



LANDS ADVISORY COMMITTEE ADVICE AND RECOMMENDATIONS

DRAFT LAND LAW 2020/21-001: THE HENVEY INLET FIRST NATION WINDFARM LEGACY TRUST AND THE DISTRIBUTION OF WEALTH FROM THE WIND ENERGY CENTRE

Purpose

The proposed land law will

- authorize Band Council to establish the Henvey Inlet First Nation Windfarm Legacy Trust substantially in accordance with a draft Trust Settlement Deed attached as Schedule "A" to the Land Law; and
- require Band Council to dedicate the income stream it receives from Nigig Power Corporation to the Trust for the balance of the FIT contract, which terminates in 2039, together with any surplus of rent the Band receives from the windfarm project.

The proposed HIFN Windfarm Legacy Trust will have two objectives:

1. To improve the quality of life of current HIFN members through regular payments to all members and through support for improved infrastructure facilities, programs and services for members; and
2. To provide the same benefits to future generations.

The payments to all registered members will start at the rate of \$500.00/month for each adult, \$600.00/month for seniors over the age of 60, and \$100.00/month for minors (held back until age 21 or age 18 if they have a high school diploma), subject to review every 5 years. The starting amounts for the member payments were developed through a series of four community meetings with members. Council has received professional advice that, if the windfarm performs as projected, it should be possible to provide these member payments throughout the FIT contract period and for many generations afterward.

The Trust proposal is being submitted to a Community Approval Vote, and Council will only enact the draft land law if the proposal is approved.

Benefit to Henvey Inlet First Nation

The proposed new Land Law will create a legacy fund which will improve the quality of life for all current members and ensure the windfarm project wealth also benefits future generations. The proposed Trust will protect a substantial portion of HIFN's windfarm wealth from political influence and is the best mechanism to ensure future generations actually receive the same benefits. The Trust will include checks and balances against improvident withdrawals or uses of Trust funds, including the establishment of a Windfarm Legacy Trust Advisory Committee consisting of members who do not sit on Trust or the Council, which will be responsible to review withdrawals from the Trust and trustee appointments. The First Nation's legal and financial advisors have advised that the Trust will be tax-neutral, avoid government funding clawbacks for "own source revenue," and will provide full transparency to HIFN.

Recommendation

The Lands Advisory Committee has reviewed the draft land law entitled "The Henvey Inlet First Nation Windfarm Legacy Trust And The Distribution Of Wealth From The Wind Energy Centre" and recommends its enactment **IF** the HIFN Windfarm Legacy Trust proposal is approved by a Community Approval vote.

MOVED BY: Wayne Richer

SECONDED BY: Grace Contin

CARRIED.

TRUE COPY OF RESOLUTION ADOPTED BY THE LANDS ADVISORY COMMITTEE ON 22 OCTOBER 2020, A QUORUM BEING PRESENT.