

First Nation, Inuit and Métis governments, nations and organizations from coast to coast have successfully built and participated in all forms of energy projects. They are key players in transitioning to clean energy and managing conventional energy projects and transmission assets. They rely on BLG to consider innovative ways for Indigenous groups to increase participation in the energy sector for the benefit of all stakeholders.

BLG advises on the full lifecycle development of energy projects, from land acquisition and site control to permitting and development, financing, construction, operation and maintenance, divestiture and acquisition, including:

- Understanding Indigenous rights and interests that may be impacted by energy projects, procurement and designing engagement activity plans;
- Facilitating outreach and communications with potential Indigenous partners for commercial projects;
- Structuring tax-efficient commercial partnerships for First Nations and First Nations-owned companies (joint ventures and limited and corporate partnerships);
- Site development on reserve lands under the *Indian Act*, including permitting, designation and lawful possession;
- Site development on reserve lands under the *First Nations Land Management Act*;
- Designing equity financing options for Indigenous communities;
- Seeking and obtaining loan guarantees from government and Aboriginal-financing institutions for participation by Indigenous communities and Indigenous-owned entities in power projects; and
- Completing and negotiating benefit and other participation agreements in connection with Indigenous engagement, permitting and local protocol requirements.

Experience

Northwest Territories Power Corporation (NTPC), as regulatory counsel in all matters before the Northwest Territories Public Utilities Board (PUB). Also provide business, corporate and privacy advice to NTPC, including advising on various commercial matters such as purchasing major equipment for power plants, power purchase agreements, fuel purchase agreements, joint use agreements, land/leasing matters and access to information requests.

Meadow Lake Tribal Council (MLTC), as counsel in connection with its power purchase agreement and other material agreements for its 6.6 MW green energy biomass project located near Meadow Lake, Sask.

ITC Lake Erie Connector LLC in carrying out Indigenous engagement for a 1000 HVDC merchant transmission line project that would connect IESO Ontario grid to PJM grid in the U.S.

First Nations Power Authority of Saskatchewan (FNPA) in respect of its set-asides program with Saskpower for solar and flare gas projects.

Development of the largest wind farm on reserve lands in Canada.

Equity participation and bridge loan financing for an Indigenous community in two large-scale solar projects in Ontario.

The Federal Crown on the adequacy of consultations Kinder Morgan conducted with First Nations in relation to the Trans Mountain Pipeline.

The Ontario Chiefs-in-Assembly on the creation of one of Canada's largest limited partnerships, called the Ontario First Nation Sovereign Wealth LP, a partnership among 129 First Nations in Ontario.

The Ontario First Nations Sovereign Wealth LP on the acquisition of 14 million common shares in Hydro One Limited (representing approximately 2.4 per cent of Hydro One Limited) from the Province of Ontario.

The Ontario Chiefs-in-Assembly on negotiating a significant seed capital contribution for long-term wealth creation in connection with the privatization of Hydro One Limited and the creation of the OFN Capital Wealth LP, a limited partnership wholly owned by the Ontario First Nation Sovereign Wealth LP.

Industry and First Nations in the negotiation of Impact Benefit Agreements, involving:

- Railways, pipelines, highways, and transmission facilities;
- Oil and gas projects in northeast British Columbia and Nunavut;
- LNG, butane, rail and port expansion projects in the Port of Prince Rupert;
- Coal mines and quarries;
- Mountain development agreements for major ski and tourism operations;
- Major real estate developments; and
- Wastewater treatment facilities, conveyancing systems and landfill operations.

Crown and Crown corporations on the duty to consult when making decisions that could adversely affect existing or potential Aboriginal rights and title or treaty rights.

Financial institutions, including CMHC, First Nations and trusts on lending and security issues relating to loans to First Nations for energy projects.

Industry, lenders and the Crown on the adequacy of consultations conducted with First Nations in relation to required permits and approvals in connection with energy projects.

Negotiation of protocol agreements with Indigenous groups to establish good working relationships and address legal issues, among other concerns and interests raised by Indigenous groups.

Acting for lender in connection with the \$215 million project financing for the development, construction, ownership and operation of the 58.32 MW Bow Lake wind power project.

Acting for syndicate lenders with respect to the \$252 million project financing by Le Plateau Wind Power LP for the development, construction, ownership and operation of a 138.6 MW wind power facility in the MRC d'Avignon, QC.

Administrative agent and the syndicate of lenders with respect to a \$122 million secured credit facility for the financing of the River Cree Resort and Casino; a casino, hotel and sports complex located in Edmonton, and subsequent refinancing that included \$45 million senior debt term facility and \$200 million high-yield cross-border bonds. This deal marked the first time a Canadian First Nation-owned company issued cross-border bonds.

Bank of Montreal, as the administrative agent and lenders in connection with the \$215 million project financing for the development, construction, ownership and operation of the 58.32 MW Bow Lake wind power project.

Bank of Montreal with respect to credit facilities in the aggregate amount of \$188.5 million made available to Tsuu T'ina First Nation to provide for project financing, redevelopment of reserve lands for the construction of the Transportation Utility Corridor in Southwest Calgary, and capital expenditures.

Royal Bank of Canada on \$60 million aggregate secured credit facilities to Fort McKay First Nation for the purposes of financing capital investments and acquisitions and other general working capital purposes.

Royal Bank of Canada and a syndicate of other lenders with respect to the \$252 million project financing by Le Plateau Wind Power LP for the development, construction, ownership and operation of a 138.6 MW wind power facility in the MRC d'Avignon, QC.

Related Expertise

Indigenous Law

Corporate Commercial

Cybersecurity, Privacy & Data Protection

Energy Disputes

Beyond Leasing

Mergers & Acquisitions

Lending & Financing

Tax

Related Power Services

Energy – Power

Energy – Power Regulatory


Gas Contracting


Storage

Key Contacts

Cherie Brant
Partner and National Leader, Indigenous Law

 Toronto


 CBrant@blg.com

 [416.367.6570](tel:416.367.6570)


Kristyn Annis
Counsel

 Toronto


 KAnnis@blg.com

 [416.367.6399](tel:416.367.6399)

Sarah Bird
Partner


 Vancouver


 SBird@blg.com

 [604.640.4176](tel:604.640.4176)

Tiffany Murray
Partner

 Ottawa


 TMurray@blg.com

 [613.787.3548](tel:613.787.3548)

Colin Yeo
Partner

 Calgary

 CYeo@blg.com

 [403.232.9571](tel:403.232.9571)