



# Transportation and Utilities

## **7.0 TRANSPORTATION AND UTILITIES**

### **7.1 Utilization of Transportation Facilities**

7.1.1 Unless increased use will have a detrimental impact on a community existing port facilities and roads are to be fully utilized to prevent the need for construction of new facilities or infrastructure.

7.1.2 The government having jurisdiction shall determine if it is appropriate for road or port facilities to be used exclusively for a development or if it is also to be part of the transportation network.

### **7.2 Winter Trails and Winter Routes**

7.2.1 An established network of groomed winter trails and routes connect the communities of North West River, Rigolet, Postville, Makkovik and Hopedale.

7.2.2 New winter routes may be established to increase access throughout LISA.

7.2.3 There are a number of unmarked winter routes that are not groomed but are known locally as important routes. These routes shall not be blocked and must be taken into consideration before any development activity. Winter routes should be identified using Global Positioning Systems (GPS) and mapped for use in evaluating development proposals.

### **7.3 Roads**

7.3.1 New roads should follow existing transportation corridors where possible.

7.3.2 Roads may be established to connect Inuit Communities to new developments and to roads outside of LISA.

### **7.4 Docks**

Docks are under federal jurisdiction and as such not covered by this Plan. However road access to docks are subject to this Plan. Approvals for roads or land development will require an environmental assessment. Prior to approval for any land use or roads associated with a dock, it shall be determined that the dock is appropriately located so that it will have minimal impact on wildlife and habitat

including the potential for shipping during periods when sea ice is present, as sea ice is important habitat for seals and polar bears, as well as a winter route for Inuit.

## **7.5 Airstrips**

7.5.1 It is anticipated that existing airstrips will remain in their present locations while this Plan is in effect, except possibly the Nain facility, which may be relocated inland.

7.5.2 New airstrips should not be located in sensitive areas and should avoid bird habitat to reduce possible bird collisions with airplanes.

## **7.6 Utility Corridors**

7.6.1 Utility corridors for electric power transmission lines and pipelines to move gas and/or petroleum products may be permitted within the General Use designation subject to an environmental assessment if required.

7.6.2 Within the Traditional Use designation utility corridors for electric power transmission lines and pipelines to move gas and/or petroleum products may be permitted as a discretionary use if:

- (a) the government having jurisdiction determines that the use is appropriate in the proposed location
- (b) public consultation is undertaken to inform residents of the proposal
- (c) an environmental assessment is undertaken where required
- (d) the Nunatsiavut Government determines it will not adversely impact on a winter route

7.6.3 Utility corridors should follow existing transportation corridors if possible.

## **7.7 Power Generation**

Within Traditional Use and General Use designations, renewable energy sources such as wind, solar and mini-hydroelectric facilities are permitted subject to the environment assessment process.

## **7.8 Transportation Schedule**

- 7.8.1 Schedule B of this Plan identifies winter trails, coastal boat routes and airfields within LISA in relation to external transportation facilities.
- 7.8.2 Winter trails are existing trails where the right of way is retained to provide for winter travel.
- 7.8.3 Winter routes, although not shown on Schedule B are vital for movement within LISA and the right of way shall be retained for this purpose.



**INTERPRETATION, IMPLEMENTATION AND DEVELOPMENT CONTROL**

## **8.0 INTERPRETATION, IMPLEMENTATION AND DEVELOPMENT CONTROL**

It is the responsibility of the Province and Nunatsiavut Government to implement this Plan. The following policies shall be used to assist in implementation.

### **8.1 Interpretation**

If there are inconsistencies between this Plan and the Labrador Inuit Land Claims Agreement, the agreement prevails to the extent of the inconsistency.

### **8.2 Boundaries and Measurements**

The boundaries between different land use designations are generally meant to be considered as approximate. However, when boundaries are fixed geographical barriers such as roads, rivers, lakes or coastline they are absolute boundaries.

Some land use designations include coastal waters. The designation applies to land and islands but not tidal waters within the jurisdiction of Canada.

All measurements in this Plan are metric with the approximate non-metric equivalent provided in Appendix G for reference purposes only.

### **8.3 Exempt Land Use Activities**

The following activities are exempt from this Plan:

- (a) traditional land use and occupancy by Inuit including hunting, trapping and gathering of eggs, berries and plants as well as travel over the land, occupancy of legally established cabins and the temporary erection of tents
- (b) activities carried out in response to an emergency, law enforcement, national defence or similar activities as provided for in LILCA

### **8.4 Grants, Leases, Licences and Land Transfers**

LILCA identifies parcels of land that were exempted from being Labrador Inuit Land. For the most part these are crown grants and land transfers that were in place prior to the effective date of LILCA and are identified in Appendix A-4 of LILCA.

In addition, many leases, licences and permits were in existence on LIL on the effective date of LILCA. These LIL parcels are identified in Appendix A-5 of LILCA. The land use plan shall apply to these parcels.

## **8.5 Definitions**

Unless the context indicates otherwise, words and phrases in this Plan have the same meaning as the same words and phrases in LILCA.

Appendix A of this Plan contains a number of definitions used within this Plan.

## **8.6 Acronyms and Abbreviations**

A number of acronyms and abbreviations are used in this Plan. At the first appearance of the acronym or abbreviation it is spelled out, with the short form shown in brackets. A full list of acronyms and abbreviations used is provided in Appendix F.

## **8.7 Non-Conforming Uses**

- 8.7.1 Any use of land, water, tidal waters, or buildings within the LISA when this Plan comes into effect that does not conform to this Plan or which becomes non-conforming as a result of an amendment to this Plan, may continue without conforming to this Plan.
- 8.7.2 If a non-conforming use permitted under Section 8.7.1 ceases for a continuous period of 12 months, it loses its status as a permitted non-conforming use.
- 8.7.3 In special instances, it may be appropriate to recognize non-conforming uses and permit an extension or enlargement so as to avoid undue hardship.
- 8.7.4 In considering applications for enlargements or extensions to a non-conforming use, the possibility of relocation or making changes so that it is more compatible with surrounding uses shall be considered.

## **8.8 Public Uses**

Within all designations, buildings or structures for infrastructure shall be permitted. Appropriate conditions may be incorporated into any agreement, permit or licence to ensure the proposed use conforms with the goals and objectives of this Plan.

## **8.9 Development Regulations or Zoning By-law**

8.9.1 Unlike most jurisdictions, the majority of land within LISA is owned by federal, provincial or Nunatsiavut governments. In order to develop any land within LISA a permit or some form of authorization is required. For this reason, no development regulations or zoning by-law is required at this time.

8.9.2 Before entering into any form of authorization including an IBA, permit or licence the Authorizing Agency shall ensure the proposed use conforms with this plan.

## **8.10 Precautionary Principle**

The precautionary principle is a distinctive approach to managing threats of serious or irreversible harm where there is scientific uncertainty. It recognizes that the absence of full scientific certainty is not a reason to postpone decisions where there is risk of serious or irreversible harm. Even when scientific information is inconclusive, decisions must be made to meet society's expectations that risks be addressed and living standards maintained. The Precautionary Principle is found in the Canadian Environmental Protection Act, 1999.

Since much of LISA is relatively uncharted with respect to detailed information, this Plan uses the Precautionary Principle in considering development.

## **8.11 Cumulative Effects**

Cause and effect relationships for cumulative effects should be undertaken, with focus on the following:

- (a) the impact on wildlife, water quality and quantity and aquatic plants and animals
- (b) relationship between caribou and land use activities, with focus on range utilization in response to surface disturbance
- (c) the cumulative impacts of exploration and development activities on caribou herd population viability
- (d) the cumulative surface disturbance impacts and potential effects on habitat quantity and quality
- (e) impacts on human health

## 8.12 Permits and Licences

A number of activities require a permit or licence. Appendix E lists permits and licences that may be required as they relate to land uses. The Nunatsiavut and Provincial Governments may have additional permits or licences not listed in Appendix E.

## 8.13 Historic Resources, Archaeological Areas and Burial Sites

8.13.1 A permit is required prior to any Archaeological activity. Within LIL, application is made to Nunatsiavut Government. Within LISA outside of LIL, application is made to the Province.

For matters within Nunatsiavut Government jurisdiction Torngâsok Cultural Centre is the prime contact. The Provincial Archaeology Office is the prime contact for all other areas. The two governments will consult concerning issuance of permits.

8.13.2 Requirements for dealing with archaeology, Inuit cultural materials, Inuit burial sites and human remains are set out in Chapter 15 of LILCA.

8.13.3 Prior to any development, an archaeological overview assessment of the proposed project will be carried out. If it is determined by the authority after this review that archaeological impact assessment in the field is required, a permit will be obtained.

8.13.4 Development agreements shall contain a requirement that if during construction any archaeological or cultural heritage resources (including human remains) are found, all work shall cease and Nunatsiavut Government notified if within LIL, or the Provincial Archaeology Office if within LISA outside of LIL.

## 8.14 Inuit Impacts and Benefits Agreement

Prior to permits and/or licences being issued for major development in LISA outside of LIL or for development within LIL, an Inuit Impacts and Benefits Agreement (IBA) shall be required to ensure that development is consistent with and promotes Inuit cultural goals and will be beneficial to Inuit. Negative impacts on the environment, Inuit or Inuit rights are to be avoided or mitigated. Within the agreement, provision must be made for compensation consistent with the nature and scale of the development in cases where negative impacts occur.

Matters that are appropriate for negotiation and inclusion in an IBA are set out in Schedule 7-A of the LILCA.

### **8.15 Regional Land Use Plan Review**

This plan is for a 10-year planning horizon.

A comprehensive review shall be undertaken at 5-year intervals to ensure that policies within the Plan are adequate for achievement of goals and objectives and remain valid and realistic in light of prevailing circumstances.

### **8.16 Amendments**

8.16.1 Changing conditions may necessitate amending this Plan.

8.16.2 Each proposed Amendment shall contain background reports and complete justification for the proposed change. Amendment procedures as outlined in specific designations shall apply. All Amendments shall conform to Goals and Objectives contained herein.

8.16.3 Refer to Appendix B – “Flow Chart for Amendments to the Regional Land Use Plan”.

### **8.17 Appeals**

A decision of Nunatsiavut Government, the Minister of Municipal Affairs or an Inuit Community Government regarding the implementation of the Land Use Plan may be appealed by a Person directly affected by a decision pursuant to appeal provisions of the Urban and Rural Planning Act, 2000, and Section 10.11 of the LILCA.

Establishment of an Appeal Board is set out in Section 10.11 of the LILCA.

A decision of the Appeal Board shall be final and binding, subject only to judicial review in accordance with section 10.11 of the LILCA and the Urban and Rural Planning Act, 2000.

### **8.18 Recommendations**

In the preparation of this Plan, the Regional Planning Authority identified some issues that should be addressed to assist in undertaking the five year review of the Plan. Appendix C lists these recommendations.