



## NOTICE OF LAND LAW

**TO** : All Members, Henvey Inlet First Nation  
**FROM** : Chief Wayne McQuabbie  
**DATE** : 27 February 2015  
**RE** : New Land Law tabled by Council  
Henvey Inlet Wind Energy Generation Centre Lease of Reserve No. 2 Lands

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### A. Background:

The Henvey Inlet Wind Energy Generation Centre is in the final planning stages. To proceed to the construction phase, the Energy Centre requires two forms of authorization from Henvey Inlet First Nation:

- Lease

The Energy Centre will be constructed on Reserve No. 2 lands, and will operate for an initial term of approximately 24 years, followed by renewal options for up to an additional 25 years. A draft lease has been negotiated and must be enacted as a Land Law under the Land Code. The draft lease exempts the project from certain provisions of the Land Code that were not intended to apply to commercial uses, and provides that Henvey Inlet Wind GP cannot construct the project unless it obtains an environmental permit from Henvey Inlet First Nation.

- Environmental Permit

Environmental laws to govern the Energy Centre are currently under development and will be presented to the Members for Community Input and enactment in the Spring of 2015. Those laws will provide for an environmental assessment, and will further provide that, if Henvey Inlet First Nation is satisfied with the potential environmental effects of the Energy Centre, it may grant an environmental permit for it to proceed. The permit will in the form of a Land Law enacted with Community Input.

This is a notice to Members of the first step in the process: the enactment of a lease for the Energy Centre.

### B. NOTICE: Community Approval Vote on the Lease

The proposed lease of Reserve No. 2 land for the Energy Centre is subject to a Community Approval Vote. On 23 February 2015, Band Council adopted BCR # 2014/15-082 to start the Community Approval Vote process. Please note that Council has previously tabled draft Land Laws which will govern how the Community Approval Vote will be conducted.

#### 1. Date, time and place of Community Meeting of Members for Community Approval Vote:

A Community Meeting of Members to review the proposed lease and for in-person voting by the Members will be held on Sunday, 26 April 2015, at the Fire Hall on Reserve No. 13, starting at 10:00 AM.

#### 2. Method of voting:

Voting on the lease Land Law will be by secret written ballot.

Ballots may be cast by Members in person at the Community Meeting of Members at the Fire Hall on Sunday, 26 April 2015, between 10:00 AM and 4:00 PM. Personal identification may be required to cast a ballot. The ballot boxes will be sealed promptly at 4:00 PM.

Members unable to attend the meeting in person may vote by mail-in ballot. Mail-in ballots packages will be sent by ordinary letter mail or delivered personally to each Member on or before Friday 27 March 2015, and will include return envelopes addressed to the Returning Officer. Mail-in ballots will be accepted only if received by the Returning Officer on or before noon on Friday, 24 April 2015.

There will be no proxy voting.

### 3. Notice of Contingent 2<sup>nd</sup> and 3<sup>rd</sup> Community Approval Vote Meetings of Members

If the ballot question is approved by a majority vote at the first Community Approval Vote on 26 April 2015 but the voting quorum of 10% of Eligible Voters is not achieved, a Second Community Meeting of Members for an Approval Vote will be convened on Sunday, 24 May 2015, at which the voting quorum shall be 5% of Eligible Voters. Ballot packages will be sent to all Eligible Voters on or before 01 May 2015, with a return mail receipt deadline of noon on Friday, 22 May 2015.

If the ballot question is approved by a majority vote at the Second Community Approval Vote on 24 May 2015 but the voting quorum of 5% of Eligible Voters is not achieved, a Third Community Meeting of Members for an Approval Vote will be convened on Sunday, 21 June 2015, with no voting quorum. Ballot packages will be sent to all Eligible Voters on or before 29 May 2015, with a return mail receipt deadline of noon on Friday, 19 June 2015.

### 4. Relevant documents:

The draft lease is available for inspection in the Band Administration offices and will be posted to Henvey Inlet First Nation's website prior to the ballot mail-out date. The draft lease remains subject to amendment up to the time the ballot packages are mailed out.

The draft Land Law to enact the lease is set out below.

**LAND LAW 2014/15-010** enacted pursuant subsection 13.01(b) of the Land Code which authorizes the granting of leasehold interests in excess of 35 years, inclusive of renewals, subject to a Community Approval Vote:

BE IT RESOLVED THAT the following is hereby enacted as a Land Law:

1. A Lease substantially in the form attached as Schedule "A" to this Land Law shall be granted to Henvey Inlet Wind GP Inc., or in accordance with its direction as to Lessee, in lands within Henvey Inlet I.R. #2 described in Schedule "A," for the proposed Henvey Inlet Wind Energy Generation Centre and related uses.
2. Upon approval of this Land Law by Community Approval vote, Council may execute the lease on behalf of Henvey Inlet First Nation and issue and declare the lease force by Band Council Resolution.

### 5. Contact person:

For further information, contact Jennifer Ashawasegai by email at [jashawasegai@gmail.com](mailto:jashawasegai@gmail.com) or by telephone at 705-698-7356.

**6. Feedback form:**

Attached is a feedback form which any person entitled to participate in the Community Meeting of Members may submit to the Contact Person named above or to the Lands Advisory Committee or Council in relation to the proposed Land Law.

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Chief Wayne McQuabbie

