

Energy and Economic Self-Determination for New Mexico Pueblos & Tribes

Implementing the New Mexico Community Solar Act

NM Legislative Council
Indian Affairs Committee

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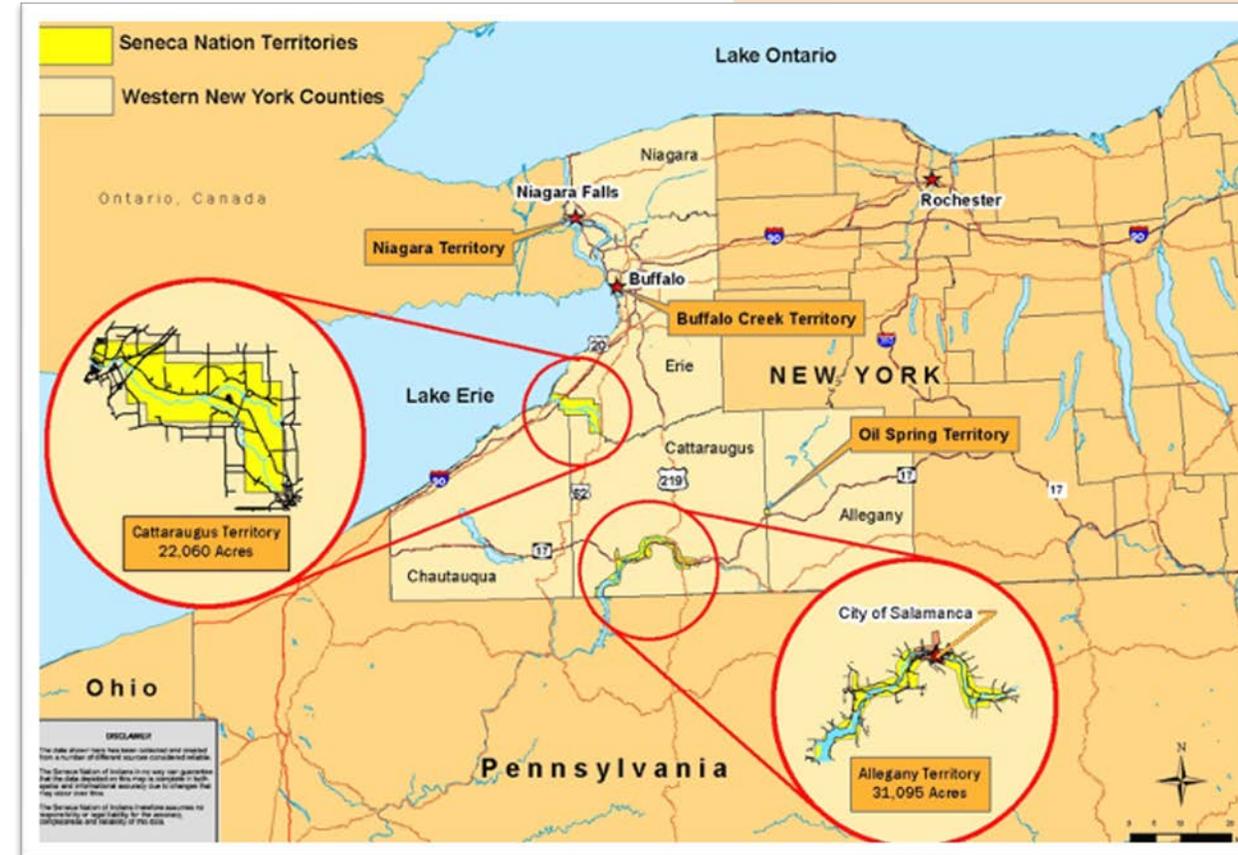


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THE SENECA NATION



- › Known as “Keeper of the Western Door”
 - » At the western end of the six nations comprising the Haudenosaunee, or “People of the Longhouse,” a confederacy founded on peace and diplomacy.
 - » Holds five territories, three retained in Canandaigua Treaty of 1794 and two reclaimed pursuant to Seneca Nation Settlement Act of 1994.
 - » Allegany and Cattaraugus Territories are home to nearly half of the 8500+ member Seneca population.
- › Persisted despite immeasurable losses
 - » Staunch defenders of lands and sovereignty.
 - » Losses include 10,000 acres in the 1960s construction of the Kinzua Dam by U.S. Army Corps of Engineers.
 - » Built an economy and the means to provide for the health, education, and welfare of Seneca people.
- › Seeks to invest in meaningful projects and businesses
 - » Returns include partnerships, empowerment, and reinforcement of long-held traditional values.
- › Seneca Solar can meet today’s challenges and opportunities



SENECA NATION BUSINESSES

- › **Seneca Gaming** is a major economic driver for Seneca Nation.
 - » Income goes directly to fund education, culture, health, critical infrastructure, workforce development.
- › **Seneca Nation Group** companies provide products and services to federal government.
- › **Seneca Holdings** aims diversify revenue sources for Seneca Nation.
- › **Seneca Solar** aligns closely with Seneca Nation values.
 - » Ensuring positive impact on Seven Generations.
 - » Caring for the Earth.
 - » Including and taking direction from Native people, who are experts in these areas but have historically been left out.



SENECA
NATION OF INDIANS





OUR VALUES. OUR LEGACY.

Heal the Earth with Urgency

We feel urgency to maximize and accelerate healing of the Earth; our business is dedicated to restoring balance to humanity's relationship with our planet.

Deliver Exceptional Solutions for Our Clients

We are professionals dedicated to exceeding expectations of our customers; we hold ourselves to delivering products and services of the highest quality.

Train and Employ Native People and Underserved Communities

We are committed to ensuring that Senecas and other Indigenous people around the world can participate in the clean-energy economy.

Advocate for Future Generations

The Native principle of the Seventh Generation compels us to advocate for future generations; Seneca Solar is a financial investment for future Senecas and an investment in humanity.

Facilitate Thoughtful Collaboration

Accelerating the transition to renewable energy at speed and scale will require unprecedented collaboration. With our partners, we strive to do the most good.



ABOUT SENECA SOLAR

Seneca Solar is a solar developer and climate consultancy owned and controlled by the Seneca Nation. Our mission is to **profitably and equitably deliver innovative renewable energy solutions that heal the Earth**. We strive to do the most good for current and future generations.

- › A division of Seneca Holdings, which delivers over \$270M in products and services annually.
- › Wholly owned and controlled by the Seneca Nation; provides income to support the on-territory needs of Seneca Nation members.
- › Certified under the National Minority Supplier Diversity Council (NMSDC). 
- › Implementation partner for Drawdown Labs. 



THE BIG-PICTURE FACTS

- › Native lands have at least 60 gigawatts of economic solar energy potential.
- › Across the continent, dozens of Native communities are working to harness energy from wind, sun, and water to generate millions in revenue, create jobs, and reduce their energy bills, while also helping combat the climate emergency and boost energy independence.
- › Many factors have limited the ability of Native communities to take full advantage of the unique opportunity presented by renewable energy, including limited access to finance, disadvantageous laws and regulations, limited in-house capacity, and a very well-earned mistrust of energy companies.
- › Federal and state legislation has shifted what is possible.
- › In NM, collaboration between Pueblos, investor-owned utilities, and electric coops could help achieve the goals of the Energy Transition Act:
50% Renewable by 2030, 80% by 2040, 100% by 2045.

NOW IS THE MOMENT!



Seneca Nation's Allegany Community Solar Project

“It’s up to our tribes to utilize that information and develop their own energy plans, and take that first step, if they haven’t already.”

— Tanksi Clairmont, a citizen of the Sisseton Wahpeton Oyate

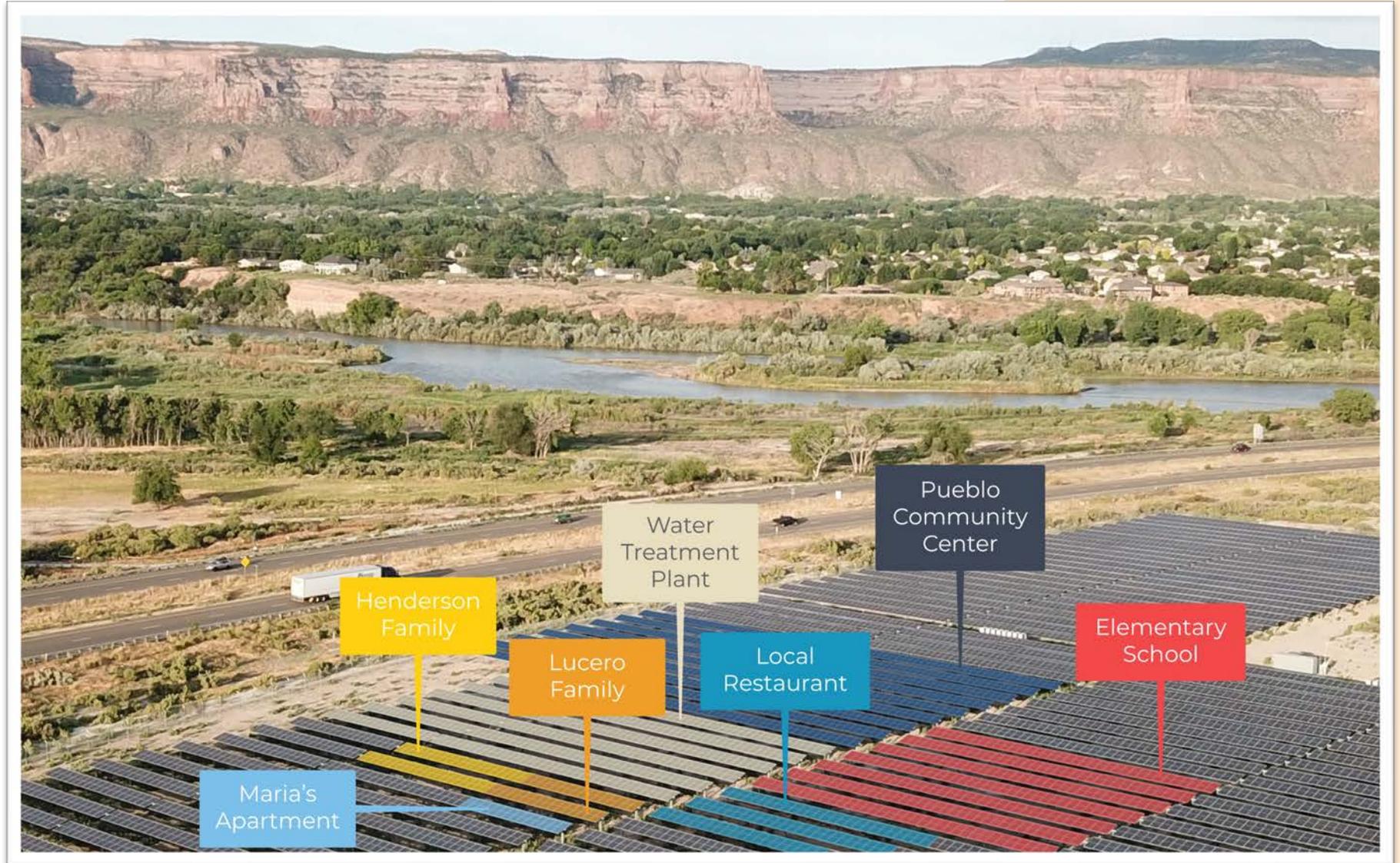


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WHAT IS COMMUNITY SOLAR?

- › Solar energy provides numerous economic, environmental, and resilience benefits – but 50–75% of individuals and businesses can't enjoy those benefits because they can't put solar on their roof.
- › **Community solar** brings solar access to all through medium-sized solar installations located in or near communities.
 - » Community solar = offsite solar projects that generate energy for multiple customers.
 - » Community solar customers can either buy or lease a portion of the panels in a solar installation and receive monthly savings on their electricity bills.
 - » Unlike residential solar, community solar doesn't require investing in or installing solar on your own roof.
 - » Unlike utility-scale solar farms, community solar brings environmental and economic benefits directly to communities.

EXAMPLE COMMUNITY SOLAR SUBSCRIBERS



COMMUNITY SOLAR: A UNIQUE OPPORTUNITY FOR PUEBLOS AND TRIBES IN NEW MEXICO

Community solar compared to other forms of solar

	Residential Solar	Community Solar	Utility-Scale
Typical size	5 kW – 0.5 MW	0.5 – 5 MW (3-30 acres)	20 – 100 MW (120-600 acres)
Energy user	Households and businesses	Households and businesses, Utility customers	Utility customers
Location	Home or business	Land or large rooftops in or near the community	Remote location
Benefits	Reductions in electricity costs	Reductions in electricity costs, business opportunity for Pueblos, local economic stimulation; access to renewable energy for all	Supporting the ETA goals; Reduction in carbon emissions

WHAT MAKES A GOOD SOLAR SITE?

- › 5 acres or more of buildable area
- › Flat or minimal topography
- › Lack of vegetation, streams, drainages
- › Near electric power lines or substation
- › Minimal easements, pipelines, encumbrances
- › Near a road (public right-of-way)
- › A supportive landowner



2 MW project in Grand Junction, CO on ~12 acres

COMMUNITY SOLAR: A UNIQUE OPPORTUNITY FOR PUEBLOS AND TRIBES IN NEW MEXICO

The unique opportunity under the New Mexico Community Solar Act (NMCSA)

- › The NMCSA is designed to empower Native communities to share in the economic and environmental benefits of Community Solar.
- › The NMCSA is potentially very valuable for some Pueblos and Tribes, because it opens the door for their control and/or ownership of profitable, long-term energy assets.

Federal funding increases benefits

- › The Inflation Reduction Act, Department of Energy loan programs, and various other grant programs open the door to more profitable, low-risk projects, hosted or owned by Native communities.

Requirements and opportunities for Native Community Solar Projects

- › Must be sited on the land of an Indian Nation, Tribe, or Pueblo and owned or operated by an Indian Nation, Tribe, or Pueblo or a Tribal entity or in partnership with a third-party entity.
- › Pueblos and Tribes are exempt from the many restrictions in the legislation for non-Native energy projects.



SUPPORTING ENERGY AND ECONOMIC SELF-DETERMINATION FOR NEW MEXICO PUEBLOS

The Pathway

- › A new form of partnership and a pathway to economic self-determination:
 - » Transparent development that prioritizes Pueblos as full partners
 - » Projects tailored to community goals that build long-term equity and capacity
 - » Partnering with values-aligned investors to leverage the New Mexico Community Solar Act

“If this transition isn’t done by Native people for Native people, it can be just as extractive as fossil development.”

— Cheri Smith,
Founder & CEO, Indigenous Energy Initiative



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COMMUNITY SOLAR BENEFITS FOR PUEBLOS AND TRIBES

- › Jobs and other economic stimulation for communities.
- › Financial benefits from community solar hosted on the lands of Pueblos and Tribes, using the methods shown below.

A single project can incorporate all of these methods to maximize the value to the community.

Value to community	How it works
Utility bill savings for community members	Residents and businesses “subscribe” to the project and receive monthly savings on their utility bills.
Land lease payments	The Pueblo or Tribe whose land hosts the project receives annual land lease payments for the duration of the project’s life.
Partner Community Payment	The Pueblo or Tribe where the project is hosted receives an additional payment for their participation to pass value on to the community.

OPPORTUNITIES IN THE INFLATION REDUCTION ACT

Direct Pay Tax Credit for Tribal Government Energy Projects Less than 5 MW AC

ITC labor requirements met	30%
Domestic content	10%
Energy community	10%
Subtotal	50%
Located on Native land	10%
- or -	
Qualified low-income residential building project or qualified low-income economic benefit project	20%
Total maximum potential direct pay ITC	70%

Source: Metrics Together

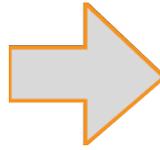


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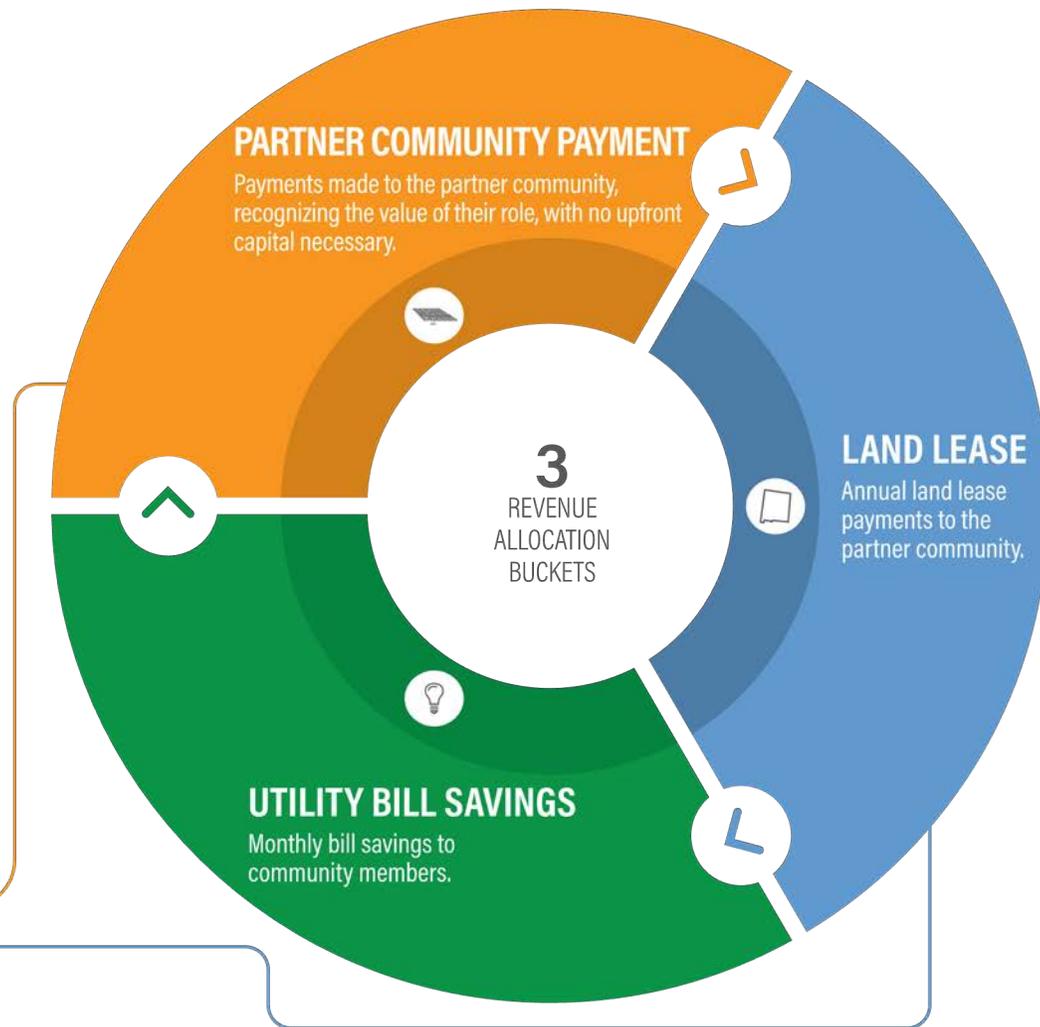
HIGHLY CUSTOMIZED PARTNERSHIP

Customized project structure to allocate revenues as determined by the Native community.



DEDICATED ACCOUNT

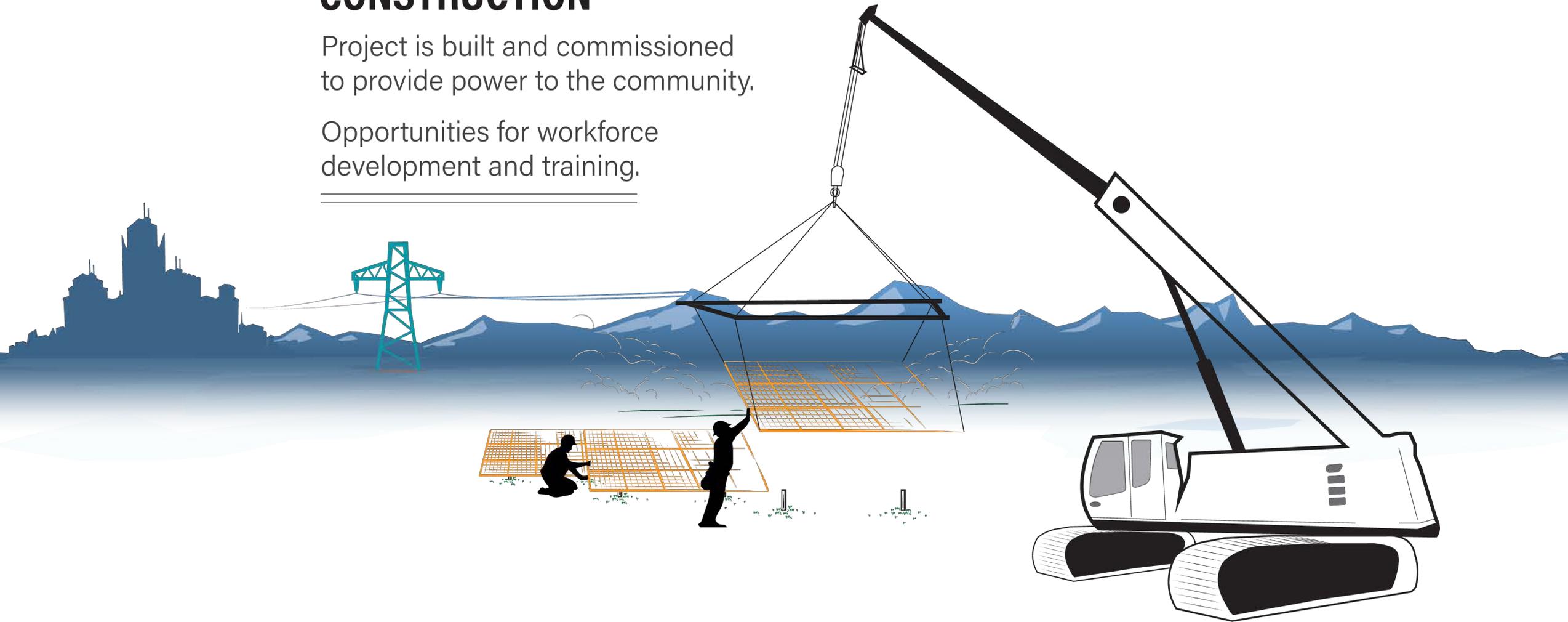
Option to set up a dedicated account to receive funds from Land Lease and/or Partner Community Payment for the future purchase of the project at fair market value.



CONSTRUCTION

Project is built and commissioned to provide power to the community.

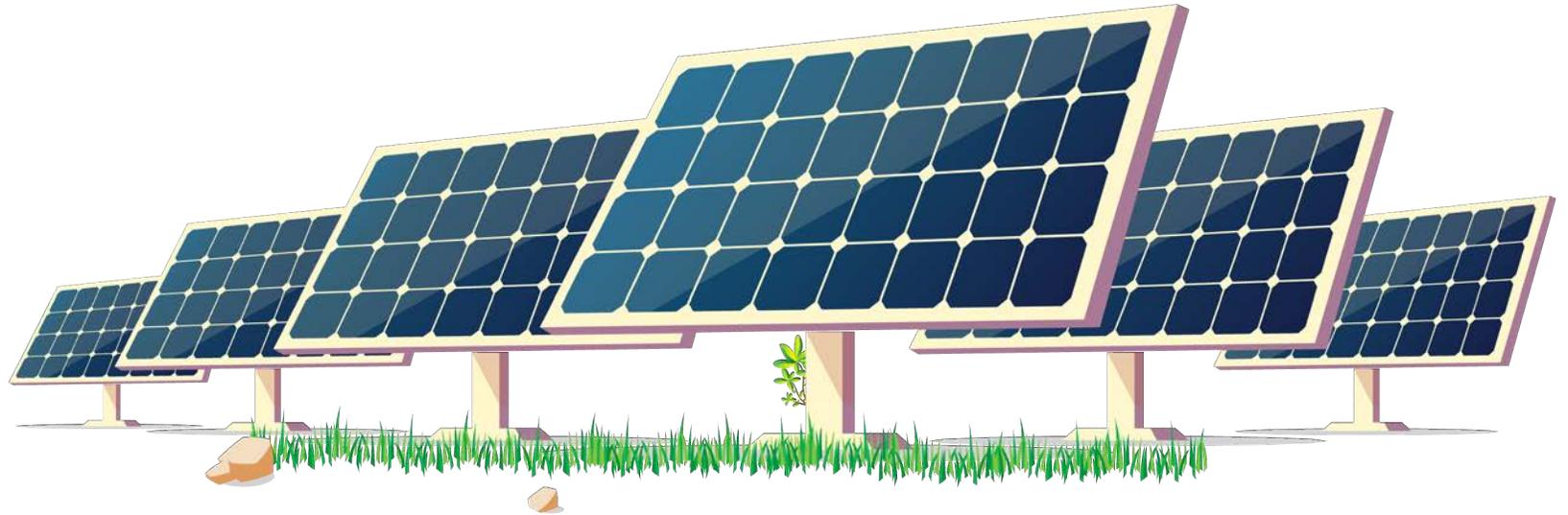
Opportunities for workforce development and training.





PROJECT BUYOUT

Native community has the option to buy the solar project at fair market value after the initial finance period.



5 years

10 years

20 years

Partner community has options to buy the project if and when they are ready.

BENEFITS OF PARTNERING WITH US

- › Most developers that engage with Native communities are stuck in a way of doing things that doesn't necessarily serve and empower these communities.
- › We're offering a **new way** of deploying renewable energy that benefits Native communities:

THE OLD WAY	OUR NEW WAY
Native communities are not included in planning for renewable energy projects.	Opportunities are presented upfront, with Native communities included in negotiations as partners in development.
After projects are deployed, needs of Native communities are not considered.	Constant communication with Native communities and permission requested to come onto the land during sacred or community times.
Ownership and other financial benefits are reserved for developers.	Equity ownership and other financial options and benefits are available to Native communities, creating long-term value.
Polluting fossil-fuel power plants are sited in Native and other underserved communities, with little cleanup of polluted land.	Strong commitment to providing Native communities access to Earth-healing solutions and their many environmental and other benefits.
Lack of economic and community investment in the communities where renewable energy projects are deployed.	Full transparency, flexibility, and innovation in deal structures; collaborative, fair partnerships that create real community benefit, with needs identified by communities.
Focus on maximizing profits for developers rather than benefits for Native communities, with little workforce development.	Focus on social justice and equitable benefits for Native people through access to renewable energy and workforce development.



SERVICES FOR NATIVE COMMUNITIES

- › **Energy assessment:** Analyze energy use, energy priorities, and resilience needs; conduct feasibility studies for projects that can achieve your goals.
- › **Onsite energy projects:** Plan, design, and manage projects that will directly benefit your community: energy efficiency, demand charge management, solar+storage, emergency resilience for critical loads, building and transportation electrification, EV charging.
- › **Financing support:** Tailor appropriate financing strategy for each project; maximize government support through proper structuring, financing solutions, and grants.
- › **Offsite energy projects:** Support your community in becoming site hosts, owners, and builders of unique renewable energy projects, including agrivoltaics projects.
- › **Economic development:** Create collaborative partnerships with companies, institutions, and organizations that maximize positive community impacts; provide custom workforce development and educational opportunities; develop a Native utility.

Learn more at senecasolar.com/about/native-services.



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Let's do the most good. Together.

To heal the Earth, we need unprecedented collaboration.

Collaborate with us to maximize your impact:

Deploy profitable renewable energy solutions that meet your needs.

Enable a clean-energy economy that benefits Native communities.

Help us build a Native workforce — with jobs, training, and mentoring — that can meet increasing demand for trained workers.



CONTACT INFORMATION

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APPENDIX



HOW TO GET STARTED

- › An expert solar developer can help determine good locations.
 - › Solar developer will work with utility to do feasibility studies.
 - › Solar developer will do designs and permits.
 - › Solar developer will do other analysis such as: FAA, wetlands, floodplain, species, hazardous waste, etc.
 - › Solar developer will ensure the location is a safe investment for the owner of the project and will operate seamlessly for decades.
- › Native governments should ask:
 - » Do we have land we are willing to use?
 - » Is there someone within the community who can be the “energy expert” and work with the developer? Or do we need a third- party consultant?
 - » Define goals: Economic, resilience, climate change, monetize hard to use land, workforce training?
 - » Do we want to own and operate ourselves? Or have the solar developer own and operate?

NATIVE-OWNED VS THIRD-PARTY-OWNED

	Native-Owned	Third-Party-Owned
Funding	<ul style="list-style-type: none"> › Larger upfront cash outlay › Might require a loan (debt) › Might require grants as supplement › Tax benefits go to Native entity (via direct pay) 	<ul style="list-style-type: none"> › Third party pays for the system, is paid back over time via a power purchase agreement (PPA) › PPA = \$/kWh generated › PPA rate generally lower than normal utility rate, so Native entity saves on electricity › Tax benefits go to owner (solar company)
Savings	Offset or even eliminate utility bills for Pueblo or Tribe	Savings from Day 1 with no upfront costs to Pueblo or Tribe; easier to budget for
Operations and maintenance (O&M)	Responsibility of owner; can be outsourced to third party	Responsibility of third party
Subscriber management	Responsibility of owner; can be outsourced to third party	Responsibility of third party

ABOUT PIVOT ENERGY

- › Pivot is a national solar provider that develops, finances, builds, and manages solar energy and energy storage projects that help decarbonize our nation's electricity, increase equitable access to clean energy for local communities, and provide real cost-savings to American businesses and families.
- › Pivot Energy is committed to positively contributing to the local communities and people we serve with more than clean energy.

A Certified B-Corporation, Pivot proudly follows a corporate strategy that provides a positive impact on society as measured by Environmental stewardship, Social leadership, and responsible Governance (ESG) factors.



— LEARN MORE —
» PivotEnergy.net



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WORKFORCE DEVELOPMENT

With jobs, training, and mentoring, the Seneca Nation is building a Native workforce and Native enterprise capacity to benefit current and future generations.

In all our business activities, Seneca Solar prioritizes workforce and skills development for historically underserved communities.

We are committed to hiring a local workforce for our projects that includes historically underserved communities and prioritizes hiring Indigenous people.

Through workforce development and building long-term economic self-determination, we are empowering the communities we serve to participate in the new clean energy economy.

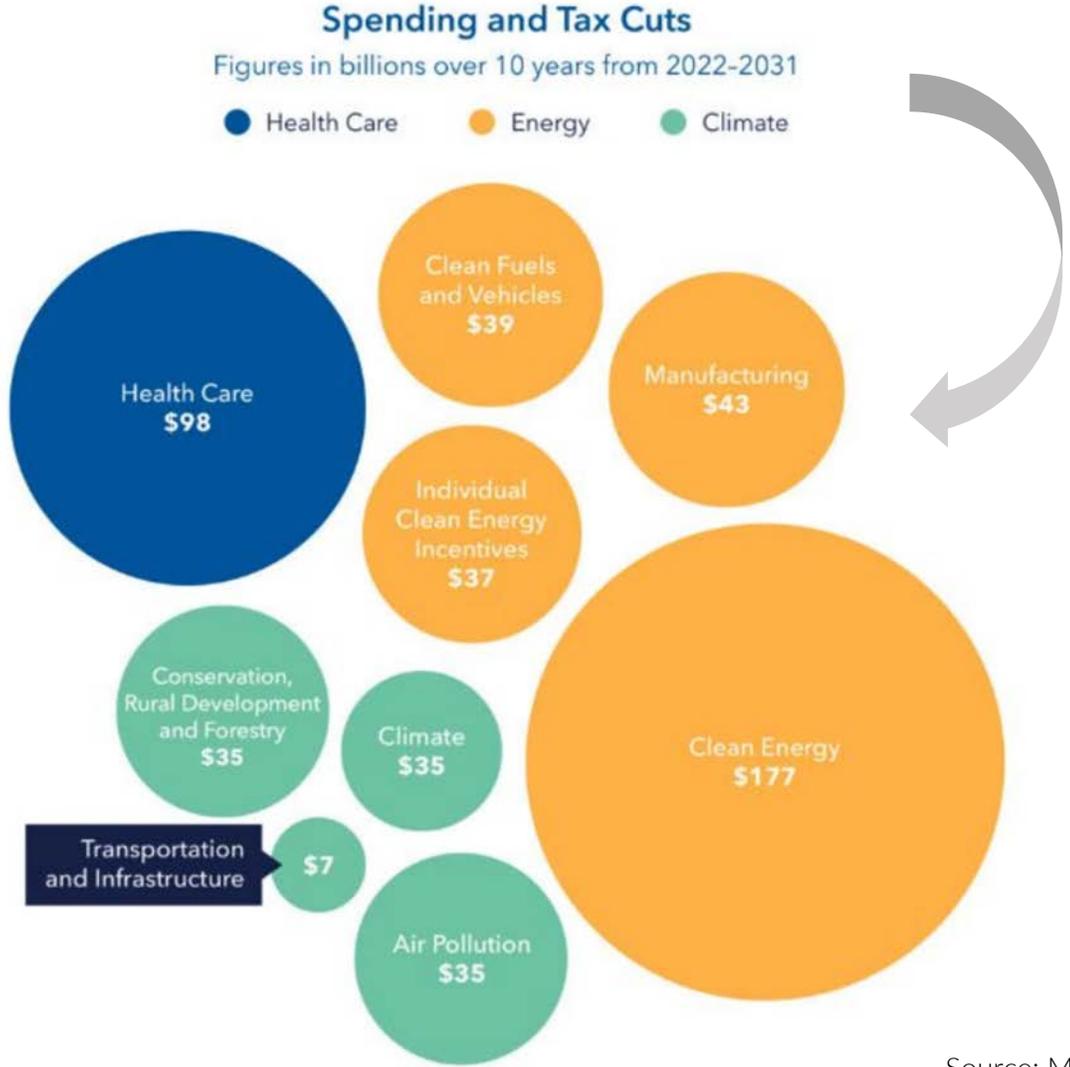


**SENECA
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FUNDING ALLOCATIONS IN THE INFLATION REDUCTION ACT



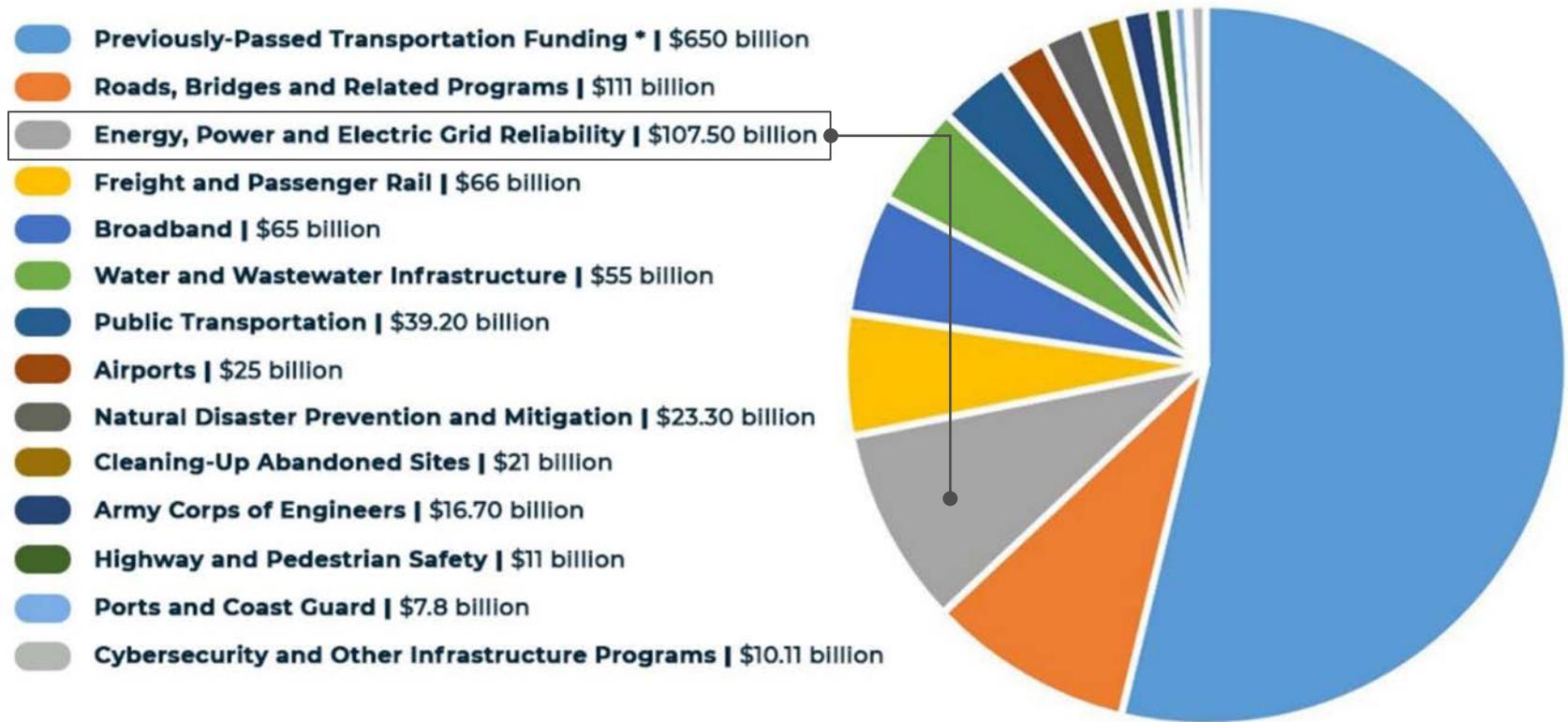
Source: Metrics Together

Hundreds of federal programs are being reimagined and transformed to maximize benefits to underserved communities through the Justice40 Initiative.

- » Billions of dollars in annual investment
- » Includes programs that were funded or created in the Biden Administration’s Infrastructure and Investment Jobs Act of 2021



INFRASTRUCTURE INVESTMENT & JOBS ACT FUNDING ALLOCATIONS



Source: Metrics Together (data from Government Finance Officers Association)

FUNDING OPPORTUNITIES



Source: Metrics Together (data from White House IJA guidebook, May 2022 edition; Infrastructure Investment and Jobs Act, signed into law on 15 November 2022; Inflation Reduction Act, signed into law 16 August 2022)



SENECA PROJECTS



SENECA
ENERGY LLC



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LEADING IN ON-TERRITORY RENEWABLES

- › The Seneca Nation is a **leader in deploying community-scale, on-territory renewable energy** and communications projects.
- › Building on our strong track record and stellar reputation, Seneca Solar is scaling the solutions that **lower costs** for our customers, **grow the resources of Indigenous people, and reverse the damage to our planet.**
- › Seneca Solar and Seneca Energy have a growing portfolio of projects that include community solar and wind, as well as a **15 MW solar project in Papua New Guinea** in collaboration with Indigenous landowners.



SENECA ENERGY PORTFOLIO OF PROJECTS

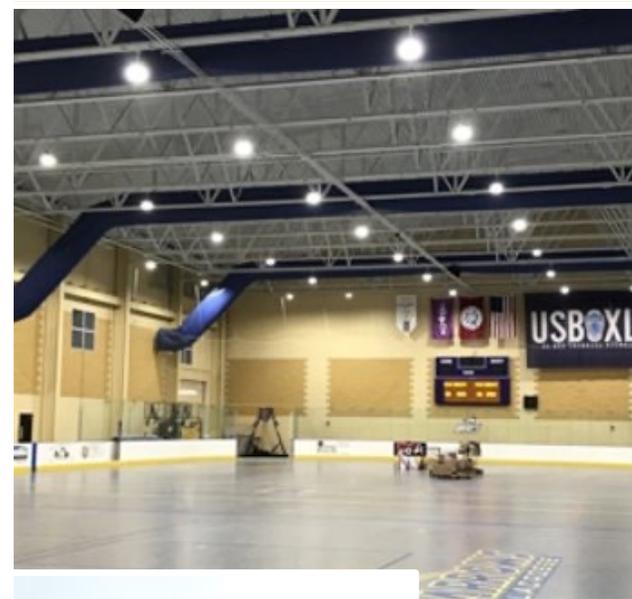
2014 Plugged and abandoned **30 natural gas wells** on Cattaraugus Territory.

2017 Developed **two renewable energy projects** for the Seneca Nation.

- » On Cattaraugus Territory, secured \$2.5 million in grant funding from DOE and NYSERDA to construct a **1.5 MW wind turbine** that significantly defrays annual energy costs for the Seneca Nation.
- » On Allegany Territory, built a **2 MW solar array** on 7.5 acres, generating enough electricity to power over 200 homes annually.

2019 Converted Seneca Nation–owned facilities in Allegany and Cattaraugus to **LED lighting**; incorporated LED technology in all new construction.

2020 With Seneca Telecommunications, began construction on a **50-mile fiber network on Cattaraugus Territory** that give residents and businesses access to high-speed broadband for internet and digital phone service.



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TURRA SOLAR PROJECT

- › Proposed solar farm in Papua New Guinea (PNG).
- › To be developed, owned, and operated by **Indigenous communities**.
- › Two landowner companies partnered for this project by forming a joint venture, Turra Services LTD.
- › Power will be purchased by a local industrial facility.
- › Will provide **renewable energy workforce development** for the historically underserved Indigenous population.
- › Seneca Solar and partners completed feasibility study in May 2022.

Papua New Guinea

- › North of Australia, east of Indonesia
- › 8M population; only 13% live in urban areas
- › Industries: Agriculture, resources
- › Indigenous people organized in village-oriented language groups; landowner companies simplify economic development among multiple language groups
- › One of the most rural and linguistically diverse countries

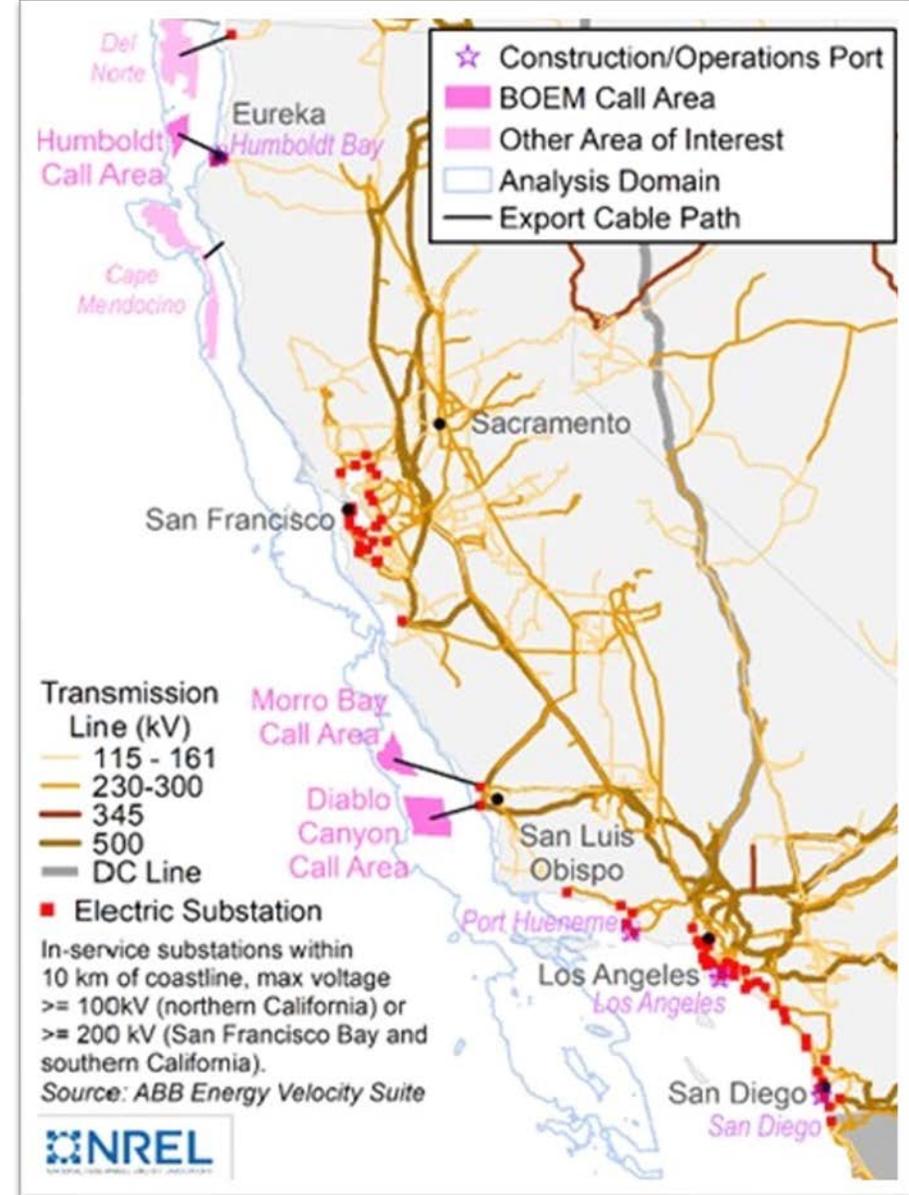


PORT OF HUENEME PROJECT FOR OXNARD HARBOR DISTRICT

Evaluated opportunities for sustainable power advancement and regional economic development at the Port of Hueneme (POH).

Recommendations included:

- › Using virtual grid software to solve the split-incentive issue for multi-tenant buildings.
- › Developing POH as an offshore wind construction and staging area.
- › Including Oxnard in the regulatory process to modernize transmission and distribution infrastructure in the region.
- › Creating a feed-in tariff to open the region's ample front-of-the meter solar opportunities.



PIVOT ENERGY PROJECTS

PIVOT SOLAR 11-13 AND MOUNTAIN SOLAR 6

- » **Size:** 7 MW distributed between two sites
- » **Date:** Operational since 2022
- » **Customer:** Local residents and businesses
- » **Location:** Sterling, Colorado
- » **Benefits and further details:**
 - » Energy bill savings for customers
 - » By offsetting their energy usage with solar, subscribers are helping shift our grid to clean sources of energy and reducing our reliance on fossil fuels



PIVOT ENERGY MESA COMMUNITY SOLAR GARDEN 1 & 2

- » **Size:** Nearly 4 MW, distributed between two 1.99 MW arrays
- » **Date:** Operational since 2021
- » **Customer:** Local municipalities, school districts, and low-income housing authorities
- » **Location:** Western Slope, Colorado
- » **Benefits and further details:**
 - » Energy bill savings for customers
 - » Funds saved can be used to hire additional teachers, upgrade public parks, or provide other useful benefits to the community



PIVOT ENERGY GARFIELD COUNTY HOUSING AUTHORITY SOLAR GARDEN

- » **Size:** Nearly 100 kW
- » **Date:** Operational since 2019
- » **Customer:** Garfield County Housing Authority (GCHA), a low-income housing provider
- » **Location:** Parachute, Colorado
- » **Benefits and further details:**
 - » Energy bill savings for senior tenants
 - » Energy bill savings for senior tenant GCHA's administration building
 - » This project was named 2019 Community Solar Project of the Year by the Colorado Solar and Storage Association (COSSA)

