

Appendices

10.0 APPENDICES

10.1 Appendix A – Definitions

In this plan, unless the context indicates otherwise, words and phrases have the same meaning as the same words and phrases in LILCA, and:

Accessory Use means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

Adversely Affect means to have an adverse effect on.

Agreement means the Labrador Inuit Land Claims Agreement and its preamble, schedules, appendices and map atlas.

Aullâvik means a settlement, camp or place in the Labrador Inuit Settlement Area other than a community, occupied by Inuit families or groups of Inuit on a seasonal, semi-permanent or permanent basis for hunting, fishing, trapping or gathering and for the use and enjoyment of the lands, waters and ocean of the LISA, but does not include:

- (a) a transient hunting camp or a site randomly occupied for a few days or weeks at a time;
- (b) a site, facility, camp or building constructed, used or operated for purposes of recreational hunting with a view to income or gain to the owner or operator;
- (c) a commercial plant operation as defined in section 12.1.1 of LILCA;
- (d) a sports fish camp; or
- (e) an aquaculture facility as defined in section 13.1.1 of LILCA.

Aullâsimavet is the plural of Aullâvik.

Authorizing Agencies means the departments, institutions and agencies responsible, under federal, provincial or Nunatsiavut Government legislation, for authorizing physical works or physical activities to be undertaken in LISA.

Beneficiary means an individual who is enrolled on the Register maintained by the Nunatsiavut Government as a beneficiary under the terms of the Labrador Inuit Land Claims Agreement.

Commercial Use means the use of land, building or structure for the purposes of buying and selling of commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.

Conservation Use is a use where the area is maintained in a natural state and left essentially undisturbed. Low-intensity recreational uses that have a minimal impact on the natural environment and require very little terrain or vegetation modification will be permitted where few, if any, buildings or structures are erected. The primary uses are natural heritage and vista appreciation and traditional hunting, fishing and gathering of country food.

Contaminant means a substance that causes or may cause an adverse effect on the environment as defined in the applicable Provincial, Federal and Nunatsiavut Government environmental legislation.

Cumulative Effects are changes to the environment caused by an activity in combination with other past, present, and reasonably foreseeable future actions. Their assessment and management is a key component of ecologically sustainable development.

Cumulative effects can occur in biophysical, social, economic, and cultural environments.

Regional cumulative effects assessment in LISA cannot take place until baseline data is collected and indicators and thresholds are established. Social, economic and environmental carrying capacities must also be agreed upon. These indicators, thresholds and carrying capacities must relate to biophysical (e.g. water quality, health of animals, state of habitat), economic (e.g. tax revenues, productivity), social (e.g. unemployment, need for hiring workers), and cultural (e.g. language, traditions) factors.

Development means a commercial or industrial undertaking, including a power generation or water exploitation undertaking, but excludes:

- (a) Exploration;
- (b) map staking;
- (c) a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve;
- (d) a Protected Area;
- (e) a Marine Protected Area; and
- (f) marine transportation, except where otherwise expressly provided in the Agreement.

Dwelling means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate living quarters and may include separate kitchen and sanitary facilities provided for the exclusive use of the household.

Dwelling, Seasonal means a dwelling used for recreation or traditional uses that is not used for continuous habitation or as a permanent residence.

Ecological Integrity, which includes hydrological integrity, means the condition of ecosystems in which:

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- (b) natural ecological processes are intact and self-sustaining; and
- (c) the ecosystems evolve naturally.

Environment 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 Assessment means:

- (a) an assessment of the environmental effects of a proposed undertaking, project, work or activity in Labrador Inuit Lands that is conducted in accordance with Inuit Laws made under part 11.3 of the LILCA;
- (b) an assessment of the environmental effects of a project or undertaking that is conducted under the Canadian Environmental Assessment Act;
- (c) an assessment of the environmental effects of a project or undertaking that is conducted under the Environmental Protection Act; or
- (d) an assessment that is conducted under two or more laws referred to in clauses (a), (b) and (c).

Environmental Effect means, in respect of a proposed undertaking, project, work or activity:

- (a) any change that the proposed undertaking, project, work or activity may cause in the environment, including any change to health and socioeconomic conditions, to physical and cultural heritage, to the current use of lands and resources for traditional purposes by aboriginal individuals, or to any structure, site or thing that is of historical, archaeological, palaeontological or architectural significance; and
- (b) any change to the proposed undertaking, project, work or activity that may be caused by the environment,

whether the change occurs within or outside Canada.

Governments means the Government of Newfoundland and Labrador and the Nunatsiavut Government and "Government" means either of them.

Habitat means the natural environment where wildlife or plants occur or on which they depend directly or indirectly in order to carry out their life processes.

Industrial Use includes the primary sector consisting of raw material extraction industries such as mining and farming and the secondary sector involving refining and manufacturing. The secondary sector is defined as the use of land or buildings for the purpose of manufacturing, fabricating, assembling, altering, repairing, packing, canning, storing, breaking up, demolishing, or treating any article, commodity or substance.

Infrastructure means roads, water and sewage facilities, transmission lines for electricity and a public airstrip or airport.

Inuit means all the members of the aboriginal people of Labrador, sometimes known as Eskimos, that has traditionally used and occupied and currently uses and occupies the lands, waters and sea ice of the Labrador Inuit Land Claims Area and is based on the criteria established in LILCA.

Inuit Community means one of the following communities: Nain, Hopedale, Makkovik, Postville or Rigolet.

Inuit Impacts and Benefits Agreement means an agreement between a developer and the Nunatsiavut Government with respect to major development in LISA outside of LIL or development within LIL. The matters that can be dealt with are described in Part 7.7 of the LILCA.

Land includes water and resources including wildlife.

Major Development means a development within the Labrador Inuit Settlement Area that involves during any five-year period either more than 150 person-years of employment or capital expenditures of more than \$40.0 million in constant 1998 dollars.

Mineral means any naturally occurring inorganic substance including gems, precious and base metals, coal and minerals contained in mine tailings, but does not include water, quarry materials, stratified deposits other than coal from which oil can be extracted, or petroleum.

Quarry Material means a substance used in its natural form for construction or agricultural purposes and includes clay, sand, gravel, shale, stone, topsoil, soil, marl, peat and peat moss; and a mineral, rock or stone capable of being cut or polished for use as an ornament, personal adornment or decoration.

Sensitive Area means a protected area, critical habitat, or an area of Labrador Inuit Lands declared by Nunatsiavut Government to be an environmentally or ecologically sensitive area.

Specified Material means stone including stone suitable for dimension stone, labradorite, chert, sand, gravel, clay, topsoil, soil, shale, marl, peat and peat moss when these substances are used for construction or agricultural purposes only.

Specified Material Permit means a permit to quarry a specified material issued by Nunatsiavut Government.

Sustainable means an ecosystem which can continue to exist in its present form for years to come without outside influences. Such influences could be the reintroduction of species that no longer reside in the area or curtailing hunting because historic hunting patterns cannot be maintained.

Threatened species has the meaning assigned to it in the Species at Risk Act, S.C. 2002, c. 29.

Tourism uses are defined as those that primarily attract tourists from outside of LISA. They include facilities such as outfitters accommodation; attractions such as historic sites and hiking trails; facilities to accommodate excursions from cruise ships; fishing and hunting.

Traditional Knowledge means the collective knowledge of Inuit with respect to the land, use and location of natural resources including wildlife, fish, marine animals and vegetation.

Wildlife means all species and populations of wild mammals, amphibians and birds and all parts and products thereof, but does not include Fish.

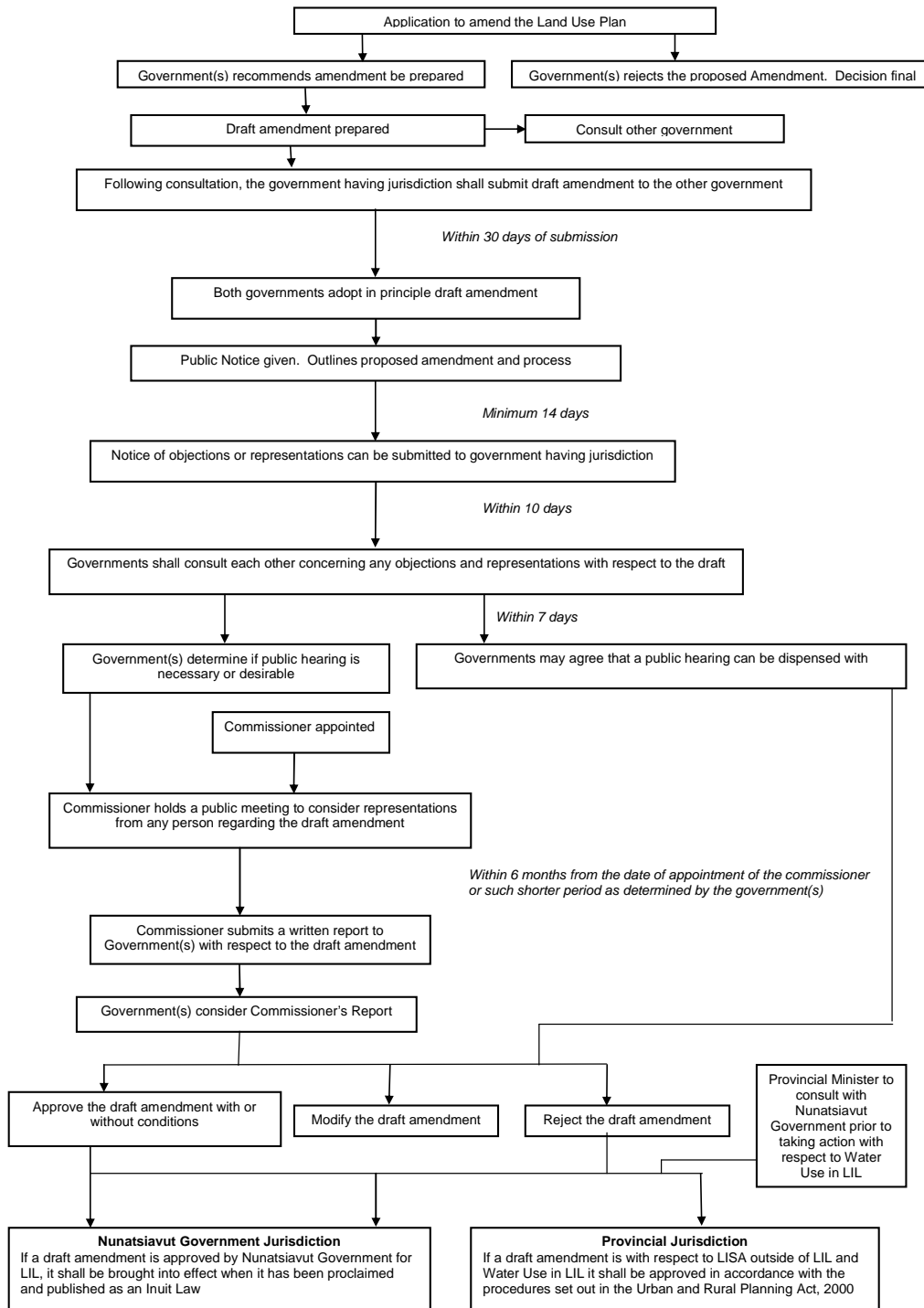
Winter Routes means corridors or routes that are not public and are used for transportation by snowmobile, dog sled or foot through rough terrain or to avoid unsafe sea ice areas or open water.

Winter Trails means trails in LISA set out in the Map Atlas to the LILCA and shown on Schedule 4-F of the LILCA that are used by the public for transportation by snowmobile, dog sled or foot without notice to, or consent of the Nunatsiavut Government, while snow covered during the period from December 1 in one calendar year to May 15 in the following calendar year or as varied by written agreement of all three levels of government.

Zone means the tidal waters as identified in the Inuit Land Claims Agreement. When used with respect to land, it refers to an area of land including buildings and water designated on a zoning map to which the uses, standards and conditions of a particular use zone table applies as provided for in a regulation under the Urban and Rural Planning Act, 2000.

10.2 Appendix B – Flow Chart for Amendments to the Regional Land Use Plan

Nunatsiavut Government administers amendments within its jurisdictional area being Labrador Inuit Lands (LIL). Minister of Municipal Affairs administers amendments within its jurisdictional area being Labrador Inuit Settlement Area (LISA) outside of LIL. For matters within both jurisdictional areas, amendments will be administered jointly. This flow chart is based on requirements of Part 10.10 of the Labrador Inuit Land Claims Agreement (LILCA).



10.3 Appendix C - Recommendations

The Regional Planning Authority presents the following recommendations to assist in undertaking the five year review and implementation of this Plan.

10.3.1 Detailed Area Plans and Strategies

- (a) Nunatsiavut Government and Parks Canada should develop a detailed land use and servicing plan for the Saglek area within LIL as a gateway to Torngat Mountains National Park.
- (b) Nunatsiavut Government, Parks Canada and Rigolet Inuit Community Government should investigate the potential of Rigolet to be the northern gateway to the proposed Mealy Mountains National Park and develop a detailed tourism strategy for this area.

10.3.2 Research

- (a) Traditional knowledge should be collected and collated on a comprehensive basis.
- (b) All levels of Government should access traditional knowledge to integrate with scientific knowledge for the purpose of making better land use decisions.
- (c) Research and data collection with respect to wildlife, habitat and renewable resources should be actively encouraged. Nunatsiavut Government and the Torngat Wildlife, Plants & Fisheries Secretariat are in the process of collecting data and undertaking research with respect to management of wildlife and renewable resources. This information is to be considered when amendments to the Plan are proposed and when the 5-year comprehensive review of this Plan is undertaken.
- (d) The Nunatsiavut, Provincial and Federal Governments should continue research on climate change and its effects on marine and terrestrial ecosystems within LISA.

10.3.3 Heritage Areas

- (a) Nunatsiavut Government should prepare a comprehensive plan for the area within the Heritage Area Designation Boundary for Hebron. The

comprehensive plan should address land uses and include a marketing and tourism strategy. Nunatsiavut Government should also enact legislation establishing a heritage designation for Hebron and surrounding area to ensure the preservation and protection of existing buildings, and that any restoration or reconstruction is in keeping with the historic character of the community.

- (b) Nunatsiavut Government should establish restrictions on the use of all-terrain vehicles in sensitive areas and in Heritage Areas to ensure that they operate on established trails only.

10.3.4 Tourism

- (a) There are a number of existing radar sites within LISA. When they are no longer required for national defence purposes, consideration should be given to retaining a radar facility as a tourist attraction given their historical significance in Labrador.

10.3.5 Mapping

- (a) Winter Routes should be identified using GPS and the information given to the Nunatsiavut Department of Lands and Resources for inclusion in a consolidated winter route map. This map can be referred to when considering development proposals.
- (b) The Nunatsiavut Department of Lands and Resources may identify Heritage Homesteads and Camping/Tenting Areas in addition to those shown on Schedule A. These shall be mapped and this information made available upon request, and will have the same status as those shown on Schedule A

10.4 Appendix D – Buffering and Setback Requirements

10.4.1 Cutting Permits

10.4.1.1 No domestic permit for cutting timber shall be issued within 100 metres of a cabin or known trap line.

10.4.2 Setbacks Respecting Inuit Land-based Activities

10.4.2.1 Exploration and mining are not permitted within 1 kilometre of existing cabins or Aullâsimavet in order to prevent interference with Inuit harvesting activities or enjoyment of the land.

10.4.2.2 For all other uses where Inuit have traditional tenure or a surface permit or licence for cabins, aullâsimavet or trap lines, no buildings or structures are permitted within 50 metres of land under a surface lease.

10.4.2.3 Established winter trails exist between communities and cabins, aullâsimavet and hunting areas. Many follow the only possible route due to topographical features or the avoidance of avalanche areas, open water and areas of unsafe sea ice. Any new development shall not interrupt such routes unless safe alternatives are provided which do not significantly increase travel distances.

10.4.3 Setbacks and Buffers

10.4.3.1 The protection of habitat for wildlife, birds and marine life is essential to protect and maintain existing populations and provide for increases in these populations.

10.4.3.2 The following setbacks shall apply to all development for uses within this Plan.

Plate 20– Setbacks and Buffers

Birds and Wildlife	Setbacks and Buffers for Specific Species
Caribou Habitat	Winter habitat and calving areas shall be identified during the Environmental Assessment Process. For major development a buffer of 10 kilometres shall be created around calving areas.
Harlequin Ducks	A 100 metre setback from the high water mark shall be maintained on river habitat for Harlequin Ducks.
Migratory Birds	See section 5.5
Endangered, Vulnerable and Threatened Species	See section 5:6
Setbacks and Buffers for Topographical Features	
Topographical or Built Features	Setbacks and Buffers for Topographical Features
Watercourses, Wetlands, Lakes, Ponds and Coastal Waters	A minimum vegetation buffer zone of 15 metres shall be maintained from the shoreline or watercourse. The exception to this is with respect to docks, buildings or structures required for navigational purposes and those required for marine shipping, boating and fishing.
Winter Trails	To minimize impact the width of the cleared trail shall not exceed 6 metres. When it follows a watercourse it shall be setback 30 metres.

10.4.3.3 The setbacks established in Plate 20 may be adjusted by the Authorizing Agencies after completion of an environmental assessment that addresses the species and topographical features in detail, in conjunction with the proposed development.

10.5 Appendix E - Permits and Licences

Throughout this Plan, there are a number of land uses that require a permit or licence before the use can proceed. The issuance of the permit or licence is primarily related to which government has jurisdictional control. The following table is a guide to which government has jurisdiction.

Permit or Licence For	Land Within Labrador Inuit Lands (LIL)	Land within the Labrador Inuit Settlement Area (LISA) outside of Labrador Inuit Lands (LIL)
Access to Land	Permission must be obtained from Nunatsiavut Government to access LIL except as permitted in LILCA and for Inuit Beneficiaries.	
Domestic harvesting permit for firewood	Nunatsiavut Government may require a permit to be issued for domestic cutting.	A permit for domestic cutting will be required from the Province.
Carving Stone	An Inuk who wishes to extract Carving Stone from Labrador Inuit Lands may be required to obtain a permit from Nunatsiavut Government. Where the Province has issued a Subsurface Interest, Nunatsiavut Government shall consult the Province to establish terms and conditions for the Carving Stone Permit.	An Inuk has the right to extract up to 50 cubic metres per year of Carving Stone from Crown land where such extraction does not interfere with the authorized use of the Crown land and of resources by holders of Surface Interests and Subsurface Interests. Where an Inuk or Inuit extract more than 50 cubic metres per year of Carving Stone from a site within LISA outside of LIL, a quarry permit or lease must be obtained by NG under Provincial Legislation.
Quarrying	Provincial Quarry Materials Act and Regulations Within Specified Material Lands, Nunatsiavut Government issues the permit and notifies the Province.	Provincial Quarry Materials Act and Regulations
Mineral Exploration	Required as per Provincial Regulation 39/07 under the Mineral Exploration Standards Regulations and LILCA	Provincial Mineral Act and Mining Act and regulations there under.
Mining	Provincial Mining Act and Regulations	Provincial Mining Act and Regulations



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Permit or Licence For	Land Within Labrador Inuit Lands (LIL)	Land within the Labrador Inuit Settlement Area (LISA) outside of Labrador Inuit Lands (LIL)
Cabins	Permit required for new cabins by Nunatsiavut Government.	Permit required for new cabins from the Labrador Regional Lands Office, Crown Lands Administration Div, Dept of Environment & Conservation

Notes: In some instances, Nunatsiavut Government has jurisdiction under LILCA, but may not exercise its authority to issue a permit or licence.

Refer to LILCA and appropriate legislation with respect to above matters.

10.6 Appendix F – Acronyms and Abbreviations

COSEWIC	Committee on the Status of Endangered Wildlife in Canada
DFO	Department of Fisheries and Oceans (Federal)
ESA	Endangered Species Act (Provincial)
EC	Environment Canada (Federal)
EIS	Environmental Impact Study or Environmental Evaluation
EML	Exempt Mineral Lands
HADD	Harmful Alteration, Disruption or Destruction (of fisheries habitat)
IBA	Impacts and Benefits Agreement
LAA	Department of Labrador and Aboriginal Affairs (Provincial)
LIL	Labrador Inuit Lands
LIDC	Labrador Inuit Development Corporation
LISA	Labrador Inuit Settlement Area
LILCA	Labrador Inuit Land Claims Agreement
MA	Department of Municipal Affairs (Provincial)
MBCA	Migratory Birds Convention Act
NR	Department of Natural Resources (Provincial)
ENVC	Department of Environment and Conservation (Provincial)
NGLR	Nunatsiavut Government Dept. of Lands and Resources
NGCTR	Nunatsiavut Government Dept. of Culture, Tourism and Recreation
NHIC	Natural Heritage Information Centre
PAO	Provincial Archaeology Office
PWS	Protected Water Supply
SARA	Species at Risk Act (Federal)
SML	Specified Material Lands
SSAC	Species Status Advisory Committee (Provincial)
TMNP	Torngat Mountains National Park
VTE	Vulnerable, Threatened or Endangered (Species)

m	metre
km	kilometre
sq.m or m ²	square metres
ha	hectare
sq.km or km ²	square kilometres
cu.m or m ³	cubic metres
ft	feet
mi	miles
sq.ft. or ft ²	square feet
sq.mi	square miles
cu.yd or yd ³	cubic yards
l	litre

10.7 Appendix G – Conversions of Area and Length (approximate)

Area		Length	
4000 sq.m.	1 acre	15 m	50 feet
1 ha	2.5 acres	30 m	100 feet
2 ha	5 acres	50 m	165 feet
25 ha	62 acres	100 m	328 feet
38 ha	94 acres	120 m	400 feet
40 ha	100 acres	300 m	985 feet
1 sq.km (100 ha)	0.39 sq.mi. or 247 ac	1 km (1,000 m)	0.6 miles (3,280 ft) 0.5 Nautical miles
5 sq.km (500 ha)	1.93 sq.mi. or 1,236 acre	5 km (5,000 m)	3.1 miles (16,404 ft) or 2.7 Nautical miles
10 sq.km (1,000 ha)	3.86 sq.mi. or 2,471 acre	10 km	6.2 miles or 5.4 Nautical miles
25 sq.km (2,500 ha)	9.65 sq.mi. or 6,178 acre	25 km	15.5 miles or 13.5 Nautical miles
50 sq.km (5,000 ha)	19.31 sq.mi. or 12,355 acre	50 km	31 miles or 27 Nautical miles
100 sq.km (10,000 ha)	38.61 sq.mi. or 24,710 acre	100 km	62 miles or 54 Nautical miles