

# ***Regulations Regarding Environmental Reviews of Initiatives on Labrador Inuit Lands***

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## **PART 1**

### **GENERAL**

#### **Authority and application**

1. These regulations are made by the Nunatsiavut Executive Council pursuant to section 4.18 of the *Nunatsiavut Environmental Protection Act*, IL 2010-07 and apply only to environmental reviews under the Act.

#### **Short title**

2. These regulations may be cited as the *Environmental Review Regulations*.

#### **Interpretation**

3. Words and phrases used in these regulations have the meaning assigned to them in sections 1.2.1, 1.2.3 and 4.1 of the Act and in section 5.

#### **References in these regulations**

4. 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 these regulations unless otherwise stated.

#### **Definitions**

5. In these regulations
- (a) “Act” means the *Nunatsiavut Environmental Protection Act*;
  - (b) “Advisory Committee” means the Interdepartmental Advisory Committee on Environmental Reviews appointed pursuant to section 10;
  - (c) “Assembly” includes, where the context requires, a Committee of the Assembly conducting a detailed review of an initiative;
  - (d) Communications Division means the Communications Division of the Nunatsiavut Secretariat;
  - (e) “Environment Division” means the personnel within the Department of Lands and Natural Resources responsible for carrying out functions related to administration of the Act and these regulations and includes any agent or consultant retained by the minister to carry out a function related to an environmental review of an initiative;

- (f) “public consultation period” means the 142-day period, or such other period as may be established by the minister pursuant to these regulations, for public comments on an initiative that commences on the date of first publication by the proponent of notice under subsection 42(n);
- (g) “public”, unless the context requires otherwise, refers to the Inuit, Inuit Businesses, Inuit groups or organizations, and residents of the Inuit Communities;
- (h) “registered” and “registration” mean an initiative registered under section 4.5.1 of the Act in accordance with section 25 of these regulations and includes all information that the Act and these regulations require to be included in or submitted as part of a registration;
- (i) “site boundary” means the physical location or outer extent of a site and does not refer to the initiative’s overall impact boundaries or the ecological parameters of the potential Environmental Effects of the initiative; and
- (j) “site” means with reference to an initiative, an area of Labrador Inuit Land, including land covered by water, where an activity, undertaking, structure, installation or facility is planned to be carried out or located for purposes of the initiative;

## **PART 2**

### **GENERAL ADMINISTRATIVE ARRANGEMENTS**

#### **Ministerial delegation of functions**

6. Except as provided in section 7, a function assigned to the minister in these regulations other than the function assigned to the minister in section 75 may be carried out by a member of the Department of Lands and Natural Resources designated by the minister to carry out the function either generally or in a specific instance.

#### **Decision-making responsibilities may not be delegated**

7. Where these regulations or the Act provide that a decision shall or may be made by the minister or where these regulations or the Act grant a discretion to the minister the decision or discretion shall be made or exercised, as the case may be, by the minister personally and may not be delegated to another person.

#### **Ministerial discretions not subject to appeal or review**

8. A decision made by the minister under these regulations and the exercise by the minister of a discretion granted to the minister under these regulations shall be made or exercised, as the case may be, in the sole and exclusive discretion of the minister and shall not be subject to appeal or review.

### **Minister may act on advice**

9. Nothing in section 7 or section 8 prevents or is to be construed so as to prevent the minister from making a decision or exercising a discretion on the basis of advice, recommendations or views of the Environment Division, the Executive Council, the public or an Authority.

### **Interdepartmental Advisory Committee**

10. There shall be an Interdepartmental Advisory Committee on Environmental Reviews comprised of members of the Nunatsiavut Civil Service appointed by the minister from time to time for purposes of reviews generally or for the review of a specific initiative.

### **Minister to consult other ministers about appointments to Advisory Committee**

11. The minister may appoint any member of the Nunatsiavut Civil Service to the Advisory Committee but:

- (a) must consult the relevant minister before making the appointment; and
- (b) where a division of a department of the Nunatsiavut Government is the proponent an employee of that division shall not be appointed to or shall be removed from the Advisory Committee.

### **Chair of Advisory Committee**

12. The minister shall designate a member of the Advisory Committee to act as chairperson and may change the designation of chairperson from time to time as the minister may determine.

### **Considerations when making appointments to Advisory Committee**

13. In making appointments to the Advisory Committee the minister shall, taking into consideration the initiative and its possible Environmental Effects, have regard to the need for representation on the committee of Nunatsiavut civil servants with knowledge or experience in relation to Inuit culture, including:

- (a) Inuit land and resource use and language;
- (b) archaeology;
- (c) economic development in the Labrador Inuit Settlement Area;
- (d) health and social development in the Inuit Communities; and
- (e) Inuit involvement in the initiative that is undergoing a review.

### **Functions of Advisory Committee**

14. The functions of the Advisory Committee are:
- (a) to provide the Environment Division with the advice and recommendations of departments of the Nunatsiavut Government that have an interest in, a function to perform or a responsibility with respect to a registration or its possible Environmental Effects;
  - (b) to become familiar with, the registration, the initiative and Inuit views with respect to the initiative and its possible Environmental Effects; and
  - (c) to coordinate and compile departmental information and advice for consideration by the Assembly and minister in making their respective decisions under the Act, including those described in sections 4.11.10 and 4.12.13 of the Act.

### **Advisory Committee's advice**

15. The Advisory Committee's advice and recommendations under section 14:
- (a) are in addition to any actions that may be required of the departments of the Nunatsiavut Government by the Assembly in relation to a review;
  - (b) shall be provided to the Environment Division for incorporation into its report to the Minister under section 81 and
  - (c) are confidential unless otherwise directed by the minister.

### **Functions of Communications Division**

16. Where these regulations and the rules and procedures of the Assembly respecting detailed reviews impose a duty on the minister or the Environment Division to issue a notice, publish information or prepare a report the Communications Division shall be responsible to the minister in providing all necessary assistance and support.

## **PART 3**

## **REGISTRATIONS**

### **Exemptions from registration**

17. Subject to section 18, initiatives listed in Schedule A to these regulations are exempt from registration under section 25 and from environmental review under the Act and these Regulations.

### **Minister may order registration of initiatives listed on Schedule A**

18. Section 17 does not derogate from the power of the minister to order a review of an initiative listed on Schedule A to these regulations pursuant to section 4.2.4 of the Act.

### **Informal notice of initiatives and requests for Environment Division's advice**

19. A proponent may give the Environment Division written notice of an initiative and request the Division's informal advice on whether or not the initiative:

- (a) is a permitted land use under the Land Use Plan;
- (b) requires registration and if so the scope and detail of the registration;
- (c) requires a summary environmental review;
- (d) requires a detailed environmental review;
- (e) requires review pursuant to an existing harmonized environmental assessment process;
- (f) may be the subject of a project-specific harmonization agreement.

### **Form of Notice and Request**

20. A notice and request under section 19 must be made in writing, may be in any form, and shall provide sufficient information about the initiative to permit the Environment Division to address the request.

### **Division's response to notice and request**

21. Within 15 business days following receipt of a notice and request under section 19 the Environment Division:

- (a) shall give the proponent the requested advice; and
- (b) the minister may issue an order under section 4.2.3 or 4.2.4 of the Act with respect to the initiative.

### **Environment Division's advice is non-binding**

22. The Environment Division's advice under subsection 21(a) is not binding on the Nunatsiavut Government.

### **Review following issuance of orders under section 4.2.3 and 4.2.4 of the Act**

23. Where the minister issues an order under section 4.2.3 or 4.2.4 of the Act with respect to an initiative the initiative shall be registered under section 25 and shall undergo a summary review in accordance with the Act and Part 4 of these regulations.

### **Registration must be consistent with Land Use Plan**

24. A proponent shall not register, and the minister shall not accept for registration, an initiative that is not a permitted land use or an approved discretionary use under the Land Use Plan.

## **Registrations for summary and detailed reviews**

**25.** A proponent must register the proponent's initiative with the minister for purposes of both summary reviews and detailed reviews:

- (a) by delivering to the minister the same information that the proponent has provided to:
  - (i) the Government of Newfoundland and Labrador with respect to Environmental Assessment of the initiative pursuant to Provincial Law and
  - (ii) the responsible authority of the Government of Canada with respect to Environmental Assessment of the initiative under federal Law; or
- (b) where the initiative is not subject to federal or Provincial Law or has been exempted from Environmental Assessment under federal or Provincial Law, by delivering the information referred to in section 27.

## **Form of registration**

**26.** A proponent may make a registration under section 25 in any form but the registration must:

- (a) be written and documented;
- (b) be provided on paper and in PDF format ensuring that all PDF documents shall utilize the bookmarking and linking features within the electronic versions of the documents to allow for efficient navigation throughout the entire registration;
- (c) include all information needed to enable a review of the initiative in accordance with section 4.10 of the Act and the factors set out in the Schedule to the Act; and
- (d) provide the information referred to in section 27.

## **Contents of registration**

**27.** For purposes of a registration the proponent must, subject to a ministerial directive under section 28 to the contrary, provide:

- (a) full and detailed information about the proponent including contact information;
- (b) the name by which the initiative is to be identified;
- (c) identification of each parcel of Labrador Inuit Lands on which a site will be located and each parcel of Labrador Inuit Lands that may be impacted by the initiative;

- (d) a detailed sketch map or maps, survey plan or aerial photographs/satellite imagery of each site and its environs, showing:
  - (i) site boundaries;
  - (ii) any existing infrastructure, developments or debris within the site;
  - (iii) all significant natural features within the site, including any body of Water and known subsurface Water;
  - (iv) the location and distance of all significant natural features in the environs of the site, including any permanent or seasonal body of Water;
  - (v) the proposed location within the site boundaries of the principal features of the initiative or where an activity, undertaking, structure, installation or facility is planned to be carried out or located for purposes of the initiative;
  - (vi) the proposed access to the site and its location in relation to existing Aullâsimavet, buildings, trails, wharves, airstrips, power lines or roads in the vicinity;
  - (vii) the location of the site in relation to the nearest Inuit Community, Aullâsimavet, camps, cabins, houses, dwellings, roads and other existing infrastructure whether in seasonal or year-round use;
- (e) detailed information about the bio-physical environment of each site including a description of the nature and extent of Water and wetlands, vegetation and topsoil within the site boundaries and the species of Wildlife, Plants, Fish and Aquatic Plants for which the site provides habitat;
- (f) detailed information about the nature, scope, phases, and duration of the initiative and all activities associated with the initiative including:
  - (i) all infrastructure and facilities to be constructed and to be used in carrying out the initiative and for purposes of servicing or accessing the site;
  - (ii) the nature and source or sources of energy to be used for purposes of the initiative;
  - (iii) the source of all Water to be used at or for each site, including water to be used for transportation, and the geographic locations of the water;
  - (iv) a full description of all Water withdrawal and transmission facilities including the total capability of the Water withdrawal facilities, the total withdrawal capability per day and the amount to be withdrawn from each Water source, the uses to be made of the Water, the place or places and nature of use, discharge treatment and discharge facilities, and the place or places of Water discharge;



- (g) detailed information about the means of accessing the site;
- (h) identification and summary of any prior or continuing developments or undertakings, including Exploration and undertakings in existence prior to December 1, 2005, carried out at the site and of any prior or continuing permits, leases or grants of freehold issued by the Government of Newfoundland and Labrador or the Nunatsiavut Government in relation to any such developments or undertakings;
- (i) identification and composition of all consumable materials and supplies to be stockpiled or stored on site;
- (j) the size of the workforce to be employed at each site during each stage or phase of the initiative together with estimates of its energy, resource and material consumption and the wages to be paid in respect of the workforce;
- (k) a description of the natural resources to be used in the initiative and activities related to the initiative;
- (l) an environmental impact statement containing a description of the Environmental Effects that may be caused by the initiative and all ecosystems in which the effects may occur including:
  - (i) a description of the existing environment in each ecosystem;
  - (ii) a description of the biological diversity of each ecosystem;
  - (iii) an assessment of the carrying capacity of each ecosystem and description of the ways in which the initiative is in harmony with the carrying capacity of the ecosystems;
  - (iv) a description of the wastes that will be produced by, and in relation to, the initiative and a description of the places where the wastes will be produced and how they will be managed and disposed of;
  - (v) a description of pollution of the environment by and in relation to, the initiative;
  - (vi) a description of the effects of the initiative on the health and safety of the environment in each ecosystem affected by the initiative;
  - (vii) identification of features and aspects of the initiative in which the precautionary principle has been applied and a description of the circumstances that have necessitated application of the precautionary principle; and
  - (viii) a description of proposed measures and arrangements in relation to the initiative that will serve the purpose of the Act as set in section 1.3 of the Act;



- (m) for purposes of subsection (l) the predicted Environmental Effects shall not be confined to the site or site boundaries and the predictions are to extend to ecological systems that may be affected by the initiative;
- (n) a description of alternatives to the initiative and a description of the advantages and disadvantages to a safe and healthy environment in each ecosystem in which Environmental Effects of each alternative are likely to occur;
- (o) a description of measures being taken by the proponent to meet the requirements of sections 1.4.8 and 1.4.9 of the Act including:
  - (i) a description of measures that will be taken to avoid, prevent and mitigate the Environmental Effects of the initiative;
  - (ii) a detailed environmental protection plan;
  - (iii) plans for the monitoring and evaluation of Environmental Effects of the initiative;
  - (iv) a reclamation and closure plan including, where appropriate, a plan for progressive reclamation of the site;
- (p) identification and description of the cumulative Environmental Effects of the initiative;
- (q) a description of the financial measures and securities available to guarantee payment of the costs of the review of the initiative, implementation of the environmental protection plan and payment of the costs of abandonment, closure and restoration of each site;
- (r) if the Environment Division's informal advice has not been obtained under subsection 21(a), a statement containing the proponent's views, with reasons, as to whether the initiative should be subjected to a summary or detailed assessment;
- (s) a statement of the costs of the initiative including capital and operating costs and a comparative estimate of the GST, HST, income tax and royalty revenues, that will accrue to the federal, provincial and Nunatsiavut Governments as a result of the initiative;
- (t) a copy of all reports and studies carried out in order to satisfy these registration requirements;
- (u) a list with full citations for all sources of information relied on in the registration;
- (v) an outline of the design of studies not yet undertaken or that are necessary to provide additional information for purposes of the environmental review of the initiative;



- (w) if the proponent seeks an exemption from review pursuant to subsection 4.5.2(b) of the Act, a formal request for exemption stating the reasons why the initiative should be exempt from review and outlining the proposed terms and conditions if any that would apply to the initiative if an exemption is granted; and
- (x) any other information that is required by the Act and these Regulations and that the Applicant deems relevant and wishes to provide.

#### **Minister may vary registration requirements**

28. The minister may, having regard to the size, nature and duration of an initiative, issue a directive varying the requirements of section 27 with respect to the registration of an initiative or a class of initiatives.

#### **Registration to contain a table of concordance with the Schedule to the Act**

29. A registration shall address the factors set out in the Schedule to the Act and in section 11.2.10 of the Labrador Inuit Land Claims Agreement and contain a detailed table of concordance listing those factors and indicating the section or sections or the page or pages where the matter is addressed in the registration and, if a factor referred to in the schedule to the Act is not addressed in the registration, provide the reasons why not.

#### **Registration to include information submitted to the federal and provincial governments**

30. A registration shall include all information supplied by the proponent to the Government of Newfoundland and Labrador and the Government of Canada for the purposes of environmental assessment of the initiative.

#### **Registration to include plain language summary**

31. A registration shall include a plain language summary in English and Inuktitut of the information included in the registration for purposes of facilitating implementation of subsection 4.11.5(a) of the Act.

#### **Number of copies**

32. Six copies of the registration shall be provided to the minister and one copy shall be provided to the AngajukKâk of the 2 Inuit Communities in closest proximity to the site of the initiative.

#### **Place of registration**

33. A registration shall be submitted to the minister of Lands and Natural Resources, Nunatsiavut Government, 25 Ikajuktauvik Road, P.O. Box 70, Nain, NL, Canada A0P 1L0.

#### **Minister may require additional information**

34. The minister may require the proponent to provide additional information and documentation relating to the initiative and may specify to whom, how, when and where the additional information or documentation is to be provided.



### **Proponent to provide required information**

35. The proponent shall:
- (a) provide all information requested under section 34; and
  - (b) where the initiative is subject to an Environmental Assessment under federal or Provincial Law, immediately provide the minister with a copy of any request, directive or decision issued by an Authority in relation to the initiative and a copy of any information provided by the proponent to an Authority in relation to the initiative.

### **Consequences of failure to provide required information**

36. Where a proponent fails to provide information in relation to an initiative and its possible Environmental Effects that is requested by the minister, whether under section 35 or otherwise, the minister may:

- (a) suspend the review of the proponent's initiative until all required information has been provided; or
- (b) direct that the public consultation period not commence or be suspended until all required information has been provided; or
- (c) terminate the review of the proponent's initiative.

### **Fees for registration**

37. The proponent must pay the registration fee set out in Schedule B to these regulations upon registration of an initiative.

### **Registration incomplete until fees paid**

38. A registration remains incomplete until the registration fee has been paid.

### **How registration fee paid**

39. A registration fee may be paid in cash or by money order, bank draft or certified cheque payable to the Nunatsiavut Government, 25 Ikajuktauvik Road, P.O. Box 70, Nain, NL, Canada A0P 1L0.

### **Minister's decisions on receiving a registration**

40. Upon receiving a registration the minister shall proceed with a summary review of the initiative unless:

- (a) the initiative is exempt from review under subsection 4.5.2(b) of the Act;



- (b) the initiative is subject to a detailed assessment under federal or Provincial law, in which case it shall be subject to detailed review in accordance with the Act, these regulations and the Assembly's rules and procedures respecting detailed reviews; or
- (c) the initiative is required to undergo a detailed review under section 94; or
- (d) the minister decides to refer the initiative directly to a detailed review; or
- (e) the initiative is subject to an alternative review or assessment procedure pursuant to a harmonization agreement.

## **PART 4**

### **NOTICE OF INITIATIVES**

#### **Proponent to publish notice of registration of an initiative**

**41.** When an initiative is subject to a review, whether detailed or summary, the proponent shall publish written notice of registration of the initiative in accordance with section 42.

#### **Timing, content and publication of notice of registration**

**42.** The notice may be in any form and shall unless otherwise directed by the minister pursuant to section 44:

- (a) be published no earlier than 5 business days and no later than 10 business days after the date of registration unless the minister directs otherwise;
- (b) identify the proponent and provide the proponent's contact information;
- (c) state the name by which the initiative is to be identified;
- (d) illustrate or otherwise identify the location of the site or sites where the initiative will be located and identify each parcel of Labrador Inuit Lands that may be used in connection with the initiative;
- (e) identify the 2 Inuit Communities that are closest to the principal site of the initiative;
- (f) provide a brief summary of the nature, scope, phases, duration and principal features of the initiative;
- (g) provide a brief summary of the principal predicted Environmental Effects of the initiative;
- (h) be published in English and Inuktitut in a 12 point font or larger;



- (i) state that Inuit may obtain a copy of the registration from the proponent and provide access to the registration by means of an electronic file transfer site;
- (j) where an exemption from review is being requested, provide notice of the request with a brief statement of reasons for the request;
- (k) state that Inuit have 60 days from the date the notice referred to in subsection (n) is first posted to provide comments to the Nunatsiavut Government at 25 Ikajuktauvik Road, P.O. Box 70, Nain, NL, Canada A0P 1L0 and to the proponent;
- (l) direct Inuit and other interested persons to the Nunatsiavut Government website for further information regarding the registration and the environmental review process;
- (m) be delivered to each Inuit Community Government;
- (n) be posted in at least two public places in each Inuit Community; and
- (o) subject to any directive by the minister to the contrary, be published twice at bi-weekly intervals in a newspaper that is in general circulation in the Inuit Communities.

#### **Copy of notice to be delivered to minister**

**43.** A copy of the notice referred to in section 41 shall be delivered to the minister together with a declaration of compliance with the requirements of section 42 and the date on which notice was first posted under subsection 42(n).

#### **Minister may issue a directive to proponent respecting notice of registration**

**44.** The minister may, within 5 days of the date of registration, issue a directive to the proponent respecting publication of notice of the initiative that is supplemental to or *in lieu* of the requirements of section 42.

#### **Proponent to supply information to Inuit**

**45.** Where an Inuk requests a copy of the registration the proponent shall, using the fastest means available, immediately deliver a copy of the registration to that Inuk and shall give the minister written information about each instance of compliance with this section including the name and address of the Inuk who requested the information, the date of the request and the date on which the request was met.

#### **Public Notice of initiatives and departmental functions upon receiving a registration**

**46.** When an initiative is registered by a proponent under subsection 4.5.1 of the Act and when the minister receives information about an initiative under subsection 4.6(a) of the Act the minister shall within a reasonable time not to exceed 5 business days following the date on which the minister receives a copy of the proponent's notice under section 43 or the date on which the minister receives information under subsection 4.6(a) of the Act, provide public notice



of the initiative on the Nunatsiavut Government web site and by any other means the minister considers appropriate.

#### **Content of government's public notice**

47. The Nunatsiavut Government's public notice under section 46 shall:
- (a) be published in English and Inuktitut;
  - (b) inform Inuit of the registration and how to obtain copies of, or access to, the registration and information relating to the initiative;
  - (c) inform Inuit of the process to be used to review the initiative;
  - (d) if the minister intends to consult the public about the initiative and its possible Environmental Effects using a method or methods in addition to written submissions, inform the Inuit of the additional means that will be used by the minister to consult the public;
  - (e) ask Inuit to supply any knowledge or views they may have about the initiative and its possible Environmental Effects to the minister in writing by deposit or delivery to a Community Liaison Officer or by mail at 25 Ikajuktauvik Road, P.O. Box 70, Nain, NL, Canada A0P 1L0, by fax at (709)922-2931, by e-mail at [environmentalreviews@nunatsiavut.com](mailto:environmentalreviews@nunatsiavut.com);
  - (f) state the date by which public views are to be provided to the minister; and
  - (g) where the proponent has requested an exemption from environmental review under subsection 4.5.2(b) of the Act, include notice of the request for exemption and the reasons why the proponent has asked for an exemption, and request the views of Inuit with respect to the request for an exemption.

#### **Registration information to be provided to other departments**

48. The Environment Division shall forward a copy of the registration or information as the case may be and the Nunatsiavut Government's public notice under section 47 to each of the other departments of the Nunatsiavut Government by mail or personal delivery, electronically or by means of an electronic file transfer site together with a request that they provide their views to the minister through the Advisory Committee prior to the end of the public consultation period.

#### **Registration information to be provided to Assembly members and others**

49. The Environment Division shall forward a copy of the registration or information and the Nunatsiavut Government's public notice under section 47 to each Inuit Community Government, each Inuit Community Corporation and each Inuit Community Liaison Officer.

#### **Registration information to be provided to Provincial Authority**

50. Where the registration has not also been made with the Provincial Authority, the minister shall forward a copy of the registration to the Provincial Authority with:

- (a) a request that the Authority provide its views with respect to the registration to the minister prior to the end of the public consultation period; and
- (b) notice that the request is made pursuant to section 11.4.4 of the Labrador Inuit Land Claims Agreement.

## **PART 5**

### **SUMMARY REVIEWS**

#### **Objective of summary reviews**

51. The objective of a summary review is to provide for a thorough review of small to medium sized initiatives so as to enable the minister to make a decision under section 4.11.10 of the Act within a time frame of 142 days following the date of registration.

#### **Considerations involved in a summary review**

52. In making a decision under section 4.11.10 of the Act regarding an initiative undergoing a summary review, the minister:

- (a) shall consider the registration and information supplied by the proponent;
- (b) shall consider the advice and recommendation of the Environment Division, which shall account for the advice and recommendations of the Advisory Committee;
- (c) shall seek the views of Inuit with respect to the initiative;
- (d) shall consult the relevant Authority; and
- (e) may consider the advice of the Executive Council and any other person he or she considers necessary

#### **Inuit public consultation period**

53. For the purposes of obtaining the views of Inuit with respect to an initiative there shall be a public consultation period of 60 days commencing on the date of first publication of the notice in accordance with subsection 42(o).

#### **Minister may extend time for public consultation**

54. The minister may at any time prior to the expiry of the public consultation period, extend the time allowed under section 53 for up to 30 days by giving the proponent written notice of the extension and issuing public notice of the extension.



### **Community Liaison Officers to make registrations available to Inuit**

55. On request from an Inuk a Community Liaison Officer shall make registration documents and information respecting initiatives available to the Inuk.

### **Community Liaison Officers to receive views from Inuit**

56. Community Liaison Officers shall receive comments, views and information delivered or offered in writing or orally by Inuit with respect to initiatives and their possible impacts and forward the information to the Environment Division in Nain.

### **Role of Inuit Community Corporations**

57. Inuit Community Corporations shall make registration documents and information respecting initiatives available to Inuit on request and shall receive comments, views and information delivered or offered in writing or orally by Inuit with respect to initiatives and their possible impacts, and forward the information to the Environment Division in Nain.

### **Nunatsiavut Government consultation with Inuit**

58. During the public consultation period the minister shall consult Inuit regarding the initiative in order to obtain Inuit knowledge for the purpose of the environmental review and to obtain advice and views of Inuit on the initiative and its possible impacts.

### **How consultation with Inuit is carried out**

59. The minister, may fulfill the obligation to consult Inuit under section 58 by:
- (a) gathering and considering comments received from Inuit in response to the notices issued pursuant to sections 41 and 47; or
  - (b) inviting individual Inuit to communicate their knowledge and provide their advice and views to the minister; or
  - (c) convening one or more round table conferences pursuant to section 4.11.7 of the Act and part 6; or
  - (d) undertaking other consultation measures the minister considers appropriate.

## **PART 6**

### **ROUND TABLES**

#### **Minister may convene round table conferences**

60. The Minister may convene round table conferences for the purposes set out in section 4.11.7 of the Act and so as to involve Inuit in environmental decision-making in relation to initiatives that are subject to summary review.



### **Location of round table conferences**

**61.** The minister may convene a round table conference at any place the minister deems appropriate or by video or telephone conference but at least part of one roundtable conference must be held:

- (a) at the principal site of the initiative; or
- (b) on Labrador Inuit Lands in the vicinity of the initiative; or
- (c) in the Inuit Community closest to the initiative.

### **Number of participants in a round table conference**

**62.** Where the minister convenes a roundtable conference in relation to an initiative the minister shall invite:

- (a) no less than two and no more than 15 Inuit;
- (b) Authorities that have a decision-making role with respect to the initiative;
- (c) anyone else the minister considers necessary or appropriate; and
- (d) the proponent to observe the round table, to provide further information or to participate, as the minister may determine.

### **Restriction on proponent's participation in round table process**

**63.** A proponent shall not lobby or otherwise engage with invited Inuit participants in a round table process except when present at and participating in a round table conference and as may be allowed pursuant to subsection 62(d).

### **Invitations are at the discretion of the minister subject to certain considerations**

**64.** The minister has the sole discretion with respect to Inuit to be invited to participate in a round table conference but Inuit invited to attend a round table conference must:

- (a) be 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;
- (b) not be an employee of the Nunatsiavut Government or an Authority;
- (c) not be a member of the minister's immediate family or household; and
- (d) not be an officer, agent, contactor or employee of the proponent or otherwise related to the proponent.

### **Invitations and notice of round table conferences**

65. The minister may issue an invitation to participate in a round table conference in writing, in person, or by telephone and shall give each invitee who accepts the invitation, the proponent and the public at least 7 days written notice of the conference and supply each participant with a copy of the registration and all relevant material or access to the registration and information by means of an electronic file transfer site.

### **Content of notices of round table conferences**

66. The notice under section 65 shall include a list of participants, the date, time and place of the conference, transportation arrangements for the conference, accommodation arrangements, draft conference agenda, summary of the initiative, a statement of the matters the minister is referring to the roundtable, and the terms of section 67.

### **Responsibilities of participants in round table conferences**

67. Roundtable participants:

- (a) are asked to review the materials provided to them regarding the initiative prior to the conference;
- (b) must give at least 3 days notice if they are unable to attend a conference or are unable to review the materials in advance of the conference;
- (c) may suggest amendments or additions to the draft conference agenda no later than 24 hours before the scheduled start of the conference;
- (d) are asked to actively contribute to the round table conference by sharing their information and views and by working cooperatively with other participants to ensure that Inuit knowledge, culture and values are incorporated into Nunatsiavut Government decision-making respecting the initiative; and
- (e) are asked not to engage with the proponent except when present at and participating in a round table conference.

### **Honoraria for round table participants**

68. Invitees to a round table conference other than the minister, the proponent, AngajukKâk, consultants and Authorities shall, subject to section 70, be paid:

- (a) Honoraria in accordance with Schedule C to these regulations; and
- (b) an expense allowance for travel, accommodation, meal and incidental expenses in accordance with the Nunatsiavut Government personnel rate in effect from time to time.

### **When honoraria are paid**

69. Honoraria in respect of a round table conference shall be paid to invited participants within 10 business days after the end of the conference.

### **When expense allowances are paid**

70. Expense allowances may be paid in advance in whole or in part and shall be paid within 10 business days of the date on which the Nunatsiavut Government receives an expense claim, in the proper form.

### **Minister may refuse to pay an honorarium or expense allowance**

71. The minister may withhold or refuse to pay the whole or any portion of an honorarium or expense allowance to an invited participant whose behaviour at a round table conference is, in the opinion of the minister, impaired, inappropriate, improper or indecent.

### **Round Table conferences open to the public**

72. Round table conferences shall be open to the public subject to the following:

- (a) the minister may, if in his or her sole discretion there is good reason to do so, close all or part of a conference to the public.
- (b) members of the public may attend the conference as observers only unless the minister expressly directs otherwise.

### **Agenda for round table conferences**

73. The agenda for a round table conference shall be decided by the minister but is drafted by the Environment Division on the minister's behalf.

### **Minimum content of agendas**

74. Roundtable agendas shall include, at a minimum, the following items:

- (a) presentation by the minister or the proponent of a summary of the initiative;
- (b) presentation by the minister of matters being referred to the roundtable by the minister;
- (c) discussion period for participants to raise and discuss any additional matters related to the review of the initiative on which they may wish to provide advice to the minister.

### **Minister to chair round table conferences**

75. The minister shall chair roundtable conferences.

### **Minutes of round table conferences and information collected by minister**

76. The Environment Division shall:

- (a) keep detailed minutes of roundtable conferences; and

- (b) digitally record roundtable conferences.

## **PART 7**

### **DEPARTMENTAL REVIEW AND REPORT**

#### **Departmental procedures during and immediately following public consultation period**

77. During the public consultation period and within 20 business days of the end of the public consultation period the Environment Division shall carry out a review and analysis of the registration, all information supplied by the proponent in relation to the initiative and all information collected in relation to the initiative.

#### **Departmental functions in relation to the collection of information**

78. The Environment Division shall, for purposes of the review and analysis referred to in section 77 or a roundtable conference convened for purposes of a detailed review:

- (a) keep detailed notes or digital recordings of all consultation discussions with Inuit regarding an initiative, including individual conversations or interviews, group discussions and other forms of consultation;
- (b) collect and compile all written submissions made by Inuit during the public consultation period;
- (c) store the information referred to in section 76 and subsections (a) and (b) in a format compatible with the Nunatsiavut Government Inuit knowledge database,
- (d) forward copies of submissions referred to in subsection (b) to the other departments of the Nunatsiavut Government;
- (e) make submissions referred to in subsection (b) available to any Inuk requesting one;
- (f) make submissions referred to in subsection (b) available to the proponent upon request; and
- (g) make the submissions referred to in subsection (b) available on the Nunatsiavut Government's web site.

#### **Scope of departmental review and analysis**

79. In conducting its review and analysis the Environment Division shall:

- (a) ensure that all information regarding the initiative is framed in terms that are relevant and appropriate for purposes of review in relation to Inuit culture and values;
- (b) evaluate the identification of potential negative Environmental Effects of the initiative and the proposed mitigation measures to prevent those effects;



- (c) prepare an assessment of the initiative and its potential Environmental Effects in light of the objectives of environmental protection set out in section 3.2 of the Act;
- (d) prepare an assessment of the initiative and its potential Environmental Effects in relation to the cultural, environmental and economic values of Inuit;
- (e) evaluate the initiative and its potential Environmental Effects taking into account, where appropriate, the factors set out in the Schedule to the Act;
- (f) seek and compile relevant Inuit knowledge for incorporation into the evaluation and assessment of the initiative and its potential Environmental Effects; and
- (g) consult with other departments and agencies of the Nunatsiavut Government and the Authorities, as necessary.

#### **Departmental report to incorporate advice of Advisory Committee**

80. The Environment Division's review and analysis referred to in section 77 shall consider and address the views of the Advisory Committee.

#### **Departmental report, advice and recommendations to minister**

81. No later than 20 business days following the end of the public consultation period the Environment Division shall:

- (a) prepare a factual summary of the results of the consultation with the public; and
- (b) submit the results of its evaluations and assessments of the initiative and its advice and recommendations in relation to the initiative and its potential Environmental Effects to the minister in the form of a written report.

#### **Departmental report is confidential**

82. A report referred to in subsection 81(b) is confidential.

#### **Additional ministerial consultations**

83. Prior to making a decision under section 4.11.10 of the Act the minister may consult in confidence with the Executive Council or any other group or person he or she considers necessary.

#### **Report to Province**

84. Upon completion of a summary review and prior to making a decision under section 4.10.11 of the Act the minister shall provide the Provincial Authority with a report on the matters referred to in section 11.2.10 of the Agreement.

## **Consultation with Province**

**85.** Prior to making a decision or taking any action that would allow an initiative to proceed the minister shall Consult the Provincial Authority.

## **Ministerial decisions following Summary Review Public Consultation Period**

**86.** Following receipt and consideration of the Environment Division's report the minister may determine that the registration does not provide adequate information for purposes of a decision under section 4.11.10 of the Act or adequate consideration of factors set out in the Schedule to the Act and:

- (a) request additional or better information and a further review as provided in section 90; or
- (b) require that the initiative be re-registered incorporating additional or better information and be subjected to a new public consultation period in accordance with these regulations; or
- (c) make a decision under section 4.11.10 of the Act and section 90.

## **Time limit for Summary Review Decision**

**87** The minister shall make a decision referred to in section 86 within 30 business days of the date of the completion of the public consultation period.

## **Minister may extend time for summary review decisions**

**88.** The minister may at any time prior to the expiry of the period set out in section 87, extend the time limit for up to 30 business days by:

- (a) giving the proponent written notice of the extension with reasons; and
- (b) issuing public notice of the extension with reasons.

## **Public notice of extension**

**89.** Public notice under subsection 88(b) shall be given on the Nunatsiavut Government web site and may be given in any other manner the minister deems appropriate.

## **Procedure following a determination that the registration is inadequate**

**90.** Where the minister determines that the registration does not provide adequate information for purposes of a decision under section 4.11.10 of the Act or for adequate consideration of factors set out in the Schedule to the Act:

- (a) the minister shall request additional information, an amendment of the description of the initiative, an amendment or improvement of the assessment of Environmental Effects of the initiative, or an amendment to or improvement of



proposed mitigation measures, environmental management plans or rehabilitation and closure plans;

- (b) the minister may direct that the information referred to in subsection (a) be integrated into the original registration documents and that the original registration be re-issued in the form of a consolidation that includes all new information;
- (c) the proponent shall provide the additional information or amendments to the registration document or associated materials as required by the minister under subsections (a) and (b); and
- (d) the minister may, within 10 business days of the date of receipt by the minister of the new registration or additional information under subsection (c), direct that there shall be a new public consultation period; or
- (e) if the minister does not direct a new public consultation period under subsection (d), the minister shall make a decision under section 4.11.10 of the Act within 15 business days of the date of receipt of the new registration or additional information under subsection (c).

#### **Procedure for new public consultation period**

**91.** Where a new consultation period is ordered under subsection 86(b) or 90(c), sections 53 through 90 of these regulations apply.

#### **Early termination of Summary Reviews**

**92.** The minister may terminate a summary review of an initiative at any time prior to making a decision under section 4.10.11 of the Act if:

- (a) following the public consultation period the minister decides to grant an exemption under section subsection 4.5.2(b) of the Act;
- (b) pursuant to a harmonization agreement the initiative is to be reviewed by an Authority or pursuant to a harmonized environmental assessment process;
- (c) an Authority orders that the initiative is subject to a detailed assessment; or
- (d) an Authority decides that an initiative may not proceed.

#### **Publication of minister's Decision**

**93.** A decision of the minister under section 4.10.11 of the Act or section 92 must be in writing and a copy shall be:

- (a) delivered to the proponent by fax or e-mail and by mail;
- (b) published on the Nunatsiavut Government website; and
- (c) be sent to the relevant Authorities by fax or e-mail and by mail.

## **PART 8**

### **DETAILED REVIEWS**

#### **When a detailed review is carried out**

- 94.** An initiative shall undergo a detailed review if:
- (a) it requires an environmental preview report or an environmental impact statement under Part X of the Provincial *Environmental Protection Act*; or
  - (b) a comprehensive study, mediation or panel review under the Canadian *Environmental Assessment Act*; or
  - (c) the initiative is of a kind that is listed on Schedule D; or
  - (d) the minister determines pursuant to the Act or these regulations that the initiative must undergo a detailed review.

#### **Public Notice of detailed review of an initiative that has not had a summary review**

**95.** Where an initiative must undergo a detailed review and has not already been subjected to a summary review, the proponent and the minister shall give notice of the registration in accordance with part 3 and the minister must carry out a public consultation in respect of the initiative in accordance with part 4 except subsection 59(c).

#### **Minister to give the Assembly notice of detailed review**

**96.** The minister shall, as soon as reasonably possible, give written notice to the Assembly after the registration of an initiative that requires detailed review under section 94.

#### **Form and content of notice to Assembly**

**97.** A notice under section 96 shall be in addition to the notice given under section 47, shall be given in writing to the Speaker, and shall:

- (a) identify the proponent;
- (b) state the name by which the initiative is identified;
- (c) identify the location of the site or sites where the initiative will be located and each parcel of Labrador Inuit Lands that may be used in connection with the initiative;
- (d) identify the 2 Inuit Communities that are closest to the principal site of the initiative;
- (e) provide a brief summary of the initiative;

- (f) provide a brief summary of the possible principal Environmental Effects of the initiative; and
- (g) provide notice that the initiative requires approval by the Assembly and is to undergo a detailed review by the Assembly in accordance with section 4.12 of the Act.

**Minister to table summary of public comments on the initiative in Assembly**

**98.** The Minister shall:

- (a) where the initiative has been the subject of public consultation during a summary review, within 30 days of making a decision that an initiative must undergo a detailed review, table in the Assembly:
  - (i) the Environment Division's summary referred to in subsection 81(a); and
  - (ii) the ministers recommendations with respect to the detailed review, including whether the registration is adequate for purposes of the detailed review and the terms of reference for the detailed review; and
- (b) where the initiative has not been the subject of a summary review prior to triggering a detailed review, within 30 business days of the date of the completion of the public consultation period, table in the Assembly:
  - (i) the Environment Division's summary referred to in subsection 81(a); and
  - (ii) the minister's recommendations with respect to the detailed review, including whether the registration is adequate for purposes of the detailed review and the terms of reference for the detailed review.

**Procedure for tabling documents if Assembly is not sitting**

**99.** If the Assembly is not sitting at the time when the minister is required to table the documents under section 98, the minister shall transmit a copy to each member and table the documents at the first opportunity during the next sitting of the Assembly.

**Study of the initiative by the Assembly**

**100.** When the Assembly receives notice of a detailed review from the minister, the Assembly will proceed with a detailed review of the initiative in accordance with the Assembly's rules and procedures respecting detailed reviews.

**Minister's responsibilities in relation to collection of Inuit knowledge**

**101.** The minister shall for purposes of a detailed review by the Assembly:

- (a) ensure all Inuit knowledge that is collected for the purpose of the detailed review is recorded and stored in a format that is compatible with the Nunatsiavut Government Inuit knowledge database;



- (b) make Inuit knowledge collected for purposes of a detailed review available to the Assembly;
- (c) in accordance with Part 11 make Inuit knowledge collected for purposes of a detailed review available to any Inuk requesting access to it; and
- (d) in accordance with Part 11 make Inuit knowledge collected for purposes of a detailed review available to the proponent upon request.

#### **Departmental functions in relation to detailed reviews**

**102.** The Nunatsiavut Government shall conduct its own analysis and review of the registration, public comments and information relevant to the review of the initiative and, in accordance with the rules and procedures of the Assembly respecting detailed reviews, present its advice and recommendations for consideration by the Assembly.

#### **Departmental report to Assembly**

- 103.** The presentation referred to in section 102:
- (a) shall be presented in accordance with the Assembly's rules and procedures for public consultation;
  - (b) shall incorporate Inuit knowledge;
  - (c) shall account for the principles and objectives of environmental protection set out in the Act and, where appropriate, the factors set out in the Schedule to the Act;
  - (d) shall be consistent with the cultural, environmental and economic values of the Inuit; and
  - (e) is not confidential unless the Assembly, in accordance with its rules and procedures respecting detailed reviews, orders that the report or any part of it be kept confidential.

#### **Minister to report to Authorities**

**104.** Upon completion of the detailed review by the Assembly, the minister shall provide the Provincial Authority with a report on the matters referred to in the Schedule to the Act and in section 11.2.10 of the Agreement.

#### **Consultation with relevant Authorities**

**105.** The minister shall consult the Provincial Authority and, as required by the Labrador Inuit Land Claims Agreement, the Federal Authority with respect to the initiative prior to the conclusion of the detailed review and report any views, advice or recommendations of the Authorities to the Assembly for consideration by the Assembly in making a final decision or taking any action that would allow an initiative to proceed.



### **Responsibilities of the minister in relation to the final decision of the Assembly**

**106.** With the authorization of the Assembly and in accordance with its directions and the rules and procedures of the Assembly respecting detailed reviews, the minister shall approve the initiative, approve the initiative subject to terms and conditions, or refuse to approve the initiative.

### **Requirements for minister's decision**

**107.** The decision of the minister under section 106 must be in writing and a copy shall be:

- (a) delivered to the proponent by fax or e-mail and by mail;
- (b) published on the Nunatsiavut Government website; and
- (c) be sent to the relevant Authorities by fax or e-mail and by mail.

### **Issuance of approvals permits and leases**

**108.** Where, following a detailed review, the minister approves the initiative with or without conditions, the Department of Lands and Natural Resources may proceed with the preparation of the required approvals, authorizations, permits, licenses, leases or grants for issuance by the minister to the proponent subject to sections 109, 110 and 115.

### **Minister may withhold permits where costs of review have not been paid**

**109.** The minister may delay or refuse to issue an approval, authorization, permit, license, lease or grant for purposes of an initiative until the minister is satisfied that the costs of all environmental reviews carried out by the Nunatsiavut Government in relation to the initiative have been recovered in full from the proponent.

### **Effect of minister's decision**

**110.** An initiative that has been approved under section 106 may not commence until the proponent has obtained all other approvals, permits, licenses and authorizations required under Inuit Law or laws of general application that may be required in order to carry out the initiative.

## **PART 9**

### **COSTS AND FEES**

#### **Costs of Reviews**

**111.** The Department of Lands and Natural Resources shall maintain a detailed record of all personnel hours, consultants' and professional services and other expenditures related to environmental reviews of the initiative and all required consultations, meetings and hearings and shall submit a detailed summary report on such information to the Controller every two (2) weeks.

### **Items to be included in Costs**

**112.** All costs, expenses, fees, honoraria and allowances, including participant funding that may have been authorized by the Assembly with respect to a detailed review and a pro rata allocation for time spent by salaried Nunatsiavut Civil Servants in relation to a review shall be included in the records referred to in section 111 but no claim or allocation shall be made for time spent by:

- (a) members of the Executive Council, including the Minister; or
- (b) members of the Assembly; or
- (c) the Clerk of the Assembly; or
- (d) Deputy Ministers; or
- (e) the Director of Environment; or
- (f) the Director of Legal Services.

### **Issuance of invoices to proponent for cost of environmental review**

**113.** The Controller shall, based on the reports referred to in section 111, invoice the proponent for all Nunatsiavut Government expenditures related to the environmental review.

### **When invoices issued**

**114.** The Controller shall issue invoices referred to in section 113 on a regular basis during the course of a review and shall issue the final invoice no later than the date on which the minister issues his or her decision under section 106.

### **Consequence of non-payment of invoice**

**115.** Despite any other provision to the contrary in these regulations, the minister may issue a directive that no approvals, authorizations, permits, licenses, leases or grants shall be issued in relation to the initiative until the minister is satisfied that all invoices referred to in section 114 have been paid.

### **Minister may enter cost recovery agreements**

**116.** The minister may, with the approval of the Executive Council, enter into agreements with proponents for the recovery by the Nunatsiavut Government of the costs incurred in the carrying out environmental reviews and such agreements may be made in lieu of or in addition to the other provisions of this part.



## **PART 10**

### **HARMONIZED REVIEWS**

#### **Act and regulations apply to reviews of initiatives subject to harmonization agreements**

**117.** The Act and these regulations apply to all initiatives except to the extent that they are varied or superseded by the terms of a harmonization agreement or an order of the minister under this part.

#### **Ministerial orders to provide for clarification of harmonization procedures**

**118.** Where a harmonization agreement is in effect the minister may issue an order clarifying the application of these regulations and the Act to initiatives that are to be reviewed pursuant to a harmonized process or for purposes of clarifying effect of the harmonization agreement on the procedures to be followed under the Act and these regulations.

#### **Ministerial orders for purposes of harmonized reviews**

**119.** Subject to section 118, where a harmonization agreement is in effect and applies to an initiative the minister shall issue an order exempting the initiative from review pursuant to the Act and directing that the review be carried out pursuant to the environmental assessment process provided for under the applicable harmonization agreement.

#### **Notice respecting harmonized environmental reviews**

**120.** Where the minister issues an order pursuant to section 119 the minister shall provide public notice of the harmonized environmental review on the Nunatsiavut Government web site and by any other means the minister considers appropriate.

#### **Content of notice respecting harmonized reviews**

**121.** The notice under section 120 shall:

- (a) be published in English and Inuktitut;
- (b) inform Inuit of the initiative and how to obtain copies of, or access to, information relating to the initiative;
- (c) provide a summary of the process to be used to review the initiative;
- (d) give notice of the arrangements to be used to consult the public about the initiative and its possible Environmental Effects;
- (e) provide all information necessary for Inuit to supply any knowledge or views they may have about the initiative and its possible Environmental Effects; and
- (f) state the date by which public views are to be provided and to whom they are to be provided.

### **Departmental responsibilities in relation to harmonized reviews**

- 122.** The Environment Division shall, in relation to a harmonized review:
- (a) collect and compile all written submissions made by Inuit;
  - (b) forward copies of submissions referred to in subsection (a) to the other departments of the Nunatsiavut Government;
  - (c) consult with other departments and agencies of the Nunatsiavut Government and the Authorities, as necessary for purposes of preparing a departmental review of the initiative;
  - (d) carry out a review and analysis of the information supplied by the proponent in relation to the initiative and all information collected in relation to the initiative including:
    - (i) an assessment of the initiative and its potential Environmental Effects in light of the objectives of environmental protection set out in section 3.2 of the Act;
    - (ii) an assessment of the initiative and its potential Environmental Effects in relation to the cultural, environmental and economic values of Inuit;
    - (iii) an evaluation and assessment of relevant Inuit knowledge with respect to the initiative and its potential Environmental Effects; and
    - (iv) a summary and analysis of the views of the Advisory Committee and of any person, body or authority that conducts the harmonize environmental assessment process or that issues an analysis, assessment or other report as a concluding result of the harmonized environmental assessment process.

### **Departmental report, advice and recommendations to minister**

**123.** The Environment Division shall submit the results of its evaluations and assessments of the initiative and its advice and recommendations in relation to the initiative and its potential Environmental Effects to the minister in the form of a written report.

### **Minister's decision following harmonized review**

**124.** Where the harmonized review has been carried out in relation to an initiative that is subject to a summary review, the minister shall within 30 business days of receiving the report referred to in section 123 make his or her decision under section 4.11.10 of the Act and may for that purpose consult with the relevant Authority and the Executive Council.

### **Departmental report is confidential**

**125.** A Departmental report referred to in section 124 is confidential.

### **Ministerial report to Assembly on conclusion of harmonized review**

**126.** Where the harmonized review has been carried out in relation to an initiative that is subject to a detailed review, the minister shall, within 45 business days of the conclusion of the harmonized review process, table in the Assembly:

- (a) the results of the harmonized environmental assessment process including any analysis, assessment or other report issued as a concluding result of the harmonized process; and
- (b) a written report containing the minister's evaluations and assessments of the initiative and the minister's advice and recommendations in relation to the initiative and its potential Environmental Effects.

### **Procedure for tabling ministerial report if Assembly is not sitting**

**127.** If the Assembly is not sitting at the time when the minister is required to table the documents under section 126, the minister shall transmit a copy to each member and table the documents at the first opportunity during the next sitting of the Assembly.

## **PART 11**

### **INUIT KNOWLEDGE FOR PURPOSES OF REVIEWS**

#### **Rights to Inuit knowledge**

**128.** The Environment Division and in the case of a detailed review the Assembly is responsible for eliciting, gathering, compiling and interpreting Inuit knowledge in relation to a review.

#### **No person acquires rights to Inuit knowledge made available under these regulations**

**129.** No person, including any member of the public or the proponent, acquires any proprietary right to Inuit knowledge collected and recorded for the purposes of an environmental review or made available under sections 76, 79 and 101.

#### **Minister may establish conditions applicable to releases of Inuit knowledge**

**130.** Where the minister or the Environment Division has a duty to release Inuit knowledge in relation to the review the minister may establish terms and conditions related to the release, including restrictions on copying and a requirement that the information and all copies be returned to the Nunatsiavut Government on termination of the review.

#### **Permitted uses of Inuit knowledge made available under these regulations**

**131.** All Inuit knowledge released to the proponent or the public during a review shall be released solely for purposes of the review and subject to any rights to use the information for purposes of monitoring and follow-up that may be granted by the minister all rights to use the Inuit knowledge expire upon termination of the review.

## **Copyright**

**132.** All Inuit knowledge collected for purposes of an environmental review shall be copyrighted in the name of the Nunatsiavut Government, which shall assert its moral rights to the information.



## **Schedule A**

### **Initiatives Exempt from Registration and Environmental Review**

- A1. Aullâsimavet.
- A2. Temporary camps used for harvesting.
- A3. Temporary research camps used for less than 200 person days per year.
- A4. Cabins, houses, dwellings and associated structures used for non-commercial purposes.
- A5. Exploration unless it is subject to an Environmental Assessment under Federal or Provincial Law.
- A6. an undertaking, project, work or activity related to quarrying pursuant to an approved Work Plan.
- A7. Domestic wood cutting.
- A8. Maintenance of existing snowmobile trails.
- A9. Initiatives exempt from environmental review under federal and Provincial Laws unless the minister orders that they be subjected to environmental review.



## **Schedule B**

### **Fees payable in respect of Environmental Reviews**

B1.	On registration of a initiative for summary review	\$1,000
B2.	On registration of an initiative for detailed review	\$1,000



## **Schedule C**

### **Honoraria for Participants in Round Table Conferences**

- C1. Invitees who participate in round table conferences shall be paid an honorarium as follows:
- (a) for participation in a telephone or videoconference, \$30 per hour with a minimum of \$120.
  - (b) for personal attendance at a conference, \$240 per day.
  - (c) for personal attendance at a conference that is less than a day (8 hours) \$30.00 per hour with a minimum per day of \$150.
  - (d) for time spent in travel and in reviewing materials in preparation for round table conferences, \$30 per hour.
- C2. The minister may withhold or refuse to pay the whole or any portion of an honorarium to an invited participant whose behaviour at a round table conference is, in the opinion of the minister, impaired, inappropriate, improper or indecent.



## **Schedule D**

### **Initiatives that require detailed review**

The following initiatives shall undergo a detailed review:

- D.1 mines, mills and facilities, including roads and rights of way, related to the mining, production, concentration, milling, transportation, shipment, smelting or refining of Subsurface Resources.
- D.2 an undertaking that involves the production, handling, use or disposal of a nuclear substance.
- D.3 an electrical generating station with a capacity of more than one megawatt or a transmission line.
- D.4 a dam, dyke, reservoir or other structure for the storage or diversion of water.
- D.5 an oil or gas facility or oil or gas pipeline.
- D.6 a marine terminal.
- D.7 a public or private road or public highway excluding snowmobile trails, and short haul roads of a length less than 500 meters.
- D.8 an airport or runway excluding an ice strip.
- D.9 a waste management facility
- D.10 the application of pesticides or herbicides by aerial spraying or otherwise in wildlife or fish habitat.
- D.11 initiatives other than exempt initiatives adjacent to established Protected Areas.
- D.12 commercial forestry.

