



Inuvik Native Band

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February 25, 2019

Gwich'in Land and Water Board
P.O. Box 2018
Inuvik, NT X0E 0t0

Dear Sir/Madam:

Ref: LUP Application - Inuvik Wind Project - NWT Energy Corporation (03) Ltd.

On behalf of the Inuvik Indian Band (the "Inuvik Band") I write with reference to the project mentioned above. Specifically, we write to address the issue of engagement required by the proponents to recognize our rights embedded in Section 35 of the Constitution Act (2012), as well as, directed by the government of Canada, to the Government of the Northwest Territories (GNWT) through their Bi-Lateral Agreement, and through the requirements established by the Mackenzie Valley Land and Water Board and the Gwich'in Land and Water Board.

Gwich'in Land and Water Board Responsibilities

The role of the GLWB is to regulate the use of land and water ... through the issuance and management of LUP's ..." (Mackenzie Valley Land and Water Board, "MVLWB Engagement and Consultation Policy" (June 1, 2013, Page 8).

"The objective of the Board is to provide for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit ... in particular for residents of the Mackenzie Valley (Ibid., 8).

In exercising the authority to accomplish its role and objectives, "the Board must ensure that the concerns of Aboriginal people have been taken into account." (Ibid.,8), and "the potential impacts of proposed projects are understood and carefully considered before decisions are made with respect to the issuance of LUP's and WL's." (Ibid, 8).

"It is the responsibility of the GLWB to ensure that the concerns of Aboriginal people are taken into account, and that their decisions have regard for the protection of the social, cultural, and economic well-being and way of life of Aboriginal peoples...." (Ibid., 9).

Following, in the remainder of our response to engagement by the GNWT and NWT Energy Corporation (03) Ltd., we will describe how the engagement has not been adequate:

- To satisfy any level of standard.
- To allow the GLWB to achieve their objective to ensure optimum benefit, and,
- To ensure the concerns of the Inuvik Band have been considered and addressed fully.
- To compensate infringement of our aboriginal rights and title interests.

Guiding Principles

In addressing the issues required for appropriate engagement, the Guiding Principles establish that the proponents must provide reasonable resources (to First Nations), where appropriate for carrying out and participating in consultation and engagement process. (Ibid., 9). In preparing their submission to the GLWB, the GNWT and NWT Energy Corporation (03) Ltd., retained highly qualified specialists in a number of scientific fields.

As outlined in Section 1.5, Guiding Principles (Ibid., 9) the proponents should expect to provide adequate funding to the Inuvik Band to retain appropriate professionals for review of the submissions and to engage with the proponents. This has not occurred and the Inuvik Band is severely hamstrung to adequately respond to the social, cultural, environmental and economic issues that will directly affect the Inuvik Band if this project is to proceed.

This is only one reason of many where it is sufficient for the Inuvik Band to request of the GLWB, that permitting not proceed until there has been adequate funding provided by the proponents and time allowed for the Inuvik Band to review and present evidence to the GLWB. Only by taking this action, will the Board be able to ensure that the concerns of the Inuvik Band are adequately considered and that their decisions have regard for the protection of the Inuvik Band's rights and title interests.

Engagement

In addition to not receiving funding to retain appropriate professionals, engagement with the Inuvik Band has been to the point of non-existent. We request of the GLWB, that permitting not proceed until adequate funding is provided by the proponents to permit effective engagement, and the Inuvik Band is satisfied that engagement and consultation with the proponents has addressed the significant and ongoing social, economic, environmental and cultural impacts that may result because of the project, and which form part of our aboriginal rights and title interests.

Reserve Amendment

Further to consultation on issues related directly to the social, cultural, environmental and economic issues, which form part of our aboriginal rights and title, in a letter dated October 1,

2018 to the Deputy Minister of Infrastructure, was advised by the Deputy Minister of Lands that a revision to the land reserve was being processed. There are two issues that arise from this:

1. A potential conflict of interest, with the Deputy Minister, Infrastructure and Deputy Minister Lands, both holding positions on the Board of one of the proponents.
2. The notice of the revision was buried in the proponents' application to the GLWB. The Inuvik Indian Band has not been consulted on the issue of any land reserve expansion. With no opportunity, how are we to address any potential infringements or impacts to our aboriginal rights and title interests?

This issue alone should be sufficient to the GLWB to return the application to the proponents with instructions to provide adequate funding to the Inuvik Indian Band to allow for a proper and fulsome review and consultation, possibly leading to accommodation for the potential impacts to our aboriginal rights and title interest.

Conclusion

The Inuvik Band requests that the GLWB not proceed with approval of a Land Use Permit to the proponents until adequate funding is provided by the proponents, to the Inuvik Band, to allow effective and rigorous engagement, allowing the Inuvik Band to be satisfied that engagement, consultation and accommodation with the proponents has addressed the significant and ongoing social, economic, environmental and cultural impacts that may result because of the project, which form part of our aboriginal rights and title interests.

On behalf of the Inuvik Band, I look forward to your earliest confirmation that no Land Use Permit will be issued at this time by the GLWB, and that no permit will be issued until our significant and ongoing social, economic, environmental and cultural impacts that may result because of the project, which form part of our aboriginal rights and title interests are adequately addressed.

In this matter, with appropriate funding from the proponents, a minimum of six (6) months should be expected for further review, with instructions to the proponents that the GLWB expects the proponents to work with the Inuvik Indian Band to arrive at a mutually beneficial agreement that addresses the social, cultural, economic and environmental issues, which may impact our aboriginal rights and title interests.

With an Agreement between the proponents and the Inuvik Indian Band, we would be in a position to go to our members to seek approval to support the project.

Yours truly
Inuvik Indian Band



Edward Wright
Band Manager / Administrator

Cc: NWT Energy Corporation (03) Ltd.

: Assistant Deputy Minister
Program Operations
Infrastructure Canada