

# HCCC snubbed: Six Nations Ec-Dev offered solar energy partnership

By Donna Duric  
Writer

The Haudenosaunee Confederacy Chiefs Council has once again been ignored after the Ontario Power Generation partnered with SunEdison and the Six Nations Economic Development Corporation on a renewable energy project.

The project partners announced last week that Six Nations has been "selected" by the OPG and its partners to develop a 44 megawatt solar facility on and near the Nanticoke Generating Station site on Lake Erie.

In a press release issued last week, Matt Jamieson, president of Six Nations of the Grand River Economic Development Corporation, says, "We are delighted that Nanticoke Solar was selected. The project aligns with our community values of sustainability and environmental prosperity. Investing in clean energy benefits the people of Six Nations economically without compromising our children's future. We look forward to working with our partners to make this project a success."

The OPG has partnered with Sun Edison Canadian Construction and SNGRDC after being selected by the Independent Electricity System Operator (IESO).

The IESO is a not-for-profit corporate entity established in 1998 by the Electricity Act of Ontario. It is governed by an independent Board whose Chair and Directors are appointed by the Government of Ontario. Its fees and licences to operate are set by the Ontario Energy Board and it operates independently of all other participants in the electricity market.

Through amendments to the Electricity Act, the operations of the IESO and the Ontario Power Authority (OPA) were merged on January 1, 2015, bringing together real-time operations of the grid with long-term planning, procurement and conservation efforts.

SNGRDC was created last year to negotiate and manage economic development projects and revenues on unceded Six Nations' lands at arm's length from Six Nations Elected Band Council.

The OPG says it will continue to negotiate on the Nanticoke solar project with SNGRDC and band council's Lands and Resources Department.

Bill McKinlay, OPG director of corporate relations and communications, said he didn't know if any consultation was happening with the HCCC, despite the HCCC sent them numerous letters seeking engagement on the Nanticoke solar project.

"I'm not intimately involved in the process," he said. "I'm not sure about that. We're looking to work with our partner in a respectful and meaningful manner and that includes consultation with the community. We'll be working with the community itself."

Aaron Detlor, legal advisor for the HCCC, says OPG was notified last year of their interest in the land.

"That's extremely disappointing as we had a preliminary meeting many months ago with the OPG when they first submitted an application for this project," said Detlor. "We had indicated the Confederacy Chiefs were open to a partnership. OPG representatives indicated they would be open to that process, as well. Unfortunately, the OPG did not follow up with the HDI in a positive fashion."

The HDI, or Haudenosaunee Development Institute, is the planning arm of the HCCC.

"The HDI has advised the OPG repeatedly that this project will infringe on and interfere with Haudenosaunee rights, interests and title," said Detlor. "The HDI has indicated the project will not proceed without the Confederacy chiefs. The Confederacy and the HDI have notified the OPG, in relation to this project and others, that the entity which holds the collective rights of the Haudenosaunee people by way of treaties is the (HCCC). We confirmed with the OPG that the Canadian court systems have also recognized that the Confederacy chiefs are the only entity to provide consent and/or an appropriate justification process that would uphold the honour of the Crown."

"If OPG decides to take another route, they will find they will have difficulty satisfying permits in their favour which purport to uphold the honour of the Crown."

The Nanticoke Solar project will span across four land parcels that are either currently owned or will be leased by OPG.

SNGRDC will invest about \$2 million to acquire a 10 per

cent economic interest in the project.

According to SNGRDC, the investment is expected to generate not less than \$7.4 million for the Six Nations community over 20 years or about \$370,000 a year.

Profits generated from all SNGRDC projects will be directed to the newly-formed Economic Development Trust which is anticipated to be unveiled in June 2016.

The SNGRDC says it is "committed to ensuring its investments reflect the people of Six Nations and their inherent duty to protect the environment for future generations." The IESO received 103 Large Renewable Energy (LRP) 1 proposals for renewable power generation projects. Out of these submissions, 16 successful contracts were awarded.

"Given the level of competition, SNGRDC and its partners are excited to be one of seven solar power projects accepted by IESO this year," reads the press release.

SNGRDC currently participates in 868MW of renewable energy through 13 solar or wind power projects either directly or indirectly.

The next steps in the LRP 1 process include working with Ontario Power Generation and SunEdison Canadian Construction LP to finalize agreements and obtain the various approvals and consultations necessary to move the project forward. Construction is planned to commence in 2017 for a period of two years.

Preliminary environmental investigations are already underway to examine the sites natural heritage, surface water, species at risk, as well as archaeological and cultural history.

"Now that we have received confirmation of the contract award, SNGRDC will continue to develop the business terms of the partnership," said Tabitha Curley, communications officer in an e-mail. "This will be an on-going process as community engagement has not yet begun. Findings from community engagements will be used to shape the final agreement with project partners."

The project sponsor, Ontario Power Generation (OPG), will be working with band council's Consultation and Accommodation Process (CAP) team to move through the

project's consultation requirements. The CAP team is made up of Lands and Resources staff.

"It will be up to SNGRDC and CAP team to collaboratively initiate community engagement on the project," said Curley. "Meeting dates will be announced to the public as soon as they are available." There is also the potential for job opportunities.

"In all SNGRDC's partnerships, our objective is to employ as many people from Six Nations as possible. As we move forward in finalizing agreements, local employment opportunities will be discussed in greater detail." Jeff Lyash, OPG president and CEO, says he is "thrilled" with this opportunity.

"OPG is already Ontario's largest renewable energy producer and this will be an important addition to our portfolio. We stopped burning coal at Nanticoke in De-

ember 2013 and this is an investment in a cleaner energy future for Ontario."

This is OPG's fourth First Nations partnership.

The others are: Lac Seul (Lac Seul First Nation), the Lower Mattagami River (Moose Cree First Nation), and most recently the Peter Sutherland Generating Station on New Post Creek (Taykwa Tagamou Nation), which is currently under construction.

"The Nanticoke project is a great opportunity for Ontario to take a former coal plant site and transform it into a clean and reliable solar power plant," said Michelle Chislett, SunEdison's vice president and country manager for Canada. "SunEdison's excellent track record delivering high quality and cost effective solar power plants was a major contributor to OPG deciding to work with us on the project. This project is a great example of how countries are

retiring coal plants and replacing them with clean, renewable power plants."

The partners will now start working together to obtain the required approvals and contracts needed to start construction.

Construction is slated to begin in 2017 and last for about two years. General construction activities include site preparation, solar panel installation, and electrical collection system and connection.

It is expected to become operational in 2018 or 2019 with an expected 20-year lifespan.

Equipment will be monitored remotely and personnel will be available to complete regular preventative maintenance work.

Community meetings were held in Nanticoke in June and August of 2015. No community meetings have been held at Six Nations.