

Muskrat Falls Project Land Use and Expropriation – Arbitration Panel

Activity Plan 2021-2023

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Message from the Chairperson

I am pleased to present the Activity Plan for the Muskrat Falls Project Land Use and Expropriation – Arbitration Panel (“the Panel”) which outlines the Panel’s objectives for the 2021-2023 fiscal years. This plan covers a two-year period, as the Panel was only reconstituted in 2021-2022 after a period of inactivity. This plan was prepared under my direction and in accordance with the provisions of the **Transparency and Accountability Act**.

The mandate of the Panel is to determine compensation owing for or related to an expropriation made under the **Muskrat Falls Project Land Use and Expropriation Act**. The **Muskrat Falls Project Land Use and Expropriation Regulations** outlines the structure, operations, and powers of the panel as well as the procedures for any expropriation of land required for the Muskrat Falls Project. The Panel has all of the powers of a Commission appointed under the **Public Inquiries Act, 2006**.

The Panel, as appointed in accordance with the **Muskrat Falls Project Land Use and Expropriation Act** and the **Muskrat Falls Project Land Use and Expropriation Regulations**, is classified as a Category 3 Government Entity. As such, it must prepare an Activity Plan taking into consideration the strategic directions of Government applicable to the Department of Industry, Energy and Technology. I have taken these strategic directions into account.

As the Chairperson, I accept accountability on behalf of the entire panel for the preparation of this plan and the achievement of its objectives.



Stacy MacDonald

Chairperson

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.

The following members were appointed to the Panel as of December 17, 2021

- 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

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.

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.

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.

Primary Clients

The primary clients of the panel include Newfoundland and Labrador Hydro, Emera Newfoundland and Labrador, as well as prior landowners awaiting compensation settlements for land expropriated under the **Muskrat Falls Project Land Use and Expropriation Act**.

Objectives

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**.

The following objective and indicators will apply to each year covered by the planning period.

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.
- Number of decisions rendered by the Panel.