

NUNATSIAVUT ASSEMBLY

IL 2016-03

Commercial Fishing Camps Authorization Act, 2016

AN ACT TO AUTHORIZE THE NUNATSIAVUT GOVERNMENT TO ISSUE
LEASES TO ADLATOK LIMITED AND NEWFOUNDLAND CAPITAL
CORPORATION LIMITED TO OPERATE COMMERCIAL FISHING CAMPS
ON LABRADOR INUIT LANDS

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WHEREAS Adlatok Limited, a body corporate registered in the Province of Newfoundland and Labrador, is holder of a tourist establishment license issued by the Government of Newfoundland and Labrador and has applied to the Nunatsiavut Government for a lease for a 1.0 hectare piece, parcel or lot of Labrador Inuit Lands within Parcel LIL-14 shown on Map Atlas Sheet 81 for purposes of operating a commercial fishing camp;

AND WHEREAS Newfoundland Capital Corporation Limited, a body corporate registered in the Province of Newfoundland and Labrador, is holder of a tourist establishment license issued by the Government of Newfoundland and Labrador and has applied to the Nunatsiavut Government for a lease for a 1.0 hectare piece, parcel or lot of Labrador Inuit Lands within Parcel LIL-20 shown on Map Atlas Sheet 101 for purposes of operating a commercial fishing camp;

AND WHEREAS the Nunatsiavut Executive Council on September 21, 2015, approved both applications in writing pursuant to clause 2.11(1)(c) of the *Labrador Inuit Lands Act*;

AND WHEREAS the Minister of Lands and Natural Resources has obtained clearance from all relevant departments and divisions of the Nunatsiavut Government pursuant to subsection 2.28(1) of the *Labrador Inuit Lands Act* with respect to both applications;

AND WHEREAS section 5.2 of the *Labrador Inuit Lands Act* requires a person who wishes to develop any Labrador Inuit Land for commercial or industrial purposes before


3.9.16

the Land Use Plan is in effect to petition the Nunatsiavut Assembly for an Act authorizing the development on such terms and conditions as the Assembly may deem necessary and desirable;

AND WHEREAS the Minister gave his written consent to the petition of Adlatok Limited in a letter to the Assembly dated November 13, 2015, which he tabled at the November 2015 sitting, and the petition was approved by the Assembly on November 25, 2015;

AND WHEREAS the Minister gave his written consent to the petition of Newfoundland Capital Corporation Limited in a letter to the Assembly dated November 13, 2015, which he tabled at the November 2015 sitting, and the petition was approved by the Assembly on November 25, 2015;

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

Short Title

1. This Act may be cited as the *Commercial Fishing Camps Authorization Act, 2016*.

Interpretation

2. In this Act:
 - (a) "Assembly" means the Nunatsiavut Assembly;
 - (b) "Beneficiary" means a Beneficiary of the Labrador Inuit Land Claims Agreement;
 - (c) "Minister" means the member of the Nunatsiavut Executive Council responsible for the Department of Lands and Natural Resources and the *Labrador Inuit Lands Act*; and
 - (d) "Qualified Inuit Guide" has the same meaning as defined in the Labrador Inuit Land Claims Agreement.

Waiver of impacts and benefits agreements

3. Pursuant to clause 2.11(1)(e) of the *Labrador Inuit Lands Act*, the Assembly hereby waives the requirement for impacts and benefits agreements in respect of the existing developments by Adlatok Limited and Newfoundland Capital Corporation Limited.

Minister authorized to issue lease to Adlatok Limited

4. The Minister is hereby authorized to lease a 1 hectare piece, parcel or lot of land in Labrador Inuit Lands Parcel 14 identified on Map Atlas Sheet 81 to Adlatok

Limited as lessee for a term of 20 years under section 4.11 of the *Labrador Inuit Lands Act* on such terms as the Minister deems necessary or advisable subject to the following:

- (a) the lessee shall pay an annual rent of not less than Five Hundred (\$500) dollars which may be increased from time to time at the discretion of the Minister on six months prior written notice to the lessee;
- (b) the lease shall prohibit the lessee from using the land for any purpose other than a commercial fishing camp without the prior written approval of the Minister;
- (c) notwithstanding section 3.5(b) of the *Nunatsiavut Environmental Protection Act* the lessee may, with the express written consent of the Minister, continue to operate and maintain all infrastructure and buildings that exist on the land as at the date of the lease provided that any new structure or building must be located at least 50 metres from the ordinary high water mark of any body of water;
- (d) all guides hired by the lessee at the fishing camp shall be Qualified Inuit Guides provided that where there are no Qualified Inuit Guides the lessee shall, when hiring for guiding positions, give priority hiring to Beneficiaries; and provided further that when hiring for all other positions at the fishing camp the lessee shall give first priority to qualified Beneficiaries;
- (e) the lessee must obtain from the provincial government all necessary permits and authorizations and must comply with all applicable regulations for the operation of a commercial fish camp in the province and must maintain all such permits and authorizations in good standing at all times during the term of the lease;
- (f) the Lessee must prior to the 31st day of December in each year during the term of the lease provide the Minister with a report showing the number of days the fish camp was occupied in the year, the number of guests accommodated at the camp in the year, the names and addresses of the Beneficiaries employed at the fish camp for that year and the numbers of fish caught, kept and released; and
- (g) such other terms and conditions as may be required by the Minister.

Minister authorized to issue lease to Newfoundland Capital Corporation Limited

5. The Minister is hereby authorized to lease a 1 hectare piece, parcel or lot of land in Labrador Inuit Lands Parcel 20 identified on Map Atlas Sheet 101 to Newfoundland Capital Corporation Limited as lessee for a term of 20 years under section 4.11 of the *Labrador Inuit Lands Act* on such terms as the Minister deems

necessary or advisable subject to the following:

- (a) the lessee shall pay an annual rent of not less than Five Hundred (\$500) dollars which may be increased from time to time at the discretion of the Minister on six months prior notice to the lessee;
- (b) the lease shall prohibit the lessee from using the land for any purpose other than a commercial fishing camp without the prior written approval of the Minister;
- (c) notwithstanding section 3.5(b) of the *Nunatsiavut Environmental Protection Act* the lessee may, with the express written consent of the Minister, continue to operate and maintain all infrastructure and buildings that exist on the land as at the date of the lease provided that any new structure or building must be located at least 50 metres from the ordinary high water mark of any body of water;
- (d) all guides hired by the lessee at the fishing camp shall be Qualified Inuit Guides provided that where there are no Qualified Inuit Guides the lessee shall, when hiring for guiding positions, give priority hiring to Beneficiaries; and provided further that when hiring for all other positions at the fishing camp the lessee shall give first priority to qualified Beneficiaries;
- (e) the lessee must obtain from the provincial government all necessary permits and authorizations and must and comply with all applicable regulations for the operation of a commercial fish camp in the province and must maintain all such permits and authorizations in good standing at all times during the term of the lease;
- (f) the Lessee must prior to the 31st day of December in each year during the term of the lease provide the Minister with a report showing the number of days the fish camp was occupied in the year, the number of guests accommodated at the camp in the year, the names and addresses of the Beneficiaries employed at the fish camp for that year and the numbers of fish caught, kept and released,; and
- (g) such other terms and conditions as may be required by the Minister.

Minister may Terminate Leases

6. The Minister may, in his discretion, terminate a lease made pursuant to section 4 or section 5 in the event of:

- (a) a breach of any of the conditions specified in those sections;
- (b) a breach of any other condition contained in an indenture of lease made by the Minister pursuant to those sections;

- (c) non-compliance with any term or condition of a licence, permit or other authorization applicable to the lessee's undertaking on the land; or
- (d) a breach of any applicable legislation.

Coming into Effect

7. This Act comes into effect upon its registration pursuant to the *Nunatsiavut Laws Registration Act*.