



July 5, 2021

By Email

Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, Nunavut
X0B 0C0

Re: Kivalliq Hydro-Fibre Link Baseline Research project: Application No.: 125614
NIRB File No.: 21YN027

This correspondence provides Sayisi Dene First Nation's and Northlands Denesuline First Nation's response to the above-noted Application.

Through this response we are exercising our rights to be heard at the Nunavut Impact Review Board under the Nunavut Agreement and our rights under Section 35 of the *Constitution Act, 1982* to be consulted on any decision by the Crown that may have an adverse effect on our Section 35 rights. We understand that the Crown purports to rely, in part, on NIRB processes to discharge its duty to consult with our First Nations. We are responding to make sure that any potential impacts to our Section 35 are fully understood and prevented.

The proposed Baseline Research will be used to prepare future submissions to the NIRB and other regulators seeking approvals to develop the Kivalliq Hydro-Fibre Link (KHFL) project, a 1,200 km electric transmission and fibre-optic system extending from Manitoba into the Kivalliq region of Nunavut. The studies are a necessary part of a process leading to several potential Crown decisions to authorize a project that is very similar to other projects in Canada that are known to adversely impact Section 35 rights. The studies need to be considered within this context as part of the Crown consultation process.

A full and meaningful consultation process begins at the project planning stage. Our First Nations need to be involved at all stages of project planning in order for the consultation process to be meaningful. How baseline data are collected, analysed and presented contribute to conclusions made by proponents, NIRB and governments

regarding potential impacts to Section 35 rights. Conclusions based upon baseline studies may influence Crown determinations of the required depth of consultation. One of the challenges with Crown consultation ramping up at later stages of project development is that we are confronted with having to review and analyse a large array of studies conducted at the baseline data collection stage. This puts the First Nations in the position of having to play “catch-up” in trying to understand what was done, what the results of the study were and how the analyses were conducted to reach study conclusions.

The results of these studies will be used to assess impacts on wildlife, fish and migratory birds from the construction and operation of the KHFL project and propose measures to mitigate those impacts. It is the effects on land, water, wildlife, fish and migratory birds, and any proposed mitigation measures, that will arouse significant public concern, cause significant adverse ecosystemic or socio-economic effects and cause significant adverse impacts on wildlife habitat or our First Nations’ harvesting activities. This is why, at this stage of project development, our First Nations’ members need to understand how the data will be acquired and used to assess and mitigate impacts. Our First Nation members are concerned that the data will be acquired, analysed and used to arrive at conclusions regarding impacts and mitigation that they will not be able to understand or that the data collection studies were not done with full transparency.

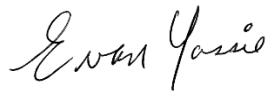
One of the benefits of being notified of this Application is that we are aware generally of the type of work that is being conducted and some of the methodologies used. Data acquisition and analyses used to arrive at conclusions regarding the impacts of the KHFL project on wildlife, fish and migratory birds needs to be done with full transparency. This requires the raw data and all reports resulting from the baseline studies to be provided to our First Nations. This will put our First Nations in a better position to identify specific concerns when future submissions related to the KHFL project are received by the NIRB for screening and review. It will also put our First Nations in a better position to meaningfully engage and participate in NIRB and Crown consultation processes moving forward. This will assist not only our First Nations, but also the NIRB, the Crown and the proponent in working through the processes of future NIRB screenings, reviews and Crown consultation.

Our First Nations have had several discussions with the proponent and their representatives regarding this need for transparency. As a result Sayisi Dene First Nation, Northlands Denesuline First Nation and the Kivalliq Inuit Association have agreed to a data sharing agreement. We believe this agreement is an important step toward our First Nations gaining an understanding of the KHFL project that will facilitate our future participation in the NIRB screenings and reviews of the KHFL project as well

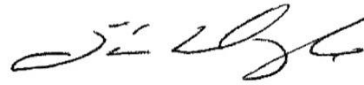
as assist the Crown in engaging in meaningful section 35 consultation with our First Nations.

Thank-you for taking the time to consider this submission.

Masi Cho,

A handwritten signature in black ink, appearing to read "Evan Yassie".

Chief Evan Yassie
Sayisi Dene First Nation

A handwritten signature in black ink, appearing to read "Simon Denechezhe".

Chief Simon Denechezhe
Northlands Denesuline First Nation