

HCCC/HDI
Presentation to our Nation
August 27, 2015



Six Nations "Iroquois" Confederacy
GRAND RIVER COUNTRY



HCCC Timeline – What got us here?

- 1991 Eight Points of Jurisdiction provided to SNEBC
- Feb 11/06 Arnie General, Steve Maracle, Allen MacNaughton appointed by HCCC on Education process about lands. Letter of support to Janie and Dawn came from that. 3 Chiefs along with Tom Deer and Jock appointed to draft statement for education campaign.
- Feb 25/06 Reclamation of DCE
- Mar 11/06 Joe Skye & Toby Williams added along with Technical Support – Brian Doolittle, Paul Williams, Tom Deer and Jock
- May 6/06 Jock official sanctioned to be added to the Chiefs Committee of
5

HCCC Timeline Cont'd

- May 17/06 Chiefs Committee successfully negotiate return of Burtch in exchange for Barricades coming down, the Honorable David Peterson provides HCCC letter confirming Ontarios commitment
- Nov 4/06 Haudenosaunee Land rights Statement adopted in Council
- Dec 4/06 Blue Sky discussions presented to Feds & Prov., (HCCC Draft Consultation Process)
- Jan 20/07 Aaron Detlor, Brian Doolittle, Ron Thomas appointed by HCCC to come up with a plan to deal with development

HCCC Timeline Cont'd

- Mar 3/07 HCCC accepted Tseh Niyohht Dwayadowehsra Ogwahweja Wihwageh (Green Plan)
- Mar /07 Response from Crown re: HCCC Consultation Process not accepted
- April 7/07 HCCC accepts HDI Terms of Reference

Understanding HDI

- Through HCCC engagement with the people on the Welland Canal offer, the HDI was able to develop 4 main principles which they actively consider in any development project:
 1. Haudenosaunee rights and interests in Haudenosaunee lands WILL NOT be extinguished, surrendered, or relinquished in any manner or form.
 2. Land is a priority: Environment, Spirituality & Beliefs, Language & Culture (All inclusive) – We need to build on our land base
 3. Compensation for Loss of Use - for all lands that had been unilaterally removed by the Crown from Haudenosaunee use & benefit
- 1. Future Loss of Use – any agreements going forward need to include financial benefit to the Haudenosaunee in the form of a lease agreement

Understanding HDI Cont'd

- Any settlement will be clearly documented that the land is still Haudenosaunee Land.
- The Haudenosaunee Land Rights Statement is used as the basis of our Engagement process.
- The monitoring program has ensured that the Haudenosaunee oversee development projects in our treaty territory that we would have never been given the opportunity had the HCCC not invested their first land lease agreement into HDI and the environmental and archaeology concerns would have gone unaddressed.
- While Crown agencies and Ministries continue to try and block the HDI, development proponents and their consultants look forward to HDI's participation as a measure of structure and reliability

Understanding HDI

As part of any land lease agreement, the HDI will incorporate 1 or both of the following articles in keeping with the principles established by the HCCC with respect to any agreements on our lands:

1. “The Haudenosaunee possess protected inherent, traditional and treaty rights, inter alia, under the Nanfan Treaty of 1701 over lands upon which the Developer wishes to construct a project”
2. “Non Derogation: For greater certainty, nothing in this Agreement shall be construed so as to abrogate or derogate from any existing treaty rights of the Haudenosaunee and in particular rights claimed by the Haudenosaunee further to the 1701 Treaty of Albany”

Project 1a

- Application received on July 5, 2010
- Land lease agreement sanctioned by HCCC
May 7, 2011
- One time payment of \$90,00 be provided to the HCCC to assist in the development of an Archaeological Monitoring program
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Project 1b

- Application received July 2010
- Land lease agreement sanctioned by HCCC on August 4, 2012
- A one time payment of \$90,000 to go toward the proposed plan of ecological restoration and use of the lands at Kanonhstaton as training ground for monitors.

Project 2 –

Consist of a total of 8 smaller projects

- Application received November 29, 2010
- Land lease agreement reached Jan 19, 2012
- \$250,000 annual payment for land lease
(payment broken down in to 8 smaller payments for each project)
- \$125,000 annual payment for land acquisition
- Total over 20 years: \$7,500,000

Haudenosaunee Confederacy Chiefs Council
Land Lease Agreements – Negotiated to Date

Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd To Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000

Project 3 – Capacity Development Agreement

- Application received November 3, 2011
- Agreement sanctioned by the HCCC November 1, 2014.
- Lease agreement of \$425,000 paid in 2 installments of \$212,500: 1st in December 2014, and final December 2015
- The Capacity Development Funds were used to finance the language programs that requested funding for the 2015/2016 Fiscal Year:
 - Haudenosaunee Resource Centre
 - Six Nations Language Commission
 - The Learning Tree School

Project 4

- Application received November 3, 2011
- Ownership changed hands in 2014
- Engagement agreement reached with HDI May 2015
- \$230,000 annual payment for land lease
- \$115,000 annual payment for land acquisition
- Total over 20 years: \$6,900,000.00
- HDI/Proponent signed agreement pending councils approval
- HCCC has been unable to proceed in council to consider HDI reports for May, June, July & August 2015

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	

Project 5

- Application received January 2012
- Engagement agreement sanctioned by HCCC
October 5, 2013
- Land lease agreement dated Nov 8, 2013
provides \$160,000 annually
- Total over 20 years: \$3,200,000

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000

Project 6a

- Application received October 28, 2012
- Engagement agreement sanctioned by HCCC on Nov 1, 2014
- Land lease of \$30,000 annually
- Total over 20 years: \$600,000

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	

Project 6b – Establishment of a Corporation

- September 2014 HDI in discussions with possible equity position for HCCC. HCCC told HDI to continue to try and get the best deal possible for HCCC
- October council cancelled. Clanmothers & Chiefs in attendance at internal meetings advised HDI to proceed
- HDI advised that in order for the HCCC to be eligible for the ‘aboriginal adder’, needed a process which Ontario could recognize to flow the money through.
- HDI hired law firm to establish a numbered company/corporation to hold HCCC interest
- HDI obtained \$3,000,000 Loan from community member
- HCCC sanctioned the entire process on November 1, 2014
- **“ The HCCC authorizes the HDI to endorse both the land lease agreement as well as the necessary documentation to finalize the acquisition of an equity position in the GVWF2 project”**

Who is Incorporated?

Not HCCC Not HDI

Request ID: 016955016
Demande n°:
Transaction ID: 055731717
Transaction n°:
Category ID: CT
Catégorie:

Province of Ontario
Province de l'Ontario
Ministry of Government Services
Ministère des Services gouvernementaux

Date Report Produced: 2014/10/20
Document produit le:
Time Report Produced: 16:00:38
Imprimé à:

Certificate of Incorporation Certificat de constitution

This is to certify that

Ceci certifie que

2438543 ONTARIO INC.

Ontario Corporation No.

Numéro matricule de la personne morale en
Ontario

002438543

is a corporation incorporated,
under the laws of the Province of Ontario.

est une société constituée aux termes
des lois de la province de l'Ontario.

These articles of incorporation
are effective on

Les présents statuts constitutifs
entrent en vigueur le

OCTOBER 20 OCTOBRE, 2014



Director/Directeur
Business Corporations Act/Loi sur les sociétés par actions

What is the Corporation's Mandate?

- “ The corporation shall only carry on activities which provide a benefit to people of the Haudenosaunee. For the purposes of this provision, benefit shall include (but not be limited to) the preservation, furtherance and enhancement of the culture, language and ceremonies of the People of the Haudenosaunee.’

Project 6b – Partnership Without Aboriginal Adder

Year	HCCC	Partner 2	Partner 3	Partner 4
2014	-\$3,000,000	-\$2,775,000	-\$150,000	-\$1,575,000
2015	0	0	0	0
2016	\$823,309	\$761,521	\$41,163	\$432,214
2017	\$807,873	\$747,282	\$40,394	\$424,133
2018	\$845,995	\$782,546	\$42,300	\$444,148
2019	\$830,689	\$768,387	\$41,534	\$436,112
2020	\$813,638	\$752,615	\$40,682	\$427,160
2021	\$792,398	\$732,968	\$39,620	\$416,009
2022	\$732,302	\$732,879	\$39,615	\$415,958
2023	\$819,165	757,728	\$40,958	\$430,062
2024	\$816,418	\$755,186	\$40,821	\$428,619

Project 6b – Partnership Without Aboriginal Adder Cont'd

Year	HCCC	Partner 1	Partner 2	Partner 3
2025	\$820,965	759,392	\$41,048	\$431,006
2026	\$781,428	\$458,057	\$24,760	\$259,978
2027	\$781,919	\$89,270	\$4,825	\$50,667
2028	\$786,045	\$72,495	\$3,919	\$41,146
2029	\$794,784	\$63,230	\$3,418	\$35,887
2030	\$99,104	\$49,970	\$2,701	\$28,362
2031	\$741,716	\$8,171	\$422	\$4,637
2032	\$742,178	-\$10,115	-\$547	-\$5,741
2033	\$760,985	-\$13,139	-\$710	-\$7,457
2034	\$1,678,075	\$830,409	\$44,887	\$471,313
2035	\$1,704,269	\$842,877	\$45,561	\$478,390
TOTAL	\$14,733,254	\$7,166,729	\$387,391	\$4,067,603

Project 6b – Partnership With Aboriginal Adder

Year	HCCC	Partner 2	Partner 3	Partner 4
2014	-\$3,000,000	-\$2,775,000	-\$150,000	-\$1,575,000
2015	0	0	0	0
2016	\$987,717	\$913,598	\$49,384	\$518,529
2017	\$971,771	\$898,889	\$48,589	\$510,180
2018	\$1,014,740	\$938,635	\$50,737	\$532,739
2019	\$999,570	\$924,602	\$49,978	\$524,774
2020	\$987,500	\$913,438	\$49,375	\$518,438
2021	\$966,396	\$893,916	\$48,320	\$507,358
2022	\$961,318	\$889,219	\$48,066	\$504,692
2023	\$988,046	\$913,943	\$49,402	\$518,724
2024	\$985,298	\$911,401	\$49,265	\$517,282

Project 6b – Partnership With Aboriginal Adder Cont'd

Year	HCCC	Partner 1	Partner 2	Partner 3
2025	\$994,827	\$542,372	\$29,317	\$307,833
2026	\$955,426	\$191,207	\$10,336	\$108,523
2027	\$960,899	\$177,785	\$9,610	\$100,905
2028	\$961,501	\$159,367	\$8,614	\$90,451
2029	\$970,141	\$150,009	\$8,109	\$85,140
2030	\$979,482	\$139,176	\$7,523	\$78,992
2031	\$927,251	\$99,929	\$5,402	\$56,716
2032	\$922,828	\$79,343	\$4,289	\$45,032
2033	\$941,499	\$76,193	\$4,119	\$43,245
2034	\$1,863,610	\$922,167	\$49,847	\$523,392
2035	\$1,889,941	\$934,761	\$50,528	\$530,540
TOTAL	\$18,229,762	\$8,894,949	\$480,808	\$5,048,485

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6a	\$30,000		\$600,000	
Project 6b Partnership			\$14,733,254	

Project 7 a

- Application received May 30, 2012
- Engagement agreement sanctioned by HCCC June 1, 2013
- Annual Land Lease payment of \$150,000
- Annual Land Acquisition fund of \$75,000
- Total over 20 years: \$4,500,000
- Sovereign immunity waiver incorporated for Partner in California

What exactly did the agreement say?

Section 17 - Governing Law:

This Agreement and all matters arising hereunder are governed in all respects by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein. The Parties hereby (i) waive reliance on the applicatoin of sovereign immunity applicable to HCCC or HDI in respect of this Agreement; and (ii) waive the application of any further Haudenosaunee laws to this Agreement or the Project and covenant and agree at no time shall this Agreement or any matter relating to the Project be subject to any requirements, taxes, assessments, laws, regulations, orders, rulings or any other enforcements arising from the application of Haudenosaunee laws. This provision is a material inducement for the Parties entering into this Agreement.

Why Waive reliance on Sovereign Immunity?

- California and the laws of New York state utilize the 'waiving of sovereign immunity' when dealing with tribal governments. This is the only mechanism they understand that protects their investment
- The chiefs and clanmothers in attendance at our internal meetings and during chiefs council deliberated many months on this issue, its clauses and in end, provided HDI instruction to proceed
- the waiving of sovereign immunity to the agreement does not apply to Haudenosaunee lands or our treaty rights.
- Haudenosaunee citizens continued to stop construction on this project site when they felt our people were being discriminated and the HDI continued to uphold all HCCC policies throughout the construction of the project, and post construction.

Haudenosaunee Confederacy Chiefs Council
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Annual/20 year Financial Forecast

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Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500

Project 7 b

- Application received May 30, 2012
- Engagement agreement sanctioned by HCCC
September 6, 2014
- Annual land lease payment of \$150,000
- Annual land acquisition fund of \$ 50,000
- Total over 20 years: \$ 4,000,000

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500
Project 7b	\$150,000	\$50,000	\$4,000,000	

Project 8

- Application received August 12, 2012
- Engagement agreement sanctioned by HCCC February 2, 2013
- Annual land lease payment of \$11,000
- Total over 20 years: \$ 220,000

Haudenosaunee Confederacy Chiefs Council
 Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500
Project 7b	\$150,000	\$50,000	\$4,000,000	
Project 8	\$11,000		\$220,000	

Project 9

- Application received Oct 19, 2012
- Engagement agreement sanctioned by HCCC
September 6, 2014
- One time land lease payment of \$125,000

Haudenosaunee Confederacy Chiefs Council
Land Lease Agreements – Negotiated to Date
Annual/20 year Financial Forecast

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500
Project 7b	\$150,000	\$50,000	\$4,000,000	
Project 8	\$11,000		\$220,000	
Project 9			\$125,000	

Project 10

- Application received January 31, 2013
- Engagement agreement sanctioned by HCCC
November 1, 2014
- Annual land lease payment of \$6,000
- Total over 20 years: \$120,000

Annual/20 year Financial Forecast Cont'd

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500
Project 7b	\$150,000	\$50,000	\$4,000,000	
Project 8	\$11,000		\$220,000	
Project 9			\$125,000	
Project 10	\$6,000		\$120,000	

Project 11

- Application received January 31 2013
- Engagement agreement sanctioned by HCCC
November 1, 2014
- Annual land lease payment \$13,750
- Total over 20 years: \$275,000

Annual 20 Year Financial Forecast Cont'd

Company	Annual Lease	Annual Land Acquisition	Total Over 20 Years	Amounts Rec'd to Date
Project 2	\$250,000	\$125,000	\$7,500,000	\$300,000 \$250,000
Project 4	\$230,000	\$115,000	\$6,900,000	
Project 5	\$160,000		\$3,200,000	\$320,000
Project 6	\$30,000		\$600,000	
Project 6 Partnership			\$14,733,254	
Project 7a	\$150,000	\$75,000	\$4,500,000	\$75,000 \$37,500
Project 7b	\$150,000	\$50,000	\$4,000,000	
Project 8	\$11,000		\$220,000	\$11,000
Project 9	0		\$125,000	
Project 10	\$6,000		\$120,000	
Project 11	\$13,750		\$275,000	
TOTALS	\$1,000,750	\$365,000	\$42,173,254	\$706,000 \$287,500

HCCC Farm Land Leases

Date	Property	Acreage	Price per Acre	Total Annual Lease Rec'd
May 30, 2015	Pauline Johnson Road	25 Acres	\$50.00/acre	\$1,250.00
May 30, 2015	Burtch Farm Lands	300 Acres	\$100/acre	\$30,000.00

What's Next?

- Renewable Energy Projects are slowly phasing out, HCCC is looking at other areas of development
- HDI is working with a company who is assisting with partnership agreements
- This will provide at least 2 new positions which will be posted once ready to begin
- HDI hopes to have quarterly engagement sessions with the people in this next phase of development