

Indigenous Leadership: Governance and Development Project

Case Study

Cowessess Ventures Limited

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One of the key actions in Saskatchewan's Growth Plan 2020-2030 is to grow Indigenous participation in the economy. The success of this action depends on Indigenous nations in Saskatchewan building and maintaining their economic development activities. The Indigenous Leadership: Governance and Development project provides made-in-Saskatchewan tools for Indigenous communities to build the governance foundation that will support long-term economic development. An important part of the project involves capturing the experience of Saskatchewan Indigenous communities through case studies and toolkits based on this experience.

The case study in this document was developed by a team of researchers and their affiliates at the Johnson Shoyama Graduate School of Public Policy at the University of Saskatchewan. The project is funded by the Government of Saskatchewan's Ministry of Trade and Export Development.

The case studies are designed to be used first and foremost by Indigenous communities across Saskatchewan. The premise of the work is that economic development stories need to be shared among those involved in economic development, both in the community where the economic development activities take place and in other communities looking to undertake economic development. It is important to focus on what has and has not worked. One of the long-term goals is to develop a set of resources that is Indigenous-led and available to Indigenous communities across the province and the country. The cases may also be used as governance training components and/or strategic planning exercises, as well as in teaching.

The case studies combine material from websites and other publicly available sources with material gathered through interviews with leaders and representatives involved in economic development activities. The interviews last between two and four hours and involve a small group of economic development leaders in the community. The questions asked focus solely on the corporate entities and activities that have been developed, and those interviewed are asked questions in their role as a corporate leader.

When approaching community leaders and representatives, we begin with an informal discussion. If the leaders and representatives indicate an interest in participating, we proceed with sending them a formal letter of introduction, which they can use to obtain official permission to proceed. We know communities receive many requests for information, and they do not always see the results of the work that is undertaken. Our goal is to ensure that the case study is shared with the community in a way that is beneficial. To this end, a draft of the case study is shared with the community, and the case study is not finalized until the community gives its agreement. Once a set of case studies have been developed, leaders from the communities involved will be given the opportunity to discuss the findings.

We would like to thank the leaders and representatives for their time and effort. Their knowledge and insights are critical to understanding economic development in Indigenous communities.

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Cowessess Ventures Ltd

Navigating Economic Success Through Action-Orientated Leadership and Partnerships

Overview and Key Learnings

Key Ideas

- Action Orientated Leadership that is focused on both social and economic impact
- Recent move to consolidate its economic development into a more coordinated approach
- Taking steps to become a key player in the renewable energy sector


This case study profiles Cowessess First Nation’s nation building approach and its economic development corporation, Cowessess Ventures Ltd. It highlights key strengths, successes, and community outcomes. The case also demonstrates the importance of partnerships to support capacity building and knowledge when entering the renewable energy sector.

Background and History

Cowessess First Nation (CFN) is located in southeastern Saskatchewan at the end of Cooked Lake in the Qu’Appelle Valley. In 1874, Chief Cowessess (Ka-wezauce, which translates to “Little Boy”) signed Treaty 4 in Fort Qu’Appelle, Saskatchewan.

The home reserve is 28,000 acres in size; of this, 17,000 acres are agricultural land and 11,000 acres are pasture and native valley land. Treaty Land Entitlement added another 60,000 acres to status land, with another 39,500 acres not yet converted to status land.

CFN’s membership is comprised of a blend of Saulteaux, Cree and Metis linguistic groups. CFN currently has 4,329 members, with approximately 917 people living on the reserve; 3,206 citizens are under the age of 17.¹ According to statistical information posted on the Government of Canada First Nations Profile website, 50 percent have a high school, trade or university education. Average earnings for CFN on-reserve members is \$28,756 (the average earnings of Saskatchewan residents is \$46,853).



Community	4300+ citizens (on and off Reserve)
Leadership Council	One Chief and 8 Council Members
Cowessess Central Administration	Director of Operations oversees the following departments: Finance, HR, Communications, IT, Memberships, Education, Public Works and Infrastructure, Lands, Justice - Employs 136 Full Time Position
Cowessess Nation Rebuilding Committees	Nation Building, Capital Projects, Stewards of the Land, Community Enhancement, Inherent & Treaty, Citizens Engagement
Cowessess Entities, Trust, Tribunal (Board of Directors separate from Chief and Council)	Cowessess Ventures, Chief Red Bear, TLE, Mikiwam Housing, LC Community Development, Eagle Women Tribunal, Settlement Claims

Source: Cowessess First Nation (2022). See Appendix for detailed chart.

Figure 1. Cowessess Governance Structure

Cowessess Governance

The elected leadership of Cowessess First Nation has established governance structures based on nation-building principles and the traditional values of Cowessess citizens. The Harvard Project on American Indian Economic Development (Harvard Project) has identified action-oriented leadership as one of its five determinants to achieve economic and community development success. For CFN, action-oriented leadership takes the form of a strategic plan and community vision developed annually by the Cowessess Leadership Council.

The Cowessess Leadership Council consists of the Chief and eight Council members who are elected to four-year terms. To address the numerous challenges facing the Nation, a strategic approach is required. Successful strategies must clearly identify the Nation's assets, challenges, and goals.² To this end, the Leadership Council regularly has Cowessess' citizens share their ideas, concerns, and wishes for the Nation. The current community engagement process is built on a comprehensive community planning project begun in 2009. Following the two-year project, Cowessess continued to support the project by employing a Nation Navigator whose role was to support citizen engagement and nation building.

As a result of this community engagement process, Cowessess has identified three strategic objectives: (1) jurisdictional sovereignty; (2) traditional kinship teachings and cultural rejuvenation; and (3) fulfillment of treaty obligations and the right to participate in the Canadian economy. The Harvard Project has identified all three of these areas as key underpinnings for economic development success.

The assertion of jurisdictional sovereignty and the use of traditional kinship teachings are reflected in the bold steps CFN has taken to assert their inherent right to look after their own children. After several years of consultation and drafting, the Miyo-Pimatisiwin Act was formally ratified by the Cowessess First Nation.³ Miyo-Pimatisiwin is a Cree word that means striving for a better life.⁴ The ratification of the Miyo-Pimatisiwin Act positioned the Nation to respond to Bill C -92, An Act Respecting First Nations, Inuit and Metis, Children, Youth and Families that the Canadian Federal Government passed in 2020.⁵

The Leadership Council has also taken steps to achieve their strategic objectives by reclaiming their jurisdiction over Cowessess lands and its resources. For CFN, this reclamation means embracing economic development that is progressive, holistic, and conducive of partnerships and wealth creation. As Chief Cadmus Delorme said, "Cowessess First Nation has the right to determine and develop priorities for exercising its right to an economy. We have a right to actively be involved in developing and determining economic opportunities affecting our Treaty Territory."

To meet its economic development goals, CFN has continued to diversify its portfolio of profitable businesses that provide meaningful employment and training, support community values, and promote social returns.

Structure and Approach

CFN has historically operated several business ventures, including Last Oak Golf and Country Club, Cowessess Gas and Grocery I (CGGI), and the Chief Henry Delorme strip mall on reserve. Building on this early business experience, Cowessess began to expand its business portfolio in the early 2000s. These activities included developing an additional retail gas station (CGGII) near Regina, starting a cow calf cattle operation (4C Farms), and establishing a presence in renewable energy with a 1 MW wind and

battery facility known as Cowessess Wind Developments Ltd (CWDL). Awasis Nehiyawewini Energy Development Corporation (ANEDC) was set up to pursue a utility-scale renewable energy project and Cowessess Urban Development (CUDL) was established to pursue land development on the Nations urban reserve land holdings.

Up until January 2018, all business units had individual managers that reported to Chief and Council. Chief and Council sat as the Board of Directors for this plethora of legal entities. As the business portfolio grew and active development became apparent, Chief and Council recognized the need to have some of the businesses operate at arms length from council under an economic development corporation with a separate professionally based board of directors.

In January 2018, Cowessess Ventures Limited was established. CVL's main responsibility is to oversee on behalf of the Nation existing and new business pursuits, including urban land development, natural resource development, agriculture, businesses in retail, renewable energy, and more.

Table 1 lists the businesses and their activities. CVL currently has seven business entities, and CFN maintains ownership and control over an additional five entities.

Cowessess Ventures Ltd. Governance — Hybrid Model

To pursue its economic development goals, CFN builds on good governance practices. As the Harvard Project research indicates, "Governing institutions must protect day-to-day business and program management from political interference, keeping strategic decisions in the hands of elected leadership and putting management decisions in the hands of managers."⁶ Thus, instead of Cowessess Chief and Council making operational business decisions and overseeing day-to-day operations directly, CFN has moved its economic mandate under the authority of CVL's Board of Directors, which is comprised of professional individuals, business, and governance experts.

CVL's inaugural Board of Directors was the Cowessess Chief and Council until the process could be undertaken to recruit a professional and competency-based board. CFN hired a local consulting firm to recruit the inaugural Board. CFN was seeking citizens, First Nation individuals, and non-First Nation individuals with the following skill sets:

- corporate governance
- land development
- government relations
- audit and finance
- renewable energy
- legal
- First Nation economic development

Over 40 applicants were received, and the consultant narrowed down a shortlist and recommended those individuals that most closely met CFN's Board Criteria. CFN Chief and Council as the primary stakeholder then formally appointed the shortlisted candidates as board members in August 2020.

In alignment with good governance practices, CVL's governance structure is like the one used by many First Nations in Canada — namely, a hybrid board consisting of both professional and political appointments. The hybrid nature of the board ensures that accountability and continuity are maintained

between the board and the Nation. The Chief of CFN serves as board chair; a member of CFN Council is also a board member. While there are elected officials on the board, each member of the board has an equal voice. CVL's CEO reports to the Board of Directors. The managers of the CVL business entities, in turn, report to the CEO. The CEO is responsible for hiring the managers and for providing oversight, guidance, and performance evaluation for each business entity.

Table 1. Cowessess First Nation Business Portfolio

CFN Managed Businesses	Activity
Last Oak Golf & Country Club (1967)	18-hole golf course
4C Farms Ltd (2010)	Mixed cattle and grain farm (4500 grain acres + 1500 hay pasture acres)
Cowessess Commercial Holdings Ltd (2021)	Urban Indigenous Health Centre – 1236 Albert Street Regina
Chief Henry Delorme Mall (1994)	Laundromat, Post office, office space
Construction Joint Ventures	Gee Bee Construction, Iconic Power Solutions, Seventy Three Industrial, Rapid Lawn Solutions
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Cowessess Ventures Managed Businesses	Activity
Little Child Holdings Inc - Cowessess Gas and Grocery II (1990s)	Grocery Store and gas bar – on reserve
Little Child Holdings Inc - Cowessess Gas and Grocery II (2003)	Gas bar – highway #33 near Regina
Awasis Nehiwewini Energy Development Corp (2009)	Utility scale renewable energy projects
Cowessess Wind Development Ltd (2012)	1 MW renewable energy generation facility (wind, battery and solar)
Cowessess Urban Development (2012)	Development planning for CFN Urban land holdings in Regina, Yorkton and Saskatoon
	Tim Hortons in Regina (2021)
Cowessess Driver Services Limited Partnership (2018; 51% ownership)	Industrial construction services
Awasis Solar Limited Partnership (2019; 95% ownership)	10 MW utility scale solar facility selling to SaskPower
Bekevar Wind Limited Partnership (2020; 11% ownership)	200 MW utility scale wind facility selling to SaskPower
Awasis Solar Limited Partnership (2019)	10 MW utility scale solar project
Cowessess Urban Development Regina (2021)	39,000 sq ft building and 20 years building lease with Tim Hortons

Three of the eight board members are non-Indigenous and have extensive experience in corporate governance, business development, legal practice, and intergovernmental relations. Of the five Indigenous board members, one is from another First Nation, while four are from CFN. There were two women on the inaugural Board of Directors.

The CVL Board of Directors experienced two resignations in 2021 and a death in 2022, leaving it with just five members. At the same time, board terms were either ending or had expired for nearly all the board members. Faced with replacing 80% of its board positions, CVL recruited a new board of directors in July 2022 based on a competency matrix; the new board will be instated October 1, 2022. One of the first tasks for the new board will be to look at CVL's strategic direction and recruit a new CEO in line with this strategic direction and vision. The CVL Board of Directors choose not to renew the CEO's annual contract in March 2021 and appointed the Financial Controller as acting CEO until a new CEO could be found. CEO recruitment has been difficult, both because of the tight labour market and limited budget.

Excellence in Partnership: Investment into Renewable Energy

Cowessess Wind Development Limited (CWDL), established in 2012, was CFN's first step into the renewable energy sector. CWDL is a 1MW renewable energy generation facility located three kilometres southeast of Regina. The project includes a wind turbine, solar panels, and lithium-ion battery storage. Phase One, an 800 kW Enercon wind turbine and a SAFT lithium-ion battery system, was completed in 2013. Phase Two, which involves the installation of 1,134 solar photovoltaic panels over one hectare of land, was completed in 2018, with an additional expansion in 2019.⁷

CWDL phase one was an important development project for Cowessess First Nation, since it was one of the first alternative energy projects involving a Saskatchewan First Nation. The wind study was supported initially by the Saskatchewan Research Council (SRC) in 2006. CWDL was part of SRC's research project to assess lithium-ion battery storage capacity and to obtain technical insights on the ability of wind sources to supply energy. The information that was collected provided government and industry with insights into the economic viability and environmental impact of wind power.⁸ The research project was funded by Natural Resources Canada's Clean Energy Fund (50%), the Government of Saskatchewan's Go Green fund (25%), and Cowessess First Nation (25%) who accessed money from a start-up fund provided by Aboriginal Affairs and Northern Development.⁹ The wind and storage demonstration operation was commissioned in 2013; the power produced from the project is sold to SaskPower through a 20-year Power Purchase Agreement (PPA).

The profits generated by this project have been used as seed money to begin development on a 10 MW utility scale solar facility located on the same quarter section of land as the 1MW project. Cowessess First Nation established Awasis Nehiyawenin Energy Development Corporation (ANEDC) in 2009. ANEDC's mandate was to develop utility -scale energy projects. In 2012, ANEDC made a submission to the SaskPower 175 MW wind RFP but was unsuccessful.

ANEDC then sat as an empty shell company until the First Nations Power Authority's set aside was issued in 2019. First Nations Power Authority (FNPA) is a non-profit, membership-based corporation based in Saskatchewan whose mandate is to assist First Nations to engage with the clean energy sector.¹⁰ The First Nations Power Authority streamlines the process for First Nations who are looking to enter the clean energy sector or who are operating a power generation facility.

ANEDC was ideally positioned to attract an industry partner given its land, access to an interconnection, experience, and a First Nation specific opportunity. ANEDC selected Elemental Energy as the industry developer. Elemental Energy has a large portfolio of energy projects across Canada and Hawaii and contributes capital investment, organizational capacity, and renewable energy expertise. Together ANEDC and Elemental formed Awasis Solar Limited Partnership (ASLP), which is governed by its own Board of directors. ANEDC owns 51% and Elemental Energy holds 49% of Awasis. Two CVL board members serve on the ASLP Board of Directors, along with three representatives from Elemental Energy. Elemental is the General Partner for the Limited Partnership.

ASLP developed a “comprehensive community capacity building plan” to ensure that Cowessess First Nation citizens received training and employment.¹¹ The project is expected to provide employment and subcontracting opportunities for CFN. Employment opportunities include solar PV installers, electricians, heavy equipment operators, and general labourers. In preparation for employment, ASLP funded training for 11 of CFN’s citizens to learn about solar panel installation.

Based on similar projects, the anticipated economic activity for the Nation and surrounding communities is expected to range between \$4.5 to \$7.0 million during the construction phase. The project created 45 construction jobs, 58% of the employment hours delivered were Indigenous. The Construction Coordinator on site is a Cowessess citizen, as is the Community Energy Specialist who provides technical support for the project team.

CFN secured a 10 MW solar set aside from FNPA as part of the First Nations Opportunity Agreement with SaskPower.

In March 2023, it was announced that ANEDC and Innagreen, a global renewable energy investment group, would acquire the 200MW Bekevar wind energy project from RES and Bekevar Wind Limited Partnership. ANEDC will own 17 percent of the project, while Innagreen will own 83 percent. The purchase was financed by the Canada Infrastructure Bank and the Germany-based Norddeutsche Landesbank (NORD/LB). The project is expected to be operational in late 2024.¹²

Navigating: Land Designation and Headlease Process

The Cowessess Leadership Council played an important role in the renewable energy projects. Both projects have been constructed or are currently being built on CFN’s Treaty Land Entitlement land allocation that is located 3 km southeast of Regina, SK. Land acquired under a Treaty Land Entitlement Agreement and which has received reserve status must undergo a land designation for commercial development. More specifically, under the Indian Act, reserve lands that will be used for commercial ventures must be granted a headlease by the Canadian Crown (the federal agency that leads the headlease process is Indigenous Services Canada (ISC)). Once a First Nation is granted a headlease, the lands can then be subleased to business or residential interests. Cowessess First Nation processed its first ever headlease for TLE land in 2021 and subsequently signed a sublease with both CWDL and ASLP.

Cowessess manages its lands under the Indian Act and the ISC Reserve Land and Environment Management Program (RLEMP). RLEMP assigns increased First Nation authority to manage and oversee the administration of lands and environmental transactions. ISC, as the Crown’s agent in RLEMP, remains liable for all transactions and all land transactions require ministerial approval.¹³

There are several layers of coordination involved during the land designation and headlease process. All First Nations acquiring and purchasing lands through specific claim or comprehensive claims like TLE Agreements must follow the Additions to Reserve Policy to create reserve status for the acquitted/purchased land. The process begins with the Cowessess Lands and Treaty Land Entitlement Office working with Cowessess legal counsel to prepare the registration documentation. Once in the hands of the Federal department, ISC undertakes a series of steps prior to the First Nation receiving Ministerial Approval. Generally, the approval process under the Additions to Reserve Policy consists of an environmental assessment and risk analysis, as well as consultations with provincial authorities to conclude any possible third interests tied to purchased lands. The land designation process ends with a membership vote by the First Nation's citizens to ratify the designation of land for commercial use and thus no longer available for community use. Once the land is designated, Chief and Council can authorize any headlease that complies with approved use.

Economic Development Challenges

Economic development creates numerous challenges. For instance, there was some debate as to which businesses should be transferred to CVL when it was first established. The CVL's inaugural Board of Directors did not want to take on any businesses that were losing money, breaking even, or required to operate as a non-profit. The board felt that such businesses did not align with the mandate "to create a profitable portfolio" given to it by CFN and as a consequence they should be dissolved and their assets liquidated if they were transferred to CVL. CFN was not comfortable with this outcome in the case of Last Oak Golf & Country Club and 4C Farms. Therefore, CFN Chief and Council decided to retain the oversight and leadership of these two entities and they were not transferred under the CVL umbrella.

Interestingly, the results to date have been contrary to expectations. The golf course found a renewed customer base as a result of Covid 19 in 2021 and 2022 and memberships increased compared to previous years. 4C Farms was able to obtain an Agriculture Canada grant in 2021 that enabled it to grow its grain farming operations to 4,500 acres in 2022.

At the same time, as of June 2022, the seven businesses operating under CVL did not generate sufficient returns to fund the entirety of CVL operations (salaries, rent, legal, etc). CFN, as the primary shareholder, was contributing over 50% of CVL's annual operating budget through gaming revenues from 2018 to 2022. However, Covid 19 significantly reduced CFN gaming revenue allocations and therefore CVL's operating budget was cut significantly.

The example above highlights two of the challenges around economic development. First, economic activity is always uncertain and what is profitable in one period may not be profitable in another period. Thus, it is not possible to predict with complete accuracy which businesses should be retained and which ones should be shut down and liquidated.

Second, the example illustrates the difficulty in implementing a separation of politics and business as outlined in the Harvard Project recommendations. In particular, the example raises questions about how to handle businesses that are not necessarily expected to earn a profit because the value they create is measured in other ways. While turning such businesses over to economic development corporations may result in a loss of the value they create, keeping such businesses under the control of Chief and Council opens the possibility of political interference. In short, there is no obvious best answer and extra care is needed when dealing with businesses of this type.

Accomplishments and Outcomes

The list of partnerships and renewable sector supporters showcases Cowessess' ability to position itself as an excellent partner with an uncompromising dedication to improve the lives of its citizens. Cowessess was able to leverage an array of strategic partnerships and programs that required a high level of innovative thinking and navigational skills through a complex business, government, and industry network. This ability and work achieved by the Nation and its economic supporters has now positioned Cowessess First Nation as a First Nation leader in Canada's emerging renewable energy sector.

Notes

1. Cowessess First Nation (2022).
2. Delion (2017).
3. CFN Website.
4. Chief Red Bear Children's Lodge (2022).
5. Cultural rejuvenation for Cowessess entails a strategic focus on “language, healing, strengthening, kinship, empowering citizens, protocols and culture and strengthening the identity of being a Cowessess citizen” (Cowessess First Nation 2022).
6. Cornell & Kalt (2007, p. 23).
7. Saskatchewan Research Council (2018).
8. Saskatchewan Research Council (2018).
9. Farber (2022).
10. First Nation Power Authority (2011).
11. Elemental Energy (2020).
12. Martell. C. (2023). Construction next step after wind farm deal involving Cowessess. Regina Leader Post. March 10. <https://leaderpost.com/news/construction-next-step-after-wind-farm-deal-involving-cowessess>. Accessed March 12, 2023. See also: CIB (2023). 200MW Bekevar Wind Farm reaches financial close. <https://cib-bic.ca/en/medias/articles/200mw-bekevar-wind-farm-reaches-financial-close>. Accessed March 12, 2023.
13. Government of Canada (2022).

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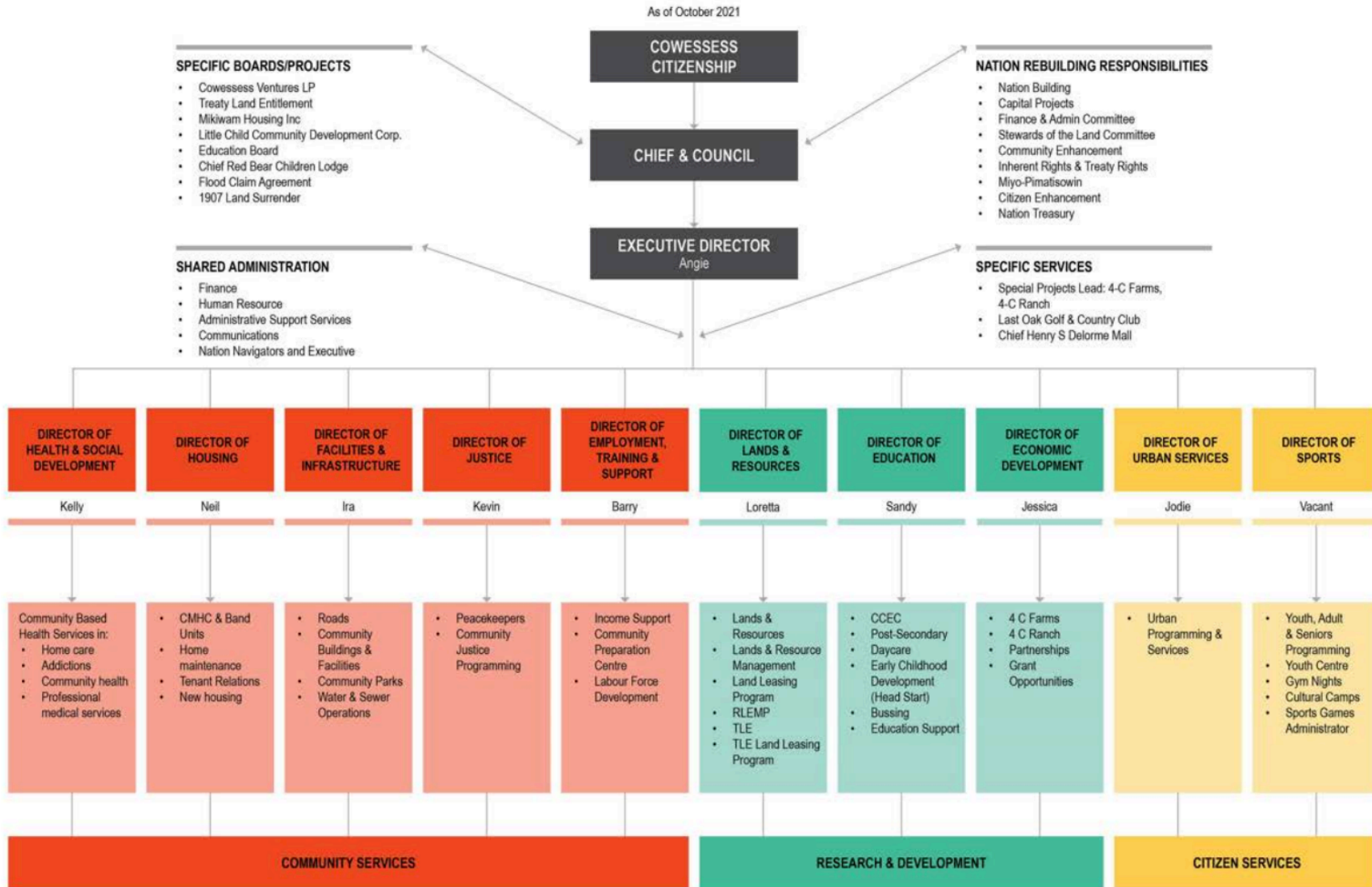


Figure A.1. Governance Chart