



RE: ONTARIO ENERGY BOARD FILE NO: EB-2012-0467

**RE: APPLICATION FOR AN ELECTRICITY GENERATION
LICENCE FOR SUNEDISON NORFOLK BLOOMSBURG LP**

RE: REQUESTS FOR WRITTEN HEARING

Introduction

- 1) I am the Director of Lands and Resources for the Six Nations Council and as such, am writing on behalf of the Six Nations Council. The Six Nations Council is the elected government of the Six Nations of the Grand River pursuant to the provisions of the Indian Act (Canada). The Lands and Resources Department of the Six Nations Council is the department of the council responsible for acting as the consultation resource and co-ordination unit of the council.
- 2) Although I am the responsible director of the Lands and Resources Department overseeing consultation activities of the Six Nations Council, I was not served by the applicant with the notice required attachments.
- 3) This application at this time is a surprise to the Six Nations Council, given the lack of proper prior communication from the applicant.

Six Nations Council Request for Written Hearing

- 4) The Six Nations Council requests a Written Hearing in this Ontario Energy Board proceeding and further requests an award of costs in order to be able to participate in this proceeding in a meaningful way.

5) Briefly, the Six Nations Council seeks a Written Hearing for reasons which include the following:

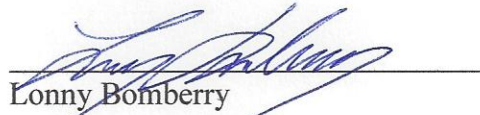
- (1) The electrical generating facilities are proposed to be located in areas subject to the Nanfan Treaty of 1701, the treaty areas of the Six Nations of the Grand River are subject of ongoing litigation against both the Ontario and Federal Crowns.
- (2) The Six Nations treaty rights are protected under section 35 of the Constitution Act, 1982.
- (3) The Six Nations, the Six Nations Council, and the Lands and Resources Department of the Six Nations Council have not been properly consulted concerning the subject matter and details for the application.
- (4) The Ontario Ministry of Environment has provided the applicant with a list of First Nations that they are required to consult with under the Feed in Tariff program and Six Nations of the Grand River was on that list.
- (5) Four meetings were held with the applicant between 2011 and 2013. Many scheduled meeting were deferred at the request of applicant. These meetings were held to attempt to accomplish accommodation for the breach of our 1701 Nanfan Treaty rights.
- (6) Neither the applicant nor the Ontario Crown has properly consulted with the Six Nations or accommodated in any way the Six Nations' hunting, gathering, resources and economic rights protected by the Nanfan Treaty and likely impacted by the proposed electrical generating facilities.
- (7) Similarly, neither the applicant nor the Ontario Crown has properly consulted with the Six Nations concerning the likely negative impacts on the Six Nations Treaty Rights which will be caused by the proposed new facilities and there has been no accommodation to date on such impacts.
- (8) The applicant has been stalling on reaching an agreement; we believe the applicant is trying to complete construction and sell the facility before we could reach an agreement, thereby foreclosing our rights to accommodation.

6) Six Nations is asking the Ontario Energy Board to not grant an electricity generation licence to SunEdison for the Norfolk Bloomsburg Solar Farm until consultation and accommodation discussions are complete with the Six Nations Elected Council.

7) All of which is respectfully submitted for the Six Nations Council.

Dated January 29, 2013

SIX NATIONS COUNCIL
By its Director of Lands and Resources



Lonny Bomberry

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