

Muskrat Falls Project Land Use and Expropriation – Arbitration Panel

Annual Report 2021-22

Message from the Chair

On behalf of the Muskrat Falls Project Land Use and Expropriation – Arbitration Panel (the Panel), I am pleased to present its annual report for the fiscal year ending March 31, 2022. The activity report is submitted in accordance with the obligation as a category three entity under the **Transparency and Accountability Act**, prepared under the direction of the Panel, which is accountable for the actual results reported.

Sincerely,

A handwritten signature in black ink, appearing to be 'Stacy MacDonald', written in a cursive style.

Stacy MacDonald
Chairperson

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Entity Overview

In accordance with the **Muskrat Falls Project Land Use and Expropriation Act** (the Act) and the **Muskrat Falls Project Land Use and Expropriation Regulations** (the Regulations), the Lieutenant-Governor in Council shall appoint an arbitration panel to determine compensation for or related to an expropriation under the Act. The Lieutenant-Governor in Council shall appoint at least 10 persons, including a Chairperson and Vice-Chairperson, who shall serve as members of the arbitration panel. Both the Chairperson and Vice-Chairperson must be members in good standing under the **Law Society Act, 1999**. Members serve on the Panel for a period of three years and are eligible to be reappointed.

Upon receiving an application the Chairperson designates an arbitration tribunal from among the members to hear and determine the matter. The tribunal will then proceed in accordance with the protocol outlined in the Regulations.

As of March 31st, 2022, the panel members were:

- Stacy MacDonald; Chairperson
- Kenneth LeDrew; Vice-Chairperson
- Christopher Forbes
- Erin Best
- Gregory French
- Ian Brenton
- Jacqueline Compton-Hobbs
- Mark Peddle
- William Bertram Pomeroy
- Woodrow French

The Panel does not have a separate budget. Any expenses (if applicable) would be captured under Subhead 3.1.01: Energy Policy within the Department of Industry, Energy and Technology's Budget. No expenses were incurred in the 2021-2022 fiscal year.

Mandate

The mandate of the Muskrat Falls Project Land Use and Expropriation Arbitration Panel is to determine compensation owing for or related to an expropriation under the Act.

The Panel is established pursuant to section 24 of the Act and section 16 of the Regulations to arbitrate disputes relating to compensation for land expropriated under the Act. The Regulations outline the protocol to be followed for an expropriation of land required for the Muskrat Falls Project.

Report on Performance

Strategic Issue: Expropriation Dispute Arbitration

The priority of the panel during the period covered by this Activity Plan is focused on carrying out its mandate to hear and decide arbitrations filed under the **Muskrat Falls Project Land Use and Expropriation Act** and **Muskrat Falls Project Land Use and Expropriation Regulations**.

2021-22 Objective

By March 31 each year, the Muskrat Falls Project Land Use and Expropriation – Arbitration Panel will have conducted hearings respecting compensation for or relating to an expropriation in accordance with the **Muskrat Falls Project Land Use and Expropriation Act** and **Muskrat Falls Project Land Use and Expropriation Regulations**.

Indicators:

- **Number of hearings conducted respecting compensation for or related to any expropriation matter filed in accordance with the legislation.**

The Muskrat Falls Project Land Use and Expropriation – Arbitration Panel was reconstituted in late 2021-2022, with members appointed effective December 17, 2021. Since the Panel was reconstituted, it has established Rules of Procedure, and has formally communicated to project proponents and land owners the process for filing an Application or Response, including what information must be included in Applications or Responses.

Once an Application and Response has been made to the Panel, a Tribunal shall be established to hear the matter. In 2021-22, there were no hearings held by the Panel.

- **Number of decisions rendered by the Panel.**

The Panel did not render any decisions in 2021-22. The Panel looks forward to continuing its work into 2022-23, and holding hearings and rendering decisions, as appropriate on any matters for which it receives a completed Application and Response.