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Taykwa Tagamou Nation Position on the Transmission System Framework (TSF)

The supremacy of our Treaty Rights is an overarching principle for Taykwa Tagamou Nation, as it is for all Indigenous communities. The Transmission System Framework (TSF) must not, in any capacity, supersede or diminish the Treaty Rights of any First Nation. Furthermore, the TSF does not abrogate the responsibilities of the Crown, as represented by the Government of Ontario, nor the responsibilities of First Nations under existing and future Treaties between Nations.

In alignment with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous communities have emphasized that their early and meaningful involvement in transmission planning and project development is essential for the successful and respectful development of infrastructure in Ontario. To honor the spirit of economic reconciliation, the TSF should offer a variety of flexible economic participation options for First Nations and Indigenous groups affected by a transmission project. These options should include ownership, equity, and other forms of economic participation, such as training and development, supply chain opportunities, and capacity funding.

First Nations and Indigenous groups are not merely stakeholders; they are rights holders with a vested interest in the long-term benefits from projects throughout the entire lifecycle of the asset. This includes not just the development and construction phases but also extends through the operations and maintenance phases. It is important to note that First Nations communities cannot endorse any specific approach to Indigenous participation without detailed project information.

The inherent right of First Nations to select their preferred partners for participation in transmission projects is non-negotiable. These partners must be Qualified Transmitters and must be listed on the IESO Registry of Qualified Transmitters before the competitive bidding process begins. The TSF cannot

impose any limitations on the right of First Nations to choose their preferred partners, provided these partners meet the qualifications. Moreover, neither the Government of Ontario, its agents, selected delegates, nor companies in which the Government of Ontario holds an equity interest have the right to select or influence the selection of the First Nations' partners.

Qualified Transmitters should include a comprehensive Indigenous community engagement plan with their bid, regardless of whether they have secured a First Nations partner at the time of submission. Transmitters must not attempt to impose exclusivity on First Nations in the event that the Transmitter is not selected or fails to meet their partnership obligations. Indigenous communities affected by transmission projects must retain the ability to engage with or partner with different proponents, including after the conclusion of the procurement process.

Lastly, there is a broad spectrum of capabilities among First Nations in Ontario to participate as fully informed and advised agents in the TSF processes. Addressing capacity barriers is crucial to ensuring that First Nations and Indigenous groups can effectively engage in planning and procurement processes, in alignment with the goals of economic reconciliation and in respect of their rights as outlined in UNDRIP.



Chief Bruce Archibald
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