



# **ABORIGINAL (FIRST NATION AND MÉTIS) CONSULTATION REPORT**

**FOR:**

## **PROPOSED JERICHO WIND ENERGY CENTRE**

**Jericho Wind, Inc.**

(a wholly owned subsidiary of NextEra Energy Canada, ULC)

**Report Updated as of February 15, 2013**

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## Executive Summary

Jericho Wind, Inc., (“Jericho”), a wholly owned subsidiary of NextEra Energy Canada, ULC (“NextEra”) has undertaken a thorough program of consultation with Aboriginal communities for the Jericho Wind Energy Centre project (the “Project”, or “Jericho Project”). The results of the program indicate there will be no impacts to Aboriginal or treaty rights or other residual environmental impacts that may be of concern to Aboriginal communities if the Project is approved and implemented with the mitigation outlined in the reports and studies that have been submitted in accordance with Ontario Regulation 359/09 (“the Regulation”, or “the REA”). Additionally, no concerns have been expressed to date or other information brought forward by Aboriginal communities that resulted in a need to make changes to the Project.

This Aboriginal Consultation Report provides a detailed description of Jericho’s consultation program for the Project.

Section 2 of this Report identifies all communities consulted for the Project. NextEra has been communicating with Aboriginal communities about its Ontario FIT projects since 2008. A Director’s List of Aboriginal communities to be consulted for the Jericho Project was requested on August 10, 2010 and received on April 8, 2011. The list included seven Aboriginal governments (i.e. communities); five for potential rights, and two for potential interests in environmental effects. One of the communities on the Director’s List has provided a written confirmation of no requirement for further consultation about the Project. Through inquiries made by NextEra, two additional traditional Aboriginal councils, one elected band council and one Métis council have been included in Project consultation activities.

Section 3 of this Aboriginal Consultation Report describes both the consultation activities required under the Regulation and how they were complied with, as well as additional activities undertaken by Jericho to cooperatively review the Project with Aboriginal communities. Delivery of the required information and notices to comply with Ontario Regulation 359/09 are summarized in Table 3.1.1. All required notices and information have been delivered, in compliance with the REA. Beyond those requirements, Jericho has made

additional information and opportunities for dialogue available to all Interested Aboriginal communities about both the Project specifically, and wind energy in general. This is also described in Section 3.

Section 4 describes the consultation activities undertaken with each individual community for the Project. In many cases, this dialogue is ongoing. Communications and a collaborative approach will continue during the remaining planning, construction and operations phases for the Jericho Project.

Section 5 of the Aboriginal Consultation Report provides the concluding summary of consultation results to date for the Project. No impacts to Aboriginal or treaty rights, and no significant residual impacts to the natural environment are anticipated, given the results of the studies for the REA Table 1 Reports and Jericho's commitments for mitigation and follow-up.

Section 6 describes Jericho's further commitments to ensure the predicted conclusions are demonstrated, through ongoing communications with Aboriginal communities and a management system approach to address any unexpected issues or concerns that may be raised. This will be an integral component of ongoing corporate-community relations.

Appendixes to the Aboriginal Consultation Report include: relevant policy documentation; chronologies of relevant contacts with the affected communities; relevant correspondence; and, cross-references ("Tables of Concordance") to issues or values that were identified by some Aboriginal communities. Jericho believes that these issues have been addressed in the REA Table 1 Reports (i.e. the reports submitted in fulfillment of the Jericho Project renewable energy approval application to Ministry of Environment).

## 1. Context

Jericho Wind, Inc. (“Jericho”), a wholly owned subsidiary of NextEra Energy Canada, ULC (“NextEra”), is proposing to construct a wind energy project in the Municipality of Lambton Shores and the Township of Warwick, in Lambton County, Ontario and in the Municipality of North Middlesex, in Middlesex County, Ontario. This project has been awarded a Feed-in-Tariff contract by the Ontario Power Authority and is presently seeking a Renewable Energy Approval.

Please see the Jericho Project Description report for details on the Project, project study area locations and proposed facilities.

### ***1.1 Description of Project***

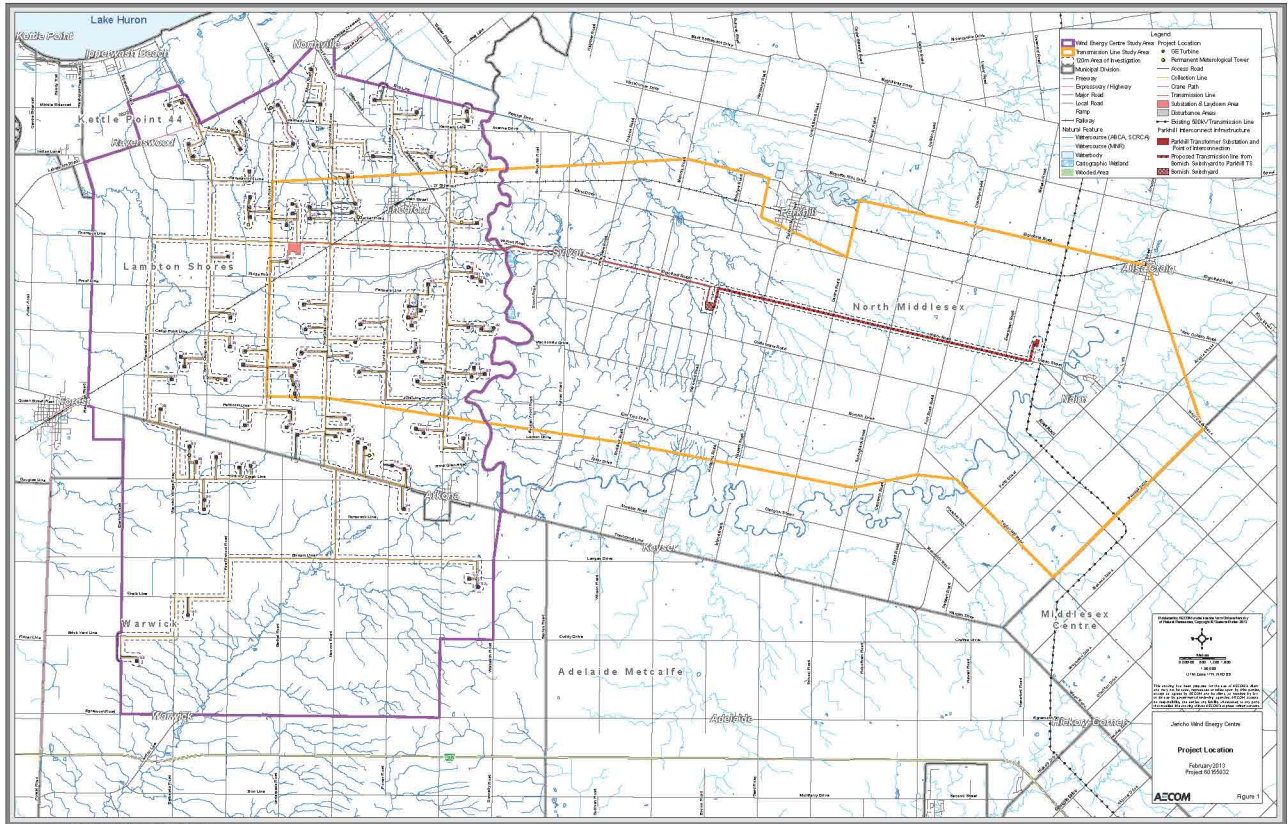
The Project will be referred to as the Jericho Wind Energy Centre (the “Project”, or “Jericho Project”) and will be located on private lands. The Project Study Area consists of the areas being studied for the wind energy component (Wind Energy Centre Study Area), as well as for the interconnection route (i.e., the area being studied for transmission lines to connect the Project to the electrical grid) (Transmission Line Study Area). The Wind Energy Centre Study Area is generally bounded by Lakeshore Road/Bog Line to the north, Egremont Road to the south, the Lambton Shores/North Middlesex municipal boundary to the east and Rawlings Road/Elarton Road to the west, in Lambton County. The Transmission Line Study Area is generally bounded by Kennedy Line, Parkhill Drive and Elginfield Road to the north, Jura Line, Elm Tree Drive and Poplar Hill Road to the south, Fernhill Drive to the east, and the Jericho Road to the west, in Lambton and Middlesex Counties.

Jericho is the proponent for the Project and Jericho will own and operate the Project. Jericho is a wholly owned subsidiary of NextEra Energy Canada. NextEra Energy Canada’s parent company is NextEra Energy Resources, LLC, a global leader in wind energy generation.

The Project Study Area consists of the areas being studied for the wind farm components (Wind Energy Centre Study Area), as well as for the interconnection route area being studied

for transmission lines to connect the Project to the electrical grid (Transmission Line Study Area). Please see the Project Description Report, section 2 for a description of the facilities proposed, and map 1.1.1, below, which shows the Project Study Area.

**Map 1.1.1: Jericho Project Location Map**



**1.2 Regulatory Framework for Aboriginal Consultation**

The Crown’s Duty to Consult with Aboriginal peoples 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 and 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. As an agent of the Crown, Ministry of Environment must ensure that the Duty to Consult has been discharged before taking a decision on a project that may impact Aboriginal rights or interests.



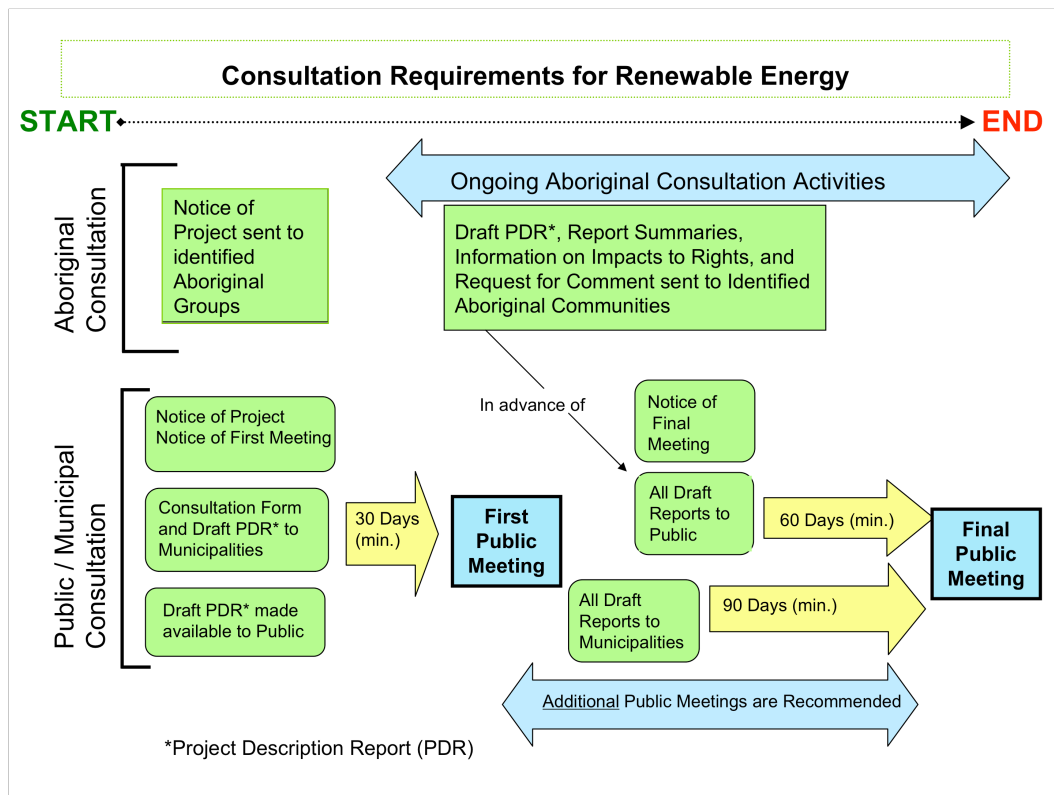
The Project is subject to approval under Ontario Regulation 359/09 (the “Regulation” or the “REA”). In addition, all such projects require a Feed In Tariff Contract (“FIT Contract”) from the Ontario Power Authority. The REA contains specific actions that proponents must include in their procedural consultation with Aboriginal communities, and the FIT Contract application emphasizes both the importance of Aboriginal consultation and the applicant’s commitment to conducting it in a thorough manner. The process of Aboriginal consultation is sometimes described analogously as “the path we walk together”<sup>1</sup>, rather than as a specific step or task in a larger process. As a result, consultation in project development may not, and arguably should not, have a distinct start and end point (see Figure 1.2.1, below) that perfectly aligns with regulatory milestones. Providing information, seeking mutual understanding, working towards consensus and relationship building are all part of the process. They all require time and ongoing effort.

Procedural consultation guidance to REA proponents is contemplated in a Ministry of Environment “Draft Aboriginal Consultation Guide for Preparing a Renewable Energy Approval Application” (“the Draft Guide”). The Draft Guide was issued in Summer 2011 and has not yet been finalized, however, proponents have been advised by MOE to have regard to it when planning and implementing their Aboriginal consultation programs.

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<sup>1</sup> François Paullette, Fort Smith First Nation.

Figure 1.2.1: Aboriginal Consultation



Source: Ministry of Environment, 2011

The proponent’s responsibility under the REA and FIT Contract is therefore to: seek to establish a process of information-sharing and dialogue with Aboriginal communities who may be affected by its Project; learn about Aboriginal values (rights, interests and way of life) that are relevant to the Project; and, seek mutually acceptable solutions that are within the proponent’s control, ability or authority, to avoid or mitigate negative impacts to those values.

### 1.3 NextEra’s Approach to Aboriginal Consultation

This section describes the general approach NextEra follows in carrying out Aboriginal

consultation and the resources it is providing to Aboriginal communities to support that process.

NextEra's approach to procedural consultation with interested First Nation and Métis communities is guided by a NextEra Energy Canada, ULC "First Nation and Métis Relationship Policy" ("NextEra's Policy"). NextEra's Policy is based on five key principles:

1. Fostering a collaborative working relationship with potentially impacted First Nation and Métis communities as early as practicable.
2. Understanding and recognizing applicable aboriginal and treaty rights and interests.
3. Understanding and respecting the cultural integrity of First Nation and Métis communities potentially impacted by NextEra's projects.
4. Fulfilling all delegated obligations to consult and (where applicable) accommodate First Nation and Métis communities.
5. Being open to discuss a broader relationship with potentially impacted First Nation and Métis communities and host First Nation and Métis communities.

A copy of NextEra's Policy is enclosed in Appendix A.

NextEra has also developed an "Ontario Projects - Archeological Protocol" document, which Jericho follows, that seeks to establish a respectful and collaborative approach to project archaeology, with clear lines of communications and protocols to address significant finds. An external archaeological consultant reviewed the Protocol to ensure consistency with the Ministry of Tourism and Culture's 2011 "Standards and Guidelines for Consulting Archaeologists". It was also circulated to interested Aboriginal communities for their review and comment. No specific comments were received.

A copy of NextEra's Archaeological Protocol is enclosed in Appendix B.

NextEra has been actively communicating with all First Nation and Métis communities who

express interest in its projects. In southern Ontario, these efforts have been ongoing since approximately 2007. Up to twenty Aboriginal communities, some of which have interest in multiple projects, have been contacted for information sharing and discussions about the eight NextEra wind energy projects with FIT Contracts, including the Jericho Project.

While the Director's List identified seven communities, eleven First Nation and Métis governments (see Section 2.1) were directly consulted about the Jericho Project. One of the communities identified by the Director has confirmed they do not need to be consulted about the Jericho Project. The process of communication will continue with the interested communities throughout the Jericho Project's life cycle (i.e. through planning, construction, operations and decommissioning).

In addition to the requisite information delivered pursuant to Ontario Regulation 359/09, each community has received additional "Project-specific" location, planning, process and schedule information. Communities have also been provided with general materials that include information on the wind industry and wind energy technology. This additional Project-specific and general information is meant to build a foundation, on which more meaningful Project-specific consultations can be developed. The general information is comprised of:

1. A NextEra "Community Reference Materials" binder, with general industry, technology, mapping, web site, project summary and contact information. This binder has received compliments from community staff. A copy of the index from the original and the updated binder is enclosed in Appendix C.
2. A NextEra general project location map (also in binder), which is reproduced below as Map 2.1.1.
3. A list of NextEra southern Ontario FIT projects, with key milestone dates to assist with planning consultation activities, including those for this Project. The list is updated for any significant changes. A copy of the most recently updated list is enclosed in Appendix D.

4. "Archaeological Communiqués", which describe: planned fieldwork; the responsible archaeologist; names of First Nation and independent monitors (where applicable); and, NextEra contact information. The communiqué is issued periodically and includes Project-specific information. A copy of the most recent communiqué is enclosed as Appendix E.

This multi-project experience helps NextEra increase its understanding of Aboriginal-related practices and potential issues. It also provides a good opportunity for communities to learn about wind energy generally, and the various NextEra projects specifically. As information is shared both by NextEra and the communities, the collective knowledge base grows and forms a basis for greater understanding and working together. Information that is shared and learned from one project can improve planning and decision-making on others.

NextEra also works with individual Aboriginal governments to discuss and seek agreement on providing them with appropriate capacity resources they may need to effectively participate in the consultation process. This may include independent archaeological monitoring, third party expertise for reviewing draft Project REA Table 1 Reports (see list of reports in section 1.5, below), necessary administrative support and/or community meeting costs to review the Project, or projects. The scope of these discussions includes technical review of the project planning, construction and post-construction monitoring stages, however, as explained in NextEra's First Nation and Métis Relationship Policy, the company is open to discussing broader relationships.

#### ***1.4 Aboriginal Government Consultation Protocols***

NextEra has regard to all consultation protocols and policies that are issued by Aboriginal governments with interests in a NextEra project. All communities being consulted for this Project with such protocols and policies are identified in the individual community consultation narratives in Section 4.0, below, and copies have been included in Appendix F.

### **1.5 Aboriginal Consultation Links to Natural Heritage and Archaeology REA Components**

Over the course of development of the Project REA, Aboriginal communities have been provided with information and outcomes of specific studies related to the key areas of natural and cultural environment. The draft reports and other documents (collectively, “the draft Project REA Table 1 Reports”) provided to Aboriginal communities were:

- Project Description Report and update.
- Natural Heritage Assessment Report.
- Stage 1 and 2 Archaeological Assessment Reports and Heritage Assessment Report.
- Construction Plan Report.
- Design and Operations Report (including Noise Assessment Report).
- Decommissioning Plan Report.
- Water Assessment and Water Body Report.
- Wind Turbine Specification Report.
- “Plain language” summaries of REA reports.
- Project location mapping, including study area location relative to reserves, claims and First Nation traditional territory/Métis traditional harvest territory.

In short, the information shared with Aboriginal communities touches on three key areas: (A) Natural Environment; (B) Cultural Environment; and, (C) Land.

#### **(A) Natural Environment**

Any Project activities that directly or indirectly have a negative impact on species, habitat or ecosystems that are used for food, ceremonial or social purposes that are integral to an Aboriginal right would be of immediate concern. NextEra received information from some communities about species or habitats of importance to those communities (“Aboriginal values”). Preparation of the Project REA Table 1 Reports took these values into consideration and is discussed for the applicable communities in Section 4, below, with cross-reference to the applicable Project REA Table 1 Report in Appendix G (called “Tables of Concordance”).

The overall conclusion of the Natural Heritage Assessment Report and the Water Assessment and Water Body Report is that, with the mitigation measures proposed in the Project REA Table 1 Reports, this Project can be constructed and operated without any significant adverse residual effects that could harm the natural environment. Therefore, to the extent that an Aboriginal community has a right or interest that is based on use of the natural environment, there should be no significant impact.

Post-construction monitoring related to effects on wildlife, including birds and bats, will also be undertaken to confirm the foregoing conclusion. Please refer to the Project REA Table 1 Reports, submitted as part of the REA Application for this Project for specific descriptions of potential effects and the mitigation measures and monitoring proposed. Jericho has sited its Project facilities appropriately and will implement all environmental mitigation and monitoring as set out in the Project REA Table 1 Reports. Jericho will continue to work with Aboriginal communities concerning potential environmental concerns during construction and post-construction monitoring, as explained in Section 6 “Next Steps”, below.

#### (B) Cultural

Jericho has completed Stage 1 and 2 archaeological studies for the Project. The Stage 2 archaeological assessment has documented 221 sites through pedestrian surveys including 187 pre-contact Aboriginal, 33 historic Euro-Canadian, and one multi-component site with both pre-contact Aboriginal and historic Euro-Canadian artifacts. Of those, 73 sites were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present. As of the date of this report, the Stage 3 assessment had not yet begun. Jericho will continue to work with Aboriginal communities regarding potential archaeological concerns through monitoring during construction, as explained in Section 6 “Next Steps”, below.

Jericho submits that its ongoing communications and Archaeological Protocol, the presence of an independent First Nations monitor, the results of the archaeology work to date and the planned monitoring during ground disturbance activities, will result in no significant cultural impacts that could be of concern to Aboriginal communities.

### (C) Land

A strength of claims analysis was completed by outside legal counsel in order to: (a) confirm the completeness of the Directors' List; and (b) fully understand the existing treaties and claims within the Project area, and guide NextEra's consultation program. The strength of claims analysis involved consideration of the Longwoods Treaty of 1822, the Huron Tract Treaty of 1827, and the Nanfan Treaty of 1701. The Longwoods and Huron Tract Treaties cover in excess of three million acres of southwestern Ontario. The two treaties took many years to negotiate and finalize with the Chippewa bands in the region, and there have been a number of discrepancies and disputes associated with the treaties (e.g., failure to provide Reserve lands, fair compensation) which persist to this day and have given rise to claims by the four key Chippewa communities. NextEra has considered these treaty rights in its consultation efforts with the Chippewas of the Thames, the Chippewas of Kettle and Stony Point, the Chippewas of Aamjiwnaang, and Walpole Island First Nation (all of which are identified on the Jericho Director's List as having constitutionally-protected Aboriginal rights).

The 1701 Nanfan (or Albany) Treaty made between the British Crown and the (then) five Iroquois Nations or Haudenosaunee Confederacy covers virtually all of southern Ontario and therefore the Project is within the Nanfan Treaty area. NextEra has had discussions with Nanfan Treaty successor rights holders in relation to all of NextEra's proposed wind farms, including considerations as to the ability to exercise such treaty rights over private lands as well as the impact of the Jericho Project on species that migrate across private and public lands. Traditional Haudenosaunee governments at Six Nations Confederacy Council and Oneida Council of Chiefs assert rights under the 1701 Nanfan Treaty. Six Nations of the Grand River (elected) Council assert a responsibility to protect the air, lands and waters within the 1701 Nanfan Treaty area. None of these three governments were identified on the Director's List for the Jericho Project.

Jericho does not believe that the Project will result in significant impacts to any species that may be hunted, fished or harvested pursuant to the Nanfan Treaty or Longwoods/Huron



Tract Treaties (see, “(A) Natural Environment” above). Consequently, Jericho submits that the Project will not impact on any existing or asserted treaty rights, or other interests in the natural environment.

## 2. Aboriginal Communities with Potential Interest in the Project

This section describes the First Nation and Métis governments that have been identified as having potential interests in approval, construction and operation of the Project.

As required by O.Reg.359/09, the draft Project Description Report was provided to the Director of the MOE in order to obtain the Aboriginal Communities List, as per s.14 (1)(b).

The list identifies Aboriginal communities who:

- (i) Have or may have constitutionally protected Aboriginal or treaty rights that may be adversely impacted by the project, or
- (ii) Otherwise may be interested in any negative environmental effects of the project.

The list was received via letter dated April 8, 2011.

### 2.1 Director’s List

The following table identifies communities included in the Director’s List of April 8, 2011 (left hand column) and the Director’s rationale for including them (right hand column).

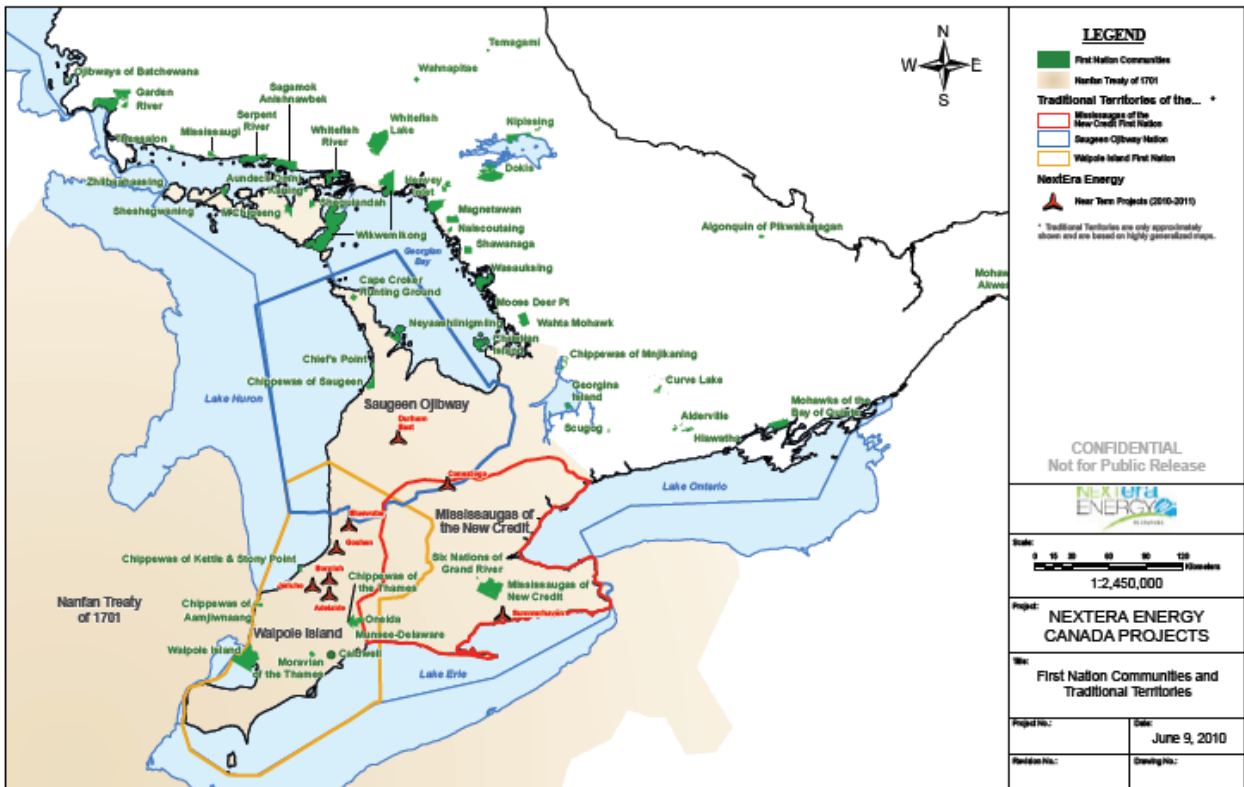
*TABLE 2.1.1 ABORIGINAL COMMUNITIES IDENTIFIED*

Director’s List	Notes
Aamjiwnaang First Nation Chippewas of Sarnia Sarnia 45	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as “Aamjiwnaang First Nation”
Chippewas of Kettle and Stony Point FN Kettle Point 44	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as “Kettle and Stony Point First Nation”.
Chippewas of the Thames First Nation Chippewas of the Thames 42	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as “Chippewas of the Thames First Nation”.

Director's List	Notes
Delaware Nation Moravian of the Thames Moravian 47	Identified as may have interests in potential negative environmental effects.  Referred to in this report as Moravian of the Thames Delaware First Nation.
Munsee-Delaware First Nation Munsee 1	Identified as may have interests in potential negative environmental effects.  Referred to in this report as "Munsee-Delaware First Nation".
Oneida Nation of the Thames First Nation Oneida 41	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as "Oneida of the Thames First Nation".
Bkejwanong Territory Walpole Island First Nation Walpole Island 46	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as "Walpole Island First Nation".

**MAP 2.1.1 Aboriginal Communities and NextEra Ontario FIT Projects**

Map 2.1.1 shows the location of southern Ontario First Nations in relation to the Project location, and to NextEra's other eight Ontario FIT projects. Available information for traditional territory areas is shown, as well as the approximate area of assertion for the 1701 Nanfan Treaty.



**2.2 Additional Communities Consulted**

Jericho determined that additional Aboriginal governments expressed interests in the Project where treaty rights are asserted under the 1701 Nanfan Treaty (as explained in Section 1.5 (C), above) or where a harvest territory is asserted. As a result, the following communities were included in the consultation activities described in this report. The rationale for doing so is also set out in Table 2.2.1, below.

Table 2.2.1 Additional Communities Consulted

Additional Communities Consulted	Rationale
Haudenosaunee Confederacy Chiefs Council (HCCC)	HCCC assert a treaty right to harvest within the 1701 Nanfan Treaty area (see Map 2.2.1), including both Crown and private lands. Jericho engaged with HCCC, through its delegated staff secretariat, the Haudenosaunee Development Institute (“HDI”) about potential impacts to the natural environment, which may affect harvest activities.
Oneida Council of Chiefs	Oneida Council of Chiefs is one of the traditional councils within the Haudenosaunee Confederacy Council.  Oneida Council of Chiefs participates through the HDI process, and was engaged by Jericho as part of HDI’s evaluation of the Project.
Six Nations of the Grand River Elected Council (SNEC)	SNEC have issued a 2011 Consultation and Accommodation Policy, which asserts SNEC’s responsibility to protect the air, land and water within the 1701 Nanfan Treaty area (see Map 2.2.1). Jericho engaged with SNEC to consult about potential impacts to the natural environment.
Historic Saugeen Métis (HSM)	While not identified as a community to be consulted on the April 8, 2011 Director’s List, HSM assert a traditional territory that includes the G Jericho project location and were included in all

Additional Communities Consulted	Rationale
	consultation activities.

MAP 2.2.1 1701 Nanfan Treaty Beaver Hunting Grounds

Map 2.2.1 identifies the approximate area of the 1701 Nanfan Treaty, and the so-called beaver hunting grounds, between the British Crown and the, then, Five Nations Iroquois Confederacy, or Haudenosaunee. Due to the location of the Project within this area, Aboriginal communities who did not appear on the Director's list but who assert rights or interests pursuant to the Nanfan Treaty were included for consultation purposes on the Project.



### 3. Consultation Activities Applicable to All Aboriginal Communities

#### 3.1 Description of Activities

This section gives an overview of the required consultation activities undertaken under the REA to ensure the Director’s List identified, and other interested Aboriginal communities were made aware of and kept informed of the Project activities to provide them with an opportunity to make comments, ask questions and explain concerns regarding the Project. For a detailed list of compliance activities required under O. Reg. 359/09, methods of consulting, dates and communities involved, please see Table 3.1.1, below.

##### 3.1.1 Preparation of draft PDR

The draft Project Description Report (“PDR”) was prepared in June 2010. Copies of the draft PDR were included in a binder titled, “Community Reference Material”, which was delivered to the Chief and/or responsible staff the same month. The binder was delivered to all communities who had been identified for any and all NextEra Ontario wind projects, including, of course, the Jericho Project.

**Applicant’s Aboriginal  
Consultation Process under  
O. Reg. 359/09**

1. Prepare draft Project Description Report (PDR)
2. Obtain Aboriginal Consultation list
3. Provide Notices
4. Distribute draft PDR to communities
5. Hold 1<sup>st</sup> public meeting
6. Integrate comments
7. Circulate report summaries
8. Discuss and work with communities; integrate comments
9. Provide draft project documents to communities
10. Discuss and work with communities; integrate comments
11. Hold final public meeting
12. Integrate comments
13. Prepare REA application
14. Submit REA application and inform communities

Source: Draft Aboriginal Consultation Guide for preparing Renewable Energy Application, Ministry of the Environment, Spring 2011, p. 8

### **3.1.2 Obtain Director's List**

The Director's List of Aboriginal communities for the Project was requested on August 10, 2010 as per s.14 (1)(b). The list was received via letter dated April 8, 2011.

### **3.1.3 Notice of Proposal to Engage in a Renewable Energy Project and Notice of Public Meeting #1**

The Notice of Proposal and Notice of the first Open House (public meeting #1) was mailed to communities, advertised in local newspapers (See Table 3.1.1) and posted on the company's web site. Although the Director's List had not been received at that time, the communities included in the delivery by Jericho, included and exceeded those who were later identified on the Director's List. Jericho confirms that a copy of the notice was delivered by Canada Post as set out in Table 3.1.1, below, however no covering letters accompanied the notice.

### **3.1.4 Distribute Draft PDR to Communities**

As explained in section 3.1.1, copies of the draft PDR were included in a binder titled, "Community Reference Material", which was delivered to the Chief and/or responsible staff. The binder was delivered to all communities who had been identified for any and all NextEra Ontario wind projects, including, of course, the Jericho Project. An updated PDR was delivered on November 2, 2011. Copies of the cover letters for this delivery are included in Appendix I.

### **3.1.5 Hold First Public Meeting**

A number of open houses (public meetings, or "PM") were held for the Project. The "first" public meetings were, as follows:

1. First Public Meeting – Municipality of Lambton Shores (PM 1): held on June 30, 2010.



2. First Public Meeting – Municipality of North Middlesex (PM2): held on November 10, 2011.
3. First Public Meeting – Township of Warwick (PM3): held on July 17, 2012.

PM2 was also held to provide an update on the transmission line route for the Project, and PM 3 provided Project update information.

Communities were notified of these PM 1 by delivery of a copy of the Notice of a Proposal and Public Meeting (no cover letters), and of PM 2 and PM 3 by letters dated November 2, 2011 and June 14, 2012, respectively.

### **3.1.6 Integrate Comments**

Comments received from the public at the Public Meetings, and through ongoing communications were addressed and integrated as part of the REA process. No comments specific to Aboriginal values or interests that would affect project design or operations were submitted at the open houses.

General comments requested and obtained from Aboriginal communities were provided to Jericho's environmental consultants to consider in preparing the draft REA Table 1 Reports. These general issues are described in Section 4, as well as in the Tables of Concordance in Appendix G for the communities that provided a response.

### **3.1.7 Circulate Report Summaries**

"Plain language summaries", were prepared and delivered with the set of draft Project Table 1 Reports on June 14, 2012 and again on November 22, 2012 together with the updated draft Project REA Table 1 Reports (see 3.1.9, below). Copies of the cover letter for these deliveries can be found in Appendix I.

### **3.1.8 Discuss and Work with Communities**

The process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. Dialogue with communities interested in the Jericho Project began as early as 2008, and specifically for the Jericho Project with delivery of the Community Reference materials binders in June 2010.

NextEra is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. Please see the Project-specific description of consultation activities in Section 4.0, below.

### **3.1.9 Draft REA Reports and Report Summaries**

As per O. Reg. 359/09 S.16 (5) (c and d), the draft Project REA Table 1 Reports were sent to each Aboriginal community with identified interests in the Project (i.e. the Director's List plus the additional communities identified by Jericho) on November 22, 2010, 2012 in both hard copy and CD versions. The reports were delivered to the Chief, or Métis President, with copies to the responsible staff person, or persons. The following reports and other notices were included with the November 22, 2012 deliveries.

- Project Description Report (updated)
- Construction Plan Report
- Design and Operations Report
- Decommissioning Plan Report
- Wind Turbine Specification Report
- Natural Heritage Assessment Report
- Water Assessment and Water Body Report
- Heritage Assessment Report
- Stage 1 and 2 Archaeological Assessment Report

- Report Summaries

Each community was specifically requested to provide their views related to:

- Anticipated adverse impacts the Project may have on constitutionally protected Aboriginal or treaty rights;
- Other concerns about potential negative impacts to the environment they anticipated, and;
- Any suggestions for mitigating impacts they identified.

Written comments or feedback regarding the draft REA Table 1 Reports was requested so that it could be considered during the planning stages of the Project and for inclusion in the REA application. Jericho also offered to meet with communities regarding the REA reports so that any comments, concerns or issues could be conveyed and reflected in the REA, if not addressed directly with those communities.

### ***3.1.10 Discuss and Work with Communities***

As explained above, the process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. NextEra and through its subsidiary Jericho, is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. In some cases, communities accepted offers from Jericho, or made requests for capacity assistance to review, meet and discuss the draft REA Table 1 Reports. These cases are described in the *Project-specific description* of consultation activities in Section 4.0, below.

### ***3.1.11 Hold Final Open House(s)***

As explained in section 3.1.5, a number of open houses (public meetings, or “PM”) were held for the Project, in order to cover all three municipalities. The “final” public meetings were as follows:

4. Final Public Meeting – Township of Warwick (PM4): held on February 6, 2013.
5. Final Public Meeting – Municipality of North Middlesex (PM5): held on February 7, 2013.
6. Final Public Meeting – Municipality of Lambton Shores (PM6): held on February 8, 2013

Notices for these open houses were delivered to communities on November 22, 2012. A notice explaining that a change in venue was required for the February 8, 2013 meeting was delivered by courier on February 6, 2013.

No attendees identified themselves as Aboriginal community representatives at these open houses.

### **3.1.12 Integrate Comments**

Comments received from the public at the Open Houses, and through ongoing communications with Aboriginal communities were addressed and integrated as part of the REA process.

As of the date of this report, Jericho is continuing dialogue with a number of communities about the Jericho Project as described in Section 4. It is expected such communications will continue throughout the Jericho Project life cycle as described in Section 6, below.

### **3.1.13 Prepare REA Application**

This consultation report has been prepared as part of the Project REA application, and reflects the consultation work completed to date.

**3.1.14 Submit REA Application and Notify Communities**

NextEra has an established practice of notifying interested Aboriginal communities upon filing its REA applications, upon receipt of the “application complete” status from the Ministry of Environment, and upon receipt of the Ministry Environment posting of its REA decision. These letters will be sent to all Aboriginal communities on the Director’s List for the Project and the additional communities NextEra identified, to notify them that the Project’s REA has been filed.

***The following Table summarizes Jericho’s compliance with Ontario Regulation 359/09 notice and information requirements for Aboriginal consultation on the Jericho Project.***

Table 3.1.1 Summary of REA Notification Compliance for Jericho

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
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O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
14	Request Director's List	Request: August 10, 2010 Receipt: April 8, 2011	<p>May have constitutionally protected rights:</p> <p>"Chippewas of Kettle and Stony Point, Kettle Point 44 Chippewas of the Thames First Nation, Chippewas of the Thames 42 Aamjiwnaang First Nation, Sarnia 45 Bkejwanong Territory, Walpole Island First Nation, Walpole Island 46 Oneida Nation of the Thames, Oneida 41"</p> <p>May be interested in negative environmental effects:</p> <p>"Munsee-Delaware First Nations, Munsee Delaware Nation 1 Delaware Nation Moravian of the Thames"</p>	Via letter from Ministry of the Environment
<p>Delivery and distribution of all required notices and reports were addressed to the foregoing "Director's List" communities according to their instructions, as follows:</p> <ul style="list-style-type: none"> <li>Chippewas of Kettle and Stony Point First Nation</li> <li>Chippewas of Aamjiwnaang First Nation</li> <li>Chippewas of the Thames First Nation</li> <li>Walpole Island First Nation</li> <li>Oneida Nation of the Thames</li> <li>Munsee-Delaware First Nation</li> <li>Moravian of the Thames Delaware First Nation</li> </ul> <p>Additional communities who expressed interest in the Jericho Project and that were included in delivery and distribution of notices and reports were:</p> <ul style="list-style-type: none"> <li>Oneida Council of Chiefs (as a traditional council within the Haudenosaunee Confederacy Chiefs Council), c/o Haudenosaunee Development Institute</li> <li>Six Nations of the Grand River (referred to as Six Nations Elected Council)</li> <li>Six Nations Confederacy Council (referred to as Haudenosaunee Confederacy Chiefs Council), c/o Haudenosaunee Development Institute</li> <li>Historic Saugeen Métis</li> </ul> <p>In all cases, correspondence and notices were addressed to the applicable Chief, President or Committee Chair, or to a delegated staff role, with copies and enclosures sent to the responsible staff role(s).</p> <p><b><i>(Note: To save space, this list is not duplicated in the table. Where all of the above communities were involved, the notation "All Communities" appears.)</i></b></p>				

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
Public Meetings ("PM")	Open Houses, or "public meetings" (PM) were held on <b>June 30, 2010</b> ("PM1"), <b>November 10, 2011</b> ("PM 2"), and <b>July 17, 2012</b> ("PM3"). The Final open houses (Final PM) were held <b>February 6, 7 and 8, 2013</b> ("PM4", PM 5 and "PM6").  PM1, 2 and 3 were the "First Public Meeting" for each the three municipalities as required by the REA process, while PM2 and PM3 were also held to provide an update on the proposed changes regarding a transmission line for the Project. Lastly, PM 4, PM5 and PM6 are considered the "Final Public Meetings" for the REA Process.			
15.3	<p><b>Publication of Notices</b></p> <p>Notices must be distributed at least 30 days before the first public meeting is held and at least 60 days before the final public meeting is held.</p> <p>Each notice must be published on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated.</p> <p>If reasonable to do so, notice should be published in a newspaper printed by each aboriginal community on the Director's List, however, in the case of this Project, no newspapers are published in the communities.</p> <p>The dates of the PM notices were as follows.</p>			
	Notice of Proposal and Notice of June 30, 2010 PM1	<u>Exeter Times Advocate</u> , May 26, 2010 and June 23, 2010  <u>London Free Press</u> , May 28, 2010 and June 23, 2010  <u>Lakeshore Advance</u> , and <u>Goderich Signal-Star</u> , June 2, 2010 and June 23, 2010	These publications were in general circulation in the vicinity of the Project.	Newspaper
	Notice of November 10, 2011 PM2	<u>Turtle Island News</u> (October 12 and November 2 2011)	All communities.  Notice in <u>Turtle Island News</u> was published <i>in addition to</i> 5 newspapers in general circulation in the vicinity of the Project.	Publication
	Notice of July 17, 2012 PM3	Turtle Island News (June 13 and July 11, 2012)	All communities.  Notice in <u>Turtle Island News</u> was published <i>in addition to</i> 5 newspapers in general circulation in the vicinity of the Project.	Publication
	Notice of PM 4, 5 and 6 held February 6, 7 and 8, 2013	Turtle Island News	All communities.	Publication

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	(i.e. Final PMs )	(November 28, 2012 and January 23, 2013)	Notice in <i>Turtle Island News</i> was published <i>in addition to</i> 4 newspapers in general circulation in the vicinity of the Project.	
15.5.ii	<p><b>Deliver Notices</b> to all Aboriginal Communities</p> <p>Notices must be distributed at least 30 days before the first public meeting is held and at least 60 days before the final public meeting is held.</p> <p>A total of 6 PMs were held for the Jericho Project, as follows:</p> <ol style="list-style-type: none"> <li>1. First Public Meeting – Municipality of Lambton Shores (PM 1): held on June 30, 2010.</li> <li>2. First Public Meeting – Municipality of North Middlesex (PM2): held on November 10, 2011.</li> <li>3. First Public Meeting – Township of Warwick (PM3): held on July 17, 2012.</li> <li>4. Final Public Meeting – Township of Warwick (PM4): held on February 6, 2013.</li> <li>5. Final Public Meeting – Municipality of North Middlesex (PM5): held on February 7, 2013.</li> <li>6. Final Public Meeting – Municipality of Lambton Shores (PM6): held on February 8, 2013</li> </ol> <p>The dates of distribution of these notices was:</p>			
	Notice of Proposal/June 30, 2010 PM1	May 26, 2010	Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Aamjiwnaang First Nation Bkejwanong Territory (Walpole Island First Nation) Oneida Nation of the Thames Munsee-Delaware Nation Delaware Nation Council (Moravian of the Thames) Southern First Nations Secretariat (Note: The Director's List had not been issued at this time.)	Notice (only) Delivered via Canada Post. No covering letters.
	Notice of November 10, 2011 PM 2	November 2, 2011 and October 16, 2011 (e-mail to staff)	All Communities	Written correspondence delivered via courier, and e-mail to staff. See Appendix I for covering letters.
	Notice of July 17, 2012 PM3	June 14, 2012	All communities	Written correspondence delivered via courier. See Appendix I for covering letters.
	Notice of February 6, 7 and 8, 2013 PM4, PM5 and PM6, or Final PMs	November 22, 2012  A letter and notice for	All Communities	Written correspondence delivered via courier. See Appendix I for



O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
		change in venue of the February 8, 2013 meeting was delivered on February 6, 2013.		covering letters.
16(1)	Hold at least two public meetings ("PM").	See explanation of PM's above.		
16.(2)(c)(d)	Make paper copies of draft PDR available at least 30 prior to PM1.  Distribute draft PDR at least 30 days prior to PM1.  (note this requirement was an Amendment to O. Reg. 359/09 which came into force after PM1)	Original draft PDR was delivered as part of Community Reference materials in June, July, September and October 2010. Updated PDR was delivered July 14 2012.	All Communities.	Paper copy of updated PDR transmitted by written correspondence delivered via courier. See Appendix I for November 2, 2011 covering letters.
16.(5)(c)	Make paper copies of draft Project REA (Table 1) reports available at least 60 days before Final PM.	November 22, 2012	All Communities	One paper copy and 2 CD copies transmitted by written correspondence and delivered via courier. See Appendix I for covering letters
16.(5)(d), 16.(6)	Distribute drafts of REA (Table 1) reports.  <b>Draft Project REA Table 1 Reports</b> distributed on November 22, 2012 were: <ul style="list-style-type: none"> <li>• Project Description Report</li> <li>• Construction Plan Report</li> <li>• Design and Operations Report</li> <li>• Decommissioning Plan Report</li> <li>• Wind Turbine Specification Report</li> <li>• Natural Heritage Assessment Report</li> <li>• Water Assessment and Water Body Report</li> <li>• Heritage Assessment Report</li> <li>• Stage 1 and 2 Archaeological Assessment Report</li> <li>• Report Summaries</li> </ul>			
17.(1)1.	Distribute draft PDR: First Draft Updated Draft	See 16.(2)(c) and (d), above.  See 16.5(d), 16.(6). Above		

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
17.(1)2.	Provide information on adverse impacts to any Aboriginal or treaty rights identified by the community.	No information on potential adverse impacts was known and no such impacts were expected.	N/A	N/A
17.(1)3.i.	Distribute a summary of all draft REA [Table 1] Reports.	See 16.(2)(c) and (d), above.  See 16.5(d), 16.(6). Above		
17.(1)4.	Make a written request for information relevant to REA.			
17.(1.1)(a)	Make the s. 17.(1)4 written request before making documents under 16.(5) available.			
17.(2)(a)	Communicate with each community about any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
17.(2)(b)	Communicate with each community about measures for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
54.1(c) ii	Publish notice of draft site plan in a newspaper published in each Aboriginal Community on the Director's List where it is reasonable to do so.	<u>Turtle Island News</u> , November 7, 2012,	N/A – not a specific requirement.  Notice in <u>Turtle Island News</u> was published <i>in addition to</i> 5 newspapers in general circulation in the vicinity of the Project.	Publication
54.1(c) and (v)	Give copies of Notice of Draft Site Plan.	November 7, 19 and 22, 2012  (Notice and site plan, Noise report and 1 corrected cover letter)	All Communities	Paper copy transmitted by correspondence delivered via courier. See Appendix I for covering letters.
54.1(d)	Make paper copies of Draft Site Plan available and distribute within 5 days of publishing Notice.	November 7, 19 and 22, 2012  (Notice and site plan, Noise report and 1 corrected cover letter)	All Communities	Paper copy transmitted by correspondence delivered via courier. See Appendix I for covering letters.
54.1(e)	Distribute draft site plan within 5 days of publishing Notice.	See 54.1(c)	See 54.1(c) and (v), above.	See 54.1(c) and (v), above.

### **3.2 Additional Consultation Activities**

In order to foster informed ongoing dialogue and engagement about the Project, and other NextEra projects, NextEra also carried out a number of additional Aboriginal consultation-related activities (i.e. beyond those considered in Ontario Regulation 359/09) with all Aboriginal communities noted in Section 2 of this report, as follows:

1. In May 2010, NextEra offered to host leadership from all Ontario Aboriginal communities with potential interests in NextEra Projects, at the CanWEA conference titled “Building the Wind Energy Supply Chain in Canada”, held on June 9-10, 2010 in Toronto. The purpose was to offer broader information about the wind energy industry that would be of potential interest beyond procedural consultation under the REA and have a chance to meet in person. Three communities sent representative to this conference out of over twenty invitations offered, and two attended the conference; one being from a “Jericho community”.
2. NextEra has offered to make presentations about its projects to Aboriginal leadership and communities and has done so whenever invited. This includes presentations to leadership, committees of council and attendance at community events. These actions are detailed in the individual consultation summaries in Section 4, below.
3. NextEra has established a practice of circulating an “Archaeological Communiqué” to all Aboriginal communities with interests in its projects; two communiqués have been issued to date (Fall 2011 and Spring 2012). These communiqué describe planned field work, its timing, the consulting archaeologist and contact information for more information, and for the appropriate NextEra representatives.
4. NextEra has also provided capacity funding for a fully independent First Nations archeology monitors for the Project. The monitor, Brandy George of Brandy George Cultural Research Inc. is a licensed Ontario archaeologist and First Nations person. The monitor’s mandate is to liaise with interested Aboriginal communities to obtain any relevant information for potential locations of cultural and spiritual importance, and to

monitor and report on the activities of the consulting archaeologist's field crews. Her reports are available to all First Nations communities, and are specifically provided to Oneida Council of Chiefs, Kettle & Stony Point First Nation, Aamjiwnaang First Nation and Walpole Island First Nation. To date, the independent monitor has raised no concerns and has been satisfied with the consulting archaeologist's fieldwork.

5. NextEra also offers to host field orientation meetings at the outset of archaeological fieldwork. The field orientation meetings were a suggestion from one of the Project Aboriginal communities. The meetings are meant to be an opportunity for community staff and leadership to meet the consulting archaeologist on site, discuss the proposed work and review contact information for NextEra's, "Ontario Projects - Archaeological Protocol". While only one community has responded to these invitations to date, they will continue to be offered as part of the regular Archaeological Communiqué summaries issued periodically, before the start of fieldwork. To date, only one community has accepted an invitation.
6. NextEra has prepared and delivered a "Community Reference Materials" binder containing: general wind industry and technology information; project location mapping; additional information sources; relevant project information, such as newsletters; and, NextEra contact information. The binder is meant to provide a quick reference for staff or for community members. The initial binder included the Jericho draft Project Description Report. One update to the binder has been circulated, which included the "Jericho Project: Wind Energy News" newsletter to provide current project status. Please see Section 4 for dates of delivery to individual communities.
7. NextEra distributed project summary tables in the Fall 2011 with information on project locations, nameplate capacities, number of turbines, and current status of fieldwork. To assist Aboriginal community staff with planning for report reviews and related consultation activities an additional summary table was distributed in Spring 2012 with key milestone dates and lists of the Project REA Table 1 Reports to be produced. Copies of both these summaries are found in Appendix D.

8. In order to be proactive at all stages of REA development, there has been, and continues to be ongoing personal, telephone and e-mail contact with staff in Aboriginal communities. The number, scope and frequency of these ongoing efforts are illustrated by the Chronologies of Communication reproduced in Appendix H. These Chronologies represent the broader effort of communication, information sharing and engagement across all NextEra FIT projects. *Project-specific summaries have been extracted in a narrative for each community in Section 4 that outline the process, discussion and issues, which are specific to the Jericho Project.*
9. NextEra is developing initiatives that seek to establish broader relationships with Aboriginal communities, including: an “opportunities outreach” program to provide information on wind energy and company opportunities in employment and procurement; and, a scholarship program. One outreach meeting and presentation was held through the Southern First Nations Secretariat meeting of Economic Development Officers on October 12, 2012.
10. The draft text of the community summaries in Section 4 of this report was forwarded to most Aboriginal communities for comment and to ensure that this report adequately reflects any project-related comments received.

#### 4. Community-Specific Aboriginal Consultation For Jericho

This section builds on the description of required and additional consultation activities in Section 3.0 that are applicable to all communities. It describes the process and results of consultation for each individual community in a narrative format, with specific reference to the Project.

As can be seen from the following sections of this report, the degree of consultation and engagement with Aboriginal communities varies. Although a consistent effort has been made to engage them, not each and every community has responded with the same degree of interest. While NextEra does offer to assist where capacity is needed to enable meaningful participation, each community responds according to the community's own priorities. A wind farm proposal is typically only one of any number of issues, events or other matters that community leadership and staff are addressing.

Supporting data for this section is included in the following Appendixes:

- i. Appendix F Copies of Aboriginal government consultation protocols and policies.
- ii. Appendix G "Tables of Concordance" that cross-reference lists of Aboriginal values provided to NextEra with Project Table 1 Report sections that address them.
- iii. Appendix H Chronologies of communication with each community.
- iv. Appendix I Copies of covering letters accompanying information required to be delivered for the REA.

Although the Appendixes provide supporting documentation, each community summary below, is intended to provide a full description of efforts made, the results achieved and the plans going forward for the Jericho Project. Updates to these summaries will be provided as meaningful developments take place, and/or as requested by Ministry of the Environment to assist it in evaluating the Project REA.

#### **4.1 Chippewas of Aamjiwnaang**

Communications and information sharing with Chippewas of Aamjiwnaang First Nation (“Aamjiwnaang”) began in 2008 for the Jericho Project. Please see Appendix H.1 for a complete chronology of all communications concerning the five projects of interest to Aamjiwnaang, including the Jericho Project.

All requisite delivery of REA notices and information have been completed, as more specifically set out in Table 3.1.1, above.

Aamjiwnaang was one of the first Aboriginal communities to work with NextEra to complete a third party review of a project’s REA reports. That review was for a different project, the Bornish Wind Energy Centre. Although the Bornish draft Project REA Table 1 Reports were subsequently changed, the review was considered a successful experience. It contributed to Aamjiwnaang’s understanding of the Project, to NextEra’s understanding of Aamjiwnaang’s perspectives, and established an effective process for other project reviews. In that process, a third party reviewer, retained by Aamjiwnaang and funded by NextEra, provided a draft review report of the draft Natural Heritage Report. A meeting was arranged among the third party reviewer, Aamjiwnaang Environment department staff, NextEra’s natural heritage consultants and a NextEra representative. The Aamjiwnaang reviewer’s draft report was a focus for discussion that resulted in clarification of information contained in the draft Natural Heritage Report and responses to questions raised by the reviewer. After the meeting the reviewer finalized his report and submitted it to Aamjiwnaang. This experience helped to lay the groundwork for a Joint Assessment Committee approach, described below. (Aamjiwnaang and two other communities, Kettle and Stony Point and Walpole, are the participants in the Joint Assessment Committee, currently reviewing the Jericho Project and other projects.)

NextEra’s first “Community Reference Materials” binder was delivered to Aamjiwnaang at a meeting with Aamjiwnaang staff on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, a Project Description Report for the Jericho Project and general

industry and company information. The binder was updated and delivered to Aamjiwnaang staff November 10, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

At the June 15, 2010 meeting, a request for information about Aboriginal values to be considered in preparing the Project REA Table 1 reports was made by NextEra, but information was not available at that time. A subsequent request was made November 3, 2011 but information was not available.

At the June 15, 2010 meeting, Aamjiwnaang staff put forward the idea of hosting an archaeology fieldwork orientation meeting, prior to such work beginning. This suggestion was accepted and extending such an invitation to all First Nations communities became a feature of NextEra’s archaeological communiqué process.

On August 10, 2010, NextEra received Aamjiwnaang’s Consultation and Accommodation Protocol; an updated copy is included in Appendix F.1. In addition to describing important values and principles to guide consultation, and the roles of all parties, the Protocol set clear expectations for provision of relevant information and capacity to inform and support the steps in the consultation process. Developing plans to meet this goal has therefore been the focus on consultation efforts prior to and since the delivery of the draft Project REA Table 1 reports.

In addition to staff contacts, NextEra met with the Aamjiwnaang Health and Environment Committee of Council on July 7, 2011. This was an information-sharing meeting requested by the Committee concerning the Adelaide, Bornish, Bluewater, Goshen and Jericho wind energy centre projects; the five projects of interest to Aamjiwnaang. At the meeting, NextEra provided an overview of its Ontario projects including the Jericho Project. The current schedule and the purpose and process for the draft Project REA Table 1 reports were explained. The following questions and responses were covered in the ensuing discussion:

<b>Aamjiwnaang Question/Issue</b>	<b>Response Provided</b>
Are the NHAs an ongoing process or all finished (question posed in relation to Ravenswood project,	The process required under Ontario Regulation 359/09 (510-10) (“REA”) is for NHA reports to be



Aamjiwnaang Question/Issue	Response Provided
which is not a NextEra development).	submitted, plus a construction and operations report. This will include post-construction monitoring for a three-year period to validate predicted impacts and effectiveness of mitigation.
Do turbines affect earthworms?	Not aware of such information from operating wind farms, but a study by Epsilon may help address this question. The study was forwarded to Aamjiwnaang after the meeting.
How do local (non-Aboriginal) communities feel about wind farms?	Based on polls completed by industry, the majority of people support renewable energy. There is a very vocal minority who oppose them. The Kent Breeze wind farm approval was appealed to the Environmental Review Tribunal, and the appeal was turned down. NextEra sent location information on Kent Breeze so that Committee members could visit the site.

Aamjiwnaang Question/Issue	Response Provided
<p>The NextEra presentation used the words “With a good heart” to describe its approach to Aboriginal consultation. To Aboriginal people, this means a binding arrangement. NextEra’s presentation states that is a \$23 billion company, but First Nations face huge resource constraints, both in terms of community capacity and access to natural resources that First Nations feel were “stolen” with no compensating benefits to First Nations. Aamjiwnaang will need to know what the benefits of a project are before we say, “OK”. In other words, what will we do together to make this a better place?</p>	<p>Some conceptual ideas were put forward at the meeting to start a conversation about what areas to explore for “a better place” noted in bullets below. Additional actions subsequent to the meeting are indicated <u>in underlined italics</u>.</p> <ul style="list-style-type: none"> <li>• NextEra must be prepared to listen and respond to their concerns. For example, the concerns may be those of Aboriginal hunters over impact to harvest species. <u>NextEra will maintain ongoing communications with all Aboriginal communities through the construction and operations phases, and will respond to concerns, as explained in Section 6, below.</u></li> <li>• Education for youth and future generations is important. <u>NextEra has developed a First Nation and Métis Relationship Policy that includes such initiatives.</u></li> <li>• Access to information about wind farms and the industry is important. NextEra has provided this information in its Community Reference Binders, presentations and web sites. <u>NextEra is developing an “Opportunities Outreach” initiative to further address this request.</u></li> <li>• Aboriginal involvement in [construction and effects] monitoring should be considered. NextEra is open to Aboriginal monitors during construction and post-construction monitoring. <u>NextEra is developing an “Opportunities Outreach” initiative for construction and operations phases.</u></li> <li>• Provide a list of contractors, and the goods and services the projects will need to Economic Development Officers. <u>This will be addressed in the “Opportunities Initiative”.</u></li> <li>• Keep dialogue open and ongoing. NextEra is maintaining ongoing dialogue.</li> <li>• In short, “Let us be part of the process.” NextEra welcomes active involvement of all Aboriginal communities in planning, constructing and operating its facilities. <u>NextEra’s First Nation and Métis Relationship Policy includes specific measures to foster Aboriginal involvement at various levels.</u></li> </ul>

On August 2, 2012, NextEra indirectly received a copy of the “Aamjiwnaang First Nation Health and Environment Committee Comments and Concerns on Wind Power Projects” (see

copy in Appendix J.1). While not sent directly to NextEra, it is understood that the comments are intended as Aamjiwnaang's general response to wind proposals in their Traditional Territory. NextEra and its environmental consultants completed a review of the concerns statement, and have prepared responses as a basis for discussion. A copy is enclosed as a Table of Concordance and is included in Appendix G.1. NextEra will confirm with Aamjiwnaang if it wishes to meet separately to discuss the concerns statement and NextEra's responses, or to meet and discuss it as part of a Joint Assessment Committee, in which Aamjiwnaang is participating. This initiative is described below.

The draft Project REA Table 1 Reports were delivered to Aamjiwnaang and the other JAC communities on November 22 2012 (see letters in Appendix I.8).

Aamjiwnaang is a participant with two other First Nations in a Joint Assessment Committee for five NextEra projects. A meeting with staff from Kettle and Stony Point First Nation, Aamjiwnaang First Nation and Walpole Island First Nation took place on January 12, 2012 to explore the possibility of a joint technical review of the draft Project REA Table 1 Reports for all five projects. There was agreement in principle to that idea and options for retaining third party reviewers and capacity funding were discussed. The review would include all five projects (namely Adelaide, Bornish, Bluewater, Goshen and Jericho) that were of common interest to all three First Nations. It was acknowledged that there may be common issues among the First Nations and there was no desire or need to create duplicate effort and information. A number of follow-up e-mails took place with staff from all three First Nations and on March 22, 2012 NextEra was advised that the three First Nations had agreed to work together as a Joint Assessment Committee ("JAC") to facilitate review of the five NextEra projects. The JAC is made up of technical staff from each of the three First Nations, plus their consultant.

On March 23, 2012 NextEra received a proposal for the technical review work from JAC's consultant, Ben Porchuk, for review and discussion. An initial telephone discussion took place with the JAC. NextEra then met with staff from the three First Nations (now operating as the JAC) and Ben Porchuk on May 8, 2012 at Aamjiwnaang First Nation to finalize the

review proposal. An approach to completing the review work was discussed and a consensus was reached. The terms of reference for the third party reviews were agreed to be two-fold:

1. To review the draft REA Table 1 Reports for three projects, and provide a draft discussion report of questions or issues (called "a Review Report"). The draft discussion report will form the basis of a meeting between NextEra and JAC, after which it will be finalized and used to inform the consultation processes of the three First Nations;
2. Work with each community, to provide an Issues List Report, specifically addressing the questions posed in Ontario Regulation 359/09 for all five projects (including the Jericho Project) of interest to the First Nations represented by JAC, namely:

"What information is available that should be considered in finalizing the Project Companies' [i.e. NextEra's] Renewable Energy Approval reports ("REA Reports") and planning for the Projects, and in particular, what information is available about any potential adverse impacts that the Projects may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts?"

Jericho, was NOT one of the three projects addressed by the Review Report. However, to the extent any generally applicable information or issues are identified in the Review Report, they would naturally be considered in planning for Jericho.

The Issues Report did include Jericho and its terms of reference was as follows:

The scope of work for the Issues Report shall be :

- i. Overview of natural systems in enveloping counties - Joint First Nations Wildlife Habitat Corridor:
  - Review Big Picture Project from the *Carolinian Canada Coalition*, the Natural Heritage System (NHS) from *Federation of Ontario Nature*; NHS and planning documents in various counties (Lambton, Middlesex and Huron Counties).
  - Mapping these NHS features for relevant sections of Lambton, Middlesex and Huron Counties
  - Mapping of wind turbines existing in above identified area as well as adjacent lands in southwester Ontario Region (including counties noted above, as well as Essex, Kent and Bruce for greater perspective).

- Combining map layers (NHS and Wind Turbines) and interpretation - cumulative picture of wind turbine farms and NHS in the manner similar to that recommended by *Natural Heritage Systems: Connecting the Green Dots*
- ii. Potential for natural habitat enhancements such as:
  - Corridors, habitat improvements and First Nations community involvement
- iii. Potential for First Nations involvement in monitoring programs, such as:
  - Monitoring through bird banding and/or radar studies
- iv. Pollinator Issues
  - What are the unanswered questions among communities concerning pollinators and wind development?

In other words, the JAC consultant would produce two draft reports. One would be a technical review of the draft REA Table 1 reports for three projects (NOT including the Jericho Project). The second would be an Issues Report, applicable to all five of the projects the JAC communities had in common.

The third party reviewer's draft REA Review Report and Issues List report were received November 11, 2012 and an initial meeting to begin a dialogue about the reports took place with JAC and their reviewer on December 10, 2012 at Aamjiwnaang First Nation. A revised draft REA Review report was received on January 14, 2013 reflecting the discussion of December 10, 2012. Jericho has reviewed the updated Review Report and a second meeting has been arranged to continue the dialogue with JAC. Further meetings may be necessary to complete this dialogue. Upon completion of this process, both the Review and Issues reports will be finalized and may be used by each community as part of their individual consultation processes.

Jericho is also awaiting receipt of information from Aamjiwnaang to develop a work plan and budget to implement their specific community consultation process for the Project. It is expected that the results of the JAC reviewer's reports will inform the scope of the work plan.

As more fully explained in section 1.5, however, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Aamjiwnaang First Nation, or significant negative environmental effects will result from approval of the Project. Consultation with Aamjiwnaang is ongoing. Jericho will continue to work with Aamjiwnaang using the results of the JAC review process to inform Aamjiwnaang's specific community consultation process, and directly with Aamjiwnaang as set out in their Consultation Protocol. All results from the JAC process and Aamjiwnaang Consultation Protocol process will be fully considered and where appropriate, will inform and influence the implementation of the Project. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

#### ***4.2 Chippewas of Kettle and Stony Point***

Communications and information sharing with Chippewas of Kettle and Stony Point First Nation ("Kettle and Stony Point") began in 2008 for the Jericho Project. Please see Appendix H.2 for a complete chronology of all communications concerning the five projects of interest to Kettle and Stony, including the Jericho Project.

All requisite delivery of REA notices and information have been completed, as more specifically set out in Table 3.1.1, above.

NextEra's first "Community Reference Materials" binder was delivered to Aamjiwnaang at a meeting with Aamjiwnaang staff on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, the Jericho Project Description Report and general industry and company information. This information was delivered at a meeting with Kettle and Stony Point leadership and staff on June 7, 2010. The binder was updated and delivered to Kettle and Stony Point staff November 10, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

The June 7, 2010 meeting was in direct response to information received from the independent First Nations Archaeological monitor, Brandy George of Brandy George Cultural Research Inc. As a member of Kettle and Stony Point, and in her monitor role reporting to Kettle and Stony Point leadership, Ms. George had been made aware of potential issues of interest to Chief Liz Cloud. On June 7, 2010, NextEra met with Chief Cloud and two Council environment portfolio holders. Through that discussion, it was determined that many of the issues of interest related to an existing wind farm owned by SkyGen, located immediately adjacent to Kettle and Stony Point community. Other issues were identified, however, that related to this Project and potential impacts to the natural environment. These issues were sent to NextEra's environmental consultants to be considered as part of their preparation of the draft Project REA Table 1 Reports. A "Table of Concordance" describing these issues/questions and cross-referencing them to sections of the relevant reports that address them is set out in Appendix G.1. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

In November 2010, Kettle and Stony Point created a staff role with responsibility for consultation. NextEra contacted the new Communications Relations Officer ("CRO") in December 2010, provided overview information of all NextEra projects and offered to arrange a meeting to discuss all projects of interest to Kettle and Stony Point. A number of follow-up offers to meet were sent and a meeting with the CRO, First Nation Manager and Council Environment Committee took place on July 19, 2011. NextEra gave a presentation on all Ontario projects with a specific focus on the five projects of direct interest to Kettle and Stony Point. Issues raised at that meeting which could not be answered at that time were also sent to NextEra's environmental consultant, to be addressed as part of the REA Table 1 Report studies. They have also been included in the Table of Concordance set out in Appendix G.1.

A follow-up meeting was arranged with Kettle and Stony's CRO on November 10, 2011 to discuss current public open houses scheduled for various NextEra projects, and make plans for the anticipated release of draft Project REA Table 1 Reports in 2012. The updated copy of the Community Reference Materials binder was also delivered at that meeting. The CRO explained that Kettle and Stony Point had developed a draft Consultation and

Accommodation Protocol, but it was not available for external distribution at that time. The possibility was discussed of Kettle and Stony Point taking part in a joint review of NextEra projects where its interests were coincident with Chippewas of Aamjiwnaang and Walpole Island First Nations, and the CRO was open to such a discussion. All three First Nations are included in Director's Lists for the same five NextEra wind projects, including the Jericho Project.

Copies of the draft REA Table 1 Reports were delivered to Kettle and Stony Point on May 4, 2012 (See letter in Appendix I.2).

Kettle and Stony Point is participating in the First Nations Joint Assessment Committee ("JAC") with Walpole Island and Kettle and Stony Point First Nations. Please see section 4.1, above for a description of this process and status.

NextEra is also awaiting receipt of information from Kettle and Stony Point to develop a work plan and budget to implement their consultation process for the Project. It is expected that the results of the JAC reviewer's reports will inform the scope of the work plan. Jericho further understands that Kettle and Stony are in the final stages of issuing a community consultation policy, and that a meeting will be arranged to present it to proponents. As of the date of writing this report, the final protocol had not been received and no date had been set for the meeting. Jericho will participate on receipt of this information and request from Kettle & Stony.

As more fully explained in section 1.5 above, however, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Kettle and Stony Point, or significant negative environmental effects will result from approval of the Project. Consultation with Kettle and Stony Point is ongoing. Jericho will continue to work with Kettle and Stony Point using the results of the JAC review process to inform Kettle and Stony Point's Consultation Protocol, and will work directly with them to follow through on their Consultation Protocol process. All results from the JAC process and Kettle and Stony Point Consultation Protocol process will be fully considered and where appropriate will inform and influence the implementation of the Project. Additionally, Jericho will implement all mitigation



and monitoring as described in the Project REA Table 1 Reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

### **4.3 Chippewas of the Thames**

Communications and information sharing with Chippewas of the Thames First Nation (“COTTFN”) began in 2007 for the Jericho Project. While many attempts to follow-up and engage with COTTFN have taken place since then for five of NextEra’s Ontario FIT Projects, community capacity limitations have meant that substantive engagement was only able to begin more recently. Please see Appendix H.3 for a complete chronology of all communications concerning the five projects of interest to COTTFN, including the Jericho Project.

All requisite delivery of REA notices and information have been completed, as set out in Table 3.1.1, above.

NextEra’s first “Community Reference Materials” binder was delivered to COTTFN on June 7, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, the Jericho Project Description Report and general industry and company information. The binder was updated and delivered to COTTFN staff October 19, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

NextEra was able to meet directly with COTTFN staff on May 2, 2012, shortly after the formation of a COTTFN consultation team. An overview summary of all NextEra Ontario FIT projects was provided, together with a chart of key milestone dates for planning, such as anticipated delivery times for draft Project REA Table 1 Reports and REA filing targets to help describe the various projects and their status (See Appendix D). The NextEra First Nations and Métis Relationship Policy was also discussed; capacity assistance is one component of that Policy and was also discussed. NextEra had previously sent invitations for COTTFN to consider joining the JAC process that had been developed by Walpole,

Aamjiwnaang and Kettle and Stony Point First Nations, called the Joint Assessment Committee, or “JAC”. (The JAC is fully described in section 4.1, above.) This suggestion was discussed in more detail at the May 2 meeting. COTTFN staff seemed open to the idea, and agreed to speak with the JAC members. To date, COTTFN has not replied to the invitation to participate in JAC and at this advanced stage in the JAC process, it seems unlikely they will participate before the process is completed.

COTTFN staff, did however, raise the following issues at the May 2, 2012 meeting.

COTTFN Question/Issue	Response Provided
Does the wind industry and/or Ministry of the Environment anticipate there will be cumulative effects from development of multiple wind farms?	<p>Each project is evaluated on its own merits. MOE and MNR will not approve projects unless they are satisfied it will result in no unacceptable impacts.</p> <p>Monitoring programs are conducted to validate performance forecasts and effectiveness of mitigation; operating conditions may be varied in response to monitoring results.</p> <p>The JAC proposal to NextEra includes some work that may help address this question.</p> <p>Jericho will report COTTFN's question in its Aboriginal consultation report to MOE.</p>
COTTFN explained there would be two significant events taking priority in the community in June. Consultations for the June 30, 2012 Big Bear Creek land claim negotiations, and a Truth and Reconciliation Event.	Jericho understands and respects COTTFNs community priorities and will cooperate to provide information about the Project in ways that meet COTTFN's needs.
COTTFN explained that subject to additional research, COTFN may have traditional territory that extends from outside the Haldimand Tract to Niagara. Based on project location mapping provided to COTTFN, the Summerhaven project may be of interest to COTTFN.	NextEra advised that Summerhaven was approved 2012-03-16 and forwarded a copy of the Director's List for Summerhaven. Arrangements were also made to deliver copies of the Summerhaven REA reports to COTTFN.

Copies of the draft Project REA Table 1 reports were delivered to COTTFN by letter dated November 22, 2012 (Appendix I.8).

On June 6, 2012, NextEra was advised that COTTFN had hired a new Renewable Energy Coordinator to have carriage of this file. NextEra responded the same day, offering to meet and review progress made to date. On July 30, 2012, NextEra spoke with the COTTFN

Renewable Energy Coordinator and provided an update on the project. The possibility of COTTFN joining JAC was discussed and an offer to work directly with COTTFN was also offered, including discussing consultation process and capacity funding. No response to that offer has been received yet, and it is NextEra's understanding the Renewable Energy Coordinator role may be temporarily vacant due to lack of funding.

As of the date of this report, COTTFN has not indicated whether or not it may join the JAC process, but NextEra is prepared to meet and develop a COTTFN-specific review process for the Jericho Project and other NextEra projects in which COTTFN has an interest. All results from the JAC process and/or COTTFN process will be fully considered and where appropriate, will inform and influence the implementation of the Project. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 Reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

#### ***4.4 Haudenosaunee Confederacy Chiefs Council***

The Haudenosaunee Confederacy Chiefs Council ("HCCC") is not identified on the Director's List for Jericho.

However, the HCCC is the traditional leadership of the Haudenosaunee people, whose ancestors were the members of the five original nations of the Iroquois Confederacy. As explained in section 1.5 (C), above the HCCC assert treaty rights pursuant to the 1701 Nanfan Treaty. NextEra has engaged with HCCC, with respect to their stated interest in potential negative effects from the Project, which in HCCC's view, could impact asserted treaty rights to hunt.

In Canada, the Oneida and Mohawk are represented within HCCC. NextEra has had direct communications with the Oneida Council of Chiefs about the Project, (see discussion within Section 4.5 Oneida Nation of the Thames). HCCC has delegated consultation process

management to the Haudenosaunee Development Institute (“HDI”). NextEra’s engagement with HCCC has been through senior HDI staff and Board members.

Communications and information sharing with HCCC began in 2007, primarily aimed at the closest project to the Six Nations community, Summerhaven. Delivery of REA notices and information for the Jericho Project, however, has been completed with HCCC as more specifically set out in Table 3.1.1, above. In addition, NextEra’s Community Reference materials binder has been provided to HDI. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, the Jericho Project Description Report and general industry and company information. An updated Community Reference Material Binder was mailed to Hazel Hill, Acting Secretary of the HDI on October 13, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports. A chart of all NextEra Ontario FIT projects was also delivered, outlining their capacity, location, timing of development and status. Please see Appendix H.4 for a complete chronology of the communications concerning the projects of potential interest to HCCC, focusing primarily on the Jericho Project.

Given HCCC’s asserted interest in all NextEra Ontario FIT projects, engagement has taken place at a general level with a focus on overarching issues of interest to HCCC. For the most part, HDI has requested that all matters of discussion with it be treated in confidence. As a result, NextEra is limited in the extent to which it can disclose the content of such discussions, but can report that such discussions are ongoing.

Copies of the draft Project REA Table 1 Reports were delivered to HCCC and HDI on November 22, 2012.

As a general conclusion, however, and as more fully explained in section 1.5, above, Jericho is confident that no adverse impacts to asserted Aboriginal or treaty rights of the Haudenosaunee will result from approval of the Project. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 Reports. Finally,

Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

#### ***4.5 Moravian of the Thames Delaware First Nation***

Communications and information sharing with Moravian of the Thames Delaware First Nation (“Moravian”) began in 2007 for the Jericho Project. Please see Appendix H.9 for a complete chronology of all communications concerning the projects of potential interest to Moravian, including the Jericho Project.

All requisite delivery of REA notices and information have been completed, as more specifically set out in Table 3.1.1, above.

On February 18, 2010, NextEra made contact with Chief Gregory Peters. Chief Peters stated that so long as there were no impacts to the Thames River, Moravian would have no concerns.

On June 14, 2010, NextEra contacted Chief Gregory Peters by telephone, to seek clarification on Moravian’s interests NextEra Ontario FIT projects for which they had been included on Director’s Lists, including the Jericho Project. Chief Peters described the Moravian Traditional Territory as being about 58,000 acres, “town line to town line” extending northward into Zone Township and most of Orford Township, south to Highway 3. Zone Township is south of all NextEra Ontario FIT projects.

A written confirmation of the Moravian Traditional Territory has been requested many times, as recorded in the Chronology of Communications in Appendix H.5. Absent a definitive response, Jericho made sure that Moravian received all requisite correspondence and notices required under Ontario Regulation 359/09, and any additional general communications from the company. For example, Moravian received the NextEra Community Reference Binder (which included the Jericho draft PDR) and update, as well as the Archaeological Communiqués.

In response to inquiries, Jericho, through its affiliate NextEra, received a letter dated June 19, 2012 from Moravian’s Lands and Consultations Manager, explaining, “The information sent

regarding the above-mentioned project was reviewed and it was recognized that this project will not require any further consultation with the Moravian of the Thames First Nation.” A copy of this letter is enclosed in Appendix J.2.

On October 15, 2012 an e-mail was received from Moravian’s Lands and Consultations Manager to confirm that they no longer felt a need to receive notices or project information about the current NextEra wind projects, which includes the Jericho Project. A copy of this e-mail is included in Appendix J.3.

#### ***4.6 Munsee–Delaware First Nation***

Communications and information sharing with Munsee-Delaware First Nation (“Munsee”) began in 2007 for the Jericho Project. Please see Appendix H.6 for a complete chronology of all communications concerning the projects of potential interest to Munsee-Delaware, including the Jericho Project.

All requisite delivery of REA notices and information has been completed, as more specifically set out in Table 3.1.1, above.

Chief Patrick Waddilove was provided (hand delivered) with NextEra’s Community Reference materials binder on July 20, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, as well as general industry and company information. An updated Community Reference Material Binder was delivered to the First Nation Manager on October 19, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

At the July 20, 2010 meeting with Chief Waddilove and the First Nation Manager, NextEra requested and was provided with information on issues that would be of concern to Munsee in the development of a wind farm. The issues included specific species, activities and values that would be of importance to Munsee members within their traditional territory. NextEra provided a summary of these issues to its environmental consultant, to be addressed in

preparation of the draft REA Table 1 Reports. This information is included in the Munsee-Delaware “Table of Concordance” in Appendix G.3. The table lists the issues, NextEra’s response and a cross-reference to the relevant section in the draft Project REA Table 1 reports.

Ongoing communications have taken place with Munsee in person, by e-mail and through delivery of the requisite REA notices and reports. An offer was made to discuss capacity assistance for review of all project reports, including the Jericho Project.

On November 22, 2012, the draft Project REA Table 1 Reports were delivered to Munsee-Delaware First Nation.

No responses have been received from staff or leadership. Thus, no information has been provided to NextEra from Munsee-Delaware First Nation as to any concerns they may have about: potential adverse impacts of the Project to their constitutionally protected Aboriginal rights; potential negative impacts to the environment; or, any suggestions to mitigate such impacts.

As more fully explained in section 1.5, above, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Munsee-Delaware First Nation, or significant negative environmental effects will result from approval of the Project. Jericho will continue to communicate with Munsee, as with all other communities with potential interests in its projects. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

#### **4.7 Oneida Nation of the Thames and Oneida Council of Chiefs**

Communications and information sharing with Oneida Nation of the Thames (“Oneida”) began in 2007. Please see Appendix H.7 for a complete chronology of all communications concerning the projects of potential interest to Oneida, including the Jericho Project.

All requisite delivery of REA notices and information has been completed, as more specifically set out in Table 3.1.1, above.

Oneida staff was provided (hand delivered) with NextEra's Community Reference materials binder on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, as well as general industry and company information. An updated Community Reference Material Binder was delivered to the Oneida Environment Officer on October 19, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

NextEra has worked with Oneida staff and other Oneida leadership to identify a protocol for consultation on the Jericho Project, and on other Ontario projects. Through e-mails and at meetings with Oneida staff and Alfred Day (now Chief Day) of the Oneida Council of Chiefs in 2010, it was originally established that the Oneida Council of Chiefs would take the lead on consultation matters related to the NextEra Bornish project as the traditional Haudenosaunee government, not Oneida Nation of the Thames or Six Nations Confederacy Council (Haudenosaunee). Given that the Jericho Project is west of Bornish (i.e. further away from the Six Nations community where Six Nations Confederacy Council is based), NextEra believed the same protocol and issues would apply to the Jericho Project.

A letter dated March 3, 2010 was received from Howard Elijah, Secretary of Oneida Council of Chiefs confirming this approach. It stated, *inter alia*:

Thank you for notifying us of your intention to propose the construction of a facility to generate electricity through wind power. We strongly support the principle of using sustainable energy sources, and recognize your proposal is consistent with our views of conservation and respect for the natural world.

The Oneida Nation Council of Chiefs is communicating with you about this proposal on behalf of the Haudenosaunee (the 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.

(See copy of letter in Appendix J.4.)



NextEra responded to that letter on June 3, 2010, asking for clarification of which Haudenosaunee communities the Oneida Council of Chiefs would speak for and for which NextEra projects, including the Jericho Project. (See copy in Appendix J.5). No reply was received.

More recent correspondence dated March 12, 2012 from Chief Alfred Day on behalf of Oneida Council of Chiefs about another NextEra project, the Conestogo Wind Energy Centre, instructed that “all invitations” and matters” should be directed to the Haudenosaunee Development Institute (“HDI”), as Oneida Council of Chiefs is a participant in the HDI process. This is further reinforced by correspondence (a copy of which was received by NextEra) addressed to Doris Dumais, Director Approvals at Ministry of Environment, dated September 30, 2011, confirming HDI as the duly authorized representative for HCCC in consultation matters.

As explained above, Oneida Council of Chiefs is a participant in the HDI process. HDI have been delegated consultation matters as the staff secretariat to the Haudenosaunee Confederacy Council of Chiefs. Neither Oneida Council of Chiefs, nor Haudenosaunee Confederacy Chiefs Council are included on the Director’s Lists for the Project, however, it is NextEra’s understanding that both councils assert treaty rights under the 1701 Nanfan Treaty. The nature of these rights was explained in section 1.5 (C) and Table 2.2.1, above. Given the previous advice that Oneida Council of Chiefs would take the lead on certain projects, not Oneida, there has been uncertainty on the nature of Oneida’s interest, or role, in regard to the Project. For greater certainty, all required Project correspondence and information required under the REA has been addressed individually to both of the Oneida Council of Chiefs, and Oneida (i.e. Oneida Nation of the Thames).

Clarification of Oneida vs. Oneida Council of Chief’s role for the Project was requested from Oneida staff at a meeting of October 19, 2011. Staff’s follow-up e-mail of October 26, 2011 confirmed that Oneida wished to meet NextEra about the Jericho Project and four other projects, and they will require capacity assistance to review the draft REA Table 1 documents. A subsequent November 25, 2011 e-mail was then received indicating that

NextEra did not have to meet with Oneida and referring them to the Oneida Council of Chiefs for those projects.

A meeting took place with the Oneida Nation of the Thames elected Chief Joel Abram on August 30, 2012 to discuss the NextEra projects of interest to Oneida. NextEra's understanding is that Oneida elected council is primarily focused on matters of service delivery for the Oneida of the Thames Community, while Oneida Council of Chiefs are concerned with rights and treaty issues. Chief Abram further confirmed that NextEra should continue its practice of providing Project information to leadership with copies to Oneida staff.

E-mail follow-ups, personal meetings and telephone calls have taken place with Oneida staff requesting responses to the Project information and draft Project REA Table 1 Reports that have been delivered. NextEra has offered to discuss capacity assistance for review of Project information in accordance with its First Nation and Métis Relationship Policy. No response has been received to date for those communications.

No information has been provided from staff or leadership as to any concerns Oneida may have about: potential adverse impacts of the Project to their constitutionally protected Aboriginal or treaty rights; potential negative impacts to the environment; or, any suggestions to mitigate such impacts.

The Oneida Council of Chiefs letter dated March 3, 2010 did, however, describe their view of a potential impact to treaty rights. Specifically, the letter stated:

The location of your proposed facility [assumed to be Bornish, but not specified in the letter] is within the territory that is set apart for the Haudenosaunee pursuant the Treaty at Albany in 1701. We view that Treaty, with its subsequent clarifications and reaffirmations in 1726 and 1755, as setting apart the area as one in which the Haudenosaunee would conduct what today would be called economic activities.

To the extent that your proposed project takes up the land with the approval of the Crown, we believe the Haudenosaunee have the right, by Treaty, to participate appropriately in the benefits that result. We look forward to a pragmatic and mutually beneficial relationship.

(See copy of letter in Appendix J.4)

The letter was copied to the (then) Ministry of Energy and Infrastructure, Ministry of the Environment and Ministry of Aboriginal Affairs. NextEra responded to that letter on June 3, 2010, asking for clarification of what economic activities the Oneida Council of Chiefs felt would be interfered with (See copy in Appendix J.5). No response was received.

Although Oneida Council of Chiefs have not provided NextEra with any direct comments about the Jericho Project, NextEra and the Council have had an ongoing cooperative arrangement whereby Oneida Council of Chiefs provides a fully independent archaeological monitor for a number of NextEra projects, including the Jericho Project. The monitor liaises with Oneida Council of Chiefs as well as other Aboriginal communities. Oneida Council of Chiefs has also consented to her reports being made available to those communities. No concerns have been expressed in the monitor's reports to date.

As more fully explained in section 1.5, above, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Oneida Nation of the Thames, or significant residual negative environmental effects will result from approval of the Project. Lands where the Project is situated are either municipally or privately owned, and Jericho is not aware of any Haudenosaunee economic activities that currently occur there.

Jericho will continue to communicate with Oneida, and with Oneida Council of Chiefs, as with all other communities with potential interests in its projects. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

#### **4.8 Six Nations of the Grand River Elected Council**

Six Nations of the Grand River Elected Council ("SNEC") are not included on the Director's List for Jericho, but NextEra has engaged with them as explained below.

Communications and information sharing with SNEC began in 2007 with the offer of holding a community open house about NextEra's southwestern Ontario projects. Please see Appendix H.8 for a complete chronology of all communications concerning the projects of potential interest to SNEC, including the Jericho Project.

All requisite delivery of REA notices and information has been completed, as more specifically set out in Table 3.1.1, above.

In January 2008, NextEra made a presentation to SNEC on its southwestern Ontario FIT projects, including the Jericho Project. While the focus on most communications with SNEC from 2008 through 2011 was on Conestogo (west of Haldimand Tract), Summerhaven (west of Haldimand Tract and closest to Six Nations of the Grand River community), Bornish and Adelaide, SNEC assert their responsibility to protect the air, land and waters within the 1701 Nanfan Treaty area, which encompasses all NextEra projects. This assertion is made in the Six Nations Elected Council Consultation and Accommodation Policy, which can be found in Appendix F.2.

Wind power projects are considered "special projects" within the SNEC Policy and as a result SNEC follows a process that includes both consultation and accommodation. Since the SNEC Policy was new in 2010, there was some discussion in June of that year as to whether, and how NextEra's projects would fall under the Policy. In September 2010 SNEC determined that it wished to review available REA reports for the NextEra projects and in November 2010 SNEC was provided with capacity funding they requested to complete reviews of the four projects, which had been their main focus. This approach has set a template to follow for review of the Jericho Project by SNEC.

NextEra's first "Community Reference Materials" binder was delivered to SNEC on June 4, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, the Jericho Project Description Report and general industry and company information. An updated Community Reference Material Binder was delivered to SNEC Consultation and Accommodation Process Team ("CAP Team") staff at a meeting on October 17, 2011. Another presentation

on all NextEra Ontario FIT Projects was given at that meeting, which detailed current status of each project.

NextEra also provided a project “booth” at the Six Nations of the Grand River Community Awareness Day in 2010 and 2011. Information on current projects was made available in 2010, and the 2011 information focused on archaeology work for the Summerhaven project, which is the closest NextEra project location to the Six Nations of the Grand River Reserve and the Haldimand Tract.

In January 2012, NextEra received draft proposed Capacity Funding Agreements from SNEC for the four project mentioned above, namely: Summerhaven, Conestogo, Adelaide and Bornish. NextEra responded on January 31, 2012, with a copy of its First Nations and Métis Relationship Policy because much of the policy spoke to the same issues dealt with in the proposed capacity funding agreements. NextEra’s preference was, however, to approach all projects of stated interest to SNEC on a comprehensive basis. An initial meeting took place at Ohsweken with the SNEC CAP Team on February 1, 2012 to discuss the capacity funding agreements and NextEra’s proposed approach. Due to SNEC CAP Team priorities with a more immediate and proximate large-scale renewable energy development, a follow-up meeting was not possible until May 7, 2012. Meetings on May 24 and June 19, 2012 aimed at reaching agreement on a work plan, budget and broader relations for all NextEra projects have also taken place. As of writing this report, follow-up to these meetings is ongoing. NextEra and SNEC continue to work on these agreements.

As more fully explained in section 1.5, above, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of the Six Nations of the Grand River, or significant negative environmental effects will result from approval of the Project. Jericho will use good faith efforts to complete the work plan and budget to facilitate SNEC’s review and engagement for the Project. Any specific concerns will be addressed with SNEC and mutually acceptable mitigation explored. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will

implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

#### **4.9 Walpole Island First Nation**

Communications and information sharing with Walpole Island First Nation (“Walpole”) began in 2007 for the Jericho Project. Please see Appendix H.9 for a complete chronology of all communications concerning the five projects of interest to Walpole, including the Jericho Project.

All requisite delivery of REA notices and information has been completed, as more specifically set out in Table 3.1.1, above.

NextEra’s first “Community Reference Materials” binder was delivered to Walpole at a meeting with at a meeting with Walpole Heritage Centre and Economic Development Department staff on June 7, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including the Jericho Project, as well as general industry and company information. The update included a new web site address to obtain Project information and draft Project REA Table 1 reports.

Communications through correspondence, statutory notices, e-mails, telephone and personal meetings with Walpole leadership and staff have been an ongoing and frequent effort, which reflects that five of Next Era’s projects are of interest to them. Primary contact and dialogue has been with staff of the Walpole Heritage Centre, which includes a Renewable Energy Coordinator role. Walpole’s former wind energy consultant, and staff from Economic Development and Employment and Training have also been involved at various times to discuss questions and issues of specific interest to their mandates.

Walpole staff has been consistent in the general issues they raised during discussions with NextEra. These issues are as applicable to the Jericho Project as they are to any projects; whether proposed by NextEra, or other wind developers. These issues were provided to NextEra’s environmental consultants to be addressed during the preparation of the draft REA

Table 1 Reports. A Table of Concordance detailing these issues, NextEra’s response and the corresponding cross-reference in the draft REA Table 1 Reports is included in Appendix G.4. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

Three overarching themes within Walpole’s issues and identified values are, as follows:

Walpole Question/Issue	Response Provided
<p>Does the wind industry and/or Ministry of the Environment anticipate there will be cumulative effects from development of multiple wind farms?</p>	<p>Although each project is evaluated on its own merits, NextEra does not believe that there are cumulative impacts associated with the development of multiple wind farms. To the extent that Ontario’s wind power developments are replacing fossil fuel generation, there may be a net environmental benefit from Ontario’s wind power development.</p> <p>At the individual project level, MOE and MNR will not approve projects unless they are satisfied it will result in no unacceptable impacts. The JAC proposal to NextEra includes some work that may help address this question.</p> <p>NextEra will report Walpole’s question in its Aboriginal consultation report to MOE.</p>
<p>How will an Aboriginal community be better off, after development of a wind farm, than before?</p>	<p>NextEra is engaging with Walpole including exploring opportunities for a broader relationship, in accordance with its First Nation and Métis Relationship Policy.</p> <p>NextEra is working collaboratively with the First nations “Joint Assessment Committee”, of which Walpole is a member, to identify issues of potential interest and explore mutually acceptable solutions.</p> <p>NextEra is initiating an “Opportunities Outreach” program for communities with interests in its projects. The program will provide information on: employment, procurement with NextEra and the industry; scholarship programs; and, steps to pursue them.</p>

Walpole Question/Issue	Response Provided
<p>Walpole prefers a precautionary and an adaptive management approach to potential environmental impacts. Initiatives to increase habitat, restoring SAAR or adopting new wind energy technology (such as radar) as it is developed should be considered.</p>	<p>NextEra is open to discussing environmental initiatives as part of a broader relationship.</p> <p>NextEra uses information from existing extensive operations to inform planning, design and operations across its system. Any variances from acceptable operating conditions are promptly addressed. NextEra has established technical review committees to monitor and address avian issues and implemented post-construction studies to gather more information on the effects of wind on wildlife, including six independent studies at operating wind farms in 2003-2004. NextEra has also joined a group called the Bat and Wind Energy Cooperative (BWEC). Others in this group include the American Wind Energy Association, Bat Conservation International, the Department of Energy National Renewable Energy Laboratory and the U.S. Fish and Wildlife Service. The goal of this three-year collaborative effort is to develop methods to reduce impacts of wind turbines to bat species.</p>

Walpole is participating in the First Nations Joint Assessment Committee (“JAC”) with Aamjiwnaang and Kettle and Stony Point First Nations. The JAC will jointly review five NextEra projects, including the Jericho Project, of common interest to the three First Nations. The results of that review will inform each individual First Nation’s own Consultation process. NextEra will work with Walpole to follow-through their consultation process. Please see the full explanation of the JAC process and objectives, which is described in the Aamjiwnaang First Nation summary in section 4.1, above, which is also applicable to this Walpole consultation summary.

Walpole has provided a proposed capacity funding budget and work plan to Jericho, to implement the Walpole consultation process for the Project, and for Walpole’s administrative responsibilities for the JAC. In principle, Jericho is in agreement with this proposal, but a specific agreement to formalize it and finalize the budget has not yet been tabled by Jericho. This will be done as soon as possible in 2013. It is expected that the results of the JAC reviewer’s reports will inform the final scope of the work plan. A copy of Walpole’s Consultation Protocol is included in Appendix F.3.



As more fully explained in section 1.5, above, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Walpole Island First Nation, or significant negative environmental effects will result from approval of the Project. Consultation with Walpole is ongoing. Jericho will continue to work with Walpole using the results of the JAC review process to inform Walpole's Consultation Protocol, and directly with Walpole to follow through on their Consultation Protocol. All results from the JAC process and Aamjiwnaang Consultation Protocol process will be fully considered and where appropriate, will inform and influence the implementation of the Project. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

#### ***4.10 Historic Saugeen Métis***

Although Historic Saugeen Métis ("HSM") was not included on the Director's List for Jericho, communications and information sharing with them about the Project began in 2009 and has been continuous. Please see Appendix H.10 for a chronology of all communications concerning the projects of potential interest to HSM, which has been abridged to focus specifically on the Jericho Project.

All requisite delivery of REA notices and information have been completed, as more specifically set out in Table 3.1.1, above.

HSM was formerly a Community Council of the Métis Nation of Ontario ("MNO"). While MNO assert traditional harvest territory in Ontario, it is north of the Jericho Project location. Additionally, e-mail correspondence from the Office of the Federal Interlocutor (now the Métis and Non-Status Indian Relations Directorate) placed HSM's traditional territory well north of the Project because HSM had not responded to requests to clarify its traditional territory assertions. NextEra understands that since leaving MNO, HSM assert their traditional territory extends south to the Port Franks area, which is consistent with HSM's understanding

of its collective community rights. HSM acknowledges that it's right to harvest was given up when it withdrew from Métis Nation of Ontario<sup>2</sup>.

Throughout the period of consultation with HSM, NextEra has provided HSM with all general communications provided to other interested Aboriginal communities, such as Archaeological Communiqués, and distribution of project schedule milestones for planning purposes. This is in addition to the requisite notices and deliveries required under Ontario Regulation 359/09.

Information-sharing specific to the Jericho Project began in June 2010. HSM was one of three Aboriginal communities that accepted an invitation to be NextEra's guest at a CanWEA seminar in Toronto, titled "Opportunities in the Wind Energy Value Chain". At the meeting, HSM's consultation coordinator was provided with a copy of NextEra's Community Reference materials binder on June 9, 2010, which included: a map of all NextEra FIT projects locations in southern Ontario; general wind technology and industry information; contacts and web site addresses; and, a draft copy of the Jericho PDR.

At HSM's request, NextEra met with HSM Council and staff on August 11, 2010 to discuss all NextEra projects of interest to HSM in more detail. Bluewater, Conestogo, Jericho and East Durham, were still in the pre-REA study phase at that time. HSM outlined their main concern as being any project which has the potential to negatively impact the traditional HSM territory, asserted to be comprised of the Sauble, Saugeen, Maitland, Bayfield and Ausable watersheds from Port Franks to Tobermory. On August 8, 2010 HSM's consultation coordinator followed up with a list of Métis interests that NextEra provided to its environmental consultants to be addressed as part of the draft REA Table 1 Reports, scheduled for 2011-12. This list of issues (or Métis values) is reproduced in Appendix G.5, as a Table of Concordance to demonstrate how NextEra feels the issues have been addressed in the REA studies and to cross-reference the applicable report and section. The schedule for completion of the Project REA studies was explained to HSM's consultation coordinator in an

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<sup>2</sup> Proceedings of the Senate Standing Committee on Aboriginal Peoples, Issue 21, Evidence - June 13, 2012, testimony of Patsy McArthur in response to Senator Dennis Glen Patterson, Acting Chair.

e-mail of September 15, 2010, to provide assurance that the issues would be addressed at a later time, as those studies and reports were developed.

In October 2010, HSM sent a detailed list of questions concerning the Project to NextEra on a privileged and confidential basis. Many questions required additional discussion and clarification from HSM, which was sought at a meeting held February 18, 2011. NextEra's environmental consultant, AECOM, attended the meeting to provide additional input. It was decided that HSM would restate some questions for clarity and NextEra was to address those that it could as information became available during the REA Table 1 Report process. HSM provided further clarification regarding some of its issues on February 22, 2011 and these were also forwarded to the environmental consultant. Jericho also feels these issues have been addressed in the draft Project REA Table 1 Reports, as set out in Appendix G.5 Table of Concordance. Jericho feels it has now responded to most of the HSM "Jericho questions" in its draft Project REA Table 1 Reports, except those for which a clarification was not received from HSM. Further discussion and resolution of these questions is considered to be part of the ongoing consultation process planned with HSM.

HSM has also sought to enter into a long-term relationship agreement and Memorandum of Understanding ("MOU") for capacity funding and community benefits with NextEra. NextEra received a draft MOU from HSM, including long-term relationship commitments, on July 29, 2011 and a proposed supporting budget was received from HSM on February 17, 2012. NextEra has provided HSM with a copy of its First Nation and Métis Relationship Policy, as it addresses both the relationship and capacity assistance aspect of HSM's documents. Negotiations have taken place aimed at reaching agreement on continuing consultation process and capacity funding. While no agreement has been reached yet, negotiations continue. To date, HSM has been disinclined to accept capacity funding for technical review prior to a comprehensive funding agreement being in place. It is NextEra's intention to continue such negotiations seeking a mutually acceptable agreement with HSM.

As more fully explained in section 1.5, above, however, Jericho is confident that no adverse impacts to Constitutionally protected Aboriginal rights of the Historic Saugeen Métis, or

significant negative environmental effects will result from approval of the Project. Jericho will use good faith efforts to complete the final agreement and budget to facilitate HSM's review and engagement for the Project. Any specific concerns brought forward to Jericho by HSM will be addressed with HSM and mutually acceptable solutions will be explored. Additionally, Jericho will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, Jericho will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

#### ***4.11 Summary of changes as a result of consultation activities***

As of the writing of this report, Jericho has received no information from Aboriginal communities concerning potential impacts to constitutionally protected Aboriginal rights, or potential negative impacts to the environment that have required a change in the design or proposed construction and operation of the Project.

#### ***4.12 Summary of Out of Scope Input Received***

While not part of the mandated inquiries set out under Ontario Regulation 359/09, a number of communities brought issues to NextEra's attention during discussions about the Jericho Project and other projects. In the interest of providing a complete report of the scope of issues raised by communities, NextEra wishes to include the following list of recurring themes raised by Aboriginal communities.

1. Will wind farm development have regional or cumulative effects, and is an Ontario Ministry (such as Ministry of the Environment and/or Ministry of Natural Resources) considering this question?
2. What are the opportunities for Aboriginal communities to participate in wind projects that will result in economic and business benefits to them?

3. Will NextEra entertain or facilitate equity participation by Aboriginal communities, beyond the programs offered through the Ontario Finance Authority?
4. Improving educational opportunities and services in Aboriginal communities should be a priority for any benefits that flow from renewable energy projects.

Wherever possible, NextEra responds to these questions directly with Aboriginal communities, within the scope of its First Nation and Métis Relationship Policy.

## **5. Conclusion**

Jericho has undertaken a thorough Aboriginal consultation program for the Project and this dialogue is ongoing. The steps and information distribution required under Ontario Regulation 359/09 have been completed as described in this report.

No impacts to constitutionally protected Aboriginal or treaty rights have been brought to Jericho's attention to date that required a change in the design, construction or operation of the Project as proposed. Any other issues of concern raised over potential negative environmental impacts have been, or will be addressed as described in this report or through Project mitigation and monitoring, as explained in section 1.5, above.

Jericho has sited its Project appropriately. This is shown in the results of the Project REA Table 1 Reports and claims analysis which conclude that the Project will not result in any residual environmental impacts that may affect Constitutionally protected Aboriginal or treaty rights or Aboriginal interests in potential environmental effects.

As explained in section 4, Jericho has offered to negotiate capacity arrangements with a number of communities who wish to have involvement or communications during the construction and post-construction monitoring to provide additional assurance to the REA conclusions.

Other issues brought to the attention of Jericho that fall outside the scope of Ontario Regulation 359/09 are explained in section 4.12, including Jericho's response.

Communication and information exchange with Aboriginal communities will continue through the construction and monitoring phase of the Project, and into operations, as explained in Section 6, "Next Steps". Using the management systems, described therein, for receiving and resolving any unexpected issues of concern, will ensure that Aboriginal interests will continue to be unaffected by the Project.

## 6. Next Steps

This section describes Jericho's approach to ensure ongoing communication and dialogue going forward, and its undertakings to ensure no adverse impacts to Aboriginal or treaty rights, or to environmental features of concern to Aboriginal communities will occur during construction and operation of the Project.

1. Jericho will implement the 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. Jericho will consider and implement site-specific mitigation that may be mutually agreed to with Aboriginal communities as a result of their review of the draft Project REA Table 1 Reports.
3. To provide further assurance to Aboriginal communities in regard to the conclusions reached in the Project REA Table 1 Reports that there will be no significant environmental impacts, Jericho will explore the possibility of Aboriginal environmental field monitors and/or environmental liaison committees that would be a vehicle for ongoing communication during construction and post-construction monitoring. These steps could provide additional certainty to the affected Aboriginal communities that the required mitigation is implemented and effective. This may be through the communities themselves, Aboriginal contractors, or possibly through Provincial Territorial, Tribal Council or another collective organization with an appropriate relationship to the communities for this Project. Discussions of the methodology have already begun with interested communities. The mandate of the monitors or committee would be to view and report on the implementation of mitigation 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.

4. To provide further assurance to Aboriginal communities regarding the protection of archaeological resources, Jericho will ensure there is monitoring of construction activities that may be proximate to any Stage 3 or Stage 4 site at the Project, in addition to requiring buffer areas around them. These measures are fully described in the Construction Plan Report, Table 3-1.
5. Jericho will operate a management system approach to communicating with and to the tracking and resolving issues of concern brought to the attention of Jericho during construction and operations by Aboriginal communities. Should an Aboriginal community express an issue of concern with the Project activities, Jericho will have a formal system to receive, track and resolve such concerns as is required under Ontario Regulation 359/09, Table 1, section 4. The Design and Operations Report, section 5, (page 15) contains a complete description of the emergency response, ongoing communications plan and complaint resolution process to be implemented for this Project. Information about this system will be shared with Aboriginal communities prior to construction.
6. Jericho will maintain ongoing general 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 mitigation. 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.



7. It is recognized that some Aboriginal communities have provided no specific information about project-related concerns. Jericho 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.

Jericho believes that these measures will provide additional assurance beyond the conclusions of the draft Project REA Table 1 Reports and consultation to date so that no constitutionally protected Aboriginal or treaty rights, or Aboriginal interests in the environment will be negatively impacted by the Project.

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