees payable on registration of initiatives and in relation to reviews;
 - (f) initiatives and classes of initiative that require review and class reviews;
 - (g) time periods by which notices, submissions, orders, procedures, reviews, commencements of initiatives and other actions expire or are to be carried out and respecting re-registrations, extensions and agreements with respect to the time periods;
 - (h) monitoring of approved initiatives, plans referred to in paragraph 4.18(i), terms and conditions of approvals, and follow-up programs;
 - (i) environmental management plans, environmental protection plans, and plans respecting closure and abandonment of initiatives; and
 - (j) payment of Nunatsiavut Government costs including costs incurred in connection with environmental reviews of initiatives, monitoring and follow-up of approved initiatives and all related plans including plans respecting closure and abandonment.

PART 5

MISCELLANEOUS

Commencement

- 5.1 This Act comes into force on a date to be set by order of the President.

SCHEDULE

MATTERS TO BE INCLUDED IN AN ENVIRONMENTAL REVIEW

As part of the environmental review of an initiative due consideration shall be given but not be limited to the following factors where relevant:

- (1) the definition and scope of the initiative;
- (2) the scope of the review;
- (3) the purpose of the initiative, the need for the initiative and alternatives to the initiative;
- (4) a description of the existing environment and its relation to the initiative;
- (5) any environmental effects of the initiative including the environmental effects of malfunctions or accidents that may occur in connection with the initiative, and any cumulative environmental effects that are likely to occur in combination with other undertakings, projects, works or initiatives that have been or will be carried out;
- (6) impacts in Labrador Inuit Lands and the Inuit Communities and impacts on Harvesting by Inuit, Inuit land use and Inuit rights as set out in the Labrador Inuit Land Claims Agreement;
- (7) the significance of the environmental effects and impacts referred to in subsections (5) and (6);
- (8) the well-being and quality of life of residents in any community in the Labrador Inuit Settlement Area potentially affected by the initiative;
- (9) comments from the public;
- (10) measures that are technically and economically feasible and that would Mitigate any significant adverse environmental effects of the initiative;
- (11) alternative means of carrying out the initiative that are technically and economically feasible and the environmental effects of those alternative means;
- (12) the need for and requirements of a Follow-up Program in respect of the initiative;
- (13) the capacity of renewable resources that are likely to be significantly affected by the initiative to meet the needs of the present and those of the future;
- (14) the protection of the environment and its eco-systemic integrity;
- (15) Inuit traditional knowledge; and
- (16) the scope of the review factors referred to in clauses (3) through (15).

In the event of an inconsistency or conflict between this schedule and section 11.2.10 of the Labrador Inuit Land Claims Agreement the latter prevails to the extent of the inconsistency or conflict.