

Nunatsiavut Land Use Planning: Structural and Political Issues

Andrea Procter and Keith Chaulk

In 2005, the Inuit of northern Labrador, Canada, signed a land claims agreement with the Federal and Provincial governments that provides them with shared governance of the region of Nunatsiavut (“our beautiful land” in Inuttitut). After almost thirty years of negotiations, hope is high that, finally, the Inuit will regain control over their homeland and will be able to govern themselves based on their own values and priorities. One opportunity for this resurgence of Inuit governance is in land use planning.

Chapter 10 of the final agreement requires that the Nunatsiavut Government and the Provincial government of Newfoundland and Labrador jointly develop and approve a land use plan for Nunatsiavut, not including Federal lands and waters (INAC 2005). Nunatsiavut is 72,520 square kilometers, and encompasses Inuit ancestral homes and harvesting areas, rich mineral resources, abundant char and salmon rivers, and caribou habitat. A co-management body was created in 2008 to develop this plan over a three-year period (2008 – 2011). The Regional Planning Authority (RPA) consists of two Nunatsiavut appointed representatives and two Provincially appointed representatives, and is assisted by a certified planner. At the time of writing (September 2010), the RPA is in the midst of revising a draft plan for Nunatsiavut.

This paper explores the practical and structural challenges of planning in an Inuit territory, but it also examines the larger political context of land use planning and Aboriginal-state relations in Labrador, which we argue has significant bearing on the success of the planning process. As we see it, the ability of Labrador Inuit to achieve their goals through land use planning is related to a number of issues, including: 1) the ability of the RPA and the planner to understand the diverse goals and perspectives of Inuit through widespread Inuit participation in planning; 2) the structural limitations of planning to accommodate alternative or innovative options; 3) the strength of the co-management process in obtaining approval of the RPA’s draft plan from both the Provincial and the Nunatsiavut governments; and 4) the ability of both governments to adhere to the plan and to continue to keep Inuit interests foremost in the future. At this stage in the process (summer 2010), the first two issues are especially relevant; the last two have not yet come into play, but all four will influence the success of planning in Nunatsiavut.

About the authors

Andrea Procter is a Ph.D. candidate in anthropology at Memorial University of Newfoundland, and was granted observer status by the RPA for its meetings. Keith Chaulk, Ph.D., is currently the Director of the Labrador Institute of Memorial University and was one of two Nunatsiavut beneficiaries originally appointed to sit on the Regional Planning Authority. Keith stepped down from the RPA in 2008 due to other commitments.

Planning in Nunatsiavut

The Labrador Inuit Land Claim Agreement divides the jurisdiction of lands and resources of Nunatsiavut among four different government bodies. In general terms, the Nunatsiavut Government owns the surface rights of Labrador Inuit Lands (LIL) (15,799 km²), and the Provincial government owns Labrador Inuit Settlement Area lands outside LIL (43,071 km²). In addition, the Federal government has jurisdiction over Torngat Mountains National Park (where land use planning is controlled by a separate Park co-management board), as well as all tidal waters, a region referred to in the final agreement as the Marine Zone (Figure 1). Finally, the Inuit Community Governments control land use planning for the Inuit Community Lands. Subsurface rights and royalty regimes vary with each land category.

The land use plan for Nunatsiavut (or the “Labrador Inuit Settlement Area” – LISA – as it is officially called by the Provincial government) relates only to lands under the jurisdiction of the Nunatsiavut and Provincial governments. It will “guide the future conservation, development, and utilization of the land, waters, and other resources within LISA” for a ten-year planning period (2011-2021) (Draft Regional Land Use Plan Dec 2009, 7). The Regional Planning Authority and the planner will develop a plan, in consultation with Inuit, the general public, and the two governments before 2011. Once the draft plan is finished, both governments may amend and then approve it, at which point it will be legally binding. This process of consultation is partly the topic of the first issue related to the success of the planning process.

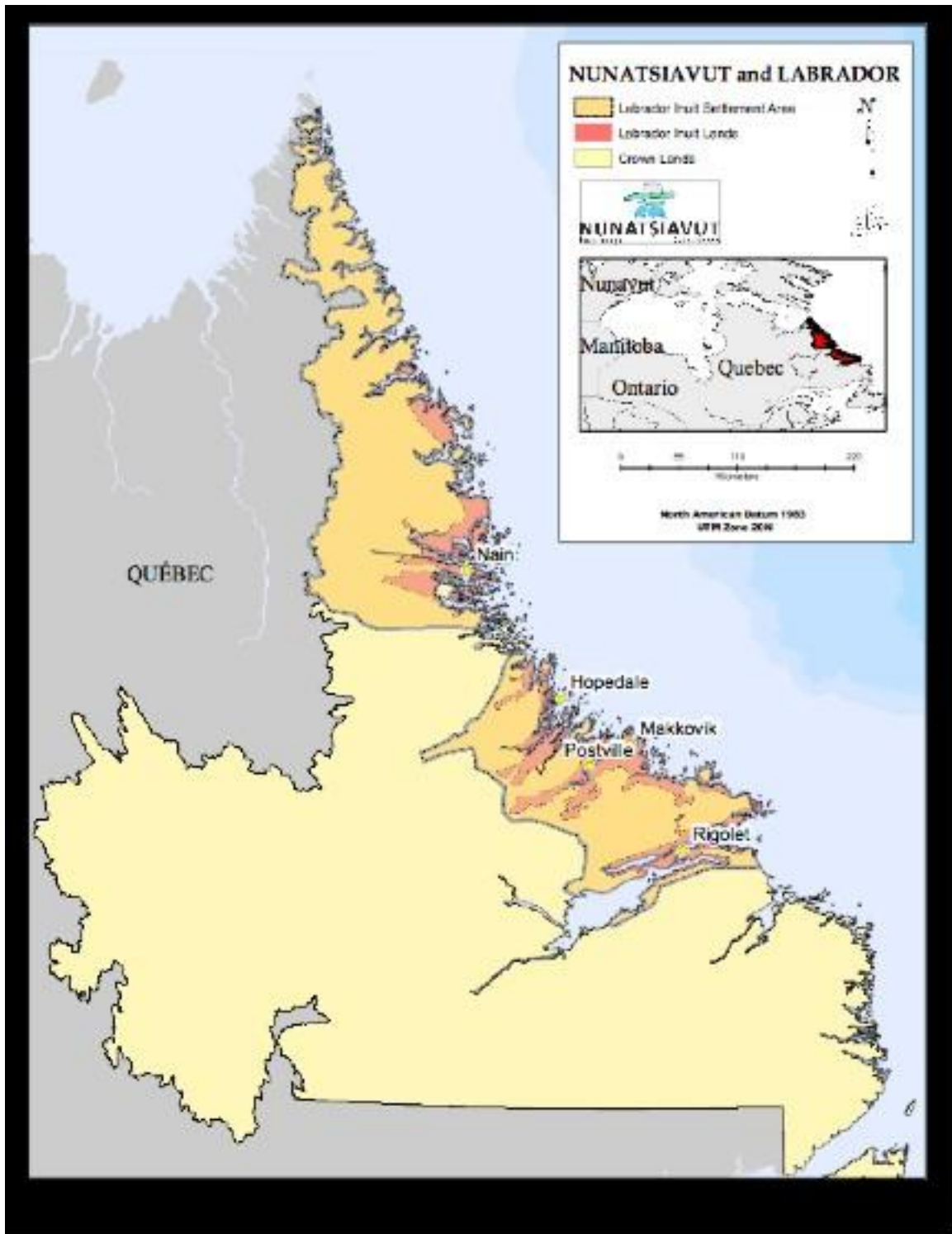


Figure 1: Map of Nunatsiavut (courtesy of Bryn Wood, Nunatsiavut Government, Department of Lands and Resources)

Communication and consultation

The Regional Planning Authority envisions that the land use plan for Nunatsiavut will respond, first and foremost, to Inuit environmental, social, cultural, and economic interests. Given the diversity of the Labrador Inuit, however, the task of defining these Inuit interests is a challenge.

Of the approximately 7000 beneficiaries of the Labrador Inuit land claim, 37.2% live within Nunatsiavut, in one of the five communities of Nain, Hopedale, Makkovik, Postville, and Rigolet (Draft Regional Land Use Plan January 2010, 12). Each of these communities has its own distinct social history, economy, and land use patterns. The families from northern communities that were relocated in the 1950s form sub-populations in some communities that are still distinguishable. Historical distinctions in land use between village-based families and homestead-based families also remain important in how people currently use the land and sea. Economic strategies, ties with other parts of Labrador, Quebec, and Newfoundland, and immigration patterns all differ widely both between and within each community (Brice-Bennett 1977a; Williamson 1996).

The other 62.8% of Inuit beneficiaries live either in the Upper Lake Melville communities of Happy Valley-Goose Bay/Mud Lake (28.7%) and North West River (4.3%), or elsewhere in Canada (29.8%) (Draft Regional Land Use Plan January 2010). In similar fashion, Inuit in these communities have varied historical and current land use patterns, economic behaviours, social ties, and immigration patterns. Despite the relatively low number of beneficiaries, the diversity of social, cultural, and economic aspects is remarkable.

The geographical expanse of Nunatsiavut provides another layer of complexity onto the task of determining how the land should be used, in accordance with Inuit priorities. Roughly the size of New Brunswick, Nunatsiavut extends from fjords and islands of the northern coast to inland caribou highlands to the southern forests around Lake Melville, with vast ecological and geographic diversity in between.

In attempting to understand all of this diversity, the planner obtained as much map data (including text documents and databases) as was available, although the extent of this material was limited (RPA notes September 2009). Much of the detailed knowledge about the region has not been catalogued, but instead remains with Inuit who know the land intimately. The limitations of the 3-year timeframe for developing the plan and the money allocated for it prevented the RPA from undertaking any of its own research on understanding Inuit priorities, but it is the hope of the

RPA and the planner that people will share this information with them during community consultations (RPA notes September 2009). Although the initial plan was that the planner would spend much of his time in Nunatsiavut, this has not occurred. Instead, the planner has been based in the provincial government offices in St. John's (a distance of approximately 1000 km from central Nunatsiavut and culturally almost as distant), putting the process at an immediate disadvantage in understanding current Nunatsiavut realities. Given these obstacles, the RPA members and the planner have relied heavily on the two Inuit representatives on the RPA to provide them with a sense of current Inuit perspectives, despite the well-acknowledged fact that it is impossible to assume that these two people alone would be able to thoroughly understand and articulate all perspectives of this diverse constituency (see also Lane 1997).

Although a number of meetings and trips had taken place early in the process (2006-2009), the first formal involvement of the Inuit public with the RPA took place in January 2010 with the initial consultations about the draft plan. Some Inuit expressed their frustration during these consultations about what they perceived as their late involvement in the process. They felt that it was very difficult for them to adequately learn about planning and then offer some incisive comments in the time allowed for consultations. Some felt that consultations about the plan occurred too far along in the process, as the structure of the draft plan had already been determined. Some said that they would have preferred to be involved earlier, when the concepts were more nebulous (RPA notes, February 2010). The RPA and the planner recognized that consultations and on-going communications with Inuit have not been as extensive as they might have been, but most members felt that the general public would not have been able to provide input without a draft plan and, especially, without maps (RPA notes, September 2009).

The consultations occurred in semi-formal settings in meeting rooms in each community, and consisted of a powerpoint presentation by the planner, followed by general discussion. Some Inuit voiced their concern and sense of discomfort about this formality (RPA notes, February 2010), underlying the argument outlined by a number of planning academics that communication with Aboriginal participants in the planning process needs to accommodate local forms of interaction, social complexities, and decision-making (Cosgrove and Klinger 1997; Lane 1997). The RPA and the planner are well aware that these meetings were not ideal, but again, they organized them such because of the pressure to develop a plan in three years, as required by the land claim agreement (RPA notes, February 2010). Smaller and more frequent meetings that would have developed the relationships of trust and better mutual understanding would have been difficult to

arrange. Decisions made in land claims negotiations have thus created pressures related to available finances, timeframe, human resources, and information. Because of these pressures, participants in the planning process are deciding not to seize opportunities for adapting the planning process to Inuit involvement, but instead to work towards finalizing the plan in the most expedient manner. Although Inuit now have a seat at the decision-making table, this participation is not automatically resulting in planning that can accommodate the different realities of Nunatsiavut.

Structural limitations of planning

The level and quality of participation in the planning process is fundamental to the incorporation of Inuit goals and perspectives into the plan. The structural foundations of land use planning and the act of incorporation itself also have a significant impact on the ability of Labrador Inuit to address their governance goals. A growing number of studies criticize the colonial and ontological foundations of planning as being foreign to and suppressing Aboriginal perspectives (Howitt and Suchet-Pearson 2006; Porter 2007; Nadasdy 2003). These studies have documented a number of cases in which the planning process has either rendered Aboriginal Peoples or their interests invisible through various methods of statecraft (Scott 1998), or has incorporated Aboriginal perspectives in a way that does not challenge or modify the existing governmental structure, and thus reproduces colonial relationships.

A striking example of the imposition of state structures on Inuit governance is the incongruity between established jurisdictional boundaries and Inuit perspectives. As elsewhere in Canada, the ocean and its resources are under the jurisdiction of the federal Fisheries and Oceans Canada, while land usually falls under provincial jurisdiction. However, this conceptual division of the environment is not a model shared by Labrador Inuit, who consider the sea ice to be an extension of the land (Williamson 1997; Brice-Bennett 1977b; Mulrennan and Scott 2001). From late autumn to early summer, land-fast sea ice forms along the Labrador coast, and provides many important traveling routes and harvesting opportunities. Sea ice was specifically included in the original land claim proposal as an area of importance to the Inuit, but the other governments failed to recognize this interest during the land claims negotiations. In the Labrador Inuit Land Claim Agreement, Inuit negotiated the right to travel and harvest on the sea ice, but the federal government refused to concede any rights to ownership or governance beyond an advisory role.¹

¹ The Labrador Inuit agreement is similar in this respect to other land claims agreements, with one significant difference: although the federal government did not recognize Inuit ownership

The land use plan, as a creation of the final agreement, is required to follow these jurisdictions, and has no power to control activities on sea ice. The plan therefore officially includes coastal regions and islands, but, incongruously, not the water or sea ice that surround them. RPA discussions have led to the inclusion of references in the plan about the importance of traditional land uses on sea ice and the need to consider these uses when considering potential developments and transportation links, but the plan has no real authority to control sea ice issues.

One of the initial goals of the Nunatsiavut planning process was to adapt planning to Inuit realities. All Regional Planning Authority members strongly support the vision that the Nunatsiavut plan will be based specifically on Inuit goals and concerns. The translation of these goals into the planning framework, however, often requires modifications that illustrate planning's structural foundations. One Inuit member of the RPA stated in 2008, "I want a plan that recognizes the significance of resources and the Inuit reliance on the land to maintain our culture. I want to develop a plan that allows Inuit to live as Inuit" (RPA notes April 2008). The RPA and the planner rendered this goal amenable to the planning process by stating in the draft plan: "Inuit have a strong desire to retain Inuititut, traditional knowledge, cultural, spiritual, and historical ties to the land. To accomplish this, they require a sustainable supply of country food which in turn requires protection of *land* in the all-inclusive Inuit understanding of the word" (Draft Regional Land Use Plan Dec 2009, 12, emphasis in original). The RPA therefore identified three main issues that would guide the plan's designations: the Inuit desire to have a sustainable supply of country food, the potential for tourism, and the potential for mineral development. The RPA then developed the Traditional Use designation, which prohibits mining and destructive land uses, and has applied it to the primary area where "Inuit continue to live, gather, hunt and trap for country food," which is a linear strip along the coast, as well as coastal islands, caribou habitat, and waterfowl nesting areas (see Figure 2). Under the land claims agreement, Inuit have the right to pursue their traditional land use activities throughout Nunatsiavut, but the Traditional Use designation works to protect habitat used for these activities.

rights, it did agree to define Inuit rights to commercial marine harvesting (Mulrennan and Scott 2001).

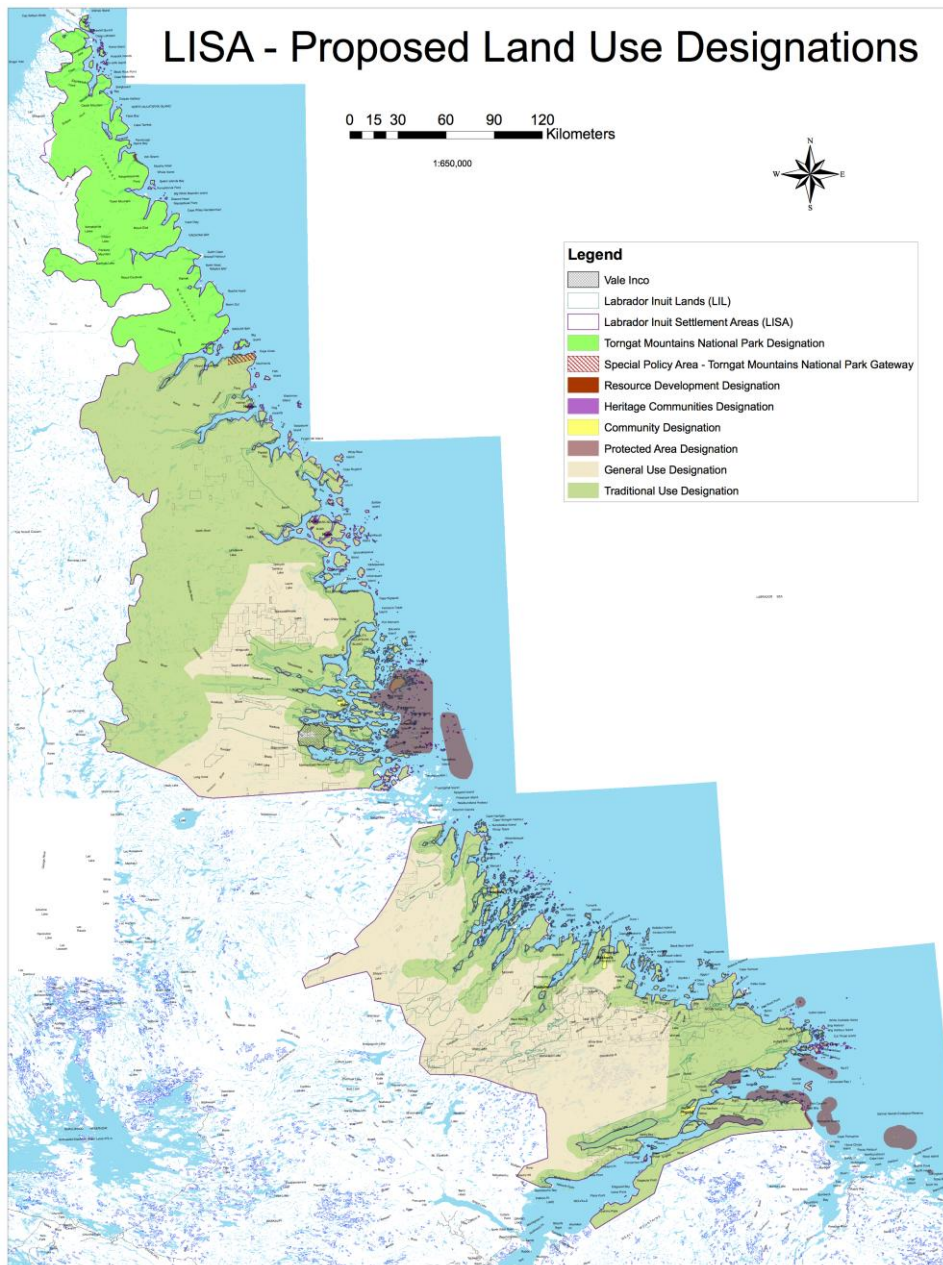


Figure 2: Map of Land Use Designations for Draft Regional Plan for the Labrador Inuit Settlement Area, January 2010

On the one hand, the Traditional Use Designation does acknowledge the value that many Inuit place in harvesting, a practice that is an important aspect of Inuit cultural and economic life that has historically been overlooked and undermined by government authorities (Ames 1977; Usher 1982). The possibility that, through this planning process, the province might agree to favour harvesting activities over development would be an important breakthrough for Aboriginal peoples in Labrador.

On the other hand, the use of the designation reflects the structural limitations of a planning framework. The ontological bias of planning translates a broad, cultural goal into a narrow, economic aspect that can more easily be incorporated into the process. In response to Inuit aspirations to “retain Inuttitut, traditional knowledge, cultural, spiritual, and historical ties to the land,” and to “allow Inuit to live as Inuit,” the plan aims to protect habitat in order to maintain “a sustainable supply of country food.” The plan incorporates aspects of these Inuit values that can be framed in economic or productive terms (a “sustainable level of country food” and harvesting activities). Some planners perhaps find that incorporating definable economic activities in delineated spaces fits the planning framework better than an incorporation of the meanings and importance of other sorts of relationships with the environment. However, harvesting activities are only one facet of a broader cultural framework that includes sharing, kinship, spirituality, intergenerational learning, shared values, and a relationship with the land (Usher et al. 1995; Nuttall et al. 2005). Equating Inuit interests with harvesting alone limits the breadth of these cultural values to those that only relate to harvesting. It also ties the protection of certain lands with the continued vitality of harvesting, which is always susceptible to variable factors such as wildlife population fluctuations and movements, global market variability, seasonal and climatic variability, and changing harvesting patterns. The designation system uses a rather static approach to these changing factors, and seems ill-suited to deal with them. A less prescriptive and more flexible approach that relates to other factors (such as political support for the harvesting economy, ensuring Inuit access to the land, or maintaining widespread ecological integrity, for instance), might better address broader issues involved with the vitality of harvesting and the range of issues related to it.

Despite the partiality of the planning lens, however (and as the next section will discuss), the political decision-making process for the development of the Nunatsiavut plan creates other

considerations. Using an approach that allows for this kind of flexibility might allow for planning decisions to be made in the future that may not have Inuit interests in mind. The structural framework of planning therefore may work to embrace only economic or partial understandings of Inuit goals, but the political framework surrounding the planning process can further restrain its flexibility in adopting broader or alternative options.

The draft plan was made public in early 2010, and the Regional Planning Authority held community consultations. Much of the reaction to the plan centered on the decision to designate such a large area as Traditional Use, and reflected the fact that the public was not involved in developing the designations and the overall plan, but was only asked to respond to a draft plan. The main question debated was therefore where this designation should be applied, rather than if the designation itself was appropriate or if there were other ways that the plan could address related issues.

In consultations about the draft plan, many beneficiaries think the level of environmental protection afforded by the application of the Traditional Use designation is necessary, but others feel that it is too broad. Mining interests and some at the Provincial department of Mines and Energy feel that this use of the designation is too restrictive. Some officials with the Nunatsiavut Government also feel that this is too restrictive because many of the Labrador Inuit Lands are along the coastline, and are therefore currently assigned the Traditional Use designation (see Figures 1 and 2). Under the land claims agreement, the Nunatsiavut Government gets a 25% share of royalties from mines on Labrador Inuit Lands, whereas it gets only 5% of royalties on other settlement lands. Designating the majority of the Labrador Inuit Lands as Traditional Use would therefore prevent the Nunatsiavut Government from benefiting from this degree of revenue. The structure of the land claims agreement therefore may affect planning decisions through pressure on the Nunatsiavut Government to subsidize itself by developing Inuit-owned lands. In the summer of 2010, the RPA revised the draft plan to address some of these concerns, and substantially decreased the area designated as Traditional Use.

The strength of the co-management process

The political dynamics between both governments and the RPA co-management body play an important role in determining whether Inuit goals and concerns will be addressed through planning. The RPA is attempting to develop a plan that prioritizes Inuit interests and is not guided by jurisdictional distinctions. All four members of the RPA are independent of both governments,

so they are not tied to policy restrictions or other governmental considerations. Their attempt to ignore jurisdictional boundaries will help to ensure that Inuit priorities are applied throughout the region, and not simply to the relatively small area covered by Labrador Inuit Lands. However, this goal may run into some problems later in the process because as the draft plan makes its way through the two governments for approval, both governments have the authority to suggest and implement changes to sections of the plan that pertain to lands under their own jurisdiction.

As specified in the land claim agreement (INAC 2005, Chapter 10), community residents and the Nunatsiavut and Provincial governments will review and comment on the plan at various stages of the drafting process. The first formal consultation about the draft plan occurred in early 2010, and the RPA has compiled and incorporated the comments that it received into the plan. It then sent the revised draft to both governments for their review. At this stage, the two governments have the authority to suggest changes to sections of the plan that pertain to lands under their own jurisdiction. A newly-revised draft plan will then undergo a second round of community consultations under the guidance of a Commissioner, who will then write a report for the RPA on recommended changes. After further revision, the two governments will have another opportunity to modify the plan as it relates to their jurisdictions before approving it. Once the plan has been finalized and approved, it is legally binding on both the Nunatsiavut and Provincial governments.

Despite all the limitations of the planning process in embracing and adapting itself to Inuit values, if the governments refuse to accept parts of the RPA's draft plan, then even the remnants or partial aspects of Inuit perspectives within the plan may be abandoned. The prospect of the provincial government overruling the RPA is a real concern, and the RPA has discussed the issue on a number of occasions (RPA notes May 2009). The province has a long history of ignoring Aboriginal rights and of promoting the exploitation of Labrador. However, it is also partly because of this history that many Labrador Inuit feel that land use planning within the framework of a land claims agreement may be their best option to reclaim governance of Nunatsiavut.

Many Inuit saw the land claims process as the only potential avenue for redress of the colonization of their lands and lives. From the first, land use planning in Nunatsiavut was the result of compromise. Negotiations between the Labrador Inuit Association and the Provincial government over questions of land rights and ownership were difficult until both sides agreed that co-managing the land claims area might solve many of their outstanding concerns. Both sides conceded something of their position: the Labrador Inuit agreed to reduce their land quantum of

Inuit-owned lands, and the province agreed to co-manage land use planning for the entire region (Toby Andersen, pers comm. 2008; B. Warren, pers comm. 2008). The Inuit would therefore be able to influence the type and extent of human activities permitted in most of Nunatsiavut, but the province would retain ownership over the majority of the co-managed region. This compromise was difficult to sell internally within both the Provincial government and the Labrador Inuit Association. Provincial government officials at the administrative level had not historically supported land use planning because politicians wished to maintain their discretionary control over land issues (B. Warren, pers comm. 2008). Many Inuit were very unhappy with the small amount of land offered (6100 sq. km) as Inuit-owned lands, and the Labrador Inuit Association had to work hard to convince its members that the compromise was worthwhile.

The once-strained relationship between the Labrador Inuit and the provincial government has improved over recent years, although the co-management arrangement of the Nunatsiavut land use planning process will help to illustrate the actual strength of this relationship. The first example of co-management between the Inuit and the provincial government – the Voisey’s Bay Environmental Management Board – is widely considered a failure, due in large part to the negative attitude of provincial (and federal) bureaucrats towards Aboriginal rights.² The Regional Planning Authority seems to be a vast improvement on this first body, and the decisions of the Provincial and Nunatsiavut Governments over the next few months as they respond to the RPA’s work will reveal the degree to which co-management can work to promote Inuit interests in Labrador.

Future prospects

The future success of land use planning in maintaining Inuit priorities therefore depends equally on political will as it does on the flexibility of the planning process. Although the approved plan will be legally binding on both governments, the ability of officials to enforce the plan and to follow its principles in making decisions will also determine the plan’s success. Other mechanisms, such as the five-year review, the amendment process, and the development of future ten-year plans will offer further opportunities for improvement in the process, as this one plan will obviously not be the final planning product. The relationships developed through this drafting process will continue to evolve. The Inuit constituency’s level of engagement with planning may increase, provincial bureaucrats’ degree of understanding of Nunatsiavut issues

² Keith Chaulk sat on the Voisey’s Bay Environmental Management Board on behalf of the Labrador Inuit Association from 2003-2005.

may expand, and more creative forms of planning may develop in the future.

Conclusions

In order to judge the effectiveness of Nunatsiavut land use planning in promoting Inuit concerns and goals, it is important to understand planning within the larger context of Inuit-government relations in Labrador. Inuit were once historically excluded from state land governance, but Aboriginal land claims negotiations and the global movement towards increased local participation have altered the situation considerably. Despite all drawbacks of the planning process, some Inuit feel that they have consented to a legitimate compromise: they have assumed a degree of authority over the expanse of their homeland and the hard-fought agreement of the Provincial government that it will co-operate with them to manage this land.

Nonetheless, the drawbacks are potentially many. The current and future politics involved in co-management can limit the potential for new and creative Inuit governance, and the structural biases of planning can constrain the possibilities of promoting Inuit perspectives. Levels of Inuit participation and involvement in Nunatsiavut governance, including the planning process, must be high if the Nunatsiavut government is to fully respond to the diverse Inuit constituency.

The new role in governance is also not without its complexities. Labrador Inuit are now involved as participants in the decision-making process, as beneficiaries of Inuit Impact and Benefit Agreements, and as constituents of a regional government that has fiscal obligations to support itself. The compromise involved in agreeing to co-managed land use planning allows Labrador Inuit much more political power than they were afforded in the recent past, but it also draws them into assuming roles that, in the end, may pressure them into producing the same procedures and decisions of the provincial government.

The effectiveness of Nunatsiavut land use planning in promoting Inuit goals is yet to be determined, and it will change as the planning context develops with time in Labrador. The fact that Inuit have a seat at the decision-making table means that from now on, they will be able to influence this process and to re-model the forms of land governance to better suit their lives. Nunatsiavut land use planning is an on-going project, and one that does hold the potential for innovative approaches.

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