

REGULATIONS RESPECTING ACCESS TO LABRADOR INUIT LANDS BY
NON-BENEFICIARIES FOR PURPOSES OF HARVESTING (2019)

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The Nunatsiavut Executive Council, acting on the advice of the Minister of Lands and Natural Resources, is pleased to enact the following regulations:

Short Title

1

These regulations are the *Harvesting Access by Non-Beneficiaries Regulations (2019)*.

Authority and Application

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- (1) These regulations are made under section 4.30 of the *Labrador Inuit Lands Act*.
- (2) These regulations do not apply to:
 - (a) Permanent Long-Term Residents who hold permits under the *Permanent Long-Term Resident Harvesting Regulations*;
 - (b) a Non-Beneficiary who holds a Surface Interest in Labrador Inuit Lands on the Effective Date whose name and property is identified on Schedule 12-D of the Labrador Inuit Land Claims Agreement and the Immediate Family of such Non-Beneficiary;
 - (c) a Non-Beneficiary resident of Labrador who wishes to camp on Labrador Inuit Lands while Harvesting in Tidal Waters outside Labrador Inuit Lands pursuant to section 12.13.9 of the Labrador Inuit Land Claims Agreement;

- (d) a Non-Beneficiary who wishes to enter Labrador Inuit Lands for purposes of commercial trapping and who holds a commercial trapping licence and is described in subsection 12.10.22(b) or (c) of the Labrador Inuit Land Claims Agreement; or
- (e) members of the Innu Nation or Inuit beneficiaries of the James Bay and Northern Quebec Agreement Harvesting in accordance with an overlap agreement.

Interpretation

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- (1) Unless the context otherwise requires, terms used in these regulations have the same meaning as in the Labrador Inuit Land Claims Agreement and the Act.

- (2) In these regulations:

“Act” means the *Labrador Inuit Lands Act*;

“applicant” means a Non-Beneficiary who applies for a permit under these Regulations;

“application form” means the application form set out in schedule A;

“authorized official” means an official authorized pursuant to section 5 to issue a Non-Beneficiary Harvesting Access Permit;

“Conservation Officer” means an official of the Nunatsiavut Government’s Department of Lands and Natural Resources designated as a Conservation Officer;

“Director” means the Director of Lands or the Director of Renewable Resources of the Department of Lands and Natural Resources of the Nunatsiavut Government;

“guest” includes

- (i) a guest, invitee, licensee or other person who is accommodated, served or supplied with a bed, food, drink, goods or services at a recreational camp whether for consideration or for free, and
- (ii) a guide, other than a guide who is a Beneficiary, who is employed at a recreational camp whose functions or duties may require access to Labrador Inuit Lands for purposes of Harvesting;

“permit” means

- (i) a Non-Beneficiary Harvesting Access Permit issued in accordance with these regulations and the form attached as schedule B, or
- (ii) a document issued by the owner or operator of a recreational camp pursuant to an agreement referred to in section 9 of these regulations identifying a Non-

Beneficiary as a current guest of the recreational camp who is permitted to access Labrador Inuit Lands for purposes of Harvesting;

“permit holder” means the Non-Beneficiary to whom a permit has been issued;

“Plant” has the meaning assigned to it in the Labrador Inuit Land Claims Agreement and for ease of reference means any species of plant, other than an Aquatic Plant, that is wild by nature and all seeds, parts and products thereof and includes trees and wild plant species that have been planted or transplanted in the wild by humans; and

“recreational camp” means a lodge, hotel, house, cabin, tent, camp or other premises used for the purpose of accommodating or catering to sport hunters, sport fishers, and travellers, tourists, and visitors of all kinds and includes Commercial Wildlife Operations, the Torngat Mountains National Park Base Camp and tourist establishments as defined under provincial law;

- (3) Schedules A and B form part of these regulations.

Prohibition

4

- (1) A Non-Beneficiary may not enter Labrador Inuit lands for purposes of Harvesting unless he or she holds a permit to do so under these Regulations.
- (2) A Non-Beneficiary may not enter Labrador Inuit lands for purposes of Harvesting by means of an aircraft unless he or she holds an authorization issued by the Minister under subsection 4.25(3) of the Act or pursuant to an agreement under section 10 of these regulations.

Who may issue a Non-Beneficiary Harvesting Access Permit

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The following officials of the Nunatsiavut Government are authorized to receive applications for permits, to issue permits, and to collect fees for the issuance of permits:

- (a) a Director;
- (b) a Conservation Officer; and
- (c) a members of the Nunatsiavut Civil Service who has been delegated the authority to do so by a Director in writing.

How a Non-Beneficiary Harvesting Access Permit is Issued

6

- (1) A Non-Beneficiary, other than a guest at a recreational camp, who wishes to Harvest in Labrador Inuit Lands must complete the application form and submit it to an authorized

official together with proof that the applicant holds valid, relevant, licences to harvest under applicable federal or Provincial law.

- (2) An authorized official must refuse to accept an application that is incomplete or if the permit fee is not paid at the time of the application.
- (3) An authorized official must refuse to issue a permit to an applicant who has in the past had his or her permit revoked or been a trespasser on Labrador Inuit Lands unless the applicant produces a written authorization issued by the Minister stating that the applicant may be issued a permit subject to the other provisions of these Regulations.
- (4) An authorized official may:
 - (a) refuse to issue a permit if he or she:
 - (i) is not satisfied as to the identity of the applicant; or
 - (ii) is not satisfied that the applicant holds the required licence to harvest under applicable federal or provincial law; or
 - (iii) has reason to believe that the issuance of a permit would be contrary to the best interests of Inuit, Wildlife, Plants, Fish, Labrador Inuit Lands or the Environment; or
 - (b) approve the application by issuing a permit; or
 - (c) approve the application subject to terms and conditions additional to those prescribed in section 7 that the authorized official deems necessary or appropriate.
- (5) If an authorized official considers that it is necessary or appropriate to issue a permit on terms and conditions that are additional to those prescribed in section 7, the additional terms and conditions must be set out in the permit.
- (6) If an authorized official refuses to issue a permit the authorized official must return the applicant's permit fee.

Conditions of Non-Beneficiary Harvesting Access Permits

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- (1) A permit holder may enter Labrador Inuit Lands for purposes of Harvesting subject to:
 - (a) section 4.26 of the *Labrador Inuit Lands Act*;
 - (b) terms and conditions established in accordance with subsection 6(4)(c) of these regulations; and
 - (c) the other provisions of this section.

- (2) A permit holder must produce his or her permit for inspection by an authorized official or a Conservation Officer when asked to do so.
- (3) A permit holder must also hold all other permits and licenses required in order to harvest under federal or provincial laws and produce them for inspection by an authorized official or a Conservation Officer when asked to do so.
- (4) A permit holder may not Harvest a species or stock of Fish or Wildlife that he or she is prohibited from Harvesting in terms of the permit notwithstanding that the permit holder may hold a valid licence to Harvest that species or stock of Fish or Wildlife under federal or provincial law.
- (5) A permit holder may not dig any surface material or disturb any Archaeological Material or Archaeological Site in Labrador Inuit Lands.
- (6) A permit holder may not Harvest for commercial purposes on Labrador Inuit Lands.
- (7) A permit holder may set up a temporary camp while Harvesting in Labrador Inuit Lands and may cut tent poles and firewood for purposes of camping.
- (8) A permit holder may not erect any structure other than a tent or snow house on Labrador Inuit Lands.
- (9) A permit holder may Harvest only those Plants or parts of Plants set out in the permit.
- (10) A permit holder may Harvest only in those places in Labrador Inuit Lands or a parcel of Labrador Inuit Lands that are designated on the permit.
- (11) A permit holder who breaches the Act, these regulations or the terms and conditions of the permit holder's permit may be dealt with as a trespasser on Labrador Inuit Lands.

Fees

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- (1) The fee for a permit is \$20.00.
- (2) The fee must be paid in cash to the authorized official at the time the application is made.
- (3) The permit is deemed to be the permit holder's receipt for payment of the fee.
- (4) An authorized official may waive payment of all or a portion of the fee by a Non-Beneficiary who:
 - (a) is a foster parent of a Beneficiary who is a minor or acts in the place of a parent of a Beneficiary who is a minor and wishes to Harvest on Labrador Inuit Lands in order to provide for the Beneficiary; or

- (b) wishes to Harvest on Labrador Inuit Lands in order to maintain a Beneficiary who is unable to provide for him or herself and is a dependent member of the Non-Beneficiary's household; and
 - (c) must waive payment of the fee where the applicant has been exempted or belongs to a group or class of Non-Beneficiaries exempted by the Minister from the requirement to pay a fee.
- (5) The Minister may:
- (a) in terms of an Agreement under subsection 10(1) of these Regulations and in the Minister's sole discretion stipulate additional fees for access to Labrador Inuit Lands for purposes of harvesting by guests at a recreational camp;
 - (b) in terms of an Agreement under subsection 10(1) of these Regulations and in the Minister's sole discretion waive payment of the fee by guests at a recreational camp owned or operated by the Nunatsiavut Government, Parks Canada Agency, the Government of Newfoundland and Labrador or the Inuit Capital Strategy Trust; or
 - (c) with the consent of the Nunatsiavut Executive Council, waive payment of the fee by guests at a recreational camp other than one referred to in paragraph (b) or by a Non-Beneficiary or a group or class of Non-Beneficiaries.

Access to Labrador Inuit Lands by Guests of Recreational Camps

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A guest at a recreational camp must not enter Labrador Inuit Lands for purposes of Harvesting unless:

- (a) the owner or operator of the recreational camp has entered into an agreement with the Minister under section 10 of these regulations that permits guests to have access to Labrador Inuit Lands for purposes of Harvesting; and
- (b) the guest or the guest's guide is in possession of documentation issued by the owner or operator of a recreational camp pursuant to an agreement under section 10 that identifies the guest as a current guest of the recreational camp who has permission to access Labrador Inuit Lands for purposes of Harvesting.

Agreements Respecting Harvesting Access by Guests of Recreational Camps

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- (1) The owner or operator of a recreational camp who wishes guests to have Harvesting access to Labrador Inuit Lands must enter a written agreement for that purpose with the Minister.
- (2) An agreement under subsection (1) must:

- (a) be consistent with the other provisions of these regulations unless the agreement explicitly provides to the contrary;
- (b) provide for administrative arrangements under which guests may be permitted to enter Labrador Inuit Lands from the recreational camp for purposes of Harvesting;
- (c) specify the means of transport that guests may use to access or enter Labrador Inuit Lands from the recreational camp for purposes of Harvesting;
- (d) ensure that the owner or operator informs guests of the terms and conditions upon which access to Labrador Inuit Lands is permitted as set out in the Act, these regulations and the agreement referred to in subsection (1);
- (e) provide for the collection and remittance of fees in respect of guests entering Labrador Inuit Lands for purposes of Harvesting;
- (f) require that the owner or operator of the recreational camp issue the documentation that is required in order to identify guests who may enter Labrador Inuit Lands from the recreational camp for purposes of Harvesting and the activities that are permitted;
- (g) without limiting section 11 of these regulations, establish sanctions and penalties for non-compliance with the Act, these regulations or the agreement by the owner or operator of the recreational camp or by a guest; and
- (h) provide for any other matter that the Minister considers necessary or advisable.

Compliance

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- (1) Conservation Officers are enforcement officers under the Act for purposes of these regulations.
- (2) A Conservation Officer may ask a Non-Beneficiary who is on Labrador Inuit Lands to produce his or her permit or otherwise justify his or her presence on Labrador Inuit Lands.
- (3) A Conservation Officer may revoke the permit of a permit holder who is not in possession of the permit while Harvesting on Labrador Inuit Lands.
- (4) A Conservation Officer may revoke the permit of a permit holder who is in breach of the Act, these regulations or the permit.
- (5) A Conservation Officer may, in his or her discretion, issue a verbal or written warning to a Non-Beneficiary who is in breach of the Act, these regulations or the permit or may treat such Non-Beneficiary as a trespasser on Labrador Inuit Lands.

- (6) A Conservation Officer who exercises a power or discretion under subsection (2), (3) (4) or (5) must prepare and submit an incident report to the Director.
- (7) An authorized official must not issue a permit to a Non-Beneficiary who has in the past had his or her permit revoked or been a trespasser on Labrador Inuit Lands unless the Non-Beneficiary produces written authorization signed by the Minister approving issuance of a permit to the Non-Beneficiary.

Appeal and Waiver

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- (1) A Non-Beneficiary whose permit been revoked by a Conservation Officer under subsection 11(4) may appeal the revocation to a Director in a form satisfactory to the Director within 30 days of the day on which the permit was revoked.
- (2) An appeal under subsection (1) must contain a detailed written statement as to why the permit should not be cancelled.
- (3) The Director may, after considering the statement under subsection (2) and the relevant incident report and speaking to the Conservation Officer and the Non-Beneficiary if the Director deems it necessary to do so, either confirm the revocation or overturn it.
- (4) A Director's decision under subsection (3) is final and except as provided under subsection (5) is not open to review or appeal.
- (5) A Non-Beneficiary whose permit been revoked or who has been determined to be a trespasser on Labrador Inuit Lands may petition the Minister to grant him or her eligibility to apply for a permit despite any trespass or breach of the Act, these regulations or a permit.

Repeal of prior regulations

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The *Harvesting Access By Non-Beneficiaries Regulations*, NGSL 2006-04 are repealed.

SCHEDULE 'A'

APPLICATION BY A NON-BENEFICIARY FOR A PERMIT TO ACCESS LABRADOR INUIT LANDS FOR PURPOSES OF HARVESTING

A \$20.00 fee must be paid prior to issuance of the permit.

<u>Application</u>	Application #: _____
Name: _____	
Date of Birth: _____	Telephone Number: () _____
Address: _____	
Federal/ Hunting Licence (No. & details): _____	
GNL Hunting Licence (No. & details): _____	
I hereby apply to the Nunatsiavut Government for access to the following Parcel(s) of Labrador Inuit Lands: _____	
for the period of: _____ 20__ to _____ 20__	
for the purpose of : <input type="checkbox"/> Harvesting for personal use. <input type="checkbox"/> Harvesting to maintain the following Beneficiary _____ who is dependent on me for the following reasons: _____ <input type="checkbox"/> Harvesting for other reasons or purposes as follows: _____	
I will access Labrador Inuit Lands by means of: <input type="checkbox"/> Foot, kayak, canoe or non-motorized boat <input type="checkbox"/> Motorboat <input type="checkbox"/> Snowmobile <input type="checkbox"/> ATV, truck or other motor vehicle.	
Species to be harvested and location(s): _____ _____	
If this application is approved, I agree to the terms and conditions governing access set out in section 4.26 of the <i>Labrador Inuit Lands Act</i> , the <i>Harvesting Access by Non-Beneficiaries Regulations (2018)</i> and this permit. I also understand and agree that the permit may be revoked without notice by a Conservation Officer if I breach any of the terms or conditions applicable to access under the <i>Labrador Inuit Lands Act</i> , the <i>Harvesting Access by Non-Beneficiaries Regulations (2018)</i> or this permit.	
_____ <i>Signature of Applicant</i>	_____ <i>Date</i>

SCHEDULE 'B'

**NUNATSIAVUT GOVERNMENT
PERMIT FOR A NON-BENEFICIARY TO ACCESS LABRADOR INUIT LANDS FOR PURPOSES OF HARVESTING**

Permission is hereby granted to _____, of _____ (hereafter the "permit holder") to enter Labrador Inuit Lands at _____ for purposes of Harvesting on the following terms and conditions:

1. This permit cannot be transferred or assigned to another person.
2. This permit cannot be extended or renewed and expires on the ___ day of ___ 20___ unless it is revoked or cancelled before that date.
3. The permit holder may Harvest the following species or stocks of Wildlife, Fish or Plants:

4. The permit holder must not Harvest any of the following despite any federal or provincial law permitting him or her to do so:

5. The permit holder must not Harvest in the following places or at the following times:

6. The permit holder must not interfere with any activity being carried out by Inuit on Labrador Inuit Lands
7. The permit holder must carry this permit at all times when Harvesting on Labrador Inuit Lands and must produce it for a Conservation Officer when asked to do so.
8. The permit holder must also carry all permits and licenses required under federal and provincial laws and produce them for a Conservation Officer if asked to do so.
9. The permit holder may not dig or remove any surface material or disturb any Archaeological Material or Archaeological Site in Labrador Inuit Lands.
10. The permit holder may not Harvest for commercial purposes.
11. The permit holder must not erect any structure other than a tent or snow house.
12. The permit holder may set up a temporary camp while Harvesting in Labrador Inuit Lands and may cut tent poles and firewood for purposes of camping.
13. The permit Holder may not Harvest any Plants or parts of Plants except as allowed under paragraphs 3 and 12 of this permit.
14. The permit holder must minimize waste production on Labrador Inuit Lands and must remove all items of personal property brought onto Labrador Inuit Lands, non-human waste, litter and garbage.
15. This permit does not authorize entry to Labrador Inuit Lands by means of aircraft.
16. The permit holder must comply with following additional conditions:

Authorized Official
Nunatsiavut Government

Date