



ABORIGINAL CONSULTATION REPORT

FOR:

PROPOSED CONESTOGO WIND ENERGY CENTRE

NextEra Energy Canada, ULC

Report Updated as of: December 10, 2010

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Introduction

The Conestogo Wind Energy Centre project (herein, “the Project”) has been developed by NextEra Energy Canada, ULC (also referred to herein as “NEEC”).

The parent company of NextEra Energy Canada, ULC is NextEra Energy Resources, LLC, a global leader in wind energy generation with a current operating portfolio of almost 9,000 wind turbines across North America. NextEra Energy Resources, LLC is the largest builder, owner and operator of wind generating facilities in North America.

As a builder, owner and operator, NEEC has a long-term stake in developing and maintaining cordial and cooperative relationships with landowners, municipalities and the communities (both Aboriginal and non-Aboriginal) who may have an interest in the Project.

Canadian wind farms currently owned and operated by NEEC include: Mount Copper, (54 MW) located in Murdochville, Quebec; and Pubnico Point, (30.6 MW) located near Yarmouth, Nova Scotia. A number of projects are being developed in Ontario and another called “Ghost Pine” is nearing completion in Alberta.

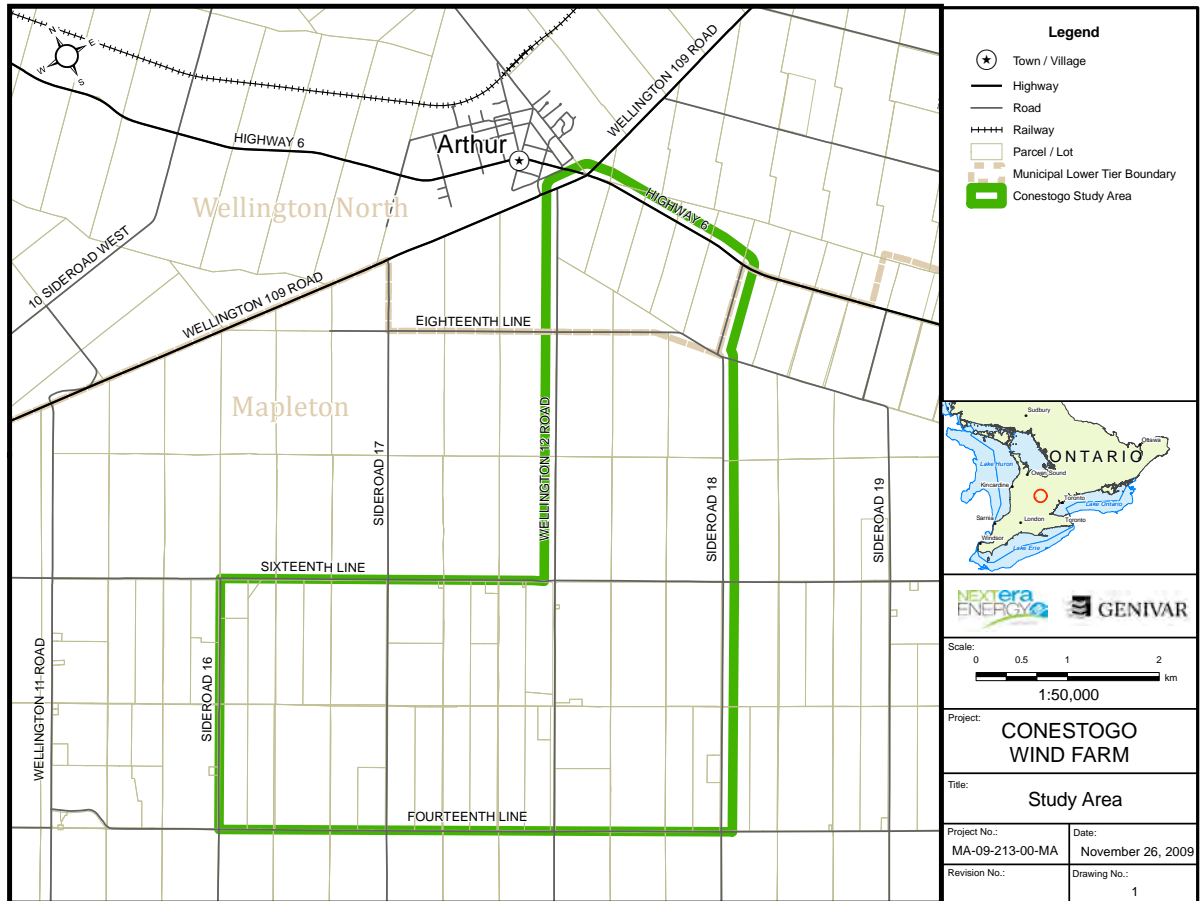
The Project area is in Mapleton Township, Wellington County, Ontario, south of Arthur on private lands with rights secured by options that are exercisable upon receipt of requisite approvals. The affected lands are used for rural residential and agricultural purposes.

The Project is a single Class 4 Wind Facility consisting of nine 2.3 Megawatt (MW) wind turbines and one 2.22 MW turbine for a total electrical generating capacity of 22.92 MW. It will convert the wind energy into electricity to be fed into the Hydro One grid.

The defined study area (see Map 1, next page) covers approximately 2400 ha south of Arthur, however, the typical “footprint” of land used is approximately 0.6 hectares per turbine. The actual area occupied by turbines, roads, construction laydown area and transformer station for the Project is approximately 16.2 hectares in total. Most of the land in this area is rural farmland that is currently in active use growing crops such as beans, corn, and wheat and hay.

A complete description of the Project facilities, potential impacts and recommended mitigations are found in the reports submitted by NEEC in accordance with Table 1 of Ontario Regulation 359/09. This Aboriginal consultation report should be read in conjunction with the Project Table 1 Reports and in particular, the planned mitigations described in those reports to avoid impacts to the natural environment and archaeological resources. All project reports

MAP 1: PROJECT STUDY AREA



are accessible at www.canadianwindproposals.com. The reports of relevance to this Aboriginal consultation report are:

- The Construction Plan Report
- Decommissioning Report
- Design and Operations Report
- Environmental Impact Assessment Report
- Draft Project Description Report
- Summary Report
- Natural Heritage Report: Records Review and Natural Heritage Evaluation, July 2010
- Avian Report: Avifaunal Report for the Conestogo Wind Turbine Project, January 2008
- Bat Reports: Draft Bat Likelihood Assessment Study Report Environmental Screening Study, Fall 2007 and Wind farm Bat Monitoring Report and Environmental Impact Study

- Partial Stage 2 Archaeological Assessment report
- Stage 1 Archaeological Assessment report
- Bird and Bat Monitoring: Conestogo Post Construction Follow-up Plan, September 2010

For Aboriginal consultation, it is important to note that the Project is one of a number currently being pursued by NEEC in southwestern Ontario. NEEC is working with many communities for many projects. This provides a good opportunity to share information about wind energy, generally, and the various projects specifically. As information is shared both by NEEC and the communities, the knowledge base grows and forms a basis for greater understanding and working together.

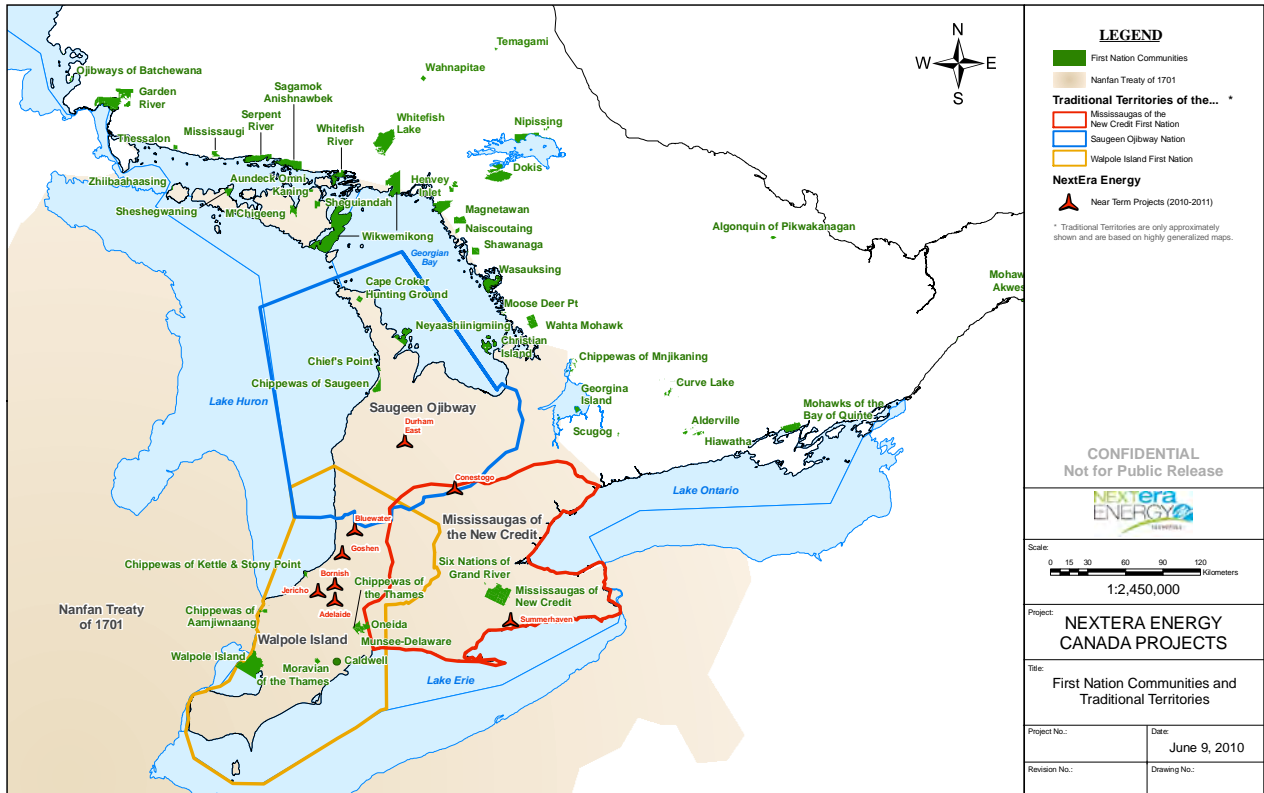
While this report focuses on, and describes Aboriginal consultation issues for the Project, it is being reported in the context of the larger effort. The report therefore describes and discusses issues related to the Project within the body of the report, but records of communications, information-sharing and consultation activities are listed for reference purposes separately in **Appendix 4** within the broader context of all projects. *The reader is asked to consider the information within the body of this report for an understanding of Aboriginal consultation issues that are specific to the Conestogo project.*

Please refer to Map 2 below for the Project location in relation to First Nation communities and known traditional territories.

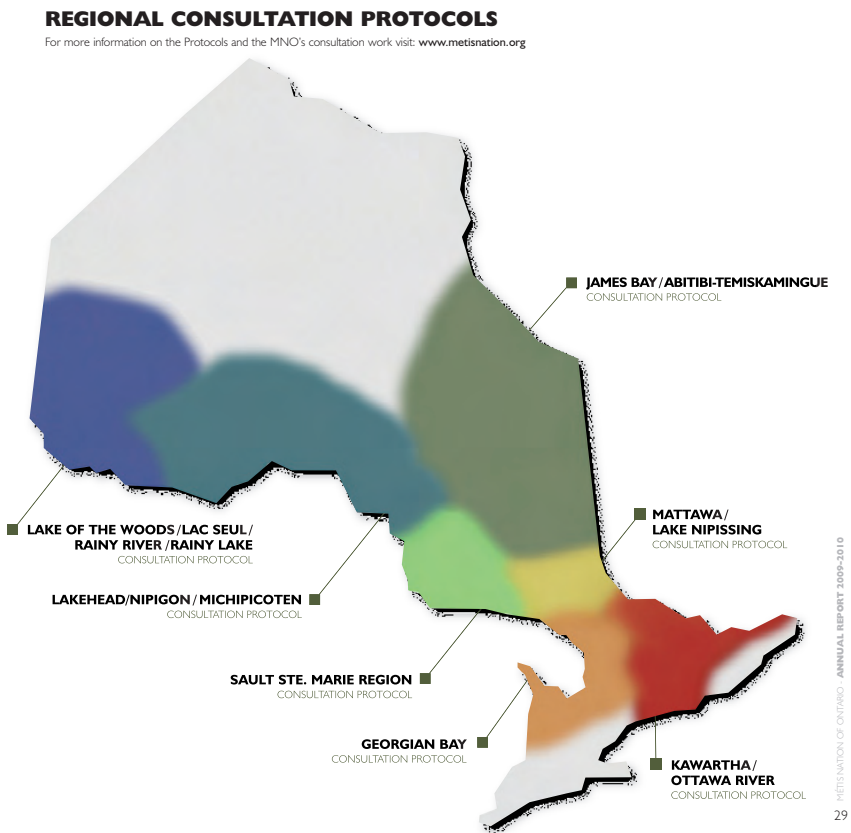
Map 3 describes approximate boundaries of Traditional Métis Nation of Ontario (“MNO”) Harvest Territories located in southwestern Ontario. The Project location is within the Georgian Bay Regional Consultation Protocol area, and thus both MNO Region 7 and MNO Region 9 have potential interests.

The Project is not located within a traditional harvest territory of any other Métis governments or organizations.

MAP 2: PROJECT LOCATIONS AND FIRST NATION COMMUNITIES



MAP 3: MÉTIS TRADITIONAL HARVEST TERRITORIES APPROXIMATE BOUNDARIES



Map Source: Métis Nation of Ontario Annual Report, 2009-2010

1. NextEra Energy Canada's Approach to Aboriginal Consultation and Engagement

NEEC's approach to working with Aboriginal communities considers these areas:

1. Identification of Aboriginal communities, and where possible Aboriginal rights, interests and way of life that may be impacted by an NEEC project.
2. Procedural consultation delegated to NEEC as a project proponent under Ontario Regulation 359/09 for Renewable Energy Approval with the communities identified by NEEC and the Director of Renewable Energy Approvals, to:
 - (a) assess potential impacts to constitutionally protected Aboriginal and/or treaty rights and any interests of Aboriginal communities in potential environmental impacts that may affect Aboriginal rights or way of life, and;
 - (b) explore mutually acceptable avoidance or mitigation measures including accommodation, if required.
3. Dialogue requested by the Aboriginal communities or by NEEC, dealing with broader issues of engagement and mutual interest, which are beyond the procedural consultation scope of Ontario Regulation 359/09.

1.1 Identification of Aboriginal Communities and Potential Interests

IDENTIFYING COMMUNITIES

Prior to implementation of Ontario Regulation 359/09 (also referred to herein as "Renewable Energy Approval", or "REA"), NEEC compiled a list of potentially interested communities, as set out in **Table 2.1.1**, below. This list was based on inquiries made with Indian and Northern Affairs and what is now the Ontario Ministry of Aboriginal Affairs. Communications with the communities began in 2007-2008, in concert with the Ontario Power Authority RES-III program and continued through 2009-2010 in preparation for a FIT and REA application.

As required under Ontario Regulation 359/09, a request to confirm NEEC's list of communities was submitted to the Director of Renewable Energy Approvals in accordance with section 14.(1) of the REA on December 14, 2009. The Director's list of Aboriginal communities to be consulted was received on November 23, 2010. Communities included in the Director's list are also listed in **Table 2.1.1**.

IDENTIFYING ABORIGINAL RIGHTS AND KEY INTERESTS

The Crown's Duty to Consult arises when a government considers an authorization or action that may affect Aboriginal rights or title. The Duty belongs to the Crown. It is grounded in the honour of the Crown; the Crown cannot delegate its Duty to a proponent. The Crown can, and in the case of Ontario Regulation 359/09, has delegated *procedural* aspects of its Duty to proponents. NEEC's responsibility under the REA is therefore to undertake a process of information-sharing and dialogue with Aboriginal communities who may be affected by its Project, to learn about Aboriginal values (rights, interests and way of life) that are relevant to the Project. A proponent's good faith, collaborative efforts are required for dialogue with affected Aboriginal communities, with the goal of avoiding or mitigating negative impacts that are within its control, ability or authority.

Under section 17 of the REA, proponents are required to make inquiries and report to the Director any constitutionally protected Aboriginal or treaty rights that a community identifies as being adversely affected by a renewable energy project, and any measures proposed by the proponent or community to mitigate the impacts. Results of these "Section 17" inquiries are reported in **section 3.1**, below.

Sections 14.(1)(b)(2) and 15.(6)5.ii of the Regulation imply a broader line of inquiry with communities by including any community in procedural consultation that may otherwise be interested in any negative environmental effects from the renewable energy project. Results of these inquiries are reported in **section 3.2**, below.

NEEC has taken the following steps to fulfill the foregoing requirements.

External Aboriginal relations consultants were retained to provide analysis and recommendations for consultation with Aboriginal communities. Their reports were important to appreciating the context that should guide effective consultation by a project proponent. This included: relevant historical context; possible issues to be addressed; discussion of Aboriginal world views and their differences from "western views"; the importance of community consensus in decision-making, and; appropriate methods and general approach to consult with Aboriginal communities as a proponent. Inquiries were also made with potentially affected Aboriginal communities to assess their level of interest, request information on relevant Aboriginal values, determine if a consultation protocol or policy existed and ask if there are other issues they associated with the Project.

Based on the above, NEEC appreciates that Aboriginal "way of life" encompasses unique cultural and spiritual beliefs and values, as well as relationships of responsibility and interdependence among peoples, their communities and the natural environment. This involves a holistic perspective, where actions are highly interconnected in ways that may seem different, or not readily apparent to the non-Aboriginal world view. Consideration of project proposals and decision-making will take time and may encompass a wide variety of

issues. Both the time required and the issues may extend beyond the schedule and scope of the REA process. NEEC also understands that the connection between Aboriginal way of life and land is of prime importance to Aboriginal peoples.

Within the above context, the key interest areas that a project proponent must therefore address under the REA include potential impacts to: the natural environment; the cultural environment, and/or; lands which may form the basis of an actual or asserted Aboriginal right or title.

A. Natural Environment

As mentioned above, relationship to the land and natural environment is particularly important in the Aboriginal world view. Project activities that may directly or indirectly have negative impact on species, habitat or ecosystems that are used for food, ceremonial or social purposes would be of immediate concern. Such activities may form the basis of an Aboriginal right, which is integral to Aboriginal way of life. NEEC has sited its facilities appropriately and will as required, implement all environmental mitigation as set out in the Project Table 1 Reports, as submitted to the Director of Renewable Energy Approvals under Ontario Regulation 359/09. Furthermore, studies completed for those reports indicate no significant environmental impacts are anticipated.

A Natural Heritage Study was completed as part of the Project Table 1 Reports. Its was completed to assess the current environmental site conditions and to meet the requirements of the Ministry of Natural Resources under the Green Energy Act. The study is composed of two portions, a records review and a field program. The records review involved obtaining information from the Ministry of Natural Resources, municipal governments and the Grand River Conservation Authority to determine if there are any significant woodlots, wetlands, valley lands, wildlife habitat or presence of Species at Risk (SAR) in the study area. The purpose of the field program was to confirm the information obtained through the records review, to evaluate the woodlots, wetlands and wildlife habitat to determine if it meets the Ministry of Natural Resources criteria for significance and to update the available information. The field program involved visits to the site on:

- January 3, February 2, March 27, June 6-8, June 29 and July 1, 2007 – seasonal bird field surveys
- August 29, 2009 – preliminary inspection of natural heritage features, review aquatic habitat
- April 27, 2010 – reviewed water and aquatic habitat features, ecological land classification, plant surveys, review of wildlife habitat and evidence of wildlife use;
- June 18, 2010 – assessed potential for significant habitat and presence of wildlife and specifically amphibians and reptiles in natural habitats within the proposed turbine locations;

- June 24, 2010 – assessed potential for significant habitat and SAR around proposed turbine locations;
- June 20 and 25, 2010 – Bird survey for Whip-poor-will, Common Nighthawk and Chimney Swift;
- July 3, 2010 – Bird survey for Species at Risk and Species at Risk habitat in woodlands and along creek buffer within 150 m of projected turbine locations; and
- July 6, 2010 – detailed water and aquatic habitat assessment.

The studies identified water features, and significant woodlots within the Project study area. Most of the woodlots and wetlands identified have been actively managed and are not considered to be high quality for natural features or wildlife habitat. Bird, reptile, amphibian and mammal activity was very low and there was a conspicuous lack of insect activity observed during all field visits.

The desktop study did not identify any historic reports of SAR in the project area however there was a single report of a Loggerhead Shrike in the larger study area. Bird surveys conducted did not observe this species and concluded that there was no habitat suitable for this species within the project area. There were several observations of the Bobolink, a colonial nesting, grassland bird species that has been recently re-assessed as Threatened provincially, and is therefore regulated under the Endangered Species Act, 2007. No Bobolink habitat was observed within 300 m of any proposed turbine location and it was determined that the project would not have an impact on local populations of the Bobolink.

Field surveys identified a single SAR, a Butternut Tree located in a residual woodlot. As construction will maintain a 120 m setback from this woodlot, no negative impacts are anticipated. No other reported sightings of species at risk were found near the proposed location of the turbines.

Two creeks cross the site in a generally east-west direction, the first one just south of Sixteenth Line (North Creek) and the second one midway between Sixteenth and Fourteenth Lines (South Creek). Baitfish were observed in both creeks and the South Creek has the potential to provide spawning area for Northern Pike from the Conestogo River, although none were observed during field surveys. Alterations of the roads crossing both creeks may be necessary and this will be completed under the Grand River Conservation Authority (GRCA) permitting process. All work will be completed with appropriate procedures as approved by the GRCA, to ensure that there is no net loss of fisheries.

The Renewable Energy Approvals Regulation places restrictions on the siting of turbines within 120 m of a significant natural feature (woodlot, wetland or valley land) or within 120 m of a water feature. To locate a turbine within 120 m of a significant natural feature or between 30 and 120 m of water feature, an environmental impact study (EIS) must be completed. One turbine (turbine 7) is to be located within 120 m of a significant woodlot or wetland and two

turbines (turbine 1 and turbine 8) are located between 30 and 120 m of a watercourse. An EIS has been completed for these turbines and no net impact is anticipated once mitigation measures, composed of set-backs and erosion control measures are applied. There are two turbines (turbines 9 and 10) which are located within 120 m of non-significant woodlots or wetlands. While not required, measures similar to those developed for Turbine 7 will also be applied to these turbines to prevent impacts.

An assessment of bat habitat and acoustic (bat call) monitoring of bat populations was conducted in 2007 in consultation with the Ontario Ministry of Natural Resources and a follow up monitoring was completed in June 2010. The surveys were done in accordance with published guidelines of the Ministry of Natural Resources. The purpose of these surveys was to determine the potential for large populations of bats to roost and feed in the study area and to observe the level of bat activity in the study areas. The results of these studies have shown that there are no known significant roosts for bats in the Study Area; however, there are indications that there may be 1-2 maternity roosts on a woodlot(s) on the eastern edge of the site. The result of the impact assessment is that the impact of the proposed project on local bat populations is not expected to be significant. The Bat Studies have been forwarded to the MNR for review and comment.

This result of these studies indicate that no significant long-term environmental impacts are expected to occur, and thus, no significant direct or indirect impacts to species, habitats or ecosystems that may support an Aboriginal right.

NEEC will also undertake discussions to explore the possibility of Aboriginal environmental field monitors and/or environmental liaison committees that would be a vehicle for ongoing communication during construction. These steps could provide additional certainty to the affected Aboriginal communities that the required mitigations are implemented and are effective. These initiatives are explained in more detail in **section 5 “Going Forward”**, below.

B. Cultural

Archeological work for any development project is always potentially of interest to Aboriginal communities who are consulted. Stage 1 and 2 Archeological Assessments have been conducted as required by the Ministry of Tourism and Culture.

The Stage 1 Assessment was completed to determine the location of existing recorded archaeological resources and to determine the archaeological potential for the areas around the proposed turbines and access roads. This study was conducted in accordance with the Draft Standards and Guidelines for Consultant Archaeologists (MCL 2009). The study revealed no registered sites near the proposed turbine locations. Due to the presence of numerous watercourses, the report recommended field surveys of the proposed turbine

locations and access roads be completed. The Stage 1 report along with its findings and recommendations were accepted by the Ministry of Tourism and Culture. As indicated by the Ministry of Energy and Infrastructure letter dated June 14, 2010 a full Stage 2 archaeological assessment will not be required as part of the REA submission for this project.

A Stage 2 archaeological survey has been partially completed and two find sites, a pre-contact aboriginal find site and one historic period archaeological site were identified during the survey. The Project facility design was altered to avoid these sites. Further Stage 2 work on all un-assessed Project lands which may be disturbed during construction as well as Stage 3 and Stage 4 as required, will be completed prior to Project construction.

The preferred approach has been to shift the Project layout and avoid sites regardless of presumed site significance, whether the site is an isolated findspot or dense scatter of artifacts.

Results of the archaeological work was also reviewed by Bill Fitzgerald, a registered archaeologist, on behalf of the Saugeen Ojibway Nation Environment Office. Comments were received from Mr. Fitzgerald and a memorandum was prepared by NEEC's archaeological consultant, Archaeological Services Inc. "(ASI)" to respond. ASI incorporated suggestions made by Mr. Fitzgerald and addressed one concern over a request for Stage 3 work at one site by confirming that the site would be avoided by ground disturbance. This was communicated to SON recently and as of the date of writing this report, no reply had been received from Mr. Fitzgerald.

NEEC plans to have ongoing communications with Aboriginal communities throughout the Project, and has developed a framework and archaeological protocol to guide its actions and those of its consultants and contractors. This is explained in more detail in **sections 1.4 "Aboriginal Relations Canadian Project Framework" and 5 "Going Forward"** below.

C. Land

No reserves are affected by the Project.

The project is not located on any known specific claim areas.

Finally, the Project is located entirely on private lands. NEEC's understanding is that the federal and provincial government policies for settlement of specific and comprehensive claims is that no private land will be expropriated for that purpose. As a result, any claims that may subsequently be advanced affecting private lands where the Project is located would have a separate process to address such claims under those policies.

Based on mapping obtained, previous advice from Indian and Northern Affairs or on information provided by Aboriginal communities themselves, the following information about Aboriginal interests in lands has been determined in regard to the lands where the Project is located.

- Chippewas of Nawash and Chippewas of Saugeen (collectively, Saugeen Ojibway Nations, or “SON”) - see approximate area of traditional territory asserted on Map 2, above
- Métis Nation of Ontario - see approximate area of Traditional Harvest Territory asserted on Map 3, above
- Mississaugas of the New Credit - see approximate area of traditional territory asserted on Map 2, above
- Mississaugas of Scugog Island - no asserted rights and although staff felt it was unlikely the western limit of traditional territory extended to the Project they requested to be kept informed.
- Oneida Council of Chiefs On^yota a:ka Lotiyaneshu - asserted interests under any rights that may exist under the 1701 Nanfan Treaty, including an asserted right to conduct what today would be called economic activities: see map in **Appendix 7**.
- Six Nations of the Grand River (Elected Council) - Under Six Nations Elected Council Consultation and Accommodation Policy, a responsibility is asserted to protect the air, land and water within the 1701 Nanfan Treaty area: see map in **Appendix 7**.
- Haudenosaunee (Six Nations Confederacy) - potentially asserted interests under the 1701 Nanfan Treaty (see map **Appendix 7**) and Haudenosaunee Places to Grow Plan (see map in **Appendix 9**).

1.2 Project Consultation as a Proponent

NEEC understands its responsibility to carry out the procedural aspects of the Crown’s Duty to Consult delegated to it under Ontario Regulation 359/09. Results of this work to date are summarized in **Tables 3.1.1 and 3.2.1** below. These activities are guided by NEEC’s Canadian Projects Aboriginal Relations Framework, described below in **Section 1.4**, and reproduced in **Appendix 1**. These activities are also responsive to the consultation and accommodation protocols of the relevant First Nation and Métis governments themselves. The status of progress under such protocols applicable to the Project is included in **section 3.4 “First Nation and Métis Consultation and Accommodation Protocols”** below.

NEEC appreciates that any necessary decision-making about the Project by communities and Aboriginal leadership may be made on a consensus basis, and that implications of the decisions for seven generations may be considered. As a result, NEEC has distributed relevant contextual background information about wind energy including the technology, development process, industry, related commercial opportunities and the regulatory approval process, as well as the Project-related information required by Ontario Regulation 359/09. Please see section 2.3, “Additional Information Made Available”, below and **Appendix 3**.

NEEC has also offered to work collaboratively with Aboriginal communities to ensure that both the contextual and Project-specific information is made available in a meaningful way. Where necessary, NEEC has facilitated the use of other appropriate capacity resources for Aboriginal communities (such as a third party review of the draft Project Table 1 Reports, studies on birds, bats and shadow flicker or covering costs of archaeological monitoring) to assist them to interpret and evaluate technical information. This process of information-sharing, dialogue and where necessary, collaborative problem solving will continue throughout the Project life-cycle.

In some cases, no response was received from the Aboriginal community before completion and submission to MOE of the required Project Table 1 Reports. Where this is the case, NEEC is implementing a management system approach that encompasses: project environmental mitigation and follow-up; systematic tracking and resolution of concerns, and; maintaining open lines of communication. Please see **section 5, “Going Forward”**, below for an explanation.

1.3 Broader Engagement

To date, some communities have requested additional dialogue about matters that, strictly speaking, fall outside the ambit of s. 14 and s. 17 of the REA. NEEC will continue these discussions, which are identified in **Table 3.3.1**, below.

1.4 Aboriginal Relations Canadian Project Framework

As explained above, NEEC is pursuing multiple projects and is working together with multiple Aboriginal governments and their staff. Building cordial relationships with communities is both a necessity and a corporate goal. Continuity and a consistent approach is important. Additionally, NEEC recognizes staff in communities receive numerous and sometimes complex consultation requests on a weekly, if not daily basis. As a result, the practical challenge of how those staff can review, analyze, obtain relevant community information and respond to project proposals and consultation requests is often a practical (capacity) issue that must be addressed cooperatively.

NEEC has therefore developed an Aboriginal Relations Canadian Project Framework to address the issues described above. A copy is included in **Appendix 1**. It is labelled “working draft” to reflect that fact that NEEC remains open to input from Aboriginal communities to make this framework as relevant, practical and effective as possible.

Aboriginal interests over project archaeological work are also given particular attention in the framework. Additionally, the Ontario Ministry of Tourism and Culture has recently issued its document titled, “Engaging Aboriginal Communities in Archaeology: A Draft Technical Bulletin for Consultant Archaeologists in Ontario”, which becomes effective January 1, 2011. NEEC has also developed an “Ontario Projects - Archeological Protocol” document on the same working draft basis as the Framework. A copy is provided in **Appendix 2**. The NEEC Protocol has been reviewed by an external archaeological consultant for consistency with the Ministry of Tourism and Culture Draft Technical Bulletin, and is being circulated to interested Aboriginal communities for their review and comment.

NEEC views both the above Framework and Protocol as “live” documents, to be updated and refined as corporate knowledge about, and experience with Aboriginal communities grows and through feedback that they may provide.

2. Information Provided to Communities

2.1 Aboriginal Communities with Potential Interests in the Project

The following table identifies communities included in the Director’s List of November 23, 2010 (left hand column) cross-referenced to communities initially identified by NEEC’s inquiries (right hand column).

As explained above, the Project had begun prior to creation of the REA and the requirement to obtain the Director’s List. Consequently, NEEC had developed its own list and had already begun the process of information-sharing and dialogue about the Project.

TABLE 2.1.1: ABORIGINAL COMMUNITIES IDENTIFIED

Director’s List	Communities Previously Identified by NEEC
Chippewas of Nawash Unceded First Nation	Chippewas of Nawash Unceded First Nation
Saugeen First Nation	Chippewas of Saugeen First Nation
Saugeen Ojibway Nation Environment Office	Saugeen Ojibway Nations Environment Office (the staff secretariat to the two Saugeen Ojibway Nations)
Not on Director’s List	Huron-Wendat (Potential interest related to archaeological reports)
Listed differently on Director’s List as (see below):	Métis Nation of Ontario: <ul style="list-style-type: none"> • Georgian Bay Regional Consultation Protocol Committee (“GBRCPC”) (Region 7) • MNO Region 9 (includes Grand River Métis Council) • Lands, Resources and Consultations (“LRC”) Branch (i.e. “Consultation Unit”)
• Métis Nation of Ontario Consultation Unit	Communications are sent to Leadership and copied to MNO Lands, Resources and Consultations staff (i.e. The MNO Consultation Unit). MNO staff ensure notification to Regional Protocol Committees and/or the elected leadership in affected MNO Regions and Community Councils and have confirmed this has been completed for Conestogo.
• Grand River Métis Council	
Mississaugas of the New Credit	Mississaugas of the New Credit
Not on Director’s List	Mississaugas of Scugog Island
Not identified on the Director’s List	Mohawks of the Bay of Quinte

Director's List	Communities Previously Identified by NEEC
Not identified on the Director's List	Oneida Council of Chiefs, On'nyota a:ka Lotiyaneshu
Oneida of the Thames	Oneida of the Thames. On August 4, 2010, Oneida staff confirmed NEEC should continue to deal with Six Nations Elected Council and Six Nations Confederacy Council for the Project.
Six Nations Confederacy Council	Six Nations Confederacy Council
Six Nations of the Grand River	Six Nations of the Grand River

A summary of the salient information and issues received from these communities in relation to the REA and the Project is given in **sections 3.1** and **3.2**, below. Other issues raised by these communities are described in **section 3.3**. Progress under existing Aboriginal community consultation and accommodation protocols is discussed in **section 3.4**.

All communications that have taken place with the foregoing communities are listed chronologically for information purposes under **Appendix 4**. This is simply a summary of contacts made with the community, by/with whom, the information discussed, nature of the contact and a brief description of follow-up or results. As explained above, some communities have interest in more than this Project. The summaries encompass all relevant projects for the community being reported, but *the substantive issues of procedural consultation for each community that are specific to the Conestogo project are discussed within the body of this report*. The chronological contact information is simply included to indicate the duration and scope of efforts made in the proponent's Aboriginal program.

2.2 Distribution of Required Information

The Conestogo Wind Energy Centre is a transition project, in that work had progressed significantly under the previous Environmental Screening Process in preparation for the Ontario Power Authority's RES-III procurement initiative. In addition to any contacts made as part of the former process, NEEC distributed the following materials and information to the aboriginal communities pursuant to the REA, as set out in **Table 2.2.1**, below.

1. A draft of the project description report that was consistent with the Table 1 reports required for a Class 4 Wind Facility under Ontario Regulation 359/09.

2. Any information NEEC had regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project. (NEEC was not aware of such information for the Project.)
3. “Plain language” summaries of each report, and the reports mentioned in paragraphs 1 and 2 of subsection 16 (6) of Ontario regulation 359/09 (“the draft REA Documents”), in respect of which information is being requested under paragraph 17.(1) 4 of the Regulation. The delivery of this information was completed in the manner and on the dates set out below. Each delivery was accompanied by a covering letter addressed to the appropriate leadership person (usually the Chief of Council) and copied to the appropriate staff contact. Copies of the covering letters are included under **Appendix 5**.
4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts. Copies of the covering letters are included under **Appendix 5**.
5. Notices of the final public meeting, in a form that complied with the pro forma included in Ontario Ministry of Environment “Technical Bulletin Five: Guidance for Preparing the Consultation Report”.

TABLE 2.2.1: DELIVERY OF INFORMATION REQUIRED BY O/REG 359/09

Community	Contact Person(s)	Dates Delivered¹: (a) Draft REA Doc's. (b) s. 17 Request (c) Summary of Reports (d) Notice of Final Open House	Delivery Method
Chippewas of Nawash Unceded First Nation	Chief Ralph Akiwenzie	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) Courier (d) Mail
Chippewas of Saugeen First Nation	Chief Randall Kahgee	(a), (b), (c), (d) September 14, 2010	All Courier
Saugeen Ojibway Nation Environment Office	Katrina Keeshig, Renewable Energy Coordinator (copied) Jake Linklater Environment Coordinator	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) Courier (d) Mail
Huron-Wendat	Not on Director's List (Potential interest related to archaeological reports only)		
Métis Nation of Ontario Consultation Unit	Pauline Saulnier, Chair, GBRCPC (copied) Melanie Paradis, Director, LRC Branch (copied) James Wagar, Consultation Coordinator	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) Courier (d) Mail
Grand River Métis Council			
Mississaugas of the New Credit	Chief Brian Laforme	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) Courier (d) Mail
Mississaugas of Scugog	Chief Tracy Gauthier	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) Courier (d) Mail
Mohawks of the Bay of Quinte	Not on Director's List (NEEC working with Six Nations Confederacy Council re. Haudenosaunee interest under 1701 Nanfan Treaty)		
Oneida Council of Chiefs, On'oyota a:ka Lotiyaneshu	Chief Alfred Day Charlene Deleary, Secretary	Copied on Six Nations Confederacy Council letters September 15, 2010	All Mail
Oneida of the Thames	On August 4, 2010 NEEC was advised by Oneida Nation of the Thames staff to work with Six Nations for Conestogo		
Six Nations Confederacy Council	Chief A. McNaughton	(a), (b), (c), (d) September 13, 2010	All Expresspost

Community	Contact Person(s)	Dates Delivered ¹ : (a) Draft REA Doc's. (b) s. 17 Request (c) Summary of Reports (d) Notice of Final Open House	Delivery Method
Six Nations of the Grand River	Chief Bill Montour	(a), (b), (c) September 13, 2010 (d) September 14, 2010	(a), (b), (c) September 13, 2010 (d) September 14, 2010

In addition to delivery of the foregoing information, NEEC will deliver a letter advising of the submission of its application under Ontario Regulation 359/09, to all communities listed in Table 2.2.1, other than those communities who do not assert traditional territory at the Project location, and the Huron-Wendat Nation (i.e. archaeology interest only). Copies of the REA documents, as submitted will be enclosed with the letters. A copy of the covering letter template is enclosed as **Appendix 6**.

2.3 Additional Information Made Available

Information presentations about NEEC, the Project and other NEEC projects have been made to various leadership and/or staff at Chippewas of Nawash, Chippewas of Saugeen, Métis Nation of Ontario, Mississaugas of the New Credit, Oneida Council of Chiefs, Oneida of the Thames, Six Nations Elected Council and Six Nations Confederacy Council, as recorded in the summaries under **Appendix 4**.

Offers have also been made to make community information presentations to all of the First Nations identified by NEEC for the Project, but none have been accepted yet with the exception of Six Nations of the Grand River. NEEC attended the Six Nations Lands and Resources department Community Open House on May 28, 2010 with an information booth to discuss all current projects. NEEC is prepared to make other community presentations, if requested.

A technical level meeting was also held with Haudenosaunee Development Institute (“HDI”) on March 8, 2010 where a Project overview was given. Furthermore, NEEC provided additional information on November 26, 2010 that is not required to be provided under the REA, but was requested by HDI as generally described in its application for consideration and engagement for development.

NEEC has also distributed relevant contextual background information about wind energy including the technology, development process, industry, related commercial opportunities and the regulatory approval process to all the communities it had identified for the Project. In addition to the above presentations, this information was contained in a “Community

Reference Binder” that was distributed to all First Nation and Métis communities with potential interests in current Ontario projects, with the exception of Mississaugas of Scugog Island, who only asked to be kept informed about the Project. The binder is sized to accommodate additional materials so that communities who wish to, may use it as a central repository for all NEEC project correspondence.

The Community Reference Binder contents are shown in **Appendix 3**.

Finally, NEEC offered to host representatives from all thirteen communities that it had identified for southwestern Ontario projects at a two day June 2010 CanWEA Wind Matters seminar in Toronto titled, “Building the Wind Energy Supply Chain in Canada”. This seminar dealt with post construction economic opportunities that might potentially be of interest to Aboriginal communities. Representatives from two communities attended the seminar including a staff person from Saugeen Ojibway Nations.

3. Information Received From Aboriginal Communities

3.1 Information Received About Aboriginal or Treaty Rights Pursuant to s. 17 of O/Reg 359/09

Under section 17(1)4. of Ontario Regulation 359/09, proponents are required to determine and report to the Director any constitutionally protected Aboriginal or treaty rights that a community identifies as being adversely affected by a renewable energy project, and any measures proposed by the proponent or community to mitigate the impacts. Formal requests for this information were delivered as set out in Table 2.1, above.

Communities provided the Applicant with the following written and/or verbal responses in reply to the Applicant’s written request under paragraph 4 of subsection 17(1).

TABLE 3.1.1: “S. 17 INFORMATION” PROVIDED BY ABORIGINAL COMMUNITIES

Community	s. 17 Information Provided	How Addressed
Chippewas of Nawash Unceded First Nation	SON has produced a document titled, “Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations”. Briefly, section 1, “Rights and Interests” identifies the following: a) Reserves bordering Lake Huron and Georgian Bay; b) Subsistence fisheries and land-based harvesting practices; c) Aboriginal and treaty rights to commercial fishing in Lake Huron and Georgian Bay; d) Two land claims for Aboriginal title to lake beds of traditional territories and to the whole of the Bruce Peninsula.	The Project is not located on or near the two reserves, Lake Huron, Georgian Bay or either of SON’s land claims. NEEC is working with SON in respect of potential impacts to land based harvesting practices. Please see section 3.4, below. NEEC is confident there will be no significant impacts to species or habitats that may support SON harvesting practices, as set out in the Project Table 1 Reports. The Project is located in the Conestogo and Grand River watersheds, which drain away from locations where SON’s subsistence fisheries may be practiced.
Chippewas of Saugeen First Nation		
Saugeen Ojibway Nation Environment Office		
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.

Community	s. 17 Information Provided	How Addressed
<p>Métis Nation of Ontario (including "Consultation Unit and Grand River Métis Council)</p>	<p>No specific "s. 17" information about the Project to date but see environmental issues in Table 3.2.1 below.</p>	<p>NEEC is working with MNO to review the Project through its Regional Consultation Protocol Committee process and directly with Region 9. Understanding whether the Project may affect species or habitats that form the basis for Métis harvesting for food, ceremonial or social purposes will be a main focus. NEEC is confident there will be no significant impacts to species or habitats that may support MNO harvesting practices, as set out in the Project Table 1 Reports.</p> <p>Please see section 3.4 below.</p>
<p>Mississaugas of the New Credit</p>	<p>No specific "s. 17" information about the Project to date.</p> <p>Prior to sending the "s.17 request", the Mississaugas of the New Credit provided a general list of issues they wished to be consulted about, as follows:</p> <ol style="list-style-type: none"> 1. Land claims 2. Potential to affect reserves 3. Potential to affect sacred grounds 4. First Nation treaty rights 5. Potential to affect significant pre-historic or historic First Nations archaeological sites of extreme local, provincial or national interest. 	<p>The Conestogo project is not located on any known Mississaugas of the New Credit land claims, reserve lands or treaty areas.</p> <p>NEEC believes the field work conducted by its consultants to date concludes no sacred sites will be affected and that any archaeological sites will be either be avoided, or dealt with in accordance with Ministry of Tourism and Culture requirements in consultation with Mississaugas of the New Credit.</p> <p>NEEC is continuing to work with Mississaugas of the New Credit and met on November 26, 2010 to determine what process will be followed for review of the Project. Please see section 3.4.</p>
<p>Mississaugas of Scugog Island</p>	<p>No information received to date</p>	<p>N/A</p>

Community	s. 17 Information Provided	How Addressed
<p>Oneida Council of Chiefs (On^yota a:ka Lotiyaneshu)</p>	<p>No specific "s. 17" information about the Project to date.</p> <p>On March 8, 2010 a letter was received from Howard Elijah, Secretary, Oneida Council of Chiefs On^yota a:ka Lotiyaneshu, on behalf of the Haudenosaunee and stating it was with support of the elected of Council Oneida of Thames. The letter stated, <i>inter alia</i>:</p> <ul style="list-style-type: none"> • The Council strongly support use of sustainable resources and recognized the Project as consistent with their views on conservation and respect for the natural world. • Council of Chiefs' assert a treaty right under 1701 Nanfan Treaty and subsequent 1726 and 1755 clarifications. • The Treaty sets apart an area, including the Project area, for what today would be termed economic activities. • The Duty to Consult and accommodate rests with the Crown and cannot be delegated • The Haudenosaunee have a right to participate in any benefits that result from the Project. <p>The Council sent a copy of their letter to Ministry of Energy and Infrastructure, Ministry of Environment and Ministry of Aboriginal Affairs.</p>	<p>NEEC believes this letter was intended to address another project, named "Bornish".</p> <p>NEEC replied by letter dated 2010-06-03 seeking clarification of which Haudenosaunee communities and governments are represented by Oneida Council of Chiefs and to confirm if the letter only applied to another NEEC project, named Bornish, which is closer to Oneida of the Thames. The letter further asked for identification of any impact the Council believes that the Bornish Project may have on economic activities authorized by the 1701 Nanfan Treaty. No reply has been received.</p> <p>The Nanfan Treaty of 1701 dealt with hunting and fishing (harvesting) rights. The Project is on private lands and should not impact any existing access rights to lands for harvesting purposes. As indicated in the Project Table 1 Reports, the Project should not adversely affect species or habitats that may be subject of harvest activities.</p>
<p>Oneida of the Thames</p>	<p>See Oneida Council of Chiefs.</p>	<p>See Oneida Council of Chiefs.</p>
<p>Six Nations of the Grand River (Elected Council)</p>	<p>No specific "s. 17" information about the Project to date, however there is a claim in the Haldimand Tract a few kilometres to the east of the Project Study Area.</p>	<p>None of the Project lands are within the Haldimand Tract.</p> <p>NEEC will continue to discuss the Project with SNEC staff and/or leadership, as appropriate. Please see section 3.4, below.</p>

Community	s. 17 Information Provided	How Addressed
Six Nations Confederacy Council	A meeting took place on March 8, 2010 at the office of the Haudenosaunee Development Institute (HDI). It was mutually agreed the meeting was for information-sharing, not for consultation. HDI staff and confederacy leadership in attendance explained the areas of greatest concern over development, namely: Haldimand Tract; lands in Fergus and Kitchener-Waterloo claim areas, and; Haudenosaunee Places to Grow.	<p>NEEC will continue to discuss the Project with HDI and/or Haudenosaunee leadership, as appropriate.</p> <p>NEEC provided information to initiate the HDI process on November 26, 2010.</p> <p>The Project is not located in any known Haudenosaunee claim areas.</p>

3.2 Information Received About Potential Negative Environmental Impacts Pursuant to s. 14 and 15 of O/Reg 359/09

Ontario Regulation 359/09 section 14.(1)(b)(ii) and 15.(6)5.ii make reference to any interests Aboriginal communities may have concerning potential negative environmental impacts of a renewable energy project. This is in addition to, but differs from the information requested from Aboriginal communities pursuant to section 17(1)4.

The following issues concerning potential adverse environmental impacts of the Project were determined to be of interest to the communities through inquiries made by NEEC.

TABLE 3.2.1: INFORMATION ABOUT POTENTIAL NEGATIVE ENVIRONMENTAL IMPACTS OBTAINED FROM ABORIGINAL COMMUNITIES

Community	Environmental Issue(s)	How Addressed
Chippewas of Nawash Unceded First Nation	SON has produced a document titled, "Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations". NEEC recognizes an overarching principle in that document is SON's concern for protection of the environment, which states:	NEEC is working with SON in respect of potential impacts to land based harvesting practices. Please see section 3.4, below. NEEC is confident there will be no significant impacts to species or habitats that may support SON harvesting practices, based on the conclusions of studies as reported in the Project Table 1 Reports. SON is also reviewing these reports.
Chippewas of Saugeen First Nation	"The full expression of Saugeen Ojibway Nations' rights depends on healthy, biologically diverse ecosystems." Furthermore, the document also speaks to the cultural environment, stating:	If the SON review raises new questions, concerning negative environmental impacts, they will be addressed through the mitigations outlined in the Project Table 1 Reports, the initiatives described in section 5, below and/or through discussions with SON staff and leadership.
Saugeen Ojibway Nation Environment Office	"Areas within the traditional territories of the Saugeen Ojibway Nations are sacred and are of significant cultural value. It is imperative that these sites are properly identified and protected."	The Project is located in the Conestogo and Grand River watersheds, which drain away from locations where SON's subsistence fisheries may be practiced. NEEC's archaeological consultant and SON's independent archaeological advisor have communicated about the Project. As explained in section 1.1 C., above, some recommendations have been accepted and one area recommended for Stage 3 work will be avoided.
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.

Community	Environmental Issue(s)	How Addressed
<p>Métis Nation of Ontario (including “Consultation Unit” and Grand River Métis Council)</p>	<p>MNO staff have provided a detailed and a general list of Aboriginal values and environmental issues to be considered. (Reproduced in section 3.4 below.)</p>	<p>MNO staff’s list of Aboriginal values and issues have been provided to NEEC’s environmental consultants for consideration in the Project Table 1 Report studies.</p> <p>NEEC is working with MNO to review the Project through its Regional Consultation Protocol Committee process and also with Region 9. Confirming whether or not the Project may affect species or habitats that form the basis for Métis harvesting for food, ceremonial or social purposes will be a main focus. NEEC is confident there will be no significant impacts to species or habitats that may support MNO harvesting practices, as set out in the Project Table 1 Reports.</p> <p>Please see section 3.4 below.</p>
<p>Mississaugas of the New Credit</p>	<p>Mississaugas of the New Credit have provided a list of issues they wished to be consulted about, as follows:</p> <ol style="list-style-type: none"> 1. Potential to affect use of land and resources for traditional purposes 	<p>NEEC believes the field work conducted by its consultants to date concludes that this factor will not be affected by the Project.</p> <p>NEEC is continuing to work with Mississaugas of the New Credit and met on November 26, 2010 to determine what process will be followed for review of the Project. Please see section 3.4, below.</p>
<p>Mississaugas of Scugog Island</p>	<p>No information received to date</p>	<p>N/A</p>
<p>Oneida Council of Chiefs</p>	<p>Any burial sites are not to be disturbed</p>	<p>NEEC has adopted an archeological protocol that is consistent with Ministry of Tourism and Culture requirements.</p>
<p>Oneida of the Thames</p>	<p>See Oneida Council of Chiefs.</p>	<p>See Oneida Council of Chiefs.</p>

Community	Environmental Issue(s)	How Addressed
Six Nations of the Grand River (Elected Council)	The Six Nations Council “Land Use Consultation & Accommodation Policy” states that “...[Six Nations elected] Council asserts a responsibility to protect the land, air, and water within the wider area specified by the 1701 Fort Albany/ Nanfan Treaty.”	<p>NEEC believes that the results of the Project Table 1 Reports demonstrate that the Project can be constructed and operated consistent with the spirit and intent of the SNEC Policy.</p> <p>On November 1, 2010, NEEC provided capacity funding for SNEC to begin a third party review of the Table 1 Reports.</p> <p>If the review raises new questions, concerning negative environmental impacts, they will be addressed through the mitigations outlined in the Project Table 1 documents, the initiatives described in section 5, below and/or through discussions with Six Nations staff and leadership.</p>
Haudenosaunee (Six Nations Confederacy)	<p>A meeting took place on March 8, 2010 at the office of the Haudenosaunee Development Institute (HDI). It was agreed that the meeting was not for consultation. HDI require an application fee and payments leading to negotiation of a memorandum of understanding in order to review and comment on the Project.</p> <p>Please see description of the HDI consultation and accommodation process, in section 3.4, below.</p>	<p>NEEC will continue to discuss the Project with HDI and/or Haudenosaunee leadership, as appropriate.</p> <p>NEEC provided information to initiate the HDI process on November 26, 2010.</p> <p>If the review raises new questions, concerning negative environmental impacts, they will be addressed through the mitigations outlined in the Project Table 1 documents, the initiatives described in section 5, below and/or through discussions with Six Nations staff and leadership.</p>

3.3 Other Issues Raised by Aboriginal Communities

Additional issues were raised by some Aboriginal communities that NEEC believes are outside the scope of constitutionally protected Aboriginal and treaty rights and other interests in potential negative impacts to the environment, which are the subject of O/Reg 359/09.

TABLE 3.3.1: OTHER ISSUES RAISED BY ABORIGINAL COMMUNITIES

Community	Other Issue(s)	How Addressed
Chippewas of Nawash Unceded First Nation	SON has produced a document titled, "Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations". Within that document, section 10 "Benefits" states that: "The proponent and SON will negotiate an agreement that will include, but is not limited to, compensation, employment, training and business opportunities."	NEEC has developed an Aboriginal Relations Canadian Project Framework. These issues can be addressed within the parameters of that framework.
Chippewas of Saugeen First Nation		NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain. A SON staff representative attended the conference.
Saugeen Ojibway Nation Environment Office		
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.
Métis Nation of Ontario (including "Consultation Unit and Grand River Métis Council)	NEEC was asked about its general interest in partnerships with MNO to take advantage of the OPA Aboriginal price adder.	NEEC will reply as is appropriate. NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain.

Community	Other Issue(s)	How Addressed
Mississaugas of the New Credit	<p>Mississaugas of the New Credit have provided a list of issues they wished to be consulted about, as follows:</p> <ol style="list-style-type: none"> 1. Potential to support First Nations industry in the area by efficient and reliable movement of people and goods 2. Revenue-sharing arrangements 3. Partnership ventures 4. Employment opportunities 5. Education assistance 6. Training and apprenticeship programs 7. Scholarships 8. Funding for community based projects 9. Proponent to fund First Nations to actively participate in negotiating an agreement including for legal advisors and consultants 10. Health contributions 11. Contributions for department programs, cultural activities, powwows, library, playgrounds and community events. 	<p>NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain.</p> <p>NEEC provided a modest sponsorship of Mississaugas of the New Credit historical gathering called "Our People: The Mississauga Nation," on March 3, 4 & 5, 2010.</p> <p>NEEC will continue to communicate with the Mississaugas of the New Credit and include them in any project-related information programs.</p>
Mississaugas of Scugog Island	No information received to date	N/A
Oneida Council of Chiefs	Opportunities for economic benefits.	NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain. Dialogue regarding such additional issues will continue if requested.
Oneida of the Thames	See Oneida Council of Chiefs.	See Oneida Council of Chiefs.

Community	Other Issue(s)	How Addressed
Six Nations of the Grand River (Elected Council)	A meeting took place on May 15, 2010 at which staff from Six Nations of the Grand River explained the Six Nations Elected Council (SNEC) Consultation and Accommodation Policy. It was explained at the meeting and by e-mail, that the procedure under the policy requires proponents to first confirm in writing whether or not they want to partner with Samsung on their project, and if not, the discussions then move to negotiating accommodation beginning with submission of project financial information. It is believed these two matters are outside the scope of issues identified in O/Reg 359/09.	<p>NEEC will continue to discuss the Consultation and Accommodation policy with Six Nations of the Grand River with respect to all affected NEEC projects.</p> <p>NEEC have responded to the request concerning Samsung.</p> <p>NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain.</p> <p>NEEC will continue to communicate with the SNEC and include them in any project-related information programs.</p>
Haudenosaunee (Six Nations Confederacy)	No information provided to date.	NEEC will continue to communicate with the Confederacy Council and include them in any project-related information programs.

3.4 First Nation and Métis Consultation and Accommodation Protocols

The following is a summary of Aboriginal governments who have a published consultation and accommodation protocol applicable to this Project. NEEC’s response to the protocol and status of consultation as of the date of this report is also explained below.

A. Saugeen Ojibway Nations

SON has produced a document titled, “Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations” (see **Appendix 10**) that sets out principles and expectations for the procedural consultation undertaken by proponents. It describes relevant legal context and SON expectations for a quality process and that the Crown must be present. It also identifies SON’s view of fundamentally important Aboriginal rights and interests.

These issues were more fully explained at a meeting between NEEC senior management and the SON Joint Chiefs and Council on July 28, 2010. NEEC also provided additional

information about NextEra Energy Resources and NEEC, as well as an overview of all southern Ontario projects in general, and the Project in particular.

NEEC has received a draft work plan and budget from SON to undertake a review of the Project Table 1 Reports before entering into meaningful procedural consultation. NEEC and SON have begun the information-sharing under this work plan and are finalizing its procedural and administrative aspects. SON has made it clear they see theirs as a separate process to the REA approval, and have also provided a summary of key points from the April 2010 SON-Ministry of Energy and Infrastructure agreement that speak to SON's expectations of proponents. SON has experience working with wind energy projects, from other significant wind projects within its traditional territory that are now in operation.

NEEC has initiated a transparent, cordial and cooperative relationship with SON leadership and staff. NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide this relationship on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 **"Going Forward"**, below, will address any questions by raised by SON concerning potential impacts to the environment, cultural interests or lands affected by the Project.

B. Métis Nation of Ontario

MNO has developed a structured consultation process for projects that fall within its Traditional Harvest Territories. NEEC and MNO have begun this process and the first meeting with the Georgian Bay Regional Consultation Protocol Committee and with Region 9 (whose administrative boundary includes a portion of the Georgian Bay Traditional Harvest Territory) are pending availability of MNO leadership. NEEC and MNO staff have discussed a budget to facilitate these meetings, which is acceptable to NEEC.

NEEC staff have met with staff of MNO's LRC Branch and had numerous telephone and e-mail conversations. At a December 8, 2009 meeting with MNO Consultation Unit staff, NEEC also provided additional information about NextEra Energy Resources and NEEC, as well as an overview of all southern Ontario projects in general, and the Project in particular.

MNO staff have provided information on issues that they will consider in reviewing a wind farm development proposal, as follows:

"Sittings of the turbines, the ESR plus a more detailed breakdown of impacts to watercourses (sedimentation from culverts, etc), length of construction period, number of construction workers on site at any given time, estimated number of trucks per turbine (hauling turbines and concrete), archaeological work on site,

biodiversity plans, willingness to plant Metis species of interest over the turbine footings if they meet proponent needs, impacts on migratory species during construction and permanently. Will they [NEEC] need to construct a transmission connection line and if so will they use chemical sprays to maintain the line? Is it on private agricultural land or Crown land? Are there any ANSI's or SAR's in the area, if so what are they and what are their plans to avoid impacting them? Are any of the watercrossings cold water streams? Are any unidentified? Any significant wetlands?"

This summary was further clarified by receipt of the following general issues list:

1. Water Quality
 - a. fish habitats including spawning potential
 - b. drink ability
 - c. impacts downstream
 - d. pollution including cumulative effects
 - e. groundwater
 - f. monitoring
2. Wildlife
 - a. flora and fauna populations
 - b. consider endangered/threatened species
 - c. harvesting including hunting and the picking traditional plants
 - d. biodiversity initiatives
 - e. monitoring
3. Aboriginal Interests
 - a. who and how have the aboriginal people in Ontario been consulted
 - b. have any aboriginal sensitive areas been recognized on or around the study area
 - c. is there any additional traditional and technical knowledge of the study or surrounding area
4. The Study Area
 - a. does any crown land exist within the study area
 - b. what type of land exists within the study area (ie. Wooded lots, agriculture)
5. Air Quality
 - a. pollution during construction, operation, decommissioning and abandonment

NEEC believes the foregoing issues are addressed by presentations given to MNO staff, by information within the Project Table 1 Reports, or else require input from Métis citizens within the MNO regional protocol process. MNO is familiar with wind developments from having reviewed other developments in its Georgian Bay Traditional Harvest Territory that are now in

operation, and from other wind proposals Georgian Bay Traditional Territory and the Lakehead/Nipigon/Michipicoten Traditional Territory. Due to recent events within the Georgian Bay Region Métis community, it has not been possible to schedule a meeting with the Georgian Bay Regional Protocol Consultation Committee. It is expected a meeting will be possible in January 2011. Region 9 leadership have suggested a meeting in February 2011.

NEEC has initiated a transparent, cordial and cooperative relationship with MNO LRC Branch staff (i.e. MNO Consultation Unit"). NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide this relationship on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 **"Going Forward"** below, will address any questions by raised by MNO concerning potential impacts to the environment, cultural interests or lands affected by the Project.

C. Mississaugas of the New Credit

NEEC met with staff and Chief Laforme on January 28, 2010 to provide information on NEEC, its Ontario projects generally and the Project specifically. A follow-up meeting with newly hired Consultation and Outreach department staff and a Council member took place on November 26, 2010 to ask what process Mississaugas of the New Credit may follow to review the Project. While there is no current procedure or policy in place, NEEC was advised that the process will generally follow these steps:

1. Independent review of the Project Table 1 Reports
2. Draft report to staff by the independent reviewer
3. Possible clarification meeting to discuss the draft report with NEEC
4. Report to Mississaugas of the New Credit Council by staff
5. Possible community information session or, for issues considered major, a referendum
6. Further discussion with NEEC
7. Council decision

NEEC's Aboriginal Relations Canadian Project Framework contemplates capacity funding where this is required to arrange independent reviews of technical materials by qualified parties and will respond if such a request is received.

NEEC has initiated a transparent, cordial and cooperative relationship with Mississaugas of the New Credit. NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide this relationship on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies,

the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 “**Going Forward**”, below, will address any questions by raised by Mississaugas of the New Credit concerning potential impacts to the environment, cultural interests or lands affected by the Project.

D. Six Nations Confederacy Council

NEEC has been advised that the Haudenosaunee Development Institute (“HDI”) has been delegated authority to review and provide technical advice to the Six Nations Confederacy Council for all developments within: (a) Haudenosaunee Green Plan, which includes the Haldimand Tract, the Haudenosaunee Places to Grow and places where clear land rights are held, and also; (b) all lands within the 1701 Nanfan Treaty area.

NEEC has been provided with a copy of: the Haudenosaunee Development Protocol; Tseh Niyoh Dwayadowehsra Ogwahweja Wihwageh Haudenosaunee Green Plan, and; HDI Application for Consideration and Engagement for Development, which sets out the information requested by HDI to initiate review on behalf of the Six Nations Confederacy Council.

Copies of the foregoing protocol and Green Plan are enclosed in **Appendix 9**.

NEEC has had two meetings and additional telephone, correspondence and e-mail exchanges with HDI. These activities are leading to procedural consultation. The meetings and communications have included staff from HDI, and leadership from the Six Nations Confederacy Council and Oneida Council of Chiefs, On^yota a:ka Lotiyanesu. The meetings were for introductions, exchanging information, clarifying information and discussing procedural matters. Information provided included all of that, which is described in **section 2 Information Provided to Communities**, above.

On November 26, 2010, additional information was provided about this Project to address that requested by HDI to initiate its review process, together with funds to cover the capacity costs for review by HDI and external experts of the Project Table 1 Reports; internal reporting to the Confederacy Council; a community meeting or communications, and; further dialogue with NEEC about the Project Table 1 Reports. The results of this process will determine the Confederacy Council’s views on the Project.

NEEC has initiated a transparent, cordial and cooperative relationship with HDI as the staff secretariat for the Confederacy Council. NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide this relationship on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5

“**Going Forward**”, below, will address any questions by raised by HDI concerning potential impacts to the environment, cultural interests or lands affected by the Project.

E. Six Nations of the Grand River

Six Nations of the Grand River elected council (“SNEC”) has issued a Consultation and Accommodation Policy that states:

As the official governing body of the territory and working with all Six Nations Community Members, Six Nations Elected Council (SNEC) on behalf of the people of Six Nations of the Grand River has interests in and a duty to protect land within the Haldimand Tract. These interests include unsundered lands; conditionally surrendered lands which are subject to unfulfilled conditions; and the Grand River including the river bed.

Additionally Council asserts a responsibility to protect the land, air, and water within the wider area specified by the 1701 Fort Albany/Nanfan Treaty.

A copy of the policy is include as **Appendix 8**. This policy is complimented by a SNEC procedure manual and application form.

NEEC has had a number of meetings, plus additional telephone, correspondence and e-mail exchanges with Six Nations of the Grand River. These are preliminary activities to consultation. The meetings and communications have included staff from SNEC, SNEC leadership and a presentation to SNEC itself. The meetings were for introductions, exchanging information, clarifying information and discussing procedural matters. Information provided included all of that, which is described in **section 2 Information Provided to Communities**, above.

On November 5, 2010, additional information was provided about the Project to enable SNEC to initiate its review process. Funds have been provided to cover the capacity costs for review by SNEC staff and external experts of the Project Table 1 Reports; internal reporting to SNEC, and; further dialogue with NEEC about the Table 1 reports. The results of this process will determine the SNEC views on the Project.

NEEC has initiated a transparent, cordial and cooperative relationship with SNEC staff and leadership. NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide this relationship on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 “**Going Forward**”, below, will address any questions by raised by SNEC concerning potential impacts to the environment, cultural interests or lands affected by the Project.

D. Oneida Council of Chiefs and Oneida of the Thames

NEEC's understanding from Oneida Council, and confirmation received from Oneida of the Thames on August 4, 2010 is that, given the location of the Project, Six Nations Confederacy Council and Six Nations Elected Council take the lead on behalf of Haudenosaunee communities.

NEEC has communicated with, and made presentations to staff and leadership at Six Nations Confederacy Council, Six Nations Elected Council, Oneida Council of Chiefs and Oneida of the Thames.

NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide relationships with all communities on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 "**Going Forward**" below, will address any questions by raised concerning potential impacts to the environment, cultural interests or lands affected by the Project.

4. Consideration of, and Changes Made as a Result of Information Received

As a result of the discussions with Aboriginal communities identified in section 2.1 and the information they brought forward, as identified in sections 3.1 and 3.2, above, the proposal to engage in the Project was altered in the following way.

As of the filing of the REA, no concerns have been communicated to NEEC from Aboriginal communities that required a change in design or mitigation strategies. However, ongoing review work identified in Table 3.1.1, 3.2.1 and section 3.4 is continuing with the First Nations. NEEC is confident this dialogue will result in a mutually satisfactory conclusion. NEEC has undertaken to ensure ongoing communications and addressing questions during construction and operations as described in section 5, “Going Forward”.

5. Going Forward: Communications and Approach

The results of consultation efforts leading up to, and that support the submission of NEEC's REA are described above. This section describes NEEC's approach going forward.

Aboriginal communities interested in the Project were provided with the draft Project Table 1 reports as detailed in section 2.2, above. Additionally NEEC is notifying each of the Communities who received a written request pursuant to section 17 of the REA (see Table 2.2.1, above) of the submission of its application for approval of the Project under Ontario Regulation 359/09. Copies of any Project Table 1 Reports that have been amended, and a copy of this consultation report will be included with these notifications.

A copy of the wording of the covering letters to be delivered with those documents is included in **Appendix 6**. The letter will explain the next stage of the REA approval process.

Any of the Aboriginal communities are entitled to comment during the 30 day review period, and may also comment when the Director's decision is posted on the environmental registry of the Environmental Bill of Rights. Should this occur, NEEC will respond as part of that process and as requested by the Director.

NEEC will continue its dialogue as set out in section 3.4 above. To date, no impacts to constitutionally protected Aboriginal or treaty rights have been identified through preliminary information-sharing. Procedural consultation under community protocols described in section 3.4 is the next phase. Should the procedural consultation result in identification of an impact to either a constitutionally protected Aboriginal or treaty right that is not presently identified, or to habitat or species that may form the basis of a constitutionally protected Aboriginal right, NEEC will use good faith efforts to seek mutually acceptable avoidance, or else mitigation and accommodation for matters that are within its mandate and/or control. This will be achieved through a systematic approach described below.

If unexpected questions or concerns are received after approval of the REA, NEEC will address those situations through the following measures:

1. Implementation of construction mitigation as required and as set out in the final project Table 1 Reports, in particular, the Archaeology reports, Construction Plan Report, Design and Operations Report, the Decommissioning Report and the Natural Heritage Report as submitted to the Director of Renewable Energy Approvals under Ontario Regulation 359/09, including any required monitoring and follow-up;
2. A management system approach to tracking and resolving issues of concern brought to the attention of NEEC by Aboriginal communities that is consistent with Ontario Regulation 359/09, Table 1, Section 4, and;

3. Maintaining open lines of communication with Aboriginal communities throughout construction and operations.
4. Site-specific mitigations that may be mutually agreed to with the Aboriginal community.

Where no specific information has been provided by Aboriginal communities, NEEC undertakes to implement any necessary mitigation measures identified in the final REA documents and Project Table 1 Reports. These measures will result in no significant long-term environmental impacts by the Project, and therefore, no significant long-term impacts to species, habitats or ecosystems that may be of concern to Aboriginal communities.

NEEC has also initiated internal discussions to explore the possibility of Aboriginal environmental field monitors and/or environmental liaison committees. This may be through the communities themselves, Aboriginal contractors, or may be through Provincial/Territorial, Tribal Council or another collective organization with an appropriate relationship to the communities for this Project. The mandate of the monitors or committee would be to view and report on the implementation of mitigations set out in the Project natural heritage study report, and make suggestions where improvements are possible. This concept will be explored further with those Aboriginal organizations and communities with an interest in the Project.

Should an Aboriginal community express an issue of concern with the Project activities, NEEC will have a formal system to receive, track and resolve such concerns as is required under Ontario Regulation 359/09, Table 1, section 4. It will be based on these principles.

Generally, an “issue of concern” is one that cannot be resolved at the field level within three (3) business days. This tracking and resolution system would generally include features that enable:

1. referral of issues of concern to company, contractor or government personnel with the ability to address them;
2. documenting, monitoring and reporting of outstanding issues of concern to management;
3. ability to “escalate” an issue of concern to more senior personnel for resolution, and;
4. reporting of all issues of concern as part of project monitoring reports and commissioning activities.

Finally, NEEC will maintain ongoing communications with Aboriginal communities through the construction and operating phase of its project as one element of its ongoing community, municipal and landowner communications program. In addition to contact with leadership

and/or key staff, and where practicable, local Aboriginal community newsletters, web sites or other communication vehicles will be used to convey relevant project notices and updates, as may be agreed to by the Aboriginal communities. Anticipated topics may include Project schedule updates, reports on Project activities and on the effectiveness of environmental mitigations. Details of the content of this program, frequency of updates and communication vehicles will be discussed with Aboriginal communities who express interest in receiving such information.

Should accommodations be requested that fall outside these parameters, they may be more appropriately relevant to the Crown consultation with the affected Aboriginal community.

6. Conclusion

NEEC has undertaken a thorough Aboriginal consultation program for the Project and this dialogue continues. The steps and information distribution required under Ontario Regulation 359/09 have been completed as described in section 2.1 and 2.2, above.

No impacts to constitutionally protected Aboriginal or treaty rights have been brought to NEEC's attention to date as confirmed in section 3.1, and any other issues of concern over potential negative environmental impacts are, or are being dealt with as set out in section 3.2. and 3.4

Other issues brought to the attention of NEEC that fall outside the scope of O/Reg 359/09 are explained in section 3.3, including NEEC's response.

Based on information received to date, no modifications to the design, construction plan, mitigations or other aspects of the Project were necessary, as stated in section 4, above.

Communication, information exchange and resolution of any issues with Aboriginal communities will continue through the construction and monitoring phase of the Project, and into operations, as undertaken in section 5 of this Aboriginal Consultation Report.

As a result, NEEC submits that the Project will not adversely affect any constitutionally protected Aboriginal or treaty rights of the communities identified above and should not result in any negative environmental effects that may be of concern to those communities.

LIST OF APPENDIXES

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NEEC Energy Canada, ULC, “Aboriginal Relations Canadian Project Framework”	1
NEEC Energy Canada, ULC, Ontario Projects - Archaeological Protocol	2
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Contact Summaries	4
Copies of Letters to Communities re. delivery of draft REA documents and request for comments under s. 17(1) 4.	5
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Appendix 1
NEEC Energy Canada, ULC, “Aboriginal Relations Canadian Project Framework”



NextEra Energy Canada ULC

Aboriginal Relations Canadian Project Framework

Purpose:

Crown agencies may delegate the procedural aspects of their Duty to Consult to project proponents, such as NextEra Energy Canada ULC (herein, "NEEC").

NEEC has therefore created this framework to: help meet its obligations as a proponent; to demonstrate its commitment to actively seek positive relations with Aboriginal peoples when developing projects in Canada, and; to provide foundational guidance on Aboriginal relations to NEEC staff when planning and implementing Canadian projects.

NEEC invites comment on this framework, and will review, update and amend it as required to ensure its ongoing relevance and effectiveness.

Vision:

NEEC wants to be recognized for its ability to work collaboratively with Aboriginal communities who may be affected by, or have an interest in its projects. NEEC knows this will take time and effort and must be done with due respect for the Crown's Duty to Consult and for Aboriginal and treaty rights, as recognized and affirmed in the Constitution Act 1982. NEEC will embrace its role as the project proponent where the Duty to Consult applies, but will also work collaboratively with Aboriginal communities where there is opportunity for engagement that may lead to mutual benefit.

Project Approach to Consultation:

- NextEra commits to providing timely, accurate and meaningful information in open, transparent and inclusive ways for the Aboriginal communities we deal with. We will:
 - Be the first and best source of information about NEEC projects
 - Listen carefully to questions or concerns and then respond
 - Share information about our project activities in which Aboriginal communities express an interest
 - Seek open lines of communication throughout the entire project process

- NEEC must be consistent when engaging with Aboriginal communities, but will respect unique differences among them by:
 - Working with their leadership and/or designated representatives to address their consultation protocols
 - Using mutually agreed methods to share information so that Aboriginal communities may reach informed opinions or consensus about NEEC projects and also provide their input to inform NEEC project planning and development
- NEEC will strive to understand, and will respect the values that are important to Aboriginal communities
- Where different perspectives and viewpoints arise, NEEC will seek areas of common ground and will use objective standards to help reach mutually acceptable solutions
- NEEC will act responsibly and honourably in all its dealings with Aboriginal communities by following through on its commitments and obligations

Project Approach to Requests for Community Capacity:

Building a community's understanding of NEEC projects that will result in their informed response is a key part of the NEEC relationship-building process with Aboriginal communities.

Obtaining such input from Aboriginal communities is also an expression of acknowledgment and respect for Aboriginal and treaty rights, as recognized and affirmed in the Constitution Act, 1982.

To meet both these objectives, NEEC will work with Aboriginal communities to determine if capacity support may be required to enable their informed and timely comment on project proposals and will respond within this framework.

- NEEC defines "capacity" to mean people, technical and financial resources
- NEEC may offer, and will entertain requests for capacity where its project proposals may impact lands, ecosystems or ways of Aboriginal life that are the basis of Aboriginal or treaty rights
- NEEC will seek to reach consensus with community leadership or their designated representatives on the appropriate type and scope of community capacity, having regard to the following criteria:
 - Being fair and consistent among the Aboriginal communities with whom we engage

- The potential of the project to impact Aboriginal or treaty rights and way of life
- The availability and ability of existing information, studies or reports to inform community understanding of NEEC projects
- Appropriate budget, schedule and compliance with regulatory requirements
- Clear definition (“terms of reference”) of how the capacity will inform reports, studies and/or good planning for the NEEC project regarding Aboriginal or treaty rights and way of life that may be affected by the NEEC project
- Expertise and activities that are appropriate to the terms of reference for the capacity

Project Approach to Archaeology

NEEC is committed to working collaboratively with Aboriginal communities to ensure that archaeological and construction work at project sites does not cause avoidable impacts to archaeological resources. To meet this objective, NEEC will:

- Seek to reach consensus on a project archaeological protocol with affected Aboriginal communities
- Include such protocol in terms of reference for its archaeological consultants
- Seek to reach consensus on community involvement in archaeological field work through a field orientation meeting and/or an archaeological monitor, in accordance with “Project Approach to Requests for Community Capacity”, above.

Broader Engagement

NEEC will be open to exploring initiatives for broader engagement that may result in mutual benefit for affected Aboriginal communities and NEEC and that have a relationship to NEEC’s project undertakings.



Appendix 2
NEEC Energy Canada, ULC, Ontario Projects - Archaeological Protocol



NextEra Energy Canada ULC Ontario Projects - Archaeological Protocol

NextEra Energy Canada ULC (“NEEC”) is pursuing wind energy projects in Ontario. Under the Ontario Renewable Energy Approvals regulation (the “REA”), there is a requirement to undertake archaeological assessments where the project may impact an archaeological resource.

NEEC is also committed to working collaboratively with potentially affected Aboriginal communities to ensure that archaeological and construction work at project sites does not cause avoidable impacts to archaeological resources. In this regard, NEEC will abide by this protocol and will require its archeological contractors to acknowledge and respect it as part of their contract for services with NEEC, as well as any additional process agreed to between NEEC and those communities.

NEEC invites comments on this protocol from affected Aboriginal communities and will update and amend it as required for relevance and effectiveness.

Guiding Principles for Archeological Work on NEEC Projects:

- This process may be updated and refined to ensure that all archaeological field work is completed in a manner acceptable to all relevant parties, and within the regulations of the Ministry of Culture
- NEEC recognizes that each potentially affected Aboriginal community may identify different interests, or specific areas of concern, and that this protocol may need modification to address those specifics
- NEEC is committed to pursuing a positive relationship with Aboriginal communities built on trust, and is committed to ensuring that all archaeological work undertaken is respectful and addresses the needs of the affected community

Objectives:

- To protect aboriginal archaeological resources from avoidable impacts
- To ensure open, respectful, and timely communications between aboriginal communities and NEEC on archaeological matters
- To provide a means of active participation by aboriginal communities in archaeological activities conducted in their traditional territory

- To identify representatives that each party can contact and consult with on matters related to the archaeological process
- To ensure affected Aboriginal communities are aware of any archaeological finds
- To provide a process for dealing with specific issues or unforeseen discoveries as a result of archaeological and construction work

General Process:

1. The archaeological team and NEEC will arrange a meeting with the potentially impacted First Nations and/or Métis communities in the vicinity of the project work area. The meeting would present an overview of the proposed work, including maps showing areas where investigations will be undertaken, and showing any known archaeological sites in the area (Stage One assessments).
2. Feedback will be requested from the communities on any known sites of interest for cultural, spiritual or heritage importance. The specific terms on which this information may be provided by the communities will be discussed and agreed to in writing including any confidentiality provisions required, in order to ensure there is prior and informed consent for any use of such information.
3. A request will be made for each community to identify a lead contact called the “liaison” for ongoing communications throughout the archeological work. NEEC will also consider requests to have a qualified monitor on-site during field work.
4. Where an archaeological monitor is requested, NEEC will make good faith efforts to reach mutually acceptable arrangements with the affected community(ies) for the scope of the monitor’s role, budget for reasonable costs to perform the work, a final monitor’s report and any required insurance coverage and/or training such as safety procedures. Where requests for more than one monitor are received, NEEC will request that any arrangements not result in duplication of roles. These arrangements will be recorded in writing with leadership or authorized staff of the affected community.
5. The consulting archaeologist team will contact the community liaison or monitor, if applicable, at least two (2) business days before going into field, to ensure that they are aware of the work plans, and confirm the following process in the event of a discovery of artifacts or remains.
6. If an artifact is discovered, and it can be determined to be of aboriginal origin, the monitor will be notified, and asked to assist if necessary. The monitor, with the archaeology team, will determine whether the artifact is of significant or of special interest. If specific care must be taken with the item, the monitor should indicate

such. Any artifacts that are removed must be moved to an accredited archaeological repository in order to preserve them. The monitor will be informed about the location of the repository. Work will continue at the site.

7. If no monitor is available, the designated community liaison will be promptly notified when an artifact of suspected aboriginal origin is found. The liaison will be advised if the artifact will be removed to an Archaeological Repository and the location of the Repository. Work will continue at the site.
8. If a stage two archaeological assessment uncovers aboriginal artifacts requiring a stage three assessment based on the guidelines of the Ministry of Culture, the monitor and the consulting archaeologist will determine if there is a need to involve other community members/elders to see the site and discuss its potential implications. If the monitor or liaison expresses concern about whether the site should be considered for a stage three assessment based on its unique cultural, heritage, or spiritual value to the community, a meeting between the archaeologist, liaison, monitor (if applicable) and NEEC shall be convened to discuss the findings, and options for proceeding with the work including or mitigation strategies.
9. If human remains are found, NEEC and its consulting archaeologist will adhere to all applicable laws and regulations. This will require notification of the Police and/or Coroner's office. All work at the site will stop, and the community liaison will be notified immediately. If the site is determined not to be a crime scene, and evidence suggests that the remains are aboriginal, the community liaison must be immediately contacted again to request their attendance at the site.
10. The manner in which the human remains are treated will be determined by the community liaison in accordance with the appropriate regulations and legislation (or other community members as determined by the liaison) in discussion with the consulting archaeologists and the landowner. The process and procedures associated with any recovery, handling, and reburial will be determined by the community liaison.
11. Where human remains are discovered, and a determination of their origin is not possible, all community liaisons will be asked for advice in consultation with NEEC and the consulting archaeologist to determine the best course for recovery and reburial of the remains, or the mitigation of the site.
12. The final archaeological report and details of each artifact of aboriginal origin (including the archaeological repository to which it has been sent) will be provided to the community liaison when the work has been completed. A plain language summary will also be provided.



Upon completion of the archeological reports, NEEC will determine in consultation with the community liaison, whether continued field monitoring will be required during construction activities that involve ground disturbance, and if so, the mutually acceptable arrangements for same.

W O R K I N G
D R A F T



Appendix 3

Community Reference Binder Introduction and Contents



NextEra Energy Canada, ULC

NextEra Energy Canada - Community Reference Materials

The enclosed binder of materials has been compiled by NextEra Energy Canada to be a helpful resource for community leadership, staff and individuals who are seeking basic information about the wind energy industry and our company. The purpose is to help foster a basic understanding of our industry and our company. This can be an important foundation and a starting point on which to have dialogue about our specific project proposals, as they are brought forward.

This binder is organized into sections that include information on NextEra Energy Canada, our industry and additional references to get more information on renewable energy approvals and our current projects. We have left room in the binder for additional project-related materials as they become available.

Additional copies of all materials can be obtained by contacting NextEra Energy Canada at:

**NextEra Energy Canada, ULC
5500 North Service Road, Suite 205
Burlington, ON
L7L 6W6**

**(o) 905-335-4904
(f) 905-335-5731**



NextEra Energy Canada - Community Reference Materials

TABLE OF CONTENTS

Who is NextEra Energy Canada?

Information from NextEra Energy Canada:

- “Powering our Future”
- “Providing Safe, Clean Wind Energy”

Some “Wind Energy Basics”

Information from Canadian Wind Energy Association and Natural Resources Canada:

- “The win/win of wind energy”
- “Wind is the way forward”
- “Developing wind energy”
- “The sights and sound of wind”
- “Birds, bats and wind energy”
- “Making wind energy a reality”
- “Wind energy benefits you”

Renewable Energy Approvals for Wind Energy Projects

- Information from the Ontario Ministry of the Environment

Where is NextEra in Ontario?

- Map of current and potential projects

Where can I get project information?

- Web site addresses where NextEra Energy Canada project descriptions and studies will be posted.

How to contact NextEra Energy Canada

- NextEra contact information.



Where to get more information about current NextEra Energy Canada wind projects in Ontario.

For:

- Nanticoke Wind Farm (being re-named as the Summerhaven Wind Energy Centre)
- Adelaide Wind Energy Centre

Please go to: <http://www.tcirenewables.com/default.aspx?lang=en&page=projects-ontario>

For:

- Bluewater Wind Energy Centre
- Bornish Wind Energy Centre
- Conestogo Wind Energy Centre
- Durham East Wind Energy Centre
- Goshen Wind Energy Centre
- Jericho Wind Energy Centre

Please go to: <http://www.canadianwindproposals.com/>

Contact us by mail, phone or facsimile at:

NextEra Energy Canada

Contact us at:

NextEra Energy Canada ULC

5500 North Service Road

Suite 205

Burlington, Ontario

L7L 6W6

Telephone: (905) 335-4904

Facsimile: (905) 335-5731



Appendix 4 Contact Summaries

Contact Record

Projects: **Bluewater (subject to check), Conestogo and East Durham Wind Energy Centres**

Community: **Saugeen Ojibway Nation (SON)**
(Chippewas of Nawash Unceded First Nation)
(Chippewas of Saugeen)

Main Contact: Chief Ralph Akiwenzie, Chippewas of Nawash
Chief Randall Kahgee Jr, Chippewas of Saugeen
Jake Linklater, Environmental Coordinator, SON
Katrina Keeshig, Environmental Coordinator, SON

NextEra Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

<http://www.canadianwindproposals.com>

- **Bluewater** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- East Durham Wind Energy Centre

*Please note that this report summarizes all communications related to this Aboriginal Community, which may include more than one NEEC project. Such an overview is important because information-sharing and knowledge-building about wind energy, as well as relationship building with communities takes place across all projects. This report is therefore an overall summary of contacts with this Aboriginal community, their purpose and content. **Issues that are specific to a single project, however, are identified, discussed and reported in the individual project Aboriginal Consultation report, which forms part of NEEC’s Renewable Energy Application under Ontario Regulation 359/09.***

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-07-10	Nicole Geneau, NextEra	Chief Akiwenzie	Letter advising that NextEra proposes projects "in southwestern Ontario", offering a community open house and requesting a meeting to discuss how best to involve your community in the project.	<ul style="list-style-type: none"> Initial contact 	
2009-07-10	Nicole Geneau, NextEra	Stan Sabourin Band Administrator	Letter advising that NextEra proposes projects "in southwestern Ontario", offering a community open house and requesting a meeting to discuss how best to involve your community in the project.	<ul style="list-style-type: none"> Initial contact 	
2009-12-02	David Miller	Jake Linklater, SON	E-mail to confirm NextEra will provide information about its projects to the communities, and to advise about upcoming East Durham and Conestogo public open houses and an invitation to attend.	<ul style="list-style-type: none"> Communication 	Jake Linklater replied that a meeting in the New Year is more feasible. He provided a copy of the SON Traditional Territory map.
2009-12-07	Jake Linklater	David Miller	E-mail response to December 2, enclosing information materials relevant to SON consultation process including a traditional territory map and a principles for proponents. Proponent principles require further agreement on many items including archeology, capacity support, SON participation in EA studies and field work.	<ul style="list-style-type: none"> Process 	Meeting required with SON to work through protocol and develop a plan relative to Durham east and Conestogo.
2010-02-08	David Miller	Jake Linklater, SON	Exchange of e-mails to find a meeting date. Jake Linklater advised that any meeting would not be considered consultation at this stage and requested copies of draft REA documents.	<ul style="list-style-type: none"> Process Information-sharing 	David Miller forwarded requested information and confirmed a meeting would not be for consultation at this stage.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-02-09	R. Waldon D. Miller	Jake Linklater, SON	<p>Technical level meeting to discuss process for consultation and issues of interest to SON. SON is specifically interested in:</p> <ul style="list-style-type: none"> • Archaeology • Taking part in field studies • Taking part in monitoring and follow-up • Avoidance of ANSI's and ESA's, woodlots, wetlands and watercourses • Use of precautionary principle in planning • No net loss approach <p>SON will also want:</p> <ul style="list-style-type: none"> • Peer review of REA documents • Capacity funding • Leadership level meeting to initiate consultation • Discussion on how the project will benefit the communities; an IBA may be requested • Monitoring for impacts for the life of the project 	<ul style="list-style-type: none"> • Process • Capacity funding • Active participation in monitoring • Key environmental values • Potential of IBA request 	<p>SON issues passed on to Tom Bird, Environment Manager for input to REA studies by GENIVAR.</p> <p>Meeting notes circulated to Nicole Geneau Project Manager.</p> <p>Schedule a leadership level meeting.</p>
2010-02-19	David Miller	Jake Linklater, SON	E-mail requesting potential meeting dates for leadership meeting.	<ul style="list-style-type: none"> • Communication • Process 	
2010-03-01	David Miller	Jake Linklater, SON	E-mail requesting potential meeting dates for leadership meeting.	<ul style="list-style-type: none"> • Communication • Process 	
2010-03-15	David Miller	Jake Linklater, SON	Forwarded meeting notes from 2010-02-09 and requested any comments or corrections.	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
Dated as of June 4, 2010	Nicole Geneau, NextEra	Jake Linklater, SON	Community Reference Binder including draft project descriptions for Bluewater, Goshen and Jericho and a map of all current NEEC southwestern Ontario projects.	<ul style="list-style-type: none"> Information-sharing 	Delivered to Katrina Keeshig, June 10, 2010
2010-06-10	R. Waldon	Katrina Keeshig	Brief discussion to review contents and purpose of Community Reference Binder.	<ul style="list-style-type: none"> Information-sharing 	
2010-06-23	R. Waldon	Katrina Keeshig	Request to clarify which projects are within SON Traditional Territory.	<ul style="list-style-type: none"> Communication 	
2010-06-24	K. Keeshig	R. Waldon	Confirmation only Conestogo and East Durham are within traditional territory. SN to consider their potential interest in projects adjacent to traditional territory. Katrina requested additional environmental information on East Durham and Conestogo.	<ul style="list-style-type: none"> Information-sharing 	R. Waldon replied that only Conestogo received FIT application so that it would move ahead first. Request for additional information referred to NEEC and GENIVAR to be available for upcoming meeting with Joint Chiefs.
2010-06-30	K. Keeshig	R. Waldon	Request for name and title of senior NEEC executive to receive letter setting up the meeting with joint chiefs.	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-07-05	Joint SON Chiefs	Colin Cashel, VP, NEEC	<p>Letter sent to set up a preliminary meeting to set up a more structured engagement process. The SON-Ministry of Energy and Infrastructure Agreement was referenced and that it contemplates:</p> <ul style="list-style-type: none"> • Meaningful engagement by proponents with SON • SON participation in review and monitoring • Participation in project benefits where appropriate 	<ul style="list-style-type: none"> • Process • SON-Ontario agreement expectations 	
2010-07-17	R. Waldon	K. Keeshig	Confirmation of meeting date and request for agenda	<ul style="list-style-type: none"> • Communication 	
2010-07-23	K. Keeshig	R. Waldon	<p>Agenda received:</p> <ol style="list-style-type: none"> 1. Opening Prayer 2. Introductions 3. Overview of Project History and Status Update 4. Overview of SON and the Territory, including discussion of SON Ontario Renewable Energy Development Agreement 5. Discussion of SON Involvement and Participation in Project 6. Review of Environmental Assessment (EA) status and SON involvement 7. Next steps and next meeting 	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-07-29	Chief Randall Kahgee; Chief Ralph Akiwenzie; SON Councillors; Alex Monem; Jake Linklater; Katrina Keeshig	Colin Cashel; Nicole Geneau; Tom Bird; Merve Mcleod; Robert Waldon	<p>The meeting was a preliminary meeting to begin a process of engagement. The SON Joint Chiefs provided an overview of SON communities, values and recent participation in energy project development. Protection of the natural and cultural environments and the Aboriginal rights that support SON way of life are critically important to SON.</p> <p>NEEC gave an overview of the company, their experience in wind energy and more specific information on the Conestogo project.</p> <p>There was discussion of the MOEI-SON agreement Minister Duiguid had announced in April 2010. A copy is not available but a summary can be provided.</p>	<ul style="list-style-type: none"> • Not to be considered consultation • Information-sharing 	<p>K. Keeshig and R. Waldon to develop a workplan to move forward.</p> <p>SON to provide a summary of the SON-MOEI agreement.</p>
2010-08-10	N. Geneau	Chief Kahgee Chief Akiwenzie	<p>Response to Joint Chiefs letter of 2010-07-05 and meeting of 2010-07-29. Suggested next steps should address:</p> <ol style="list-style-type: none"> 1. Conestogo and Bluewater 2. The SON-MOEI agreement 3. Appropriate opportunities for engagement 4. Practical aspects of advancing the above (i.e. Steps, schedule, budget) 	<ul style="list-style-type: none"> • Process 	<p>K. Keeshig and R. Waldon to develop a workplan to move forward.</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-08-09	K. Keeshig	R. Waldon	E-mail requesting copies of the natural heritage and archaeology reports for Conestogo to set up a technical meeting with the biologist Linda Sober and archaeologist Bill Fitzgerald.	<ul style="list-style-type: none"> • Communication 	R. Waldon replied on 2010-08-10 that the information would be sent and that Conestogo draft REA documents were also planned to be delivered that week (delayed to 2010-09-03).
2010-08-12	T. Bird	K. Keeshig	Letter delivering copies of the following Conestogo reports: <ol style="list-style-type: none"> 1. Natural heritage 2. Bat study 3. Stage 1 archaeology 4. Stage 2 archaeology 	<ul style="list-style-type: none"> • Information-sharing 	
2010-0-08	R. Waldon	K. Keeshig	Telephone call which touched on these topics: <ol style="list-style-type: none"> 1. SON wish to have 2 observers for remaining archaeology field work 2. Linda Sober wants a field meeting with GENIVAR technical experts 3. There is a need to have a framework for working together that encompasses common expectations, process, timing and costs 4. Status of the communique about the SON-MOEI agreement. 5. Project schedules for Bluewater and Conestogo 6. SON's review may extend past the Conestogo filing date. 	<ul style="list-style-type: none"> • Process 	Katrina to obtain more direction on framework tomorrow. We agreed to meet as soon as possible to discuss concepts. SON will send information about the SON-MOEI agreement as soon as possible.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-09-13	Terry Rasmussen, GENIVAR	Chief Akiwenzie	Letter enclosing draft REA reports for Conestogo and requesting response as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory compliance 	
2010-09-13	Terry Rasmussen, GENIVAR	Chief Kahgee	Letter enclosing draft REA reports for Conestogo and requesting response as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory compliance 	
2010-09-13	Terry Rasmussen, GENIVAR	K. Keeshig	Letter enclosing draft REA reports for Conestogo and requesting response as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory compliance 	
2010-09-15	R. Waldon	K. Keeshig	<p>E-mail advising there is some remaining avian field work to be done on Bluewater this fall and that archaeology may begin next month. More natural heritage work will be done in spring 2011.</p> <p>Requested information on the SON-MOEI agreement.</p>	<ul style="list-style-type: none"> Communication Information-sharing 	
2010-09-16	K. Keeshig	R. Waldon	<p>An outline of the SON-MOEI agreement terms was received. Additional information from the joint SON-MOEI working group is to be provided.</p> <p>K. Keeshig is not available until the following week to discuss the process for moving forward on Conestogo and Bluewater.</p>	<ul style="list-style-type: none"> Information-sharing 	
2010-09-17	R. Waldon	K. Keeshig	E-mail asking what are the options for a field meeting because there are two different firms each with their own sub contractors who did the field work Linda Sober wants to discuss.	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-09-20	R. Waldon	K. Keeshig	During a phone call about the field meeting and an agreement, Katrina explained that costs are already being incurred for staff time and reviews.	<ul style="list-style-type: none"> • Communication • Process 	I asked that we put the field meeting on hold until there is more information about the costs SON expects to charge and sent a follow-up e-mail (below).
2010-0-20	R. Waldon	K. Keeshig	E-mail to confirm telephone conversation and reiterating the request to meet and discuss an agreement or framework for working together that establishes common expectations on principles, activities, costs and timing.	<ul style="list-style-type: none"> • Process 	
2010-09-20	K. Keeshig	R. Waldon	E-mail enclosing Bill Fitzgerald's comments dated August 23, 2010 on the ASI Archaeological reports	<ul style="list-style-type: none"> • Information-sharing 	Forwarded to NEEC and ASI for review.
2010-09-28	K. Keeshig	R. Waldon	SON has drafted a workplan and budget but cannot send it or describe specifics until next week due to a death in the community.	<ul style="list-style-type: none"> • Communication 	<p>I requested a chance to meet during the week and discuss the high level principles and goals of a document for working together, which would inform activities and budgets.</p> <p>I also requested an update on the SON-MOEI agreement information.</p>
2010-10-05	K. Keeshig	R. Waldon	Draft SON workplan and budget received with an e-mail inviting comments.	<ul style="list-style-type: none"> • Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-10-12	R. Waldon	K. Keeshig	<p>Telephone call to discuss the work plan and budget. Linda provided further information on the budget line items numbered as follows:</p> <ol style="list-style-type: none"> 1. Two monitors are proposed as a learning opportunity. Linda Sober wants the species occurrence lists and technical people at field meeting; 2. Avoidance of site P-1 may be acceptable; 3. Linda Sober does the document review and prepares a summary for leadership; 4. The draft report is presented to leadership and both communities but there's no explanation of the cost; 5. If there are no impacts, a technical meeting with NEEC is not necessary; 6. The follow-up meeting includes SON legal fees; mileage and leadership per diems but there is no breakdown or explanation if other funding covers this (e.g. NRF). It is not clear if the meeting is SON internal or with NEEC. 7. Administrative costs are a straight percentage of total. 	<ul style="list-style-type: none"> • Information-sharing • Process 	<p>Katrina is to provide:</p> <ul style="list-style-type: none"> • More of a cost breakdown • Confirmation there is no other funding applicable • A proposal for billing process • C.V's of the two external consultants (Linda Sober and Bill Fitzgerald) • Proposed dates for the field meeting with Linda Sober • Confirmation that avoidance of site P-1 is acceptable (i.e. Stage 3 is not being requested for information purposes)
2010-10-21	R. Waldon	K. Keeshig	<p>E-mail exchange to confirm field meeting date on October 27, attendees and information required by Linda Sober. I also requested we continue our discussion of the work plan from October 12th.</p>	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-10-23	R. Waldon	K. Keeshig	E-mail to confirm meeting date time and place. I again requested that we discuss putting the SON work plan and budget into an overall framework and offered to travel to Nawash or Saugeen to meet and do this.	<ul style="list-style-type: none"> • Communication 	
2020-10-27	K. Keeshig L. Sober	R. Waldon Allison Featherstone LGL Limited	<p>The meeting took place in Arthur in two parts. We met at the public library and Allison and Linda discussed the natural heritage study report methodology (methods, dates, staff, locations) and data sources, as well as general findings. This was followed by a drive around the project site. To view natural features identified in the draft REA reports.</p> <p>A request for the two SON consultant CV's was refused. SON does not do this and are comfortable with their consultants.</p> <p>Katrina declined to further discuss a framework or agreement for the work plan and budget.</p>	<ul style="list-style-type: none"> • Information-sharing • Process 	<p>Linda requested access to interview other sub-consultants. This was arranged before the end of the meeting with Tom Bird by e-mail and access is to be through Tom.</p> <p>SON also requested to be able to review the Conestogo REA documents with the review agencies themselves (MNR, MTC, MOE).</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-11-17	R. Waldon	K. Keeshig	E-mail to reiterate questions and issues concerning the proposed draft SON-NEEC work plan and budget for Conestogo . A meeting was offered to discuss the work plan and budget issues and explore an overall framework agreement. Information was also provided concerning archaeology work for Bluewater, Goshen and Jericho , and a reply to Bill Fitzgerald's Conestogo archaeology comments from ASI was enclosed.	<ul style="list-style-type: none"> • Information-sharing • Process 	
2010-11-17 Dated Nov 18 on computer system)	K. Keeshig	R. Waldon	Reply to 2010-11-17 advising that SON monitors would be sent to Bluewater, Goshen and Jericho at NEEC's cost. A conference call was proposed to speak to the Conestogo work plan and budget issues and ASI's response has been passed on.	<ul style="list-style-type: none"> • Process • Information-sharing 	R. Waldon replied that the Bluewater, Goshen and Jericho archaeology does have an independent monitor on site; Brandy George and that discussion is necessary before SON monitors attend on site. Additionally, only the Jericho work will be completed this Fall. Dates were proposed for the conference call or meeting at SON's office.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-11-23	R. Waldon	K. Keeshig Jake Linklater	<p>Conference call:</p> <ul style="list-style-type: none"> • We are at a preliminary stage therefore SON has not felt a framework document was necessary to this point. The next stage will encompass more meaningful dialogue in a more formalized process • There is an internal meeting of the Consultation Team (“CT”) this Thursday at which further instruction on this issue may be given. • SON’s view is that consultation and accommodation does not take place within the provincial environmental assessment process. • Discussion regarding back-up requested by NEEC for budget items in the work plan • Bill Fitzgerald’s comments on the ASI memo are to be provided after November 25 meeting. • Confirmed “step 6” (the Follow-up Meeting) of the work plan includes NEEC 	<ul style="list-style-type: none"> • Communication • Information-sharing 	<p>R. Waldon provided a short e-mail summary as follows:</p> <p>R. Waldon to:</p> <ul style="list-style-type: none"> • Discuss "CV" question with NEEC and get back to Katrina and Jake to discuss • Explain additional cost breakdown to NEEC and follow-up with Katrina and Jake if required • Provide draft text of Aboriginal Consultation report relevant to SON for Katrina and Jake to review and comment <p>Jake Linklater and Katrina Keeshig to:</p> <ul style="list-style-type: none"> • Send Bill Fitzgerald's response to ASI's memo after CT meeting this Thursday • Send copy of Linda Sober's report to CT to initiate a "confirm and qualify" discussion with NEEC before it goes to Joint Chiefs and Council <p>R. Waldon requested confirmation that it is acceptable to describe these discussions as technical level discussion to clarify procedure and administrative matters.</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-11-24	Jake Linklater	R. Waldon	<p>E-mail reply to 2010-11-23 e-mail concurring with follow-up points but reinforcing that these preliminary discussions are not to be represented as consultation. The following points were also reinforced:</p> <ol style="list-style-type: none"> 1. SON does not use the EA process to carry out a Consultation & accommodation process – under any given EA process, SON via its experts weighs the findings of the review activities and any possible impacts the project may have on its rights, claims and way of life. From there, SON will discuss next steps with the proponent; 2. SON carries out robust and thorough review and discussion processes; 3. SON remains independent and participates meaningfully for the life of the project; and, 4. SON views this process as a start point to formulate a meaningful Consultation & Accommodation process. 	<ul style="list-style-type: none"> • Communication • Information-sharing 	<p>Reply acknowledged and confirmation that the administrative issues have been discussed with NEEC. Copy of Conestogo Aboriginal Consultation report to be forwarded to SON after internal NEEC sign-off.</p> <p>Exchange of e-mails resulted in plans for a meeting by telephone on 2010-12-15.</p>

Contact Record

Projects: **Adelaide, Bluewater, Bornish, Conestogo, East Durham, Goshen, Jericho and Summerhaven Wind Energy Centres**

Community: **Métis Nation of Ontario, Region 9** Main Contact: Peter Rivers, Region 9 Councillor
Métis Nation of Ontario, Region 7* Pauline Saulnier, Region 7, Regional Councillor and Chair*
(*Georgian Bay Regional Protocol Committee) Melanie Paradis, Director, Land, Resources and Consultations;
James Wagar, Coordinator, Land, Resources and Consultations

NEEC Energy Canada, ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

<http://www.tcirenewables.com/default.aspx?lang=en&page=projects-ontario>

- **Adelaide** Wind Energy Centre

<http://www.canadianwindproposals.com>

- **Bluewater** Wind Energy Centre
- **Bornish** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- **East Durham** Wind Energy Centre
- **Goshen** Wind Energy Centre
- **Jericho** Wind Energy Centre

- **Summerhaven** Wind Energy Centre

Please note that this report summarizes all communications related to this Aboriginal Community, which may include more than one NEEC project. Such an overview is important because information-sharing and knowledge-building about wind energy, as well as relationship building with communities takes place across all projects. This report is therefore an overall summary of contacts with this Aboriginal community, their purpose and content. Issues that are specific to a single project, however, are identified, discussed and reported in the individual project Aboriginal Consultation report, which forms part of NEEC's Renewable Energy Application under Ontario Regulation 359/09.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2008-09-30	AET TCi Renewables	Métis Nation of Ontario ("MNO")	Notice of Commencement for Nanticoke (now named Summerhaven) mailed. The notice included an invitation to participate in the upcoming environmental screening process, an overview of AET TCi Renewables, the Nanticoke Project and its study area.	<ul style="list-style-type: none">• For information purposes.	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-09-24	R. Waldon	M. Paradis H. Rowlinson	<p>E-Mail follow-up inquiring about the type of information package MNO staff would like to see in regard to NEEC wind energy projects. M. Paradis replied:</p> <p>“Sittings of the turbines, the ESR plus a more detailed breakdown of impacts to watercourses (sedimentation from culverts, etc), length of construction period, number of construction workers on site at any given time, estimated number of trucks per turbine (hauling turbines and concrete), archaeological work on site, biodiversity plans, willingness to plant Metis species of interest over the turbine footings if they meet proponent needs, impacts on migratory species during construction and permanently... Will they need to construct a transmission connection line and if so will they use chemical sprays to maintain the line? Is it on private agricultural land or Crown land? Are there any ANSI's or SAR's in the area, if so what are they and what are their plans to avoid impacting them? Are any of the watercrossings cold water streams? Are any unidentified? Any significant wetlands?</p>	<ul style="list-style-type: none"> • Information-sharing 	<p>Issues list reported to NEEC for consideration as part of the REA studies.</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-09-24 (continued)			Are there any non-significant and if so are they insignificant because the province has not yet classified them? How would that proponent like to incorporate Metis traditional knowledge into their project?" While H. Rowlinson asked what set-asides may be available through the proponent or its contractor.		
2009-11-09	R. Waldon	M. Paradis	Telephone call and e-mail to set up a technical staff introductory meeting.	• Process	MNO staff not available until December 8, 2009.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-12-08	T. Bird N. Geneau B. Greenhouse R. Waldon	A. Barty, MNO M. Paradis, MNO J. Wagar, MNO	<p>Introductory and project overview meeting between NEEC and MNO technical staff.</p> <p>NEEC provided an overview of their company and its expertise in wind development. NEEC also provided an overview of all current projects in Ontario, focusing on those for which FIT and REA applications are in progress, but also mentioning TCi purchases and the possibility of a northwestern interest. NEEC is to follow-up with information packages for projects where REA process has started. MNO requested a meeting with leadership take place in Region 9, and explained their system for circulating project summaries to the Georgian Bay Consultation Committee. A meeting will be arranged with the committee if required.</p> <p>See meeting notes on file.</p>	<ul style="list-style-type: none"> • Information-sharing • Process 	<ol style="list-style-type: none"> 1. NEEC to send information packages for Region 9 and for Georgian Bay regional Consultation Committee (Both COMPLETED)

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-12-18	J. Wagar, MNO	R. Waldon	<p>J. Wagar advised that MNO Region 9 leadership cannot meet until after January 28, 2010 and asked if this posed any concerns.</p> <p>R. Waldon replied by confirming dates of Public Open Houses to ensure staff was aware and asked if it was possible to avoid multiple “project-specific” information sessions with MNO to share as complete an information package as possible.</p> <p>James was requested to propose preferred and alternate dates to meet with Georgian Bay Regional Consultation Protocol Committee (“GBRCPC”).</p>	<ul style="list-style-type: none"> • Process 	<ol style="list-style-type: none"> 1. MNO to suggest meeting dates.
2009-12-17	T. Bird	Pauline Saulnier Regional Councillor	Information package (copies to MNO staff) about all projects.	<ul style="list-style-type: none"> • Information-sharing. 	
2009-12-17	T. Bird	Peter Rivers Regional Councillor	Information package (copies to MNO staff) about all projects. The Adelaide PIC was specifically mentioned.	<ul style="list-style-type: none"> • Information-sharing. 	
2010-01-18	J. Wagar, MNO	R. Waldon	James advised the other wind developer in Region 9 is having a meeting with the leadership but does not want a joint meeting at this time. James asked about critical dates for Bornish .	<ul style="list-style-type: none"> • Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-19	R. Waldon	J. Wagar	Reply to Wagar 2010-01-18 e-mail explaining there will be a PIC for Adelaide on January 26th and requesting reply to the MNO issue of a joint developer meeting in Region 9, and also requesting MNO Region 7 feedback on Conestogo and East Durham .	<ul style="list-style-type: none"> • Communication • Process 	
2010-01-20	R. Waldon	J. Wagar	Forwarded information on recent health and property value studies vis-a-vis wind farms.	<ul style="list-style-type: none"> • Information-sharing. 	N/A
2010-01-20	J. Wagar, MNO	R. Waldon	Reply to 2010-01-19 e-mail as follows: James explained that: "Region 9 is meeting with the Nanticoke Wind Project team next week – I am going to follow up with them and have their "next steps" for you. Region 7 is currently a bit overwhelmed – I'll have something for you by the end of the month regarding [East] Durham and Conestoga [sic]."	<ul style="list-style-type: none"> • Process • Information-sharing 	
2010-01-22	B. Greenhouse	M. Paradis	Exchange of e-mails. Paradis stated that MNO does not want anyone other than MNO to represent Harvest Territories graphically.	<ul style="list-style-type: none"> • Information-sharing 	MNO Harvest Territory areas removed from NEEC project mapping.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-04-19	R. Waldon	J. Wagar	<p>R. Waldon advised James that: "You may have heard about the FIT contract announcements last week. NEEC received (or will receive) contracts for Summerhaven (a.k.a. "Nanticoke"), and Conestogo. Was there any feedback from Georgian Bay Protocol Committee (Region 7) concerning Conestogo?</p> <p>On Summerhaven, did you mean Councillor Rivers and the Council Presidents in Region 9 were meeting with the TCi Renewables people when you referred to the "Nanticoke Wind Project Team"?</p> <p>Goshen, East Durham, Jericho and Bluewater are in the Economic Connection Test category, and I am advised this should take place this Summer, but of course the proponents don't control that schedule. Nevertheless, there's no harm in keeping these projects on the radar screen, especially if there are common issues among the projects that we can address in advance. Do you have enough information to confirm their location relative to Georgian Bay Harvest Territory?</p>	<ul style="list-style-type: none"> • Information-sharing • Regulatory compliance 	Reply from MNO regarding Conestogo for REA documents was requested.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-04-19 (continued)			The Bornish and Adelaide REA's will be filed soon, and as you know, both are west of London."	<ul style="list-style-type: none"> • Communication 	
2010-04-30	R. Waldon	J. Wagar	Call and voicemail asking if the Region 7 (Georgian Bay Consultation Committee) had any input for the Conestogo REA documents.	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-05-03	James Wagar	R. Waldon	E-mail asking what additional reports are available for Summerhaven and Conestogo .	<ul style="list-style-type: none"> • Information-sharing 	R. Waldon offered to send CD's or paper copies of the draft Project Description Reports and explained that the REA reports had not been completed. James Wagar replied that MNO prefers to wait for the REA reports before commenting.
Dated as of 2010-06-04	M. Paradis	N. Geneau	Community Reference Binder including draft Project Description Reports for Bluewater, Goshen and Jericho and a map of all current NEEC projects in southwestern Ontario	<ul style="list-style-type: none"> • Information-sharing 	
2010-06-14	R. Waldon	M. Paradis J. Wagar	E-mail to introduce Bluewater , Goshen and Jericho projects and to ask if MNO prefers to wait for draft REA documents as per James Wagar instructions 2010-05-03. Provided dates and locations for upcoming open houses.	<ul style="list-style-type: none"> • Information-sharing 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-06-18	M. Paradis	R. Waldon B. Greenhouse N. Geneau	M. Paradis replied that MNO's preference is to wait for the draft REA documents before starting the review process and commenting. She confirmed the list of Métis issues and interests provided last September will be helpful to informing the REA reports for Bluewater, Goshen and Jericho . She asked if Ben Greenhouse or Nicole Geneau are the right person for MNO's business development person to follow-up regarding potential partnerships.	<ul style="list-style-type: none"> • Request for business partnership • Process • Information-sharing 	Forward draft REA "Table 1 reports" for each project as they become available.
2010-09-09	R. Waldon	M. Paradis	Telephone call to advise Conestogo draft REA documents would be delivered next week and to confirm which Councils should receive them, given what MOE is directing other companies to do.	<ul style="list-style-type: none"> • Communication • Process 	Call passed on to James Wagar who replied on 2010-09-10 that the reports had not been received yet. I replied they are just being sent.
2010-09-13	Terry Rasmussen, GENIVAR	Pauline Saulnier	Letter enclosing draft REA reports for Conestogo and requesting comments as set out in REA s. 14 and s. 17	<ul style="list-style-type: none"> • Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-09-27 to 30	R. Waldon	J. Wagar	<p>Phone call and e-mail chain to discuss meeting dates, agenda and MNO's proposed budget for the two meetings. James provided an explanation for which projects are associated with the Georgian Bay Harvest Territory and therefore which regions are interested in Adelaide, Bluewater, Bornish, Conestogo, East Durham, Goshen and Jericho. James confirmed a list of Métis issues of interest to be addressed, namely:</p> <ul style="list-style-type: none"> • (continued below) 	<ul style="list-style-type: none"> • Process • Regulatory compliance • Information-sharing 	<p>A discussion of budget items took place and a recommendation was made for approval to NEEC.</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-09-27 to 30 (continued)			1. Water Quality a. fish habitats including spawning potential b. drink-ability c. impacts downstream d. pollution including cumulative effects e. groundwater f. monitoring 2. Wildlife a. flora and fauna populations b. consider endangered/threatened species c. harvesting including hunting and the picking traditional plants d. biodiversity initiatives e. monitoring 3. Aboriginal Interests a. who and how have the aboriginal people in Ontario been consulted b. have any aboriginal sensitive areas been recognized on or around the study area c. is there any additional traditional and technical knowledge of the study or surrounding area 4. The Study Area a. does any crown land exist within the study area b. what type of land exists within the study area (ie. Wooded lots, agriculture) 5. Air Quality a. pollution during construction, operation, decommissioning and abandonment		<p>I replied that the draft REA studies will address many, or most of the issues but some will require input from Métis themselves.</p> <p>The list of issues was forwarded to NEEC and all environmental consultants to be addressed as part of the REA studies.</p>
2010-1004	T. Bird	M. Paradis	Letter enclosing Summerhaven draft REA documents and request for any comments	<ul style="list-style-type: none"> Information-sharing 	MNO does not assert Harvest Rights in the area where Summerhaven is located.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-10-13	James Wagar	R. Waldon	E-mail confirming meeting with GBRCPC on October 25.	<ul style="list-style-type: none"> • Process 	Exchange of e-mails to attempt to schedule Region 9 meeting as well and confirm back-up requested for budget.
2010-10-22	James Wagar	R. Waldon	Email apologizing but advising that it was necessary to cancel meeting.	<ul style="list-style-type: none"> • Communication 	
2010-11-03	R. Waldon	J. Wagar	Telephone call to discuss arrangements for rescheduling.	<ul style="list-style-type: none"> • Communication 	R. Waldon agreed to arrange for a short summary of key issues identified by J. Wagar in previous calls about the GBRCPC meeting of October 25th. This may help keep momentum in the file. Request sent to Tom Bird and GENIVAR November 6th.
2010-12-06	R. Waldon	J. Wagar	E-mail requesting acknowledgement of receipt of Conestogo and Summerhaven REA documents on behalf of MNO Consultation Unit.	<ul style="list-style-type: none"> • Process • Regulatory compliance 	
2010-12-07	B. Greenhouse	M. Paradis	Letter enclosing copies of Adelaide Addendum EIS reports for information purposes.	<ul style="list-style-type: none"> • Information-sharing 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-12-10	J. Wagar, MNO Consultation Unit	R. Waldon	<p>E-mail confirming receipt of Conestogo and Summerhaven REA documents and that all information has been distributed in accordance with MNO procedure. The list of councils and regional elected leaders that received this information include:</p> <p>Region 7 MNO Councils – Regional Councillor Pauline Saulnier</p> <ul style="list-style-type: none"> • Great Lakes Métis Council • Georgian Bay Métis Council • Moon River Métis Council <p>Region 9 MNO Councils – Regional Councillor Peter Rivers</p> <ul style="list-style-type: none"> • Windsor Essex Métis Council • Grand River Community Métis Council • Hamilton Wentworth Métis Council • Niagara Region Métis Council 	<ul style="list-style-type: none"> • Process • Regulatory compliance 	

Contact Record

Project: **Conestogo and Summerhaven (formerly “Nanticoke”) Wind Energy Centre**

Community: **Mississaugas of the New Credit** Main Contact: Chief Bryan LaForme
Margaret Sault, Director,
Lands, Resources and Membership

NextEra Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

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- **Conestogo** Wind Energy Centre
- **Summerhaven** Wind Energy Centre

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Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2008-09-30	AET TCi Renewables	Mississaugas of the New Credit	Notice of Commencement for Nanticoke (now named Summerhaven) mailed. For information purposes. The notice included an invitation to participate in the upcoming environmental screening process, an overview of AET TCi Renewables, the Nanticoke Project and its study area.	<ul style="list-style-type: none"> • Introductory contact 	
2009-07-10	Ben Greenhouse NextEra	Chief Laforme	Letter advising that NextEra proposes projects "in southwestern Ontario", offering a community open house and requesting a meeting to discuss how best to involve your community in the project.	<ul style="list-style-type: none"> • Information-sharing 	Confirm the information package that was sent included Conestogo .
2009-07-28	Mark Gallagher, TCi	Chief Laforme	Call made to Chief Laforme and a message was left to asking for a meeting about TCi's Nanticoke Project (Summerhaven).	<ul style="list-style-type: none"> • Communication 	A follow-up e-mail was sent by Mark Gallagher to Chief Laforme the same day with the same request.
2009-09-29	AET TCi Renewables	Chief Laforme	Letter sent to advise Chief Laforme TCi had scheduled a meeting with the Haudenosaunee Development Institute and also asking for a meeting with Mississaugas of the New Credit to discuss TCi's Nanticoke project (Summerhaven).	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-11-17	Brett O'Connor, Mark Gallagher, TCi; Tuesday Johnson-MacDonald, TAP Resources, Cathryn Moffett, Golder Associates	Chief Laforme	<p>Introductory meeting to discuss TCi's Nanticoke project (Summerhaven)</p> <p>Issues raised by Chief Laforme were:</p> <ul style="list-style-type: none"> • Potential impacts to human health • Potential for employment • Noise from turbines • The project's footprint • Capacity funding to MNC • No need to meet with Council at this time but TCi was to work with Margaret Sault towards a protocol agreement 	<ul style="list-style-type: none"> • Information-sharing 	Contact Margaret Sault concerning a protocol agreement.
2009-11-19	AET TCi Renewables	Chief Laforme	Letter sent with combined Notice of Public Meeting and proposal to Engage in a Renewable Energy Project, together with draft project Description report for TCi's Nanticoke project (Summerhaven). The letter included a written request to provide any information MNC felt should be considered in preparing the Project Application.	<ul style="list-style-type: none"> • Regulatory compliance • Information-sharing 	
2009-12-17	Brett O'Connor, TCi; Tuesday Johnson-MacDonald, TAP Resources, David Miller, MWA	Chief Laforme, Margaret Sault	<p>Meeting to discuss potential protocol agreement. Chief Laforme and Margaret Sault outlined issues to be considered in a protocol agreement. MNC protocol to address:</p> <ul style="list-style-type: none"> • Outline of business relationship with project proponent • Confidentiality clause • Capacity funding • Frequency of meetings 	<ul style="list-style-type: none"> • Process 	Margaret Sault to send an example of an existing protocol agreement as a template for discussion.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-28	Ben Greenhouse Nicole Geneau David Miller Bob Waldon	Chief Laforme Margaret Sault Fawn Sault	<p>This was an introductory meeting and overview of both NextEra projects, (Conestogo and Summerhaven) and the Mississauga of New Credit First Nation history and potential interests, which include:</p> <ul style="list-style-type: none"> • Potential economic benefits from projects (e.g. set-asides). • Sound • Community capacity-building (e.g. youth and education, skills training) • Possible community open house <p>Please refer to detailed meeting notes and the issues list provided by MNC.</p>	<ul style="list-style-type: none"> • Information-sharing 	<ol style="list-style-type: none"> 1. Margaret Sault to send draft MOU to NextEra 2. Fawn Sault to send information and NextEra to consider attendance at MNC Gathering March 3-5. (Note: sponsorship was made) 3. Ben Greenhouse to discuss joint communications work with other developers. 4. David Miller to provide draft Project Descriptions of Conestogo and Summerhaven to Margaret Sault. 5. Bob Waldon to look into coordination with Golder's work re. archaeological protocol (Note MNC observers were retained by Golder).
2010-04-26	David Miller	Margaret Sault	<ul style="list-style-type: none"> • Follow-up from meeting to request copy of the draft MNC MOU and to advise that Conestogo and Summerhaven both received FIT contracts and explaining the REA documents will be forwarded for review once completed. 	<ul style="list-style-type: none"> • Process • Information-sharing 	
2010-05-21	Ben Greenhouse NextEra	Chief Laforme	Letter inviting MNC to send a representative to the June 9-10 CanWEA Seminar on "Opportunities in the Wind Energy Supply and Value Chain" in Toronto, as NextEra's guest.	<ul style="list-style-type: none"> • Information-sharing 	No reply.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
Dated as of 2010-06-04 (2010-09-03)	Nicole Geneau	Margaret Sault	Community Reference Binder including map of all NEEC projects and draft PDRs for Bluewater, Goshen and Jericho.	<ul style="list-style-type: none"> Information sharing 	Delivered by courier on 2010-09-03.
2010-09-10	R. Waldon	Margaret Sault	Telephone call to let Ms. Sault know that Summerhaven and Conestogo draft REA documents will be delivered soon and to request update on what stage we are at in the MNC consultation process.	<ul style="list-style-type: none"> Communication Process 	<p>Laura of Margaret Sault's office took the message about why I was calling and will let Ms. Sault know.</p> <p>I sent a follow-up e-mail to further explain the plans for delivering the draft REA documents and asking if we could discuss how to work together on their review.</p>
2010-09-10	Margaret Sault	R. Waldon	Margaret Sault acknowledged my call and e-mail and advised two new staff were being hired. She asked that we wait until after September 13 to discuss.	<ul style="list-style-type: none"> Communication 	
2010-09-14	Chief Laforme	Terry Rasmussen, GENIVAR	Letter enclosing draft REA Conestogo documents and requesting comments as set out in s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	No reply.
2010-09-29	R. Waldon	Margaret Sault	E-mail to advise the Summerhaven draft REA documents would be delivered next week and asking how MNC would like to work together for their review.	<ul style="list-style-type: none"> Communication 	No reply.
2010-10-04	Tom Bird, NEEC	Chief Laforme	Letter enclosing draft Summerhaven REA documents and requesting comments as set out in s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	No reply.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-10-12	R. Waldon	Margaret Sault	E-mail to follow-up the Summerhaven and Conestogo letters and request a discussion or meeting to confirm how Mississauga of the New Credit wish to review the materials and consult about the projects?	<ul style="list-style-type: none"> • Process 	No reply.
2010-11-06	R. Waldon	Margaret Sault	E-mail to follow-up on Conestogo and Summerhaven to advise of upcoming open houses but also to request a reply on how MNC wishes to be consulted including an update on archaeology.	<ul style="list-style-type: none"> • Process 	
2010-11-22	R. Waldon	Margaret Sault	E-mail to follow-up on Conestogo and Summerhaven to advise of upcoming MOE filing but also to request a reply on how MNC wishes to be consulted including an update on archaeology.	<ul style="list-style-type: none"> • Process 	Meeting planned for 2010-11-26.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-11-26	R. Waldon J. Muir, Golder Associates	Carolyn King, Jennie Laforme, Faith Rivers, Councillor S. Laforme	<p>Meeting with Councillor Laforme and new Consultations and Outreach department staff.</p> <ul style="list-style-type: none"> • An update of archaeology work for Summerhaven was given by J. Muir including general results of finds to date. • Discussion about how to share information on archaeology with the community. • Update on Conestogo and Summerhaven final open house and filing schedules and request for advice on MNC process. • Shared NEEC Aboriginal Relations Canadian Projects Framework and Archaeological Principles for further discussion. 	<ul style="list-style-type: none"> • Process • Information-sharing 	<p>The MNC is developing a consultation process but In very general terms, it is anticipated the process will involve:</p> <ol style="list-style-type: none"> (a) A report on proposals at a monthly Committee meeting (b) Independent review of reports or technical studies (c) Report to Council (d) Possible community information meeting, or for controversial or significant issues, a community referendum (e) Further discussion from (d) (f) Council decision: <p>R. Waldon confirmed NEEC Framework includes provision for capacity funding. Carolyn King will advise R. Waldon about the next steps in MNC's review of the projects.</p>

Contact Record

Projects: **Adelaide, Bluewater, Bornish, Conestogo, Goshen and Jericho Wind Energy Centres**

Community: **Oneida Nation of the Thames
Oneida Council of Chiefs (Haudenosaunee)**

Main Contact: Chief Randy Philips
Chief Joel Abram (2009)
April Varewyck,
Environment Officer
Chief Alfred Day, Oneida
Council of Chiefs

NEEC Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

<http://www.tcirenewables.com/default.aspx?lang=en&page=projects-ontario>

- **Adelaide** Wind Energy Centre

<http://www.canadianwindproposals.com>

- **Bluewater** Wind Energy Centre
- **Bornish** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- **Goshen** Wind Energy Centre
- **Jericho** Wind Energy Centre

*Please note that this report summarizes all communications related to this Aboriginal Community, which may include more than one NEEC project. Such an overview is important because information-sharing and knowledge-building about wind energy, as well as relationship building with communities takes place across all projects. This report is therefore an overall summary of contacts with this Aboriginal community, their purpose and content. **Issues that are specific to a single project, however, are identified, discussed and reported in the individual project Aboriginal Consultation report, which forms part of NEEC's Renewable Energy Application under Ontario Regulation 359/09.***

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
Late 2007	NEEC	Band Administration	Initial contact to introduce NEEC (then FPLE) and its projects in Lambton, Middlesex and Huron Counties. This would have included Bornish and the then current Canadian Green Power Projects.	<ul style="list-style-type: none"> Initial contact for a project overview. 	Meeting planned for January 24, 2008 at the Four Winds Centre, Kettle and Stoney Point First Nation.
2008-01-29	M. DeBock, Project Director, NEEC (then FPLE Canadian Wind LP)	Chief Phillips	Letter sent to Chief Phillips: <ol style="list-style-type: none"> enclosing copy of presentation intended to be given at the January 24th meeting; offering to continue dialogue; Enclosing public notices and inviting attendance at Public Information Centres of February 19 and 20, 2008 and offering to meet on those dates, or at another time. Advising that a second public information centre will be held after completion of the environmental studies 	<ul style="list-style-type: none"> Communication 	An introductory meeting was scheduled for January 24, 2008 at the Four Winds Centre, Kettle Point First Nation. The invited First Nations representatives were not able to attend. Jason Henry (Genivar) to follow-up to schedule another meeting.
2008-03-02	TCi Renewables	General	Adelaide Notice of Commencement of ESR	<ul style="list-style-type: none"> Communication 	
2008-09-25	Mark Gallagher, TCi	Chief Abram	Letter enclosing a project brief and map for Adelaide and requesting the community's participation in the environmental screening process.		
2009-06-08	TCi Renewables	General	Notice of Completion for Adelaide ESR	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2009-07-10	Nicole Geneau, NEEC	Chief Abram	Letter advising that NEEC proposes projects "in southwestern Ontario", offering a community open house and requesting a meeting to discuss how best to involve your community in the project.	<ul style="list-style-type: none"> • Communication 	
2009-02-23	Brett O'Connor, TCi	Chief Abram	Follow-up letter to 2008-09-25 advising environmental screening report nearing completion and asking for comments on Adelaide .		
2009-10-26	Ben Greenhouse	Chief Abram	Letter enclosing draft Bornish "REA Table 1" reports and executive summary as per s. 17 REA.	<ul style="list-style-type: none"> • Regulatory compliance 	
2009-10-27	David Miller, MWA	April Varewyck, Environmental Officer	<p>Delivery of above letter and Table 1 package.</p> <p>Ms. Varewyk was not certain the Bornish project is in Oneida Nation's Traditional Territory, however a third party review of the Table 1 package was requested.</p>	<ul style="list-style-type: none"> • Regulatory compliance • Communication 	Confirm process, terms of reference and timing of third party review.
2009-11-20	Tom Bird, NEEC	Chief Philips	Letter mailed enclosing notice of application for Renewable Energy Approval and December 7 Public Information Centre.	<ul style="list-style-type: none"> • Regulatory compliance • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-11	Alfred Day, Oneida Council of Chiefs	David Miller, MWA	Al Day e-mailed to clarify that the Bornish Project is within the Nanfan Treaty area, and is thus of interest to the traditional council. He explained that he was not aware of deadline, has not seen any reports.	<ul style="list-style-type: none"> • Communication 	David Miller sent a response (2010-01-11) to respond to issues, and note that the comment period would not be completely closed on Jan. 15, 2010. Tom Bird of NEEC couriered a hard copy of REA Table 1 documents
2010-01-11	Alfred Day	David Miller	Al Day e-mailed more information, including clarification of traditional council role.	<ul style="list-style-type: none"> • Information-sharing 	David Miller called and followed up. <ol style="list-style-type: none"> 1. Need to work with the traditional council to obtain comments and identify any impacts. 2. Need to meet for introductions, and provide all information, and eventually meet with traditional council of Chiefs.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-13	David Miller	Al Day	<p>E-mail confirming phone call and discussion about how project information should be presented, as follows:</p> <ul style="list-style-type: none"> • Traditional council vs. elected council communications. Al Day is the main contact for Oneida Council of Chiefs • Review of draft REA submission documents for Bornish • Capacity to review documents • Discuss accommodation if impacts are forecast that cannot be mitigated. 	<ul style="list-style-type: none"> • Information-sharing • Process • Capacity to review reports 	Attempt to arrange a meeting with NEEC, Al Day and Chief Abram
2010-01-14	Al Day	David Miller	Confirmed David's 2010-01-13 e-mail was a fair summary of the discussion. Al Day asked for an explanation of the term "REA".	<ul style="list-style-type: none"> • Communication 	Meaning of the term "REA" given.
2010-01-14	Mark Gallagher, TCi	Chief Abram	E-mail to explain Adelaide project transition to REA process to to advise of the upcoming public meeting.	<ul style="list-style-type: none"> • Communication 	No reply on record.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-19	Ben Greenhouse David Miller Bob Waldon	Al Day April Varewyck	<p>This meeting was later (see 2010-01-25 entry) agreed not to be considered as consultation.</p> <p>Al Day gave an overview of the traditional vs. elected council roles and responsibilities, as well as historical background on the Oneida of the Thames.</p> <p>Ben Greenhouse gave an overview of the Bornish project and other NEEC projects were identified.</p> <p>Although invited, Chief Abram was not available.</p> <p>Please see meeting notes for details</p>	<ul style="list-style-type: none"> Any burial sites, if discovered, are not to be disturbed. 	<ol style="list-style-type: none"> David Miller to follow-up with proposed archaeological monitoring arrangement.
2010-01-21	Al Day	David Miller	E-mail clarifying the January 19th meeting was not to be considered consultation and asking about capacity funding for Oneida Council of Chiefs, or Onyota a:ka Lotiyaneshu	<ul style="list-style-type: none"> Capacity funding for Oneida Council of Chiefs 	<ol style="list-style-type: none"> Determine nature of capacity required, terms of reference, cost estimates and timing (pending Oneida submission on Bornish - see 2010-02-18, below).
2010-01-25	Ben Greenhouse	Chief Abram	Letter formally requesting comments on draft REA documents for Bornish, as per s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-01-25	David Miller, MWA	AI Day	E-mail confirming meeting was not to be considered consultation and requesting further information on resources required for capacity.	<ul style="list-style-type: none"> Process (capacity funding) 	
2010-01-26	David Miller, MWA	AI Day	E-Mail explaining NEEC's plans to set up an archaeological protocol in short and longer term, and asking what elements Oneida Elected Council and Onyota a:ka Lotiyaneshu (Oneida Council of Chiefs) may request.	<ul style="list-style-type: none"> Information sharing re. Archaeology protocol 	1. David Miller to provide further information on protocol.
2010-02-01	David Miller, MWA	April Varewyck, Environmental Officer Chief Abram AI Day	E-mail enclosing letter from Ben Greenhouse and requesting comments on Bornish .	<ul style="list-style-type: none"> Regulatory compliance 	
2010-02-18	David Miller, MWA	April Varewyck Environmental Officer	Phone call to see if there was any feedback on the draft REA documents from the Oneida Nation. Ms. Varewyck thought there may be a submission coming from Oneida of the Thames.	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-02-19	David Miller, MWA	Al Day	<p>E-mail asking to follow-up on past discussions.</p> <ul style="list-style-type: none"> • Al Day explained he was concerned about consultation with elected Councils who are not, strictly speaking, signatories to the Nanfan Treaty. It is the traditional leadership of the Haudenosaunee Confederacy who are the original signatories. • Al Day mentioned there will be a joint submission from the traditional (Onyota a:ka Lotiyaneshu) Council of Chiefs and Oneida Nation elected Council. 	<ul style="list-style-type: none"> • Protocol • Communication 	<p>Continue dialogue with the Onyota a:ka Lotiyaneshu in relation to their asserted rights flowing from the Nanfan Treaty and whether the Project has any implications for them.</p> <p>Await and respond to submission(s) on Bornish once received.</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-03-03	Howard Elijah, Secretary, Oneida Council of Chiefs	Ben Greenhouse	<p>Letter from Oneida Council of Chiefs on behalf of the Haudenosaunee and stating with support of the elected of Council Oneida of Thames.</p> <p>The letter stated that, "The Oneida Council of Chiefs is communicating with you about this proposal on behalf of the Haudenosaunee (Iroquois) Confederacy. In doing so, we are supported by the elected council of the Oneida Nation of the Thames. We intend to ensure there is no confusion about our authority to work with you, and that you will not be required to duplicate your efforts with other Haudenosaunee communities or governments." It also stated:</p> <ul style="list-style-type: none"> • The Council strongly support use of sustainable resources and recognized the project as consistent with their views on conservation and respect for the natural world. • Council of Chiefs' assert a treaty right under 1701 Nanfan Treaty and subsequent 1726 and 1755 clarifications. • The Treaty sets apart an area, including the Project area, for what today would be termed economic activities. 	<ul style="list-style-type: none"> • Assertion of treaty rights. • Representation of Haudenosaunee governments. • Wind energy consistent with Haudenosaunee views on conservation and respect for natural world 	See 2010-06-03 NEEC letter sent in reply.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-03-03 (continued)			<ul style="list-style-type: none"> • The Duty to Consult and accommodate rests with the Crown and cannot be delegated • The Haudenosaunee have a right to participate in any benefits that result from the Project. <p>The letter was copied to Assistant Deputy Ministers at MOE, MOEI and MAA, but not to Oneida Nation or Six Nations elected councils.</p>		
2010-03-22	Mark Gallagher, TCI	Chief Abram	Joint TCI-NEEC letter advising that the Adelaide REA will be filed in a few weeks and requesting and information that should be included in the REA documentation.	<ul style="list-style-type: none"> • Communication • Regulatory compliance 	No reply on record.
2010-03-24	Doris Dumais, MOE	Tom Bird, NEEC	<p>Director's letter received confirming the Communities to be consulted for Bornish.</p> <p>Neither the Oneida Council of Chiefs nor Haudenosaunee Confederacy were on the Director's list.</p>	<ul style="list-style-type: none"> • Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-03-01	Bob Waldon, Bedford Consulting	Chief Al Day, Oneida Council of Chiefs	<p>Phone call to advise that the Stage II archaeology work had been moved up to April 5 due to warm weather.</p> <ul style="list-style-type: none"> • Chief Day expressed concern that an agreement he felt was promised in January to cover capacity funding had not been provided. • On discussion, it appeared he was referring to an archaeological protocol, but also had expectations for funding to obtain resources to deal with the whole REA. • Requested an outline in writing and what NEEC was prepared to do in writing. 	<ul style="list-style-type: none"> • Capacity funding for Oneida Council of Chiefs 	<p>E-mail sent confirming that NEEC is in agreement to provide support for an archeological observer from Oneida Council of Chiefs and requesting that it be done through the Council or Oneida Nation Band Council. Alternatively, the Council may wish to appoint a contact person to receive notifications about any findings. At a minimum, the Stage II reports will be shared.</p>
2010-04-04	Bob Waldon, Bedford Consulting	Chief Al Day, Oneida Council of Chiefs	<p>Exchange of e-mails regarding archaeological field observer(s) for the Bornish project.</p> <ul style="list-style-type: none"> • Proposal from Brandy George for a budget to supply observer services. • Permission to share Brandy George's report with NEEC and other communities • Request to confirm insurance coverage 	<ul style="list-style-type: none"> • Archaeological observer 	<p>See 2010-04-05</p>

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-04-05	Bob Waldon, Bedford Consulting	Chief Al Day, Oneida Council of Chiefs	Exchange of e-mails and a phone call to make arrangements for archaeological field observer(s) for the Bornish project.	<ul style="list-style-type: none"> Archaeological observer 	<p>Brandy George budget proposal was accepted by NEEC and she will make arrangements with ASI to meet on site.</p> <p>Chief Day felt it would be acceptable to share a copy of Brandy George's report with other communities who are interested in the Bornish Stage II but who have not sent observers.</p>
2010-06-03	R. Waldon	Chief Day	E-mail to explain NEEC is pursuing three new projects (Bluewater , Goshen and Jericho) and requesting a meeting to provide an introduction.	<ul style="list-style-type: none"> Communication 	It was intended to meet at the CanWEA Seminar in Toronto June 9-10, however, Chief Day's reservation was not made on the correct day and he did not stay for the seminar.
2010-06-03	B. Greenhouse	Howard Elijah, Secretary Oneida council of Chiefs	Response to Oneida Nation Council of Chief's March 8, 2010 letter.	<ul style="list-style-type: none"> See March 8, 2010 letter from Oneida Nation Council of Chiefs (above). 	Acknowledged letter and content. Requested clarification about the Haudenosaunee nations and communities the Council represents for Bornish or other projects and any impacts to economic activities pursued under Nanfan. Offered to meet to discuss engagement about commercial initiatives.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
Dated as of 2010-06-04	N. Geneau	Chief Abram	Community Reference Binder including a map showing all current NEEC projects in southwestern Ontario and draft PDR's for Bluewater, Goshen and Jericho	<ul style="list-style-type: none"> Information-sharing 	Delivered to April Varewyk 2010-06-15
Dated as of 2010-06-04	N. Geneau	Howard Elijah	Community Reference Binder including a map showing all current NEEC projects in southwestern Ontario and draft PDR's for Bluewater, Goshen and Jericho	<ul style="list-style-type: none"> Information-sharing 	Delivered by courier 2010-06-18
2010-06-14	R. Waldon	Chief Day	E-mailed to request a follow-up meeting to the CanWEA seminar and to deliver the Community Reference Binder. Let Chief Day know I would be in the vicinity tomorrow.	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-06-15	R. Waldon	April Varewyck Environmental Officer	<p>Meeting to deliver Community Reference Binder and discuss approach to procedural consultation. The map of NEEC projects Ontario projects reviewed. Topics included:</p> <ul style="list-style-type: none"> • Confirming Oneida traditional territory area • Process to follow for Bluewater, Goshen and Jericho and what Aboriginal values are to be considered in the natural heritage and archaeological work (REA studies) • Respectful protocol to engage with Oneida elected and Oneida Council of (traditional) Chiefs. • There is a band council election on June 19, 2010. 	<ul style="list-style-type: none"> • Oneida traditional territory • Consultation protocol (elected vs. Traditional) • Aboriginal values to consider in REA 	<ul style="list-style-type: none"> • April Varewyck to seek direction and advise R. Waldon if there is a communication protocol for elected and traditional, and will also inquire about Aboriginal values to be considered in the REA studies. • A consultation and accommodation protocol is under development for Oneida of the Thames.
2010-06-17	Alfred Day	R. Waldon	<p>Alfred Day called in response to the June 14th e-mail. The Oneida Council of Chiefs and Six Nations (traditional) Council may develop a protocol setting out which takes the lead for developments within the Nanfan Treaty area. The intent is to foster more consistency and a unified approach.</p>	<ul style="list-style-type: none"> • Communications and consultation protocols 	<ul style="list-style-type: none"> • As a general rule of thumb until a protocol is developed contact Oneida first for locations west of a line drawn north-south at Ingersol/Nilestown and Six Nations traditional Council % HDI for locations to its east. Keep both parties informed by copying correspondence to staff.

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-07-27	R. Waldon	April Varewyck	<p>Telephone call and follow-up e-mail to:</p> <ul style="list-style-type: none"> • Clarify that there are two “Conestogo” projects but being proposed by two different companies • Confirm that the contact for notices to Oneida Traditional Council is the new Secretary Charlene Deleary and for Oneida of the Thames Council Assistant Holly Elijah. • It is likely that working through Six nations and HDI for Conestogo will be acceptable, subject to April checking with her superiors. 	<ul style="list-style-type: none"> • Communications and consultation protocols 	
2010-08-04	April Varewyck	R. Waldon	E-mail to confirm working through Six Nations and HDI for Conestogo will be acceptable	<ul style="list-style-type: none"> • Communications and consultation protocols 	
2010-07	Brandy George		Stage 2 independent archaeological monitoring draft report received for Bornish .		
2010-09-14	Terry Rasmussen, GENIVAR	<p>Chief A. McNaughton</p> <p>Copied to Chief Day and Secretary Elijah</p>	Letter enclosing summary and draft REA documents for Conestogo and asking for comment as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> • Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-09-20	Chief Day	R. Waldon	Exchange of e-mails confirming that Brandy George's independent archeological monitoring report for Bornish can be shared with other communities.	<ul style="list-style-type: none"> • Communication 	
2010-10-01	Ben Greenhouse	Chief A. McNaughton Copied to Chief Day and Secretary Elijah	Letter enclosing summary and draft REA documents for Summerhaven and asking for comment as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> • Regulatory compliance • Communication 	
2010-10-25	Doris Dumais	Tom Bird, NEEC	Director's List received for Summerhaven which included Six Nations (elected), Six Nations Haudenosaunee, Oneida of the Thames and three Mohawk communities, but <u>not the Oneida Council of Chiefs</u> , despite their letter of 2010-03-03.	<ul style="list-style-type: none"> • Regulatory compliance 	<ul style="list-style-type: none"> • Work underway to confirm interest of Mohawk, and also to confirm Oneida Council of Chiefs.
2010-10-26	Chief Day and April Varewyck	R. Waldon	E-mail to advise of plans for upcoming archaeological field work for Bluewater, Goshen and Jericho and suggesting a single independent monitor and field orientation meeting.	<ul style="list-style-type: none"> • Communication • Information-sharing 	<ul style="list-style-type: none"> • Chief Day replied that sharing monitor and report would be acceptable.
2010-10-28	Chief Abram	Ben Greenhouse	Letter enclosing draft REA reports and summaries for Summerhaven and requesting response as per s. 14 and s. 17 of the REA.	<ul style="list-style-type: none"> • Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and Results
2010-11-01	April Varewyck	R. Waldon	Phone call to discuss the recent Director's List for Summerhaven and the 2010-10-28 letter from Ben Greenhouse.	<ul style="list-style-type: none"> • Process 	<ul style="list-style-type: none"> • April to call R. Waldon after reviewing the letter and enclosures to confirm whether Oneida of the Thames want to be consulted for Summerhaven and if so, how.
2010-11-10	Ben Greenhouse	Chief Day	Letter enclosing Adelaide draft Addendum report and EIA as per s. 17.	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-11-30	April Varewyck	R. Waldon	E-mail confirming that NEEC can deal with Six Nations Council and Six nations Confederacy Council for Summerhaven	<ul style="list-style-type: none"> • Process 	<ul style="list-style-type: none"> • See 2010-12-01
2010-12-01	R. Waldon	April Varewyck	Reply seeking confirmation if the same process will apply for Bluewater, Goshen and Jericho		

Contact Record

Projects: **Adelaide, Bluewater, Bornish, Conestogo, East Durham, Goshen, Jericho and Summerhaven Wind Energy Centres**

Communities: **Six Nations Confederacy Council (Haudenosaunee)**

Main Contacts: Chief A. MacNaughton
Haudenosaunee Confederacy Council;
Chief Bomberry, Haudenosaunee Confederacy Council
Leroy Hill, Secretary Six Nations Confederacy Council;
Hazel Hill, Acting Secretary Six Nations Confederacy Council;
Aaron Detlor, Haudenosaunee Development Institute

NextEra Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

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- **Bluewater** Wind Energy Centre
- **Bornish** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- **East Durham** Wind Energy Centre
- **Goshen** Wind Energy Centre
- **Jericho** Wind Energy Centre

- **Nanticoke** (renamed as **Summerhaven**) Wind Energy Centre

*Please note that this report summarizes all communications related to this Aboriginal Community, which may include more than one NEEC project. Such an overview is important because information-sharing and knowledge-building about wind energy, as well as relationship building with communities takes place across all projects. This report is therefore an overall summary of contacts with this Aboriginal community, their purpose and content. **Issues that are specific to a single project, however, are identified, discussed and reported in the individual project Aboriginal Consultation report, which forms part of NEEC's Renewable Energy Application under Ontario Regulation 359/09.***

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2007-02-07	Sunil Kumar, Genivar	Rhonda Jamieson	<p>Fax of a marked up map in response to a request to show the Conestogo and East Luther study areas in relation to to the Six Nations claim of the Halidimand Tract.</p> <p>Sunil Kumar requested a meeting on behalf of NEEC with Leroy Hill, Secretary, Six Nations Confederacy during the week of February 20, 2007.</p>	<ul style="list-style-type: none"> • Communication 	
2007-02-20	Nancy Cown, NEEC Sunil Kumar, GENIVAR	Leroy Hill and other members of Haudenosaunee Confederacy Council	Meeting to discuss Conestogo and East Luther projects (East Luther project was later withdrawn).	<ul style="list-style-type: none"> • General information and introduction. 	
2007-02-23	Nancy Cowan NEEC	Leroy Hill, Secretary Faxed to Kate Cave March 6, 2007	Letter sent thanking Mr. Hill for February 20th meeting and requesting a meeting with the full Confederacy Council on March 3, 2007 about Conestogo .	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2007-03-03	Nancy Cowan Michael DeBock	Six Nations Confederacy Council	<p>Presentation made to Six Nations Confederacy Council for Conestogo and East Luther.</p> <ul style="list-style-type: none"> • Confederacy Council and Elected Council are separate authorities. • Agreed that the presentation did not constitute formal consultation or approval from Six Nations to proceed with our project. This meeting was only the beginning of the requirement to respectfully address the land rights and concerns of the Six Nations. • Request made for NEEC to support their land claim efforts, which could not be agreed to. NEEC to remain neutral and independent to their current efforts. • First Nations are not a stakeholder, given their position that they are the landowner in this process. • Council was considering a document that would eventually be published which would indicate how developers would need to support the Six Nations. • Invitation made for NEEC presentation in concert with the March 7 PIC. • NEEC asked if they would be willing to study the wind in Ohsweken 	<ul style="list-style-type: none"> • Information-sharing 	<ol style="list-style-type: none"> 1. Follow-up with elected council and make the same presentation. 2. Obtain document on how to support Six Nations once available from Confederacy Council
2007-03-12	Michael DeBock NEEC	Leroy Hill, Secretary Copied to Kate Cave (SNEC)	<p>Letter e-mailed thanking Six Nations Confederacy Council for allowing presentation on March 3 and offering continued dialogue. Copy of presentation dealing with Conestogo and East Luther enclosed with letter.</p>	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2008-01-24	Not recorded	Not recorded	Presentation to Council [NOTE: entry based on 2008-01-24 power point presentation titled, "Presentation To Six Nations of the Grand River", but PPT file name is "Six Nations Confederacy"] Presentation given on all current Canadian Green Power projects (Bornish , Strathroy A, B and C) and the Phase II lands.	<ul style="list-style-type: none"> Information-sharing 	
2008-09-30	AET TCi Renewables	Six Nations Elected Council Six Nations Confederacy Council	Notice of Commencement for Nanticoke (now named Summerhaven) mailed for information purposes. The notice included an invitation to participate in the upcoming environmental screening process, an overview of AET TCi Renewables, the Nanticoke Project and its study area.	<ul style="list-style-type: none"> Communication Information-sharing 	
2009-06-02	Mark Gallagher, TCi	Leroy Hill	Telephone call to request discussion about TCi's Nanticoke project. Leroy Hill was not available and Mark Gallagher left a voice mail.	<ul style="list-style-type: none"> Communication 	
2009-07-10	Ben Greenhouse NEEC	Leroy Hill, Secretary Six Nations Confederacy Council	Letter asking for an opportunity to introduce NEEC projects in southwestern Ontario (Summerhaven) and discuss how members of the community might be involved in development of the farm [farms?]. Offer made to speak to Council and/or hold a community meeting.	<ul style="list-style-type: none"> Communication 	Follow-up for reply to offer for meeting and open house.
2009-07-28	Mark Gallagher, TCi	Leroy Hill	In a telephone call with Leroy Hill, Mark Gallagher was directed to speak to Aaron Detlor and Hazel Hill of Haudenosaunee Development Institute ("HDI") about the TCi Nanticoke Project.	<ul style="list-style-type: none"> Process 	See entry next line.

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2009-07-28	Mark Gallagher, TCi	Hazel Hill	Call made by Mark Gallagher to ask if HDI had an interest in the Nanticoke Project.	<ul style="list-style-type: none"> • Communication 	
2009-07-31	Hazel Hill, HDI	Mark Gallagher, TCi	Hazell Hill called to discuss the TCi Nanticoke Project and advised she would sent him a consultation process document for developers.	<ul style="list-style-type: none"> • Process 	
2009-09-29	AET TCi Renewables	Clan Mothers	Letter sent advising Clan Mothers that TCi had scheduled a meeting with HDI about the TCi Nanticoke project and requesting a meeting about the project.		
2009-10-08	AET TCi Renewables	Director, REA MOE	Request for the Director's List or confirmation of list previously provided by INAC (enclosed with request).	<ul style="list-style-type: none"> • Regulatory compliance 	
2009-10-09	Mark Gallagher, TCi Renewables Inc.; Juli Abouchar, Willms Shier; Tuesday Johnson-MacDonald, TAP Resources	Hazel Hill, Haudenosaunee Development Institute ("HDI") Chief Bomberry Aaron Detlor	Meeting to discuss TCi Renewables Inc. Nanticoke (called " Summerhaven " by NEEC). Discussion included: <ul style="list-style-type: none"> • HDI development application process • HDI claims to Nanticoke Project Area • Archaeological assessment work • HDI assert claim to harvest and hunting rights in Project Area under 1701 Nanfan Treaty 	<ul style="list-style-type: none"> • Information-sharing • Process 	
2009-10-21	Mark Gallagher, TCi	Hazel Hill, HDI	Call or message left to provide an update on archaeology work for TCi's Nanticoke project. Two observers from Six Nations Eco-Centre have been recruited to participate in field work.	<ul style="list-style-type: none"> • Communication 	<ul style="list-style-type: none"> • Hazel Hill requested to advise if HDI had any concern with this approach

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2009-11-19	Mark Gallagher, TCi Renewables Inc.	Hazel Hill, HDI	<p>Letter sent enclosing a notice of Public Open House for TCi's Nanticoke project (Summerhaven), including a map of the study area, which extends into the Haldimand Tract at the northeast corner.</p> <p>Mark Gallagher requested written comments on Nanticoke (Summerhaven) project as is required under the Ontario REA process.</p>	<ul style="list-style-type: none"> Information-sharing Regulatory compliance 	
2009-11-03	Mark Gallagher	Hazel Hill, HDI	E-mail to follow-up from 2009-10-21 message, asking if there was someone HDI wished TCi to liaise with concerning archaeological field work.	<ul style="list-style-type: none"> Communication 	
2009-11-19	AET TCi Renewables	Hazel Hill, HDI	Letter mailed enclosing a copy of the combined Notice of Public Meeting and Proposal to Engage in a Renewable Energy Project together with a copy of the draft Project Description Report. The letter requested any information the community had available that should be considered in preparing the Project Application.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	
2009-12-10	Hazell Hill, Interim Director, HDI	Mark Gallagher Brett O'Connor, TCi Renewables	Letter explaining HDI development application process and enclosing a sample Memorandum of Understanding to be signed by TCi and returned along with application and review fees.	<ul style="list-style-type: none"> Process 	Technical level meeting held March 8, 2010 as a follow-up.

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-03-03	Howard Elijah, Secretary, Oneida Council of Chiefs	Ben Greenhouse	<p>Letter from Oneida Council of Chiefs on behalf of the Haudenosaunee and stating with support of the elected of Council Oneida of Thames.</p> <p>The letter stated that, "The Oneida Council of Chiefs is communicating with you about this proposal on behalf of the Haudenosaunee (Iroquois) Confederacy. In doing so, we are supported by the elected council of the Oneida Nation of the Thames. We intend to ensure there is no confusion about our authority to work with you, and that you will not be required to duplicate your efforts with other Haudenosaunee communities or governments."</p> <ul style="list-style-type: none"> • The Council strongly support use of sustainable resources and recognized the project as consistent with their views on conservation and respect for the natural world. • Council of Chiefs' assert a treaty right under 1701 Nanfan Treaty and subsequent 1726 and 1755 clarifications. • The Treaty sets apart an area, including the Project area, for what today would be termed economic activities. • The Duty to Consult and accommodate rests with the Crown and cannot be delegated • The Haudenosaunee have a right to participate in any benefits that result from the Project <p>The letter was copied to Assistant Deputy Ministers at MOE, MOEI and MAA, but not to Oneida Nation or Six Nations elected councils.</p>	<ul style="list-style-type: none"> • Rights assertion • Information-sharing • Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-03-08	Mark Gallagher Ben Grenhouse David Miller Bob Waldon	Chief Mike Bomberry Chief Alfred Day Aaron Detlor, HDI Elder Brian Dolittle Hazel Hill, HDI Chief Ron Thomas	Meeting arranged by Willms Shier, counsel to TCi Renewables with Haudenosaunee Development Institute ("HDI"), to discuss various TCi and NEEC projects and proposed application process and fees. It was agreed to be held as a technical level information-sharing meeting.	<ul style="list-style-type: none"> Information-sharing 	After the meeting, the 2010-03-03 letter (above) was received from the Oneida Council of Chiefs stating that they would be taking the lead on behalf of all Haudenosaunee governments and communities. It was assumed that the letter referred to the Bornish project and a confirmation was requested on 2010-06-03.
2010-03-24	Doris Dumais, MOE	Tom Bird, NEEC	<p>Director's letter received confirming the Communities to be consulted for Bornish</p> <ul style="list-style-type: none"> Six Nations Confederacy Council and Oneida Council of Chiefs were NOT on the Director's list of communities to be consulted. 	<ul style="list-style-type: none"> Regulatory compliance 	Six Nations Confederacy Council and Oneida Council of Chiefs have asserted their interests in the Nanfan Treaty lands, which encompasses all current NEEC projects. Oneida have further claimed a treaty right for economic activities in Nanfan. NEEC is continuing to engage with both governments, and have been directly advised by Haudenosaunee Development Institute to submit an application to HDI in this regard, as the delegated staff secretariat to the Confederacy Council.
2010-06-03	Ben Greenhouse	Secretary Howard Elijah, Oneida Council of Chiefs	Requesting confirmation that the 2010-03-03 letter was intended to apply only to Bornish , which Haudenosaunee governments Oneida takes the lead for, and also to clarify what impact Bornish may have on Haudenosaunee asserted treaty rights for economic activities.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	No reply received.

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-06-04	Nicole Geneau, NEEC	Chief McNaughton	Letter enclosing NEEC Community Reference Binder that included map showing all projects in southwestern Ontario as well as draft Project Description Reports for Bluewater, Goshen and Jericho .	<ul style="list-style-type: none"> Information-sharing 	
2010-06-04	Nicole Geneau, NEEC	Hazel Hill	Letter enclosing NEEC Community Reference Binder that included map showing all projects in southwestern Ontario as well as draft Project Description Reports for Bluewater, Goshen and Jericho.	<ul style="list-style-type: none"> Information-sharing 	
2010-09-03	Nicole Geneau, NEEC	Hazel Hill	Letter enclosing NEEC Community Reference Binder that included map showing all projects in southwestern Ontario as well as draft Project Description Reports for Bluewater, Goshen and Jericho.	<ul style="list-style-type: none"> Information-sharing 	
2010-09-03	Nicole Geneau, NEEC	Chief McNaughton	Letter enclosing NEEC Community Reference Binder that included map showing all projects in southwestern Ontario as well as draft Project Description Reports for Bluewater, Goshen and Jericho.	<ul style="list-style-type: none"> Information-sharing 	
2010-09-14	R. Waldon	Hazel Hill	Telephone call to confirm courier address for the Confederacy Council to deliver Conestogo REA documents. Ms Hill definitively stated: <ul style="list-style-type: none"> Any project in the 1701 Nanfan Treaty area is to be submitted to HDI for review A \$7,000 application fee is required There is a new application process and form 	<ul style="list-style-type: none"> Process 	Hazel Hill to forward new HDI process document and application form.
2010-09-14	T. Rasmussen, GENIVAR	Chief McNaughton	Letter delivered enclosing all REA studies for Conestogo and requesting response as per s. 17	<ul style="list-style-type: none"> Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-09-24	Hazel Hill, HDI	R. Waldon	Letter enclosing new HDI Development Protocol, accompanying map and HDI Application for Consideration and Engagement for Development. Ms. Hill explained that HDI has been legislated to represent the interests of the Haudenosaunee Confederacy Chiefs Council in development of lands over which Haudenosaunee have rights, including but not limited to the Haldimand Tract.	<ul style="list-style-type: none"> • Process 	Review application and take appropriate action to address the information and process it requires.
2010-09-29	R. Waldon	Hazel Hill	E-mail to advise Summerhaven REA studies will be delivered and requesting a call to clarify information requested in the HDI application.	<ul style="list-style-type: none"> • Information-sharing • Process 	
2010-10-01	R. Waldon	Hazel Hill	Telephone call to to obtain further clarification on HDI fee and process and left a message on Ms. Hill's voicemail to explain the reason for my call.	<ul style="list-style-type: none"> • Process 	
2010-10-01 Delivered 2010-10-04	T. Bird, NEEC	Chief McNaughton	Letter delivered enclosing all REA studies for Summerhaven and requesting response as per s. 14 and s. 17 of O/Reg 359/09	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-10-08	R. Waldon	Hazel Hill	E-mail to follow-up voicemail from 2010-10-01 asking for clarification of what activities are supported by the HDI fee.	<ul style="list-style-type: none"> • Process 	
2010-10-18	R. Waldon	Leroy Hill	Telephone call to Haudenosaunee Resource Centre as a result of information received that there may be a change in the review process involving HDI.	<ul style="list-style-type: none"> • Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-10-25	Doris Dumais, MOE	Tom Bird, NEEC	Director's letter received confirming the communities to be consulted for Summerhaven . The List included Six Nations Confederacy Council, Mohawks of Akwesasne, Mohawks of the Bay of Quinte and Wahta Mohawks as well as the Oneida of the Thames (an elected Band council).	<ul style="list-style-type: none"> Regulatory compliance 	Contacts made with Mohawk governments (staff level) to clarify extent of their interests in Summerhaven .
2010-10-27	Ben Greenhouse	Chief Donald Maracle	Letter to Mohawks of the Bay of Quinte enclosing Summerhaven REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	
2010-10-27	Ben Greenhouse	Chief Michael Mitchell	Letter to Mohawks of Akwesasne enclosing Summerhaven REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	
2010-10-28	Ben Greenhouse	Chief Blaine Commandant	Letter to Wahta Mohawks enclosing Summerhaven REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> Regulatory compliance Information-sharing 	
2010-11-01	R. Waldon	Chief McNaughton	Telephone call to Haudenosaunee Confederacy Council office as a result of information received that there may be a change in the review process involving HDI.	<ul style="list-style-type: none"> Process question 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-11-02	R. Waldon	Hazel Hill	Ms. Hill explained the HDI fee covers costs for their review and reporting on proponents projects including external review of studies by technical experts, a community meeting and reporting to the confederacy council. Ms. Hill also indicated Oneida Council of Chiefs may take the lead on the Bornish and Adelaide projects.	<ul style="list-style-type: none"> • Process 	
2010-11-08	R. Waldon	H. Lickers, Mohawks of Akwesasne Department of Environment	Phone call and e-mail to clarify Mohawk of Akwesasne interest in Summerhaven. Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> • Regulatory compliance • Information-sharing 	
2010-11-08	R. Waldon	Kristin Maracle, Environment Officer, Mohawks of the Bay of Quinte	Phone call and e-mail to clarify Mohawk of Bay of Quinte interest in Summerhaven. Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> • Regulatory compliance • Information-sharing 	
2010-11-08	R. Waldon	Linda Maracle, Council Executive Assistant, Whata Mohawks	Phone call and e-mail to clarify Wahta Mohawk interest in Summerhaven. Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> • Regulatory compliance • Information-sharing 	

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2010-11-11	Tom Bird	Chief Blaine Commandant, Wahtas Mohawk	Letter enclosing all draft REA reports for Conestogo and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory assurance 	Wahta Mohawk were not on the Director's List of November 23, 2010.
2010-11-11	Tom Bird	Grand Chief Michael Mitchell, Mohawk Council of Akwesasne	Letter enclosing all draft REA reports for Conestogo and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory assurance 	Mohawk of Akwesasne were not on the Director's List of November 23, 2010.
2010-11-11	Tom Bird	Chief Doald Maracle, Mohawk of the Bay of Quinte	Letter enclosing all draft REA reports for Conestogo and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> Regulatory assurance 	Mohawk of the Bay of Quinte were not on the Director's List of November 23, 2010.
2010-11-24	R. Waldon	Chief Blaine Commandant, Whata Mohawk	E-mail to follow-up for a reply from Wahta Mohawk as to which Haudenosaunee community may take the lead on Summerhaven .	<ul style="list-style-type: none"> Regulatory compliance 	
2010-11-25	H. Lickers	R. Waldon	E-mail confirming receipt of Summerhaven REA draft reports and that a reply will be forthcoming soon.	<ul style="list-style-type: none"> Regulatory compliance 	

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2010-11-26	R. Waldon J. Muir, Golder Associates	Hazel Hill Elder Brian Dolittle	The meeting was to provide updates as follows: <ul style="list-style-type: none"> • An update of archaeology work for Summerhaven was given by J. Muir including general results of finds to date. • Discussion about how to share information on archaeology with the community. • Update on Conestogo and Summerhaven final open house and filing schedules. • Share NEEC Aboriginal Relations Canadian Projects Framework and Archaeological Principles for further discussion. • Provide the information requested by HDI to review the Conestogo, Summerhaven, Bornish and Adelaide projects including arranging an external review. • 	<ul style="list-style-type: none"> • Information-sharing • Communication 	HDI to arrange external consultant to commence review of REA reports.
2010-12-08	R. Waldon	Kristin Maracle, Environment Officer, Mohawks of the Bay of Quinte	E-mail to follow-up for a reply from Mohawk of the Bay of Quinte as to which Haudenosaunee community may take the lead on Summerhaven .	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-12-08	R. Waldon	Chief Blaine Commandant, Wahta Mohawk	E-mail to follow-up for a reply from Wahta Mohawk as to which Haudenosaunee community may take the lead on Summerhaven .	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-12-10	Hazel Hill	R. Waldon	Telephone request to confirm which reports should have been included in the CD's HDI requested for Conestogo, Summerhaven, Bornish and Adelaide .	<ul style="list-style-type: none"> • Communication 	R. Waldon provided a summary of reports that should have been included and offered to facilitate any missing information.

Contact Record

Projects: **Adelaide, Bluewater, Bornish, Conestogo, East Durham, Goshen, Jericho and Summerhaven Wind Energy Centres**

Communities: **Six Nations of the Grand River** Main Contacts: Chief William K. Montour, Six Nations of the Grand River
Lonny Bomberry, Director, Lands and Resources
Joanne Thomas, Land Use Officer, Lands and Resources

NextEra Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

The projects for which this Aboriginal community has expressed interest, or that have been confirmed by the Director of Renewable Energy Approvals “list of aboriginal communities” are identified above. Please refer to the Project Description Reports and supporting reports as set out in Table 1 of Ontario Regulation 359/09 for information about these projects, potential impacts and proposed mitigation. All available reports may be found at:

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- **Nanticoke** (renamed as **Summerhaven**) Wind Energy Centre

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Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2007-01-17	Michael DeBock, NEEC	Joanne Green, Director, Lands and Resources; Kate Cave (Staff Six Nations of Grand River)	Meeting to introduce NEEC and its projects. Topics included: <ul style="list-style-type: none"> • Potential community concerns to anticipate about projects in Six Nations traditional territory • Discuss process for environmental assessment • Offered to host a community house on wind energy 	<ul style="list-style-type: none"> • Introductory meeting 	Provide further details on project locations Stay in touch throughout the environmental assessment process Arrange introductory meeting with Haudenosaunee (Six Nations) Confederacy (traditional) Council
2007-01-25	Michael DeBock NEEC	Jo-Ann Green, Six Nations Confederacy	E-mail thanking Ms. Green and Kate Cave for a January 17, 2007 meeting to discuss Conestogo and East Luther and requesting notice of a community event to provide an overview of wind power.	<ul style="list-style-type: none"> • Communication 	
2007-02-07	Sunil Kumar, Genivar	Rhonda Jamieson	Fax of a marked up map in response to a request to show the Conestogo and East Luther study areas in relation to to the Six Nations claim of the Halidimand Tract. Sunil Kumar requested a meeting on behalf of NEEC with Leroy Hill, Secretary, Six Nations Confederacy during the week of February 20, 2007.	<ul style="list-style-type: none"> • Information-sharing 	
2007-03-06	Sunil Kumar, Genivar	Kate Cave, Six Nations Council	Fax enclosing copy of 2007-03-05 letter to Leroy Hill.	<ul style="list-style-type: none"> • Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2007-05-04	Michael DeBock NEEC	Kate Cave, Six Nations Council	<p>E-mail acknowledging telephone conversation that Six Nations will be producing a document outlining their expectations for wind developers within their traditional territory and/or land claims area.</p> <ol style="list-style-type: none"> 1. Council has directed staff to put together a document that will eventually be presented to wind developers looking to develop within the Six Nations tract. 2. It will outline the Council's expectations in regards to the development and compensation requirements. 3. The document should be ready to present to developers in 3 to 6 months. 	<ul style="list-style-type: none"> • Communication 	Obtain copy of Six Nations Council document once available.
2008-01-24	Not recorded	Not recorded	<p>Presentation to Council [NOTE: entry based on 2008-01-24 power point presentation titled, "Presentation To Six Nations of the Grand River", but PPT file name is "Six Nations Confederacy"] Presentation given on all current Canadian Green Power projects (Bornish, Strathroy A, B and C) and the Phase II lands.</p>	<ul style="list-style-type: none"> • Information-sharing 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2008-09-30	AET TCi Renewables	Six Nations Elected Council Six Nations Confederacy Council	Notice of Commencement for Nanticoke (now named Summerhaven) mailed. Sent for information purposes. The notice included an invitation to participate in the upcoming environmental screening process, an overview of AET TCi Renewables, the Nanticoke Project and its study area.	<ul style="list-style-type: none"> Information-sharing 	
2009-07-10	Ben Greenhouse NEEC	Chief Montour	Letter asking for an opportunity to introduce NEEC projects in southwestern Ontario (Summerhaven) and discuss how members of the community might be involved in development of the project(s). Offer made to speak to Council and/or hold a community meeting.	<ul style="list-style-type: none"> Communication 	Follow-up for reply to offer for meeting and open house.
2009-07-10	Ben Greenhouse NEEC	Kate Cave, Land Use Supervisor, Six Nations Council	Letter asking for an opportunity to introduce NEEC projects in southwestern (Summerhaven) Ontario and discuss how members of the community might be involved in development of the wind farm [farms?]. Offer made to speak to Council and/or hold a community meeting.	<ul style="list-style-type: none"> Communication 	Follow-up for reply to offer for meeting and open house.
2009-07-28	Mark Gallagher, TCi	Chief Montour	Message left with Chief Montour's secretary asking for a meeting concerning TCi's Nanticoke (now Summerhaven) Project.	<ul style="list-style-type: none"> Communication 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2009-09-29	AET TCi Renewables	Chief Montour	Letter sent advising Chief Montour that TCi had scheduled a meeting with HDI about the TCi Nanticoke (now Summerhaven) project and requesting a meeting about the project.	<ul style="list-style-type: none"> • Communication 	
2009-10-08	AET TCi Renewables	Director, REA MOE	Request for the Director's List for Summerhaven or confirmation of list previously provided by INAC (enclosed with request).	<ul style="list-style-type: none"> • Regulatory compliance 	
2009-10-19	Brett O'Connor and Mark Gallagher (TCi); Tuesday Johnston-MacDonald (TAP Resources); Cathryn Moffett, (Golder Associates),	Chief Montour, Pam Montour	An introductory meeting was held to discuss the TCi Nanticoke (now Summerhaven) project. It was reported the TCi and Six Nations representatives discussed: <ul style="list-style-type: none"> • Potential impacts to human health • Employment arising from the project • Economic opportunities • Archaeology • Aboriginal and treaty rights • Environmental assessment 	<ul style="list-style-type: none"> • Information-sharing 	Chief Montour to arrange for presentation to Six nations Elected Council and TAP Resources (Tuesday Johnson-MacDonald) to review presentation materials

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2009-12-15	Mark Gallagher, TCI Brett O'Connor, TCI Tuesday Johnston, TAP Resources Ben Greenhouse, NEEC David Miller, MWA	Six Nations Elected Council	Presentation to explain recent agreement between TCI and NEEC for Summerhaven (TCi's "Nanticoke") project. <ul style="list-style-type: none"> • Meeting for information purposes only and was focused primarily on Nanticoke (a.k.a. Summerhaven). • Ben Greenhouse mentioned NEEC's other projects in southern Ontario. • Nanticoke will be sent by Six Nations Council to the Economic Development department for review. • TCI mentioned ongoing archaeological work by Golder Associates and that staff from Six Nations EcoCentre are involved (Sheila and Jason Filver). • Chief Montour asked about the technical aspects of the turbines, which was addressed by TCI. 	<ul style="list-style-type: none"> • Information-sharing 	Economic Development department was to contact NEEC and/or TCI.
2010-02-22	David Miller	Lonny Bomberry, Director Lands and Resources, Six Nations	Follow-up to confirm if there is any interest in the Bornish Project	<ul style="list-style-type: none"> • Communication 	Lonny Bomberry to arrange a technical level meeting.
2010-03-03	David Miller	Lonny Bomberry, Director Lands and Resources, Six Nations Joanne Thomas, Land Use Officer	Telephone follow-up call to Lonny Bomberry to confirm if any interest in Bornish Project. David was advised by Lonny Bomberry to contact Joanne Thomas, Land Use Officer.	<ul style="list-style-type: none"> • Communication 	David Miller called Joanne Thomas and left a message explaining the reason for his call.

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-03-08	David Miller	Joanne Thomas	Telephone follow-up to call of 2010-03-03		Left message reiterating reason for 2010-03-03 phone call.
2010-03-12	David Miller	Joanne Thomas, Land Use Officer	Phone call to determine if Six Nations has any interest in Bornish project.	<ul style="list-style-type: none"> • Process 	Joanne requested copies of all REA documentation and indicated an interest in having a technical level meeting.
2010-03-22	David Miller	Joanne Thomas	E-mail providing an overview of NEEC projects and the web site address to access REA documents, in anticipation of meeting.	<ul style="list-style-type: none"> • Information-sharing 	
2010-03-24	Doris Dumais, MOE	Tom Bird, NEEC	<p>Director's letter received confirming the Communities to be consulted for Bornish</p> <p>Six Nations of the Grand River and Haudenosaunee Confederacy were NOT on the Director's list of communities to be consulted.</p>	<ul style="list-style-type: none"> • Regulatory compliance 	Continuing to attempt to reach Joanne Thomas, Land Use Officer to confirm that Six Nations has no interest in Bornish and relationship to Oneida Council of Chiefs representation.
2010-05-03 to 2010-05-05	David Miller	Joanne Thomas	Exchange of e-mails regarding a meeting. Joanne explained that while a meeting took place with the elected Council, staff feel their own meeting is necessary so that NEEC can hear directly from them about their perspectives. Six Nations will be "consulting and negotiating directly with NEEC".	<ul style="list-style-type: none"> • Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-05-17	N. Geneau B. Greenhouse D. Miller R. Waldon	L. Bomberry M. Jamieson P. Monture J. Thomas	A technical level meeting was held to review the SNEC Consultation and Accommodation Policy; discuss the Summerhaven (Nanticoke) project and describe all other NEEC projects in southern Ontario.	<ul style="list-style-type: none"> • The issues raised by staff were: • The SNEC C&A Policy applies to all Nanfan Treaty lands • A letter confirming no partnership with Samsung C&T corporation prior to consultation • Discussion of accommodation is the next step • Fees are required under the C&A procedure which include review of REA documents by third party • A community meeting is typically required • All wind projects are considered “major projects” as defined in the C&A Policy. 	Joanne Thomas to provide the C&A procedure manual for proponents (Done) NEEC to confirm no partnership with Samsung (Done) NEEC to provide hard copies of all REA documents (Done) NEEC to provide a revised study area map of Summerhaven to J. Thomas (Done) NEEC to advise if it will participate in the Lands and Resources Community Day (Done)
2010-06-02	R. Waldon	L. Bomberry J. Thomas	E-mail to introduce three new NEEC projects, Bornish, Goshen and Bluewater and asking if a meeting might be a helpful start.	<ul style="list-style-type: none"> • Communication 	No reply
2010-06-04	N. Geneau	L. Bomberry	Community Reference Binder with PDR’s for Bluewater, Goshen and Jericho enclosed together with a map of all current NEEC southern Ontario projects.	<ul style="list-style-type: none"> • Information-sharing 	Delivered by courier June 23, 2010

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-06-07	J. Thomas	R. Waldon	<p>Joanne Thomas replied to R. Waldon 2010-06-02 e-mail as follows:</p> <p>“Hi Bob,</p> <p>Well if I may, say that NextEra does not completely fall under the C & A Policy b/c of our agreement with Samsung. The next step would be for NextEra to bring a letter stating that NextEra does or does not want to partner with Samsung on their project. If not, then we would continue on to negotiating accommodation.</p> <p>But if you feel you still need to meet on the 14th. Let me know and I will set up the meeting.”</p>	<ul style="list-style-type: none"> • Process 	<p>The meeting could not be confirmed for June 14th due to conflicting schedules on NEEC’s side. Attempting to reschedule.</p>
2010-07-12	B. Greenhouse	L. Bomberly	<p>Letter enclosing notes from meeting of May 17, 2010 and addressing the question of whether NEEC wishes to partner with Samsung C&T Corporation. The letter provided a schedule update of NEEC projects including those, which are closest to REA submission. Copies of the Adelaide draft REA documents were enclosed.</p> <p>Six Nations was requested to advise NEEC of any concerns related to potential impacts to Aboriginal and treaty rights, negative impacts to the environment and their suggestions for mitigating same as per REA s.14 and s.17 for Bornish and Adelaide.</p>	<ul style="list-style-type: none"> • Communication • Regulatory compliance 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-09-08	R. Waldon	Joanne Thomas	<p>Telephone call to discuss consultation process:</p> <ul style="list-style-type: none"> • Project reports must first be reviewed. • Six Nations Elected Council (SNEC) assert an interest in all NEEC projects based on their responsibility to the environment within the Nanfan Treaty area (see SNEC C&A policy). • Joanne is going to ask the SNEC review team how they want to proceed with NEEC projects. • The SNEC C&A policy is still new and the review team wants to see what works and what doesn't 	<ul style="list-style-type: none"> • Process 	Joanne Thomas to confirm if further information required at this time and also what steps may be expected.
2010-09-13	Terry Rasmussen, GENIVAR	Chief Montour	Letter enclosing draft REA studies and summary for Conestogo and requesting comments as per s. 14 and s. 17 of REA.	<ul style="list-style-type: none"> • Regulatory compliance 	
2010-09-29	R. Waldon	Joanne Thomas	E-mail to advise Summerhaven draft REA documents to be delivered and request to call and confirm the process to be followed.	<ul style="list-style-type: none"> • Communication 	
2010-10-01	T. Bird	Chief Montour	Letter enclosing draft REA studies and summary for Conestogo and requesting comments as per s. 14 and s. 17 of REA.	<ul style="list-style-type: none"> • Regulatory compliance 	Delivered by courier 2010-10-04
2010-10-06	B. Greenhouse	L. Bomberry	Letter following up information discussed at May 17th meeting and the July 12th letter. Delivery of paper copies of Summerhaven, Conestogo and East Durham draft project description reports and amended study area map of Summerhaven were included. An update on archeology and names of monitors was also provided.	<ul style="list-style-type: none"> • Information-sharing 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-10-12	R. Waldon	L. Bomberry J. Thomas	E-mail confirming Summerhaven and Conestogo draft REA documents have been sent by courier and a request to confirm the consultation process to be followed under SNEC C&A policy.	<ul style="list-style-type: none"> Process 	
2010-10-13	J. Thomas	R. Waldon	Confirmation that NEEC should submit applications of reach project together with the \$3,000 fee to cover costs of a peer review of the REA draft reports.	<ul style="list-style-type: none"> Process 	Applications prepared and sent to Lands and Resources with fees 2010-11-10.
2010-10-22	J. Thomas	R. Waldon	Exchange of e-mails to confirm the qualifications and scope of the peer review and a suggestion that his report be tabled as a draft for discussion. This is to ensure any questions or clarifications can be addressed in the final report to SNEC.	<ul style="list-style-type: none"> Communication 	
2010-10-26	R. Waldon	Joanne Thomas	E-mail to advise about upcoming archaeological field work for Bluewater , Goshen and Jericho and ask if the idea of one independent monitor reporting to all interested communities might be workable.	<ul style="list-style-type: none"> Information-sharing Process 	
2010-11-09	Ben Greenhouse	L. Bomberry	Letter enclosing SNEC application form and fee for peer review of Summerhaven and Conestogo draft REA reports.	<ul style="list-style-type: none"> Process 	
2010-11-10	Ben Greenhouse	Chief Montour	Letter enclosing Adelaide addendum and ESR and requesting comments as per s. 17.	<ul style="list-style-type: none"> Regulatory compliance 	
2010-11-10	Ben Greenhouse	L. Bomberry	Letter enclosing SNEC application form and fee for peer review of Bornish and Adelaide draft REA reports.	<ul style="list-style-type: none"> Process 	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-11-26	R. Waldon J. Muir, Golder Associates	Paul General Joanne Thomas	<p>The meeting was to provide updates as follows:</p> <ul style="list-style-type: none"> • An update of archaeology work for Summerhaven was given by J. Muir including general results of finds to date. • Discussion about how to share information on archaeology with the community. • Update on Conestogo and Summerhaven final open house and filing schedules. • Share NEEC Aboriginal Relations Canadian Projects Framework and Archaeological Principles for further discussion. 	<ul style="list-style-type: none"> • Information-sharing 	<p>R. Waldon to ensure Joanne Thomas has copies of the Bornish REA documents (requested for delivery 2010-12-09).</p> <p>SNEC peer review of Summerhaven, Conestogo, Adelaide and (subject to receipt of documents) Bornish proceeding.</p>



Appendix 5
**Copies of Letters to Communities re. delivery of draft REA documents and request
for comments under s. 17(1) 4.**



September 13, 2010

Chief Ralph Akiwenzie
Chippewas of Nawash Unceded First Nation
135 Lakeshore Blvd.
R. R. #5
Warton, ON
N0H 2T0

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Chief Akiwenzie:

Please find enclosed one paper copy and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

We have also prepared and enclose one paper copy of a summary of the draft reports. The summary explains the purpose, methods and results for each report. A copy of this summary is also included on the CD. The summary is provided for convenience, and to assist you in review of this project proposal and the supporting studies and information. Please see the draft reports for complete data and information.

Copies of each of the draft reports are also available on our project web site at: www.canadianwindproposals.com

We are providing these draft reports and summary further to our meeting held with the joint SON leadership on July 29, 2010. As explained in our follow-up letter to that meeting from Nicole Geneau, we will jointly develop a process for review of these draft reports and wish to incorporate your input to the final reports.

As you know, under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from your community. We respectfully request that at this time, you provide us with your written response to our Conestogo Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

1. Any anticipated adverse impacts you feel that our project may have on your constitutionally protected Aboriginal or treaty rights, and;
2. Any other concerns over potential negative impacts to the environment that you anticipate and may have an interest in, and;
3. Any suggestions you have for mitigating the impacts identified in #1 and #2.

NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements.

Our plan is to file the Renewable Energy Application with Ministry of Environment sometime in December, 2010. After it is accepted by the Ministry, it will be posted for comment for 30 days and the Ministry will make a decision within 6 months. A second notice of their decision will be posted for comment for 15 days. Both notices will be posted on the Ontario Environmental Registry at www.ebr.gov.on.ca.

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, it is our intention and hope that we can work directly with you for any matters you feel should be discussed about our project. In this regard, Bob Waldon will contact you or your staff representative to discuss these reports and your response as requested above.

Please contact Bob Waldon at (905) 838-4256 or e-mail: rdwaldon@bedfordc4.com with any questions.

Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation

Info. c.c. Pat Chegano, Band Manager
Nicole Geneau, Tom Bird, NextEra Energy Canada
Tom Bird, NextEra Energy Canada
Terry Rasmussen, GENIVAR Consultants
Bob Waldon, Bedford Consulting & Associates



September 14, 2010

Chief Randall Kahgee Jr.
Chippewas of Saugeen First Nation
6493 Highway 21, R.R. #1
Southampton, ON
N0H 2L0

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Chief Kahgee:

Please find enclosed one paper copies and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

We have also prepared and enclose one paper copy of a summary of the draft reports. The summary explains the purpose, methods and results for each report. A copy of this summary is also included on the CD. The summary is provided for convenience, and to assist you in review of this project proposal and the supporting studies and information. Please see the draft reports for complete data and information.

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We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements.

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Please contact Bob Waldon at (905) 838-4256 or e-mail: rdwaldon@bedfordc4.com with any questions.

Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation
Notice of Public Meeting

Info. c.c. Janet Root, Band Administrator
Nicole Geneau, Tom Bird, NextEra Energy Canada
Tom Bird, NextEra Energy Canada
Bob Waldon, Bedford Consulting & Associates



September 13, 2010

Pauline Saulnier
Regional Councillor and Chair Georgian Bay Regional Consultation Protocol Committee
Métis Nation of Ontario
500 Old St. Patrick Street
Ottawa, Ontario
K1N 9G4

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Ms. Saulnier:

Please find enclosed one paper copy and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

We have also prepared and enclose two paper copies of a summary of the draft reports. The summary explains the purpose, methods and results for each report. A copy of this summary is also included on the CD. The summary is provided for convenience, and to assist you in review of this project proposal and the supporting studies and information. Please see the draft reports for complete data and information.

Copies of each of the draft reports are also available on our project web site at: www.canadianwindproposals.com

As you know, under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from your community. We respectfully request that at this time, you provide us with your written response to our Conestogo Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements.

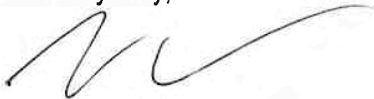
Our plan is to file the Renewable Energy Application with Ministry of Environment sometime in December, 2010. After it is accepted by the Ministry, it will be posted for comment for 30 days and the Ministry will

make a decision within 6 months. A second notice of their decision will be posted for comment for 15 days. Both notices will be posted on the Ontario Environmental Registry at www.ebr.gov.on.ca.

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, it is our intention and hope that we can work directly with you for any matters you feel should be discussed about our project. In this regard, Bob Waldon will contact you or your staff representative to discuss these reports and your response as requested above.

Please contact Bob Waldon at (905) 838-4256 or e-mail: rdwaldon@bedfordc4.com with any questions.

Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation

Info. c.c. Melanie Paradis, Director, Lands Resources and Consultations Métis Nation of Ontario
 Secretariat
 James Wagar, Consultation Assessment Coordinator
 Nicole Geneau, Tom Bird, NextEra Energy Canada
 Tom Bird, NextEra Energy Canada
 Terry Rasmussen, GENIVAR Consultants
 Bob Waldon, Bedford Consulting & Associates



September 13, 2010

Chief Brian LaForme
Mississaugas of the New Credit First Nation
2789 Mississauga Road, R. R. #6
Hagersville, ON
N0A 1H0

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Chief LaForme:

Please find enclosed one paper copy and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

We have also prepared and enclose two paper copies of a summary of the draft reports. The summary explains the purpose, methods and results for each report. A copy of this summary is also included on the CD. The summary is provided for convenience, and to assist you in review of this project proposal and the supporting studies and information. Please see the draft reports for complete data and information.

Copies of each of the draft reports are also available on our project web site at: www.canadianwindproposals.com

Copies of the draft project description report for Conestogo Wind Energy Centre was provided to you by David Miller after our meeting of January 28, 2010.

As you know, under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from your community. We respectfully request that at this time, you provide us with your written response to our Conestogo Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements.

Our plan is to file the Renewable Energy Application with Ministry of Environment sometime in December, 2010. After it is accepted by the Ministry, it will be posted for comment for 30 days and the Ministry will make a decision within 6 months. A second notice of their decision will be posted for comment for 15 days. Both notices will be posted on the Ontario Environmental Registry at www.ebr.gov.on.ca.

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Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation

Info. c.c. Margaret Sault, Director, Lands, Research and Membership
 Nicole Geneau, Tom Bird, NextEra Energy Canada
 Tom Bird, NextEra Energy Canada
 Terry Rasmussen, GENIVAR Consultants
 Bob Waldon, Bedford Consulting & Associates



September 14, 2010

Chief A. MacNaughton
Six Nations Confederacy
R.R. #2
Ohsweken, ON
N0A 1M0

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Chief MacNaughton:

Please find enclosed one paper copy and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

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Copies of each of the draft reports are also available on our project web site at: www.canadianwindproposals.com

We understand that the location of the Conestogo Wind Energy Centre is in an area where Six Nations Confederacy Council may take a lead on behalf of Haudeosaunee governments. A copy of this letter is being sent to Chief Alfred Day of the Onyota'a:ka Lotiyaneshu to ensure the fullest possible communication. Please let us know if this arrangement is satisfactory.

As you know, under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from your community. We respectfully request that at this time, you provide us with your written response to our Conestogo Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

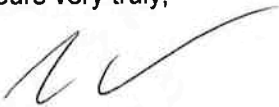
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While this formal Ministry of Environment process is available to you to express any concerns, as explained above, it is our intention and hope that we can work directly with you for any matters you feel should be discussed about our project. In this regard, Bob Waldon will contact you or your staff representative to discuss these reports and your response as requested above.

Please contact Bob Waldon at (905) 838-4256 or e-mail: rdwaldon@bedfordc4.com with any questions.

Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation
Notice of Public Meeting

Info. c.c. Chief Alfred Day, Oneida Council of Chiefs
Hazel Hill, Interim Director Haudenosaunee Development Institute
Charlene Deleary, Secretary Oneida Council of Chiefs
Nicole Geneau, Tom Bird, NextEra Energy Canada
Tom Bird, NextEra Energy Canada
Terry Rasmussen, GENIVAR Consultants
Bob Waldon, Bedford Consulting & Associates



September 13, 2010

Chief William K. Montour
Six Nations of the Grand River
1695 Chiefswood Road
PO Box 5000
Ohsweken, ON
N0A 1M0

Re: Proposed NextEra Energy Canada Conestogo Wind Energy Center

Dear Chief Montour:

Please find enclosed three paper copies and a CD set of *draft* reports that are required to be finalized and filed for our Conestogo Wind Energy Centre renewable energy application to the Ministry of Environment.

We have also prepared and enclose three paper copies of a summary of the draft reports. The summary explains the purpose, methods and results for each report. A copy of this summary is also included on the CD. The summary is provided for convenience, and to assist you in review of this project proposal and the supporting studies and information. Please see the draft reports for complete data and information.

Copies of each of the draft reports are also available on our project web site at: www.canadianwindproposals.com

As you know, under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from your community. We respectfully request that at this time, you provide us with your written response to our Conestogo Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

1. Any anticipated adverse impacts you feel that our project may have on your constitutionally protected Aboriginal or treaty rights, and;
2. Any other concerns over potential negative impacts to the environment that you anticipate and may have an interest in, and;
3. Any suggestions you have for mitigating the impacts identified in #1 and #2.

NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements.

Our plan is to file the Renewable Energy Application with Ministry of Environment sometime in December, 2010. After it is accepted by the Ministry, it will be posted for comment for 30 days and the Ministry will

make a decision within 6 months. A second notice of their decision will be posted for comment for 15 days. Both notices will be posted on the Ontario Environmental Registry at www.ebr.gov.on.ca.

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, it is our intention and hope that we can work directly with you for any matters you feel should be discussed about our project. In this regard, Bob Waldon will contact you or your staff representative to discuss these reports and your response as requested above.

Please contact Bob Waldon at (905) 838-4256 or e-mail: rdwaldon@bedfordc4.com with any questions.

Yours very truly,



Terry Rasmussen, M.A.Sc.
Project Manager - Energy

Encls. Conestogo Wind Energy Centre Draft REA Documents for Consultation

Info. c.c. Lonny Bomberry, Director, Lands and Resources
 Joanne Thomas, Land use Officer Lands, and Resources
 Nicole Geneau, Tom Bird, NextEra Energy Canada
 Tom Bird, NextEra Energy Canada
 Bob Waldon, Bedford Consulting & Associates



Appendix 6
Template text for letters to Communities re. filing of the Project REA Application



NextEra Energy Canada, ULC

_____, 2010

XXXX

Dear **XXXX**:

Subject: Proposed NextEra Energy Canada _____ Wind Energy Centre

I am writing to follow-up from my _____ letter about the _____ Wind Energy Centre, and the communications we have had with you and/or your staff to-date.

We have now filed our renewable energy application under Ontario Regulation 359/09. As you know, the application is made to Ministry of the Environment (MOE), who are responsible for making a decision for its approval. This is a new process established under Ontario's Green Energy and Green Economy Act, however, we understand it will generally follow these steps:

1. MOE will determine if our application is complete and if not, request more information.
2. Once complete, MOE will post a notice of our application on the Environmental Registry website for 30 days, asking for public comment. The web site is at www.ebro.gov.on.ca.
3. MOE has committed to making a decision on applications within 6 months.
4. Once the MOE decision is reached, it is also posted on the Environmental Registry for public comment for 15 days. Anyone can appeal a decision to the Environmental Review Tribunal. If there is no appeal the MOE decision is final.

Once all other construction-related permits and a power purchase agreement are in place, construction will begin.

Despite our obligations under this regulatory approval process, I would like to reinforce our commitment to ongoing communication and dialogue with you and your community. We plan to continue providing updates and information to your community, throughout the project process.

Please contact Bob Waldon of Bedford Consulting & Associates at (905) 838-4256, who is coordinating our Aboriginal program, with any questions or comments.

Thank you for your assistance.

Yours very truly,

Project Director

Appendix 7 1701 Nanfan Treaty Text and Maps



**July 19, 1701 Deed or Nanfan Treaty
Iroquois Indians: A Documentary History, pgs. 908-911, Reel 6, Newberry Library**

Deed from the Five Nations to the King of their Beaver Hunting Ground.

[New-York Papers. Bundle, P.Q;Q 49.]

To all Christian & Indian people in this parte of the world and in Europe over the great salt waters, to whom the presents shall come - Wee the Sachims Chief men, Capt^{ns} and representatives of the Five nations or Cantons of Indians called the Maquase Oneydes Onnandages and Sinnekes living in the Government of New Yorke in America, to the north west of Albany on this side the Lake Cadarachqui sendeth greeting - Bee it known unto you that our ancestors to our certain knowledge have had, time out of mind a fierce and bloody warr with seaven nations of Indians called Aragaritkas¹ whose Chief comand was called successively Chohahise - The land is scituate lyeing and being northwest and by west from Albany beginning on the south west² side of Cadarachqui lake and includes all that waste Tract of Land lyeing between the great lake off Ottowawa³ and the lake called by the natives Sahiquage and by the Christians the lake of Swege⁴ and runns till it butts upon the Twichtwicks and is bounded on the right hand by a place called Quadoge⁵ conteigning in length about eight hundred miles and in bredth four hundred miles including the country where the bevers the deers, Elks and such beasts keep and the place called Tieugsachrondio, alias Fort de Tret or wawyachtenok and so runs round the lake of swege till you come to place called Oniadarondaquat which is about twenty miles from the Sinnekes Castles which said seaven nations our predecessors did four score years agoe totally conquer and subdue and drove them out of that country and had peaceable and quiet possession of the same to hunt beavers (which was the motive caused us to war for the same) for three score years it being the only chief place for hunting in this parte of the world that ever wee heard of and after that wee had been sixty years sole masters and owners of the said land enjoying peaceable hunting without any internegotion, a remnant of one of the seaven nations called Tionondade whom wee had expelled and drove away came and settled there twenty years agoe disturbed our beaver hunting against which nation wee have warred ever since and would have subdued them long ere now had not they been assisted and succoured by the French of Canada, and whereas the Governour of Canada aforesaid hath lately sent a considerable force to a place called Tjeughsagheronde the principall passe that commands said land to build a Forte there without our leave and consent, by which means they will possess themselves of that excellent country where there is not only a very good soile but great plenty of all maner of wild beasts in such quantities that there is no maner of trouble in killing of them and also will be sole masters of the Boar¹ hunting whereby wee shall be deprived of our livelyhood and subsistance and brought to perpetual bondage and slavery, and wee having subjected ourselves and lands on this side of Cadarachqui lake wholly to the Crown of England wee the said Sachims chief men Capt^{ns} and representatives of the Five nations after mature

¹Hurons.

²North west. See next page.

³Lake Huron.

⁴Lake Erie.

⁵At the head of Lake Michigan. *Mitchell's Map of North America*, 1755. Now, Chicago, according to *Map of the British Dominions in North America*, 1763, prefixed to *Charlevoix's Voyages*, 8vo., Dublin, 1766. - ED.

¹Sic. qu¹ Beaver. - ED.

deliberation out of a deep sence of the many Royall favours extended to us by the present great Monarch of England King William the third, and in consideration also that wee have lived peaceably and quietly with the people of albanyour fellow subjectsabove eighty years when wee first made a firm league and covenant chain with these Christians that first came to settle Albany on this river which covenant chain hath been yearly renewed and kept bright and clear by all the Governous successively and many neighbouring Governm^{ts} of English and nations of Indians have since upon their request been admitted into the same. Wee say upon these and many other good motives us hereunto moveing have freely and voluntary surrendered delivered up and for ever quit claimed, and by these presents doe for us our heires andsuccessors absolutely surrender, deliver up and for ever quit claime unto our great Lord and Master theKing of England called by us Corachkoo and by the Christians William the third and to his heires and successors Kings and Queens of England for ever all the right title and interest and all the claime and demand whatsoever which wee the said five nations of Indians called the Maquase, Oneydes, Onnondages, Cayouges and Sinnekes now have or which wee everhad or that our heirs or successors at any time hereafter may or ought to have of in or to all that vast Tract of land or Colony called Canagariarchio beginning on the northwestside of Cadarachquilake and includes all that vast tract of land lyeing between the great lake of Ottawawa and the lake called by the natives Cahiquage and by the Christians the lake of Swege and runns till it butts upon the Twichtwicks and is bounded on the westward by the Twichtwicks by a place called Quadoge containing in length about eight hundred miles and in breath four hundred miles including the Country where Beavers and all sorts of wild game keeps and the place called Tjeughsaghrondie alias Fort de tret or Wawyachtenock and so runns round the lake of Swege till you come to a place called Oniadarundaquat which is about twenty miles from the Sinnekes castles including likewise the great falls oakinagaro, all which [was] formerly posed by seaven nations of Indians called he Aragaritka whom by a fair warr wee subdued and drove from thence four score years agoe bringing many of them captives to our country and soe became to be the true owners of the same by conquest which said land is scituate lyeing and being as is above expressed with the whole soyle the lakes the rivers and all things pertaining to the said tract of land or colony with power to erect Forts and castles there, soe that wee the said Five nations nor our heires nor any other person or persons for us by any ways or meanes hereafter have claime challenge and demand of in or to the premises or any parte thereof alwayes provided and it is hereby expected that wee are to have free hunting for us and the heires and descendants from us the Five nations for ever and that free of all disturbances expecting to be protected therein by the Crown of England but from all the action right title interest and demand of in or to the premises or every of them shall and will be uterly excluded and debarredfor ever by these presents and wee the said Sachims of the Five Nations of Indians called Maquase, Oneydes, Onnandages, Cayouges and Sinnekes and our heires the said tract of land or Colony, lakes and rivers and premises and every part and parcell thereof with their every of their appurtenances unto our souveraigne Lord the King William the third & his heires and successors Kings of England to his and their proper use and uses against us our heires and all and every other person lawfully claiming by from or under us the said Five nations shall and will warrant and for ever defend by these presents - In Witness whereof wee the Sachims of the Five nations above mentioned in behalf of ourselves and the Five nations have signed and sealed this present Instrument and delivered the same as an Act and deed to the Hon^{ble} John Nanfan Esq^r Lieut^t Gov^r to our Great King in this province whom wee call Corlaer in

the presence of all the Magistrates officers and other inhabitants of Albany praying our Brother Corlaer to send it over to Carachkoo our dread souveraigne Lord and that he would be graciously pleased to accept of the same Actum in Albany in the middle of the high street this nineteenth day of July in the thirteenth year of His Maj^{ty's} reign Annoque Domini 1701.

SINNEKES SACHIMS

Tehonwaren [Totem] genie (L.S).
 Sonahso [Totem] wanne (L S).
 Tosoquat [Totem] hoa (L S).

MAQUASE SACHIMS

Tsina [Totem] go (L S).
 Onucher [Totem] anorum (L S).
 Teoni [Totem] ahigarawe
 alias Hendrik (L S).
 Tirogaren [Totem] alias Cornelis (L S).

Sinon [Totem] quireso (L S).
 Tanoch [Totem] rachhoss (L S).

CAYOUGES SACHIMS

Sodsio [Totem] wanne (L S).
 Thodsino [Totem] jado - (L S).
 Nijuch [Totem] sagentisquoa (L S.).

ONNANDAGE SACHIMS

Tegach [Totem] nawadiqua (L S.)
 Kach [Totem] wadochon (L S).
 Taga [Totem] tsehede (L S).
 Sade [Totem] ganasttie (L S)
 Ach [Totem] rireho (L S).

ONEYDE SACHIMS

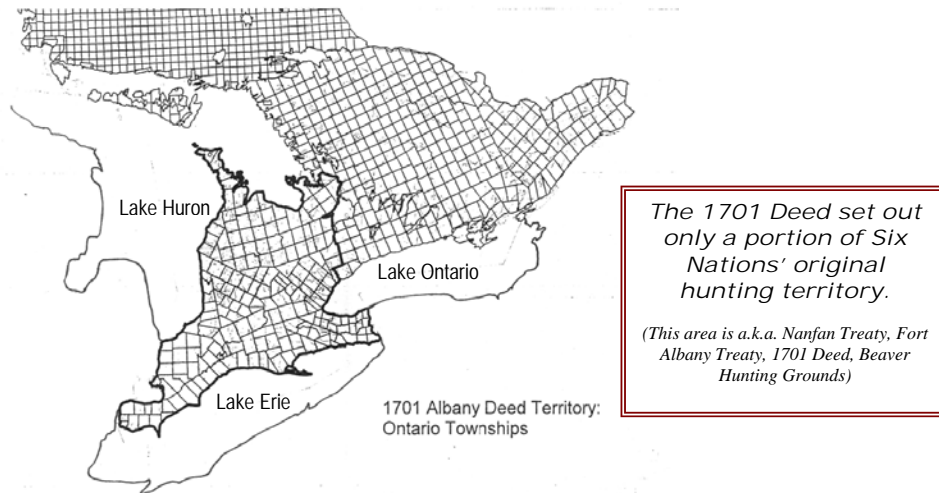
Dega [Totem] ronda (L S).
 Canada [Totem] gariaz (L S).
 Tio [Totem] rachkoe (L S).

Sealed and delivered in the presence of us
 P^r Schuyler
 J Jansen Bleeker Mayor
 Joh^s Bleeker Recorder
 John Abeel Alderman
 Johannes Schuyler Alderⁿ
 David Schuyler Alderⁿ
 Wessells ten Broek Alderman
 Johannes Roseboom Alderman
 this is a true Copy
 (Signed). JOHN NANFAN

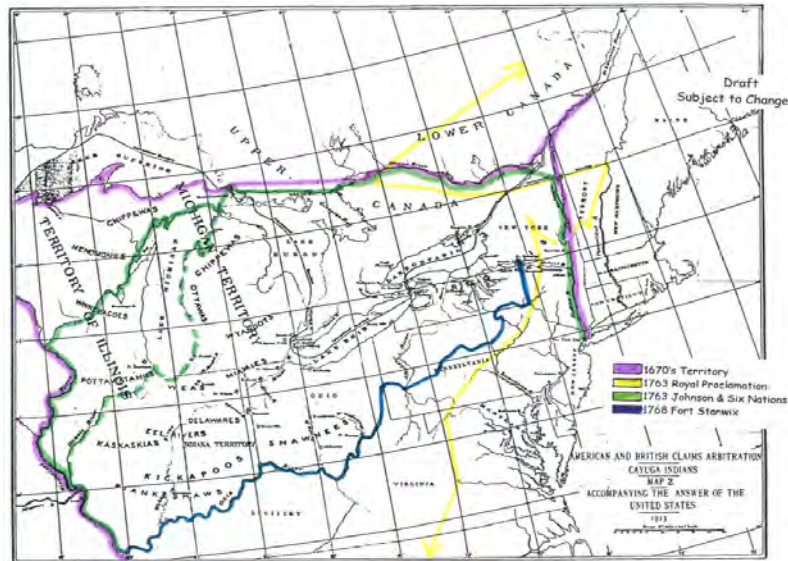
Johannes Cuyler Alderman
 Dyrk Wessels justice
 James Weemes
 Jonathan Broadhurst high Sheriff
 M. Clarkson Secretary
 S Clows Surveyor
 R^t Livingston Secretary for the Indian affares
 John Baptist van Eps}
 Lawrence Claese } Interp^{trs}

Six Nations Interpretation of 1701 Nanfan and Traditional Hunting Territory

Maps showing Hunting and Fishing Territories of Six Nations



**The Province of Ontario's interpretation of the 1701 lands*



**Six Nations interpretation of their Traditional Hunting Territory of North America*



Appendix 8
Six Nations Elected Council Consultation and Accommodation Policy



Six Nations of the Grand River Land Use Consultation & Accommodation Policy

A Policy for Obtaining Free, Prior, and Informed Consent from Six Nations

1. Preamble

Six Nations of the Grand River is the largest First Nation by population in Canada. The current territory spans 46 500 acres and is bordered by the Mississaugas of the New Credit First Nation and the counties of Norfolk, Brant, and Haldimand. This territory represents only 4.8% of the 950,000 acres of the Haldimand Tract lands that were granted to Six Nations by the Haldimand Proclamation in 1784.

As the official governing body of the territory and working with all Six Nations Community Members, Six Nations Elected Council (SNEC) on behalf of the people of Six Nations of the Grand River has interests in and a duty to protect land within the Haldimand Tract. These interests include unsurrendered lands; conditionally surrendered lands which are subject to unfulfilled conditions; and the Grand River including the river bed. Additionally Council asserts a responsibility to protect the land, air, and water within the wider area specified by the 1701 Fort Albany/Nanfan Treaty. By 1995, Six Nations has filed with the Federal Crown, 29 specific claims with more to be researched. At this time, the Federal Crown is typically taking between 10-20 years to review and settle specific claims. However, in 1995 when Six Nations commenced a court action against the Crown requesting an accounting of all the real and personal property that Six Nations should have had from the Haldimand Tract, the Government of Canada ceased any attempts to settle the claims submitted under the Specific Claims Policy. The Crown's failure to settle these claims has resulted in land disputes that harm relations and waste both money and resources. This failure has resulted in frustration for developers, municipalities, communities, as well as the people of Six Nations.

2. Policy Statement

Six Nations Elected Council (SNEC) requires that the Crown, Proponents and municipalities consult with SNEC in good faith in order to obtain its free and informed consent on behalf of Six Nations of the Grand River prior to SNEC approval of any project potentially affecting Six Nations' Interests. SNEC expects that effective mechanisms shall be provided by the Crown and/or Proponent for just and fair redress for any significant development activities; and all parties shall take appropriate measures to mitigate adverse environmental, economic, social, cultural or spiritual impacts. SNEC supports development that benefits the people of Six Nations and is conducted in a manner that is cognisant and respectful of the water, air, land, rights and interests of the people of Six Nations. SNEC fully expects all Proponents, municipalities and the Crown to respect this policy.

3. Guiding Principles

The following principles shall guide all consultation and accommodation endeavours.

- 3.1 The process of consultation and accommodation must be guided by the principles established by the United Nations Declaration on the Rights of Indigenous Peoples. At a minimum this must include:
 - (i) a lack of any and all coercion including, but not limited to, financial and time constraints;
 - (ii) commencing consultation at the onset of a project, prior to decisions being made; and

- (iii) full disclosure including, but not limited to, detailed reports on the project and the property; details of all federal, provincial, and municipal fees and taxes related to the property; and information as to the purchase price of the property.
- 3.2 The decision-making process must be proactive, holistic, and strategic in scope that works toward joint planning approaches. Decisions should be made by consensus wherever possible.
- 3.3 The process shall have an ongoing government-to-government relationship based on the recognition of Six Nations inherent rights, treaty rights, and title. Six Nations must have a formal role in all decisions influencing and impacting the territory at all levels reasonably necessary to protect the rights and interests of Six Nations. SNEC must not be just considered part of a larger Ontario community who might be consulted.
- 3.4 The process shall have respect for the sacred bonds between Six Nations and the land, through long term agreements that provide measures to protect the land and resources that Six Nations relies on to sustain its culture, Community, and economy.
- 3.5 There shall be available financial resources for Six Nation's full and effective participation in all aspects of the consultation and accommodation process.
- 3.6 There must be a willingness to provide accommodation for the reasonable concerns of Six Nations prior to the commencement of the project.
- 3.7 There must be a willingness to engage in a jointly accepted dispute resolution process in the event an agreement cannot be reached.
- 3.8 There must be a commitment to deal with each development on an individual and flexible basis. The controlling question in all situations must be what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and Six Nations peoples with respect to the interests at stake.

4. Application

- 4.1 This policy and related procedures apply to any and all Federal, Provincial and Municipal land use policies or regulations; all land use development projects within the Haldimand Tract; and any proposed land projects outside of the Haldimand Tract that may reasonably be seen to affect the rights and interests of Six Nations as outlined in the Policy Statement section above.
- 4.2 This policy does not apply to land use projects proposed by Members of Six Nations within the Six Nations territory.

5. Enforcement

- 5.1 If a Proponent or the Crown fails to abide by this policy SNEC may take one or more of the following actions:
 - (i) legal action;
 - (ii) publication of projects that are not in compliance with the policy; and
 - (iii) any other action deemed reasonable.

6. Definitions

- 6.1 Accommodation – an amicable agreement achieved by consultation between two or more parties to reconcile Six Nations concerns and to avoid irreparable harm or to minimize the effects of infringement by seeking compromise in an attempt to harmonize any conflicting interests. Accommodation may include, but is not limited to:
 - (i) Partnerships;
 - (ii) joint ventures;
 - (iii) revenue sharing;
 - (iv) employment and educational opportunities; and
 - (v) other arrangements that benefit the Six Nations Community.
- 6.2 Consultation – a deliberation, in good faith, on a matter involving two or more parties, having concern for and consideration of Six Nations' wishes in planning and acting; with a mutual goal of arriving at an agreeable decision prior to any undertaking by either party.
- 6.3 Haldimand Tract – the land six miles on either side of the Grand River from its source to Lake Erie granted to Six Nations by the Haldimand Proclamation of October 25, 1784

6.4 Major projects – Projects that SNEC believes have a reasonable potential to cause environmental damage, result in non-compensable damage, or projects on lands to which Six Nations has a strong *prima facie* case for recognition or restoration of beneficial title. These projects may include, but are not limited to:

- (i) Some estate residential developments;
- (ii) large residential developments;
- (iii) commercial and industrial developments;
- (iv) changes to Municipal or Provincial land use policies or plans;
- (v) major transportation projects;
- (vi) projects that border and/or cross the Grand River;
- (vii) aggregate resource projects
- (viii) energy, electric and water projects, and associated transmission or transportation;
- (ix) waste management facilities;
- (x) projects deemed Special Projects by SNEC. (*amended by LAR#8-02/25/2010*)

6.5 Minor projects – Projects that SNEC believes present very little potential for negative effects on the environment, cultural, social and economic damage, or infringement on Six Nations’ Interests, and Treaty rights. These projects may include, but are not limited to:

- (i) severances;
- (ii) variances;
- (iii) lot line adjustments;
- (iv) garden suites;
- (v) some estate residential developments; and
- (vi) the majority of notices outside of the Haldimand Tract not deemed to be Special Projects.
(*amended by LAR#8-02/25/2010*)

6.6 Proponent – A person including corporations, which may include the Crown, who proposes a minor or major project to be implemented that may affect Six Nations’ Interests.

6.7 SNEC – Six Nations Elected Council including its authorized agents and employees.

6.8 Special Projects – Projects of a significant size or importance that have a reasonable potential to affect Six Nations Interests or infringe on Six Nations rights. (*amended by LAR#8-02/25/2010*)

6.9 Six Nations Interests – SNEC asserts their interest in the following lands:

- (i) Unsurrendered lands within the Haldimand Tract;
- (ii) Conditionally surrendered lands which are subject to unfulfilled conditions;
- (iii) The Grand River including the river bed; and
- (iv) The 1701 Fort Albany/Nanfan Treaty territory.

6.10 Six Nations Land Use Consultation Team – A panel delegated by SNEC, as per the *Six Nations Land Use Consultation Team Terms of Reference*, to carry out the process of consultation and accommodation on behalf of SNEC.

6.11 The Crown – Her Majesty in right of Canada and Her Majesty in right of Ontario and their respective governments and agencies.

6.12 Third Parties – A person; other than the Crown, SNEC, or the Proponent; who is either directly or indirectly affected by a project.

7. Non-Derogation

7.1 Nothing in this policy, pursuant to section 25 of the Charter of Rights and Freedoms, shall be construed so as to abrogate or derogate from the protection provided for Six Nations’ existing Aboriginal or Treaty rights as recognized by section 35 of the *Constitution Act* 1982, the Royal Proclamation of October 7, 1763, and any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

7.2 Nothing in this policy shall be construed as to affect the Aboriginal or Treaty rights, as recognized by section 35 of the *Constitution Act*, 1982, of any other First Nation.

8. Responsibilities of the Crown

8.1 The Crown is responsible to:

- (i) operate in good faith;
- (ii) uphold the honour of the Crown;
- (iii) accommodate Six Nations concerns up to the point of undue hardship where Six Nations rights and interests have been asserted but not necessarily proven;
- (iv) keep abreast of the status of the consultation process throughout and contribute in a meaningful way when necessary;
- (v) participate in consensus decision making;
- (vi) give reasonable consideration to Six Nations' rights and interests;
- (vii) ensure the consultation process is adequately and securely funded; and
- (viii) conduct consultation in the most expeditious manner possible consistent with SNEC internal policies and processes.

9. Responsibilities of SNEC

9.1 SNEC is responsible to:

- (i) operate in good faith;
- (ii) represent the concerns, values, and opinions of all Six Nations Community Members;
- (iii) make a reasonable effort to provide all Six Nations Community Members with adequate notice of all major projects;
- (iv) make a reasonable effort to provide all Six Nations Community Members with an opportunity to comment on major projects;
- (v) promote and encourage the utilization of this consultation and accommodation process;
- (vi) lobby for the necessary resources to operate the consultation and accommodation process; and
- (vii) monitor compliance, by all parties, with the consultation and accommodation process.

10. Responsibilities of Proponents

10.1 Proponents are responsible to:

- (i) operate in good faith;
- (ii) notify SNEC at the onset of the project;
- (iii) adhere to the consultation and accommodation process; and
- (iv) disclose, in a timely manner, all information required by SNEC including but not limited to:
 - (a) a detailed description of the project;
 - (b) a description of the property;
 - (c) the purchase price of the property; and
 - (d) all taxes, including land transfer, paid on the property.

11. Overview of the Early Consultation Process

11.1 This overview shall not be interpreted to be exhaustive of the process for consulting with Six Nations.

For greater clarity please reference the SNEC document, "*Six Nations of the Grand River Land Use Consultation and Accommodation Procedure Manual.*"

11.2 Prior to the onset of the project the Proponent shall notify SNEC, in writing, of their intentions and shall provide SNEC with detailed descriptions of the proposed development.

11.3 Contact between SNEC and a Proponent may be initiated at this time during informal meetings and/or other forms of communication. This may be interpreted as a sign of good faith and honourable intention however; this initial communication shall not be considered to fulfill the duty to consult.

11.4 Following receipt of notice as described in 11.2, SNEC shall give notice in conjunction with the Proponent to the Crown requiring it to consult with Six Nations.

11.5 The Proponent shall submit, in a timely manner, any studies, plans, environmental assessments, reports, property descriptions, taxation information, or other related documentation reasonable in the circumstances and relevant to the project that may be requested by SNEC.

11.6 SNEC shall maintain detailed records in order to provide, in writing, to the Crown indication of the financial/human resources utilized to perform a preliminary review of a project.

11.7 Following the preliminary review SNEC will provide the Crown and the Proponent with:

- (i) any preliminary concerns or objections from Six Nations; and

- (ii) notification as to whether the project is being considered as a major or minor project.

12. Minor Projects

- 12.1 If a project is considered minor the Proponent shall submit all documentation requested by SNEC to ensure that SNEC is fully informed on the land being used and the project itself.
- 12.2 SNEC reserves the right to request regular updates on specific aspects of minor projects.
- 12.3 SNEC will notify the Crown and provide the Proponent with a letter indicating the satisfactory fulfillment of consultation when the Proponent has complied with all reasonable requests of SNEC.

13. Major Projects

SNEC recognizes that not all major projects present equal levels of risk to the interests or Treaty rights of the Six Nations Community. The following represents an overview of how SNEC is prepared to address major projects. SNEC reserves the right to deal with each project on an individual basis within this framework.

- 13.1 If a project is considered major, SNEC shall publicize the location and nature of the proposed project.
- 13.2 SNEC will provide the Crown and the Proponent with any concerns, issues or objections. SNEC shall allow an adequate period of time for the Proponent and the Crown to respond to the identified concerns, issues and objections.
- 13.3 When SNEC has acquired all relevant information concerning the proposed project and notified the Crown and Proponent of any concerns or objections, SNEC shall make a reasonable attempt to inform all Six Nations Community Members.
- 13.4 SNEC shall allow adequate time for all Six Nations Community Members to submit objections or support for the project. SNEC shall give all reasonable submissions consideration in drafting a response to the Proponent.
- 13.5 If SNEC decides to consult on the project a Six Nations Council Resolution shall be passed to that effect. This resolution shall require SNEC to engage in meaningful dialogue by way of negotiation and mediation with the Crown and Proponent, to attempt to resolve any identified issues, concerns and objections.
- 13.6 If SNEC decides not to consult on the project a Letter of Objection shall be furnished to the Crown and to the Proponent.

14. Overview of Accommodation Process

- 14.1 Any party that wishes to fulfill the duty to consult with Six Nations shall not be considered to have fulfilled that duty until the concerns of Six Nations Land Use Consultation Team and the Six Nations Community have been heard and any reasonable concerns satisfactorily addressed.
- 14.2 After the Six Nations Land Use Consultation Team and Six Nations Community have been provided with the opportunity to submit comments regarding the project, SNEC shall compile a Report of Concerns detailing the concerns identified throughout the process, as well as recommendations for how to accommodate those concerns. SNEC will then submit the report to the Crown and the Proponent. This report will be made available to the public.
- 14.3 The Proponent and the Crown may opt to agree with the concerns and recommendations suggested in the Report of Concerns.
- 14.4 If the Report of Concerns is not agreed to by the Proponent or the Crown a detailed, written response to the Report of Concerns and alternative means of accommodation shall be furnished to SNEC, in a timely manner, by the disagreeing party.
- 14.5 Upon receipt of any response from the Proponent or the Crown, SNEC and the Proponent shall attempt to reach a mutually acceptable agreement through a process of conciliation.
- 14.6 If a mutually acceptable agreement is obtained by the parties, SNEC shall furnish a letter to the Proponent recognizing the project and indicating that the duty to consult and accommodate has been fulfilled.
- 14.7 If a mutually acceptable agreement is no longer reasonably attainable SNEC shall notify the Crown of its desire to commence a further negotiation process.

14.8 Negotiations shall be carried out in a mutually agreeable, impartial manner. The structure, procedure, timing, location and parties shall be agreed to by the Crown and SNEC prior to the negotiation process being undertaken.

15. Dispute Resolution

15.1 In order to avoid resorting to the court system, if at any point throughout the consultation process the parties feel that an agreement cannot be reached they may opt to pursue a dispute resolution process.

15.2 Any dispute resolution process must be:

- (i) conducted in a manner where Six Nations has equal decision making power;
- (ii) conducted in an impartial and mutually acceptable manner; and
- (iii) conducted in a timely manner.

15.3 The process of consultation shall cease for the duration of a dispute resolution process.

15.4 The Crown, SNEC, and the Proponent must be parties to any dispute resolution process.

15.5 If the parties required in a dispute resolution by subsection 15.4 deem it appropriate they may agree to grant standing to any Six Nations Member or party in a dispute resolution.

15.6 A third party may receive standing in a dispute resolution.

15.7 A dispute resolution process may be sought where the end result of the consultation process is 'no agreement.'

16. Review and Amendment

16.1 SNEC shall review this policy on at least an annual basis.

16.2 Any ongoing consultations shall not be affected by changes to the policy, unless agreed to by all parties.

16.3 SNEC reserves the right to amend or clarify the policy as it considers necessary to reflect its intended application.

17. Regulations

17.1 SNEC reserves the right to establish procedures, regulations and fees, from time to time, under the authority of this policy. This right may be delegated to agents, successors and employees of Six Nations Elected Council.

18. Authorization

18.1 This policy was approved at the General Council meeting held on June 2, 2009 by SNCR #197-02/06/2009 and #198-02/06/2009 to be effective on June 3, 2009. This policy shall repeal and replace any previous Six Nations Council policies relating to land consultation.

18.2 This policy was amended at the Lands and Resources meeting held on February 25, 2010 under the authority of **LAR#8-02/25/2010**. All occurrences of such amendments have been noted herein and shall be effective immediately.



Appendix 9
Haudenosaunee Development Development Protocol and Haudenosaunee
Places to Grow

HAUDENOSAUNEE DEVELOPMENT PROTOCOL

Definition

1. In this Protocol,

“Authority” means the Haudenosaunee Development Institute (“HDI”)

“Proponent” means a person contemplating any development within the Area of Jurisdiction

“Area of Jurisdiction” means that area generally set out by the Haudenosaunee and without limiting the foregoing includes lands described as the Haldimand Tract

Development prohibited

2. Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the Authority’s Area of Jurisdiction.

Permission to develop

3. The Authority may grant permission for development in or on the areas described in subsection 2 if, in its opinion:

- i. the development meets the environmental standards of the Authority; and
- ii. the Proponent agrees to enter into such agreements as determined necessary by the Authority; and
- iii. the development is in accordance with any Regulations or policies developed pursuant to this Protocol.

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.

4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development.
5. Details and a history of the Proponent's title including details pertaining to any purported surrenders of the land by the Haudenosaunee.
6. Drainage details before and after development.
7. A complete description of the type of fill proposed to be placed or dumped.

Cancellation of permission

8. (1) The Authority may cancel permission if it is of the opinion that the conditions of the permission have not been met.
(2) Before canceling permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled.
(3) Following the giving of the notice, the Authority shall give the holder at least five days notice of the date of the hearing.

Validity of permissions and extensions

9. (1) A permission of the Authority is valid for a maximum period of 24 months after it is issued, unless it is specified to expire at an earlier date.
(2) A permission may be extended at the discretion of the Authority for such time period as the Authority deems appropriate.

Appointment of officers

10. The Authority may appoint officers to enforce this Protocol.

Fees

11. The Authority may at its sole discretion set fees for any of the activities contemplated by this Protocol.

Environmental Standards

12. The Authority shall provide for such environmental standards as in its sole discretion are necessary and appropriate.
13. The Authority may from time to time amend the applicable environmental

standards in consultation with the Haudenosaunee Confederacy Chiefs Council.

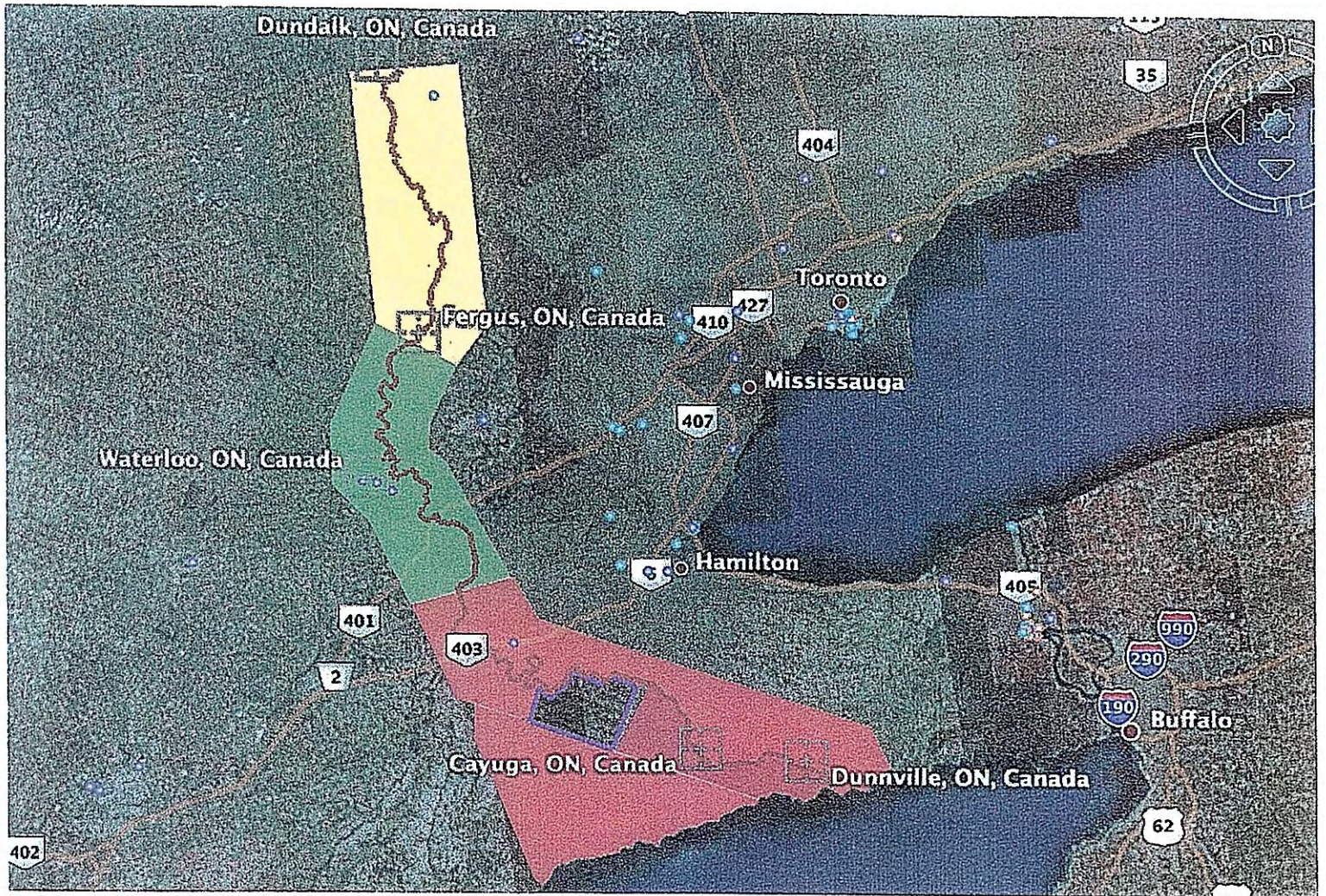
14. The Authority may establish an Environment Review Commission ('ERC') and appoint members to the ERC.
15. The ERC shall make recommendations to the authority with respect to the application of appropriate environmental standards.
16. The Authority may refer matters to the ERC with respect to determining whether a proponent's application meets the Authority's environmental standards.
17. Members of the ERC may be removed from the ERC at the discretion of the Authority and/or the Haudenosaunee Confederacy Chiefs Council and where there is a conflict with respect to a removal decision as between the Authority and the Haudenosaunee Confederacy Chiefs Council the decision of the Haudenosaunee Confederacy Chiefs Council shall prevail.

General

18. The Authority may take such actions as necessary to provide for the implementation of this Protocol which may include the delegation of such activities as required.
19. The Authority may make such Regulations under this Protocol as are necessary to further the objectives of the Protocol and without limiting the foregoing the HDI may make Regulations pertaining to:
 1. Land Use Agreements
 2. Environmental Standards
 3. Application and Permit Fees

Tseh Niyocht Dwayadowehsra Ogowahweja Wihwageh

Haudenosaunee Green Plan



Areas of Concern I

We are proposing 1/4 mile buffer zone on each side of river

Areas of Concern II

Haudenosaunee Places to Grow

Areas of Concern III

Where we have clear land rights

Development within our Areas of Concern

RED ZONE (zero to minimal development)

1/4 mile on each side of river from mouth to source

Haudenosaunee Places to Grow

Land right areas

YELLOW ZONE (Significant Consultation)

GREEN ZONE (Minimal consultation)

where agreed upon compensation such as land use permit and where no serious environmental impact



Appendix 10
Saugeen Ojibway Nations “Principles for Proponents Working in the Traditional Territories of the Saugeen Ojibway Nations”



Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations

The Saugeen Ojibway Nations consist of the Chippewas of Saugeen and the Chippewas of Nawash Unceded First Nation. The traditional lands of the Saugeen Ojibway Nations extend east from Lake Huron to the Nottawasaga River and south from the tip of the Bruce Peninsula to the Maitland River system (11 miles south of Goderich). The traditional waters around these lands include the lakebed of Lake Huron from the shore to the US border and the lakebed of Georgian Bay to the halfway point.

The following principles will form the basis of any future relationship with the proponent and a negotiated protocol for consultation and accommodation.

1. Rights and Interests

The rights and interests of the Saugeen Ojibway Nations are as follows:

- a) Pursuant to our 19th century Treaties with the Crown, the SON occupy large Reserves bordering Lake Huron or Georgian Bay. Because these reserve lands were exempted from the surrender in the Treaty, the SON have Aboriginal title to those lands. Those reserves sustain the SON's future in various ways. They are our residential communities, include places of cultural and spiritual significance, and are the base for our fisheries and other economic opportunities, including valuable recreational properties. Those proprietary rights and interests depend on a safe and stable, toxic-free environment, including clean water from Lake Huron or Georgian Bay.
- b) The SON have **subsistence fisheries and land-based harvesting practices and rights** throughout our territory. These provide vital support for our Aboriginal culture and way of life, as well as the economy, health and social relationships in the SON communities.
- c) The SON also have commercial fishing rights in Lake Huron and Georgian Bay. These Aboriginal and Treaty rights were confirmed in *R v Jones and Nadjiwan*, [1993] 3 CNLR 178, and are an interest of growing economic importance, in light of the large scale settlement and development in the territory.
- d) The SON also have two major land claims before the courts. One is an aboriginal title claim to the lakebeds of our traditional waters. The other affects the whole of Bruce Peninsula, including the land under navigable rivers and lakes.

2. Consultation

The Supreme Court of Canada has recently explained the Crown's legal obligations to consult aboriginal peoples, in three decisions: *Taku River Tlingit v British Columbia* [2005] 1 CNLR 366, *Haida Nation v British Columbia* [2005] 1 CNLR 72, and *Mikisew Cree v Canada* [2006] 1 CNLR 78. In subsequent decisions by courts in British Columbia and Ontario, further details have been clarified – see e.g., *Musqueam Indian Band v Canada* [2005] 2 CNLR 212 (B.C.C.A.), *Platinex Inc. v Kitchenuhmaykoosib Inninuwig First Nation* (Ont. SCJ, July 28, 2006).

It is now settled that a government must engage in consultations with an Aboriginal people when considering a decision that might adversely affect their Aboriginal or Treaty rights or interests intended for protection by section 35 of the *Constitution Act, 1982*. **If there is a potential for substantial adverse impacts or infringement, there is a corresponding obligation to protect and accommodate the affected rights or interests.**

These consultation and accommodation obligations are based on the honour of the Crown. They reflect the ongoing requirement to pursue the reconciliation of pre-existing Aboriginal rights and interests with Crown sovereignty. These are continuing obligations that emerge from the Crown-Aboriginal relationship, and which arise whenever there is a reasonable likelihood that Aboriginal interests could be at risk. If governments do not fulfill these obligations, the courts may disallow authorizations for proposals that triggered the duty.

Therefore, in the context of the SON:

- a) The process must **focus on the impacts/infringement**. The Crown must genuinely seek to inform itself about and substantially address the First Nation's concerns.
- b) The **focus must be on the outcome and not just the process**. The appearance must not triumph over content.
- c) The key is to focus the consultation process on the constitutionally protected aboriginal rights in question. This is not just a chat. This is not a discussion about "interests". This is a process required because the Crown is proposing to allow something to take place that could infringe a right or rights protected by s.35 of the Canadian Constitution. **The scope and nature of the consultation and accommodation are inextricably linked to the rights at stake.**
- d) The substantive requirement is that the Crown "demonstrably integrate" the rights and title claims raised by the First Nation into the decision making process.
- e) The Crown's legal duty to consult with the Saugeen Ojibway Nations cannot be delegated to third parties.
- f) Consultation cannot proceed in the absence of the Crown.

- g) The SON, after the Environmental Assessment process, will be consulted about any subsequent permitting, approval and licensing processes that are a part of the overall project.

3. Protection of the Environment

The Saugeen Ojibway Nations' traditional territories have been their home long before contact and will continue to be their home for generations to come. The full expression of Saugeen Ojibway Nations' rights depends on healthy, biologically diverse ecosystems. Therefore:

- a) The SON must have full participation in any environmental screening or assessment process.
- b) The SON are entitled to share and have access to all necessary information relating to environmental screening or assessment reports and processes, especially those that might reveal potential impacts on Saugeen Ojibway Nations' rights, claims and way of life.
- c) The SON must have full participation in the ongoing monitoring of the project.
- d) A separate Environmental Agreement will be required. Components of the Environmental Agreement would include (but would not be limited to):
 - i. terms and conditions that are necessary as identified by the SON's environmental review of the project;
 - ii. a determination of the level of engagement of the SON in the ongoing environmental management of the project, including decommissioning of the project;
 - iii. delivery of environmental monitoring data, studies and other information to the SON for periodic evaluation;
 - iv. periodic independent evaluation of the proponent's environmental performance;
 - v. the collection of baseline data for use as environmental health indicators.
 - vi. environmental reporting to the SON on a regular basis;
 - vii. review and approval authority by SON of environmental management plans (especially closure/decommissioning plans);
 - viii. an endorsement of the precautionary principle;
 - ix. agreement on the preservation of sensitive naturally occurring ecologies, including species of particular cultural interest to the SON;
 - x. restoration, where practical and appropriate, of indigenous species;
 - xi. compliance with regulations, standards and best practices of the day.

4. Sustainability of the First Nations

In the past, many projects, legislation, policies and practices have proven incompatible with the Saugeen Ojibway Nations' rights, interests and way of life. Therefore:

- a) The proponent must accommodate the rights and interests of the SON such that the project contributes to the SON's well-being and does not undermine it.
- b) Any adverse impact or infringement upon the SON's rights and way of life and the sustainability of these interests within their traditional territories must be fully addressed and mitigated by the proponent. This would include impacts on harvesting rights, particularly SON rights to a commercial fishery.
- c) The proposed project must be consistent with the SON's vision for the land and waters of their traditional territories, respectful of their rights and interests and it must contribute to the cultural, economic and social vitality of their people.

5. Protection of Culturally Specific Sites (burial grounds, ancient habitation sites etc.)



Areas within the traditional territories of the Saugeen Ojibway Nations are sacred and are of significant cultural value. It is imperative that these sites are properly identified and protected. Therefore:

- a) The proponent must, with SON participation, determine whether the site for the proposed project is of any cultural significance to the SON.
- b) The proponent and the SON must assess whether the project will have an adverse impact on any existing culturally specific site(s).
- c) If the heritage resource potential of any site(s) proposed for surface disturbance has not yet been assessed for archaeological potential, then, prior to any disturbance, the proponent must conduct a site archaeological survey according to terms agreed to by the SON.
- d) If artefacts or remains are found, all work at the site must cease and the SON notified immediately. The proponent and First Nation representatives will then enter into negotiations regarding the disposition of artefacts and the protection of remains.
- e) Socio-cultural impact assessment studies may need to be conducted at the proponent's expense.

6. Experts and Assessments

- a) The proponent must seek the approval of the SON for the appointment of experts who will conduct traditional land use studies, archaeological studies and ethnographic studies that assess the impacts of the project.
- b) The SON must play a meaningful role in any assessments or studies regarding the project and its impact on their rights and way of life and the sustainability of these

interests within their traditional territories. This role might include the setting of terms of reference and the peer review of such studies.

7. Mitigation Strategies

Accommodation is an integral part of consultation. Therefore:

- a) The proponent and the SON must jointly develop mitigation strategies that fully address the SON's concerns.

8. Information Sharing

An open and transparent process, conducted in good faith is at the heart of proper consultation. The Saugeen Ojibway Nations must be able to make informed decisions, understand fully the effects that a decision may have, and ensure their decisions are consistent with the needs, aspirations and concerns expressed by their communities. Therefore:

- a) The proponent must provide the necessary vital and detailed information pertinent to the project and its impacts on the SON's rights and interests and the sustainability of these interests within their traditional territories.
- b) The SON must share all information with the proponent that addresses their concerns regarding potential impacts of the project and any other information that is necessary in terms of assessing and or monitoring the project as well as designing and implementing any required mitigation measures.
- c) All information must be provided in a timely manner.

9. Capacity

- a) The proponent must provide the Saugeen Ojibway Nations with sufficient funding to ensure that the SON can participate fully in the negotiation of a Protocol Agreement and in the consultation process itself, which includes the various studies, and stages of the assessment process.

10. Benefits

The SON is generally excluded from the educational, employment and business opportunities that industry brings to others in their traditional territories. Therefore:

- a) The proponent and SON will negotiate an agreement that will include, but is not limited to, compensation, employment, training and business opportunities.