



## GWICH'IN LAND AND WATER BOARD

P.O. Box 2018, Inuvik, NT X0E 0T0

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🌐 [glwb.com](http://glwb.com)

January 7, 2020

File: **G18X005**

Attention: Noel Voykin  
NWT Energy Corporation (03) Ltd.  
#4 Capital Drive  
Hay River, NT X0E IG2

Mr. Voykin,

### **Re: Inuvik Wind Project - Information Request # 2 - Land Use Permit Application**

On December 10, 2019 the Gwich'in Land and Water Board (GLWB or the Board) requested that NWT Energy (03) Ltd. (NTEC) provide additional evidence to clarify that it had satisfied the eligibility requirements for a land use permit for the Inuvik Wind Project (Project). As set out under paragraph 18(b) of the Mackenzie Valley Land Use Regulations (MVLUR),

*18 A person is eligible for a permit who*

*(b) in any other case, has a right to occupy the land and either contracts to have the land-use operation carried out or is the person who is to carry out the operation.*

On December 17, 2019 NTEC provided a response, including correspondence from the Government of the Northwest Territories Department of Lands (DOL), in which DOL states that the Government of the Northwest Territories Department of Infrastructure (INF) holds a "reservation by notation" (Land Reserve No. 107 B/7-172-2) issued by DOL for the portion of the proposed project on Territorial Land. DOL further states that this reservation by notation provides NTEC with the right to occupy, as an agent of INF. DOL also clarifies that it does not require tenure for government and government agents for small scale roads on GNWT administered and controlled land.

It is the Board's view, Land Reserve No. 107 B/7-172-2 clearly demonstrates that INF has the "right to occupy" the land in question and is eligible under section 18(b) of the MVLUR. However, NTEC states in its response that it "will build the Project on behalf of the GNWT and transfer the completed project to the Northwest Territories Power Corporation, a GNWT owned utility, to own and operate the assets for public purposes."

While NTEC is a government owned corporation, it is a separate legal entity from INF and does not clearly have the "right to occupy". In order to meet the requirements under MVLUR, section 18(b), NTEC must provide evidence that NTEC has been contracted by INF to carry out the project that requires the land use permit.

Please provide to the Board evidence that NTEC has been contracted by INF to carry out the proposed Inuvik Wind Project. The GLWB will continue with this Proceeding upon receipt of the above-requested information.

Please do not hesitate to contact me at (867) 777-4954 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'AlecSandra Macdonald', with a stylized flourish at the end.

AlecSandra Macdonald  
Regulatory Specialist

CC: GLWB Distribution List