



**ABORIGINAL CONSULTATION REPORT**

**FOR:**

**PROPOSED SUMMERHAVEN WIND ENERGY CENTRE**

**NextEra Energy Canada, ULC**

**Report Updated as of: January 22, 2011**

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## Introduction

The Summerhaven Wind Energy Centre project (herein, “the Project”) has been developed jointly by NextEra Energy Canada, ULC (also referred to herein as “NEEC”) and TCi Renewables. TCi Renewables was the original project developer, who proposed a wind energy center under the project name “Nanticoke”. This project, now expanded, has been renamed “Summerhaven”.

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

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

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

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

The Project will consist of up to sixty-one 2.221 MW wind turbines for a nameplate capacity of up to 135.5 MW. The electricity generated will be fed into the existing Hydro One 115 kV transmission grid. Other Project components include a substation, which increases the electrical voltage, the transmission line to the Hydro One corridor and an operations and maintenance building, which will be located beside the substation. Access roads will allow personnel and equipment to access turbines. Underground and overhead cables will connect the turbines to each other, and two weather towers will monitor wind speeds for Project operations.

A complete description of the Project facilities, potential impacts and recommended mitigations are found in the reports submitted by NEEC in accordance with Table 1 of Ontario Regulation 359/09 including the Project Description Report by Golder Associates and the supporting reports, namely: Consultation Report, Construction Plan Report, Design and Operations Report, Decommissioning Plan Report as well as the Natural Heritage Report, Water Assessment Report, Heritage Assessment Report, Noise Study Report, Archaeology

Assessment report and Site Plan Report (the “Project Table 1 Reports”). This Aboriginal consultation report should be read in conjunction with the Project Table 1 Reports and in particular, the planned mitigations described in those reports to avoid impacts to the natural environment and archaeological resources.

While the area of land studied to meet the requirements of Ontario Regulation 359/09 was over 22,000 hectares, the “footprint” of each turbine is about 0.6 hectares. Please refer to the study area and project location maps in the Project Table 1 Reports.

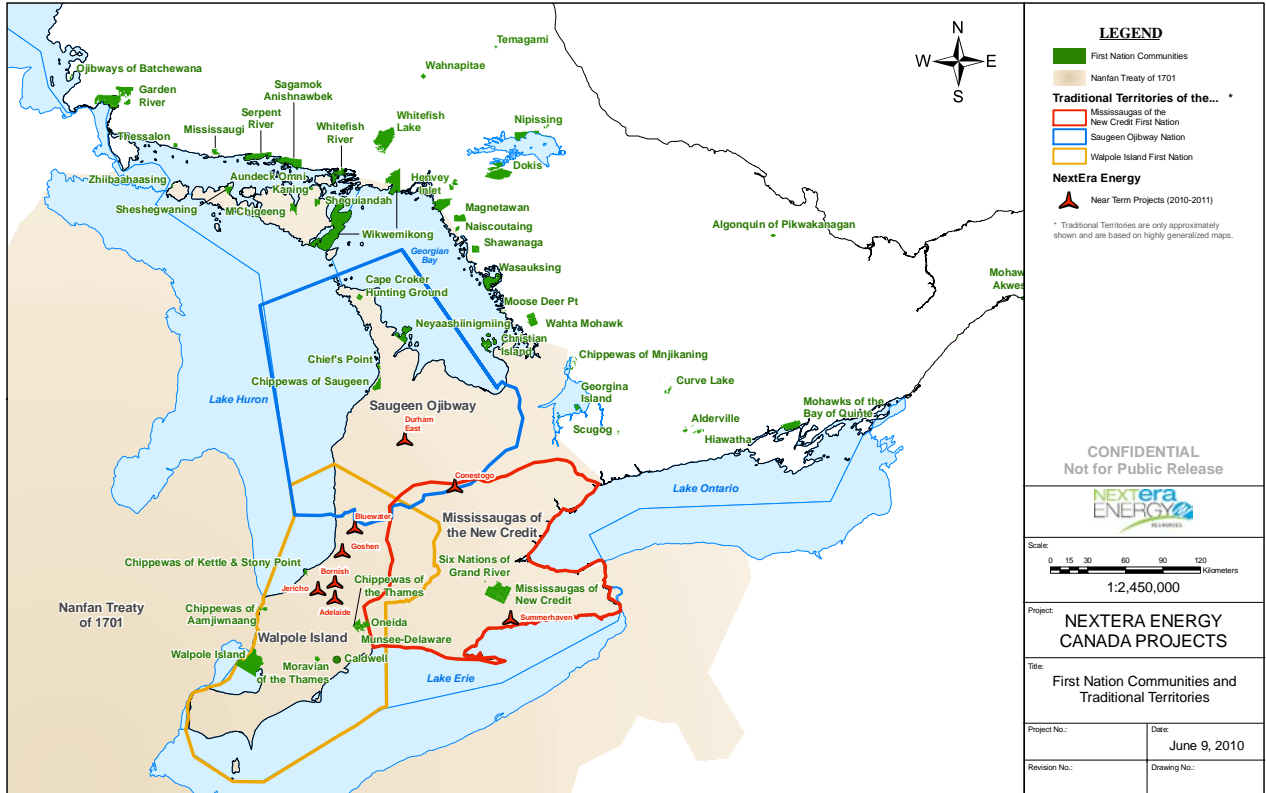
For Aboriginal consultation, it is important to note that the Project is one of a number currently being pursued by NEEC in southwestern Ontario. NEEC is working with many communities for many projects. This provides a good opportunity to share information about wind energy, generally, and the various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

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

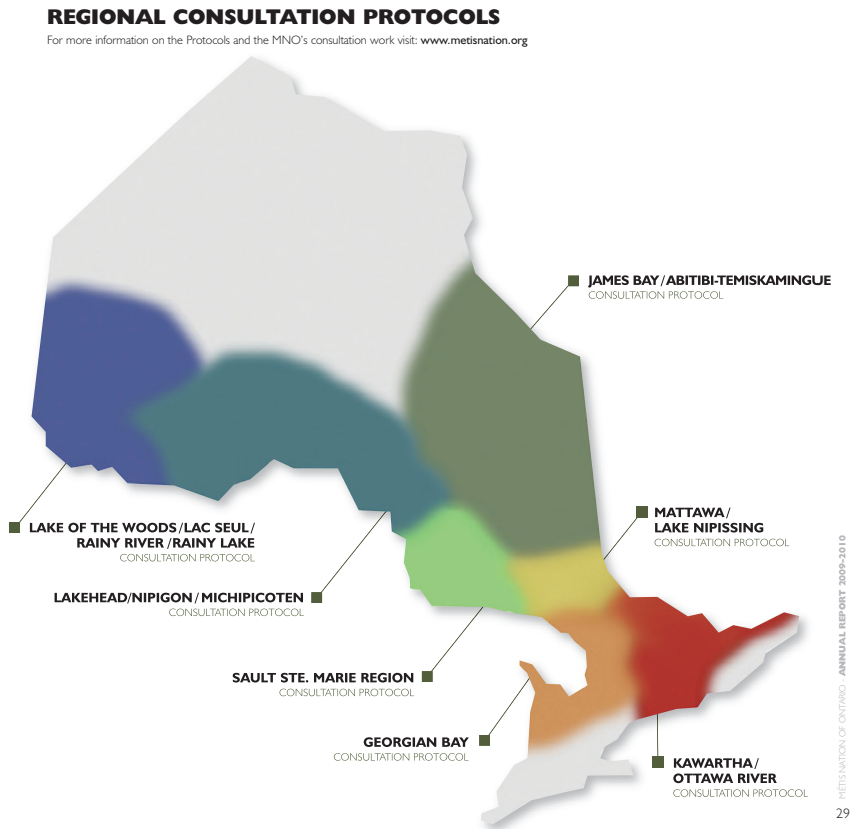
Please refer to the first map below for the Project location in relation to First Nation communities and known traditional territories.

A second map describes approximate boundaries of Traditional Métis Nation of Ontario Harvest Territories located in southwestern Ontario. The Project location and study area are not located in a Traditional Métis Nation of Ontario Harvest Territory.

MAP 1: PROJECT LOCATIONS AND FIRST NATION COMMUNITIES



## MAP 2: MÉTIS TRADITIONAL HARVEST TERRITORIES APPROXIMATE BOUNDARIES



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

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

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

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

### ***1.1 Identification of Aboriginal Communities and Potential Interests***

#### IDENTIFYING COMMUNITIES

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

As required under Ontario Regulation 359/09, a request to confirm NEEC's list of communities was submitted to the Director of Renewable Energy Approvals in accordance with section 14.(1) of the REA. The Director's list of Aboriginal communities to be consulted was received on October 25, 2010. Communities included in the Director's list are also listed in **Table 2.1.1**.

## IDENTIFYING ABORIGINAL RIGHTS AND KEY INTERESTS

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

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

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

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

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

Based on the above, NEEC appreciates that Aboriginal "way of life", encompasses unique cultural and spiritual beliefs and values, as well as relationships of responsibility and interdependence among peoples, their communities and the natural environment. This involves a holistic perspective, where actions are highly interconnected in ways that may



seem different, or not readily apparent to the non-Aboriginal world view. Consideration of project proposals and decision-making will take time and may encompass a wide variety of issues. Both the time required and the issues may extend beyond the schedule and scope of the REA process. NEEC also understands that the connection between Aboriginal way of life and land is of prime importance to Aboriginal peoples.

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

#### A. Natural Environment

As mentioned above, relationship to the land and natural environment is particularly important in the Aboriginal world view. Project activities that may directly or indirectly have negative impact on species, habitat or ecosystems that are used for food, ceremonial or social purposes would be of immediate concern. Such activities may form the basis of an Aboriginal right, which is integral to Aboriginal way of life. NEEC has sited its facilities appropriately and will as required, implement all environmental mitigation as set out in the Project Table 1 Reports, as submitted to the Director of Renewable Energy Approvals under Ontario Regulation 359/09.

Where natural features are present within 120m of the Project location (including predicted temporary disturbance areas), a Natural Heritage Assessment is a required report of the Application for a Renewable Energy Approval under Ontario Regulation 359/09. The key components of the NHA include four major stepwise components including: 1) a records review; 2) a site investigation; 3) an evaluation of significance of natural features, and; 4) completion of an environmental impact study (EIS) for features predicted to be significant. In conducting a records review or a site investigation, identifying natural features and determining the boundaries of any natural features, NEEC and their consulting team are to use applicable evaluation criteria or procedures established or accepted by the Ministry of Natural Resources “MNR”), as amended from time. The MNR mission is to manage natural resources in an ecologically sustainable way to ensure that they are available for the enjoyment and use of future generations, inclusive of Aboriginal communities.

To meet the requirements of Ontario Regulation 359/09, NEEC is required to complete a Natural Heritage Assessment in accordance with procedures established or accepted by MNR and to submit reports that will satisfy the requirements under sections 25, 26 and 27 of Ontario Regulation 359/09. MNR is then required to provide confirmations with respect to the NHA for the following:

- determination of the existence of natural features and the boundaries of natural features was made using applicable evaluation criteria or procedures established by MNR;
- site investigation and records review were conducted using applicable evaluation criteria or procedures established or accepted by MNR, if no natural features are identified;
- evaluation of significance or provincial significance of natural features was conducted using applicable evaluation criteria or procedures established or accepted by MNR;
- project location is not in a provincial park or conservation reserve; and
- environmental impact assessment report has been prepared in accordance with the procedures established or accepted by MNR.

Ministry staff have reviewed the Draft Natural Heritage Assessment and comments were only just received by NEEC on December 13, 2010. Based on the comments provided by MNR, confirmation of all of the above factors could not be provided at this time and NEEC is working to obtain the confirmations from MNR. They will be filed as part of the Summerhaven Renewable Energy Approval Application as soon as they are received.

The EIS of significant natural features in step 4 identified above will require there to be no significant long-term environmental impacts, and thus, no significant direct or indirect impacts to species, habitats or ecosystems that may support an Aboriginal right.

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

## B. Cultural

Archeological work for any development project is always potentially of interest to Aboriginal communities who are consulted. Stage 1 and 2 Archeological Assessments have been completed as required by the Ministry of Tourism and Culture and Stage 3 work is underway. The Stage 1 archeological assessment of the Summerhaven study area has shown that the entire area exhibits potential for Aboriginal archeological resources due to the presence of nearby potable water sources, level topography, agriculturally suitable soils and known archeological sites. As a result, Stage 2 archeological field work has been ongoing since the end of 2009 in the form of pedestrian survey at five metre intervals in ploughed agricultural fields. The Stage 2 survey to date has resulted in the identification of more than 800 previously unknown sites (ranging from a single flake of chert tool waste to larger

scatters of chert flakes), over 250 of which are located within the limits of the final layout design.

Aboriginal monitors from the Six Nations and the Mississaugas of New Credit have been participating in this work. The monitors have also participated in the subsequent Stage 3 test excavation to determine the limits of sites that were found to require further work.

Approximately half of the Stage 2 sites found within the final layout design area to date have been recommended for Stage 3 test excavation. The other half of the Stage 2 sites found to date were considered to be sufficiently documented once the Stage 2 field survey was completed. Focusing on those sites recommended for Stage 3 test work, 85 of those sites have been subjected to Stage 3 test excavation to date and the remainder should be subjected to Stage 3 test excavation by the middle of 2011.

The archaeology field work has been designed to identify significant sites and the mitigation goal has been to avoid archaeological resources as much as possible. However, if the turbine and infrastructure layout does not permit avoidance after the Stage 2 field survey has been done, Stage 3 work is being conducted, as discussed above. If the site requires further extensive documentation and cannot be avoided during the construction or operation of the wind farm, Stage 4 field work will be conducted with the knowledge of the interested First Nations and participation of their monitors.

On November 26, 2010, meetings were held with staff at Mississaugas of the New Credit, Six Nations of the Grand River and Six Nations Confederacy Council (Haudenosaunee Development Institute) to provide an overview of archaeological work completed to date. Advice was requested from staff on how to appropriately share the information with the communities. A response is expected soon, and NEEC is prepared to present results of the field work in consultation with staff and leadership.

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

## C. Land

No reserves are affected by the Project.

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

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

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

- Mississaugas of the New Credit - see approximate area of traditional territory asserted on Map 1, above
- Mohawks of Akwesasne - no claims asserted in project area, but potential for interest in lands within the 1701 Nanfan Treaty area as a member of the Haudenosaunee Confederacy
- Mohawks of the Bay of Quinte - no claims asserted in project area, but potential for interest in lands within the 1701 Nanfan Treaty area as a member of the Haudenosaunee Confederacy
- Oneida Nation of the Thames - no claims asserted in project area
- Oneida Council of Chiefs On^yota a:ka Lotiyaneshu - asserted interests under any rights that may exist under the 1701 Nanfan Treaty, including an asserted right to conduct what today would be called economic activities: see map in **Appendix 7**.
- Six Nations of the Grand River (Elected Council) - Under Six Nations Elected Council Consultation and Accommodation Policy, a responsibility is asserted to protect the air, land and water within the 1701 Nanfan Treaty area: see map in **Appendix 7**.
- Haudenosaunee (Six Nations Confederacy) - potentially asserted interests under the 1701 Nanfan Treaty (see map **Appendix 7**) and Haudenosaunee Places to Grow Plan (see map in **Appendix 9**).
- Wahta Mohawks - no claims asserted in project area, but potential for interest in lands within the 1701 Nanfan Treaty area as a member of the Haudenosaunee Confederacy

No asserted Métis Harvest Territories are affected by the Project.

## ***1.2 Project Consultation as a Proponent***

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

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

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

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

### ***1.3 Broader Engagement***

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

### ***1.4 Aboriginal Relations Canadian Project Framework***

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

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

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

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

## 2. Information Provided to Communities

### 2.1 Aboriginal Communities with Potential Interests in the Project

The following table identifies communities included in the Director's List of October 25, 2010 (left hand column) cross-referenced to communities initially identified by NEEC's inquiries (right hand column).

As explained above, the Project had begun prior to creation of the REA and the requirement to obtain the Director's List. Consequently, NEEC had developed its own list and had already begun the process of information-sharing and dialogue about the Project in 2007-2008.

*TABLE 2.1.1: ABORIGINAL COMMUNITIES IDENTIFIED*

Director's List	Communities Previously Identified by NEEC
Not on Director's List	Huron-Wendat (Potential interest related to archaeological reports)
Mississaugas of the New Credit	Mississaugas of the New Credit
Mohawks of Akwesansne	Not identified through previous INAC or MAA inquiries.
Mohawk of the Bay of Quinte	Initially identified by INAC based on a claim in Tyendinaga and Deseronto Townships (eastern Ontario) that was subsequently confirmed by INAC as incorrect information and that there is no claim near the Project.
Not identified on the Director's List	Oneida Council of Chiefs, On'yota a:ka Lotiyaneshu
Oneida of the Thames	Oneida of the Thames (Confirmation that Six Nations will take the lead received November 30, 2010)
Six Nations Confederacy Council	Six Nations Confederacy Council
Six Nations of the Grand River	Six Nations of the Grand River
Wahta Mohawk	Not identified through previous INAC or MAA inquiries. (Confirmation that Whata defer to Six Nations received December 12, 2010)

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

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

## **2.2 Distribution of Required Information**

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

1. A draft of the project description report that was consistent with the Table 1 reports required for a Class 4 Wind Facility under Ontario Regulation 359/09.
2. Any information NEEC had regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project. (NEEC had no such information.)
3. "Plain language" summaries of each report, and the reports mentioned in paragraphs 1 and 2 of subsection 16 (6) of Ontario regulation 359/09 ("the draft REA Documents"), in respect of which information is being requested under paragraph 17.(1) 4 of the Regulation. The delivery of this information was completed in the manner and on the dates set out below. Each delivery was accompanied by a covering letter addressed to the appropriate leadership person (usually the Chief of Council) and copied to the appropriate staff contact. Copies of the covering letters are included under **Appendix 5**.
4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the



community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts. Copies of the covering letters are included under **Appendix 5**.

- Notices of the final public meeting, in a form that complied with the pro forma included in Ontario Ministry of Environment “Technical Bulletin Five: Guidance for Preparing the Consultation Report”.

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

Community	Contact Person(s)	Dates Delivered: (a) Notice of First Open House (b) Draft REA Doc's. (c) s. 17 Request (d) Summaries (e) Notice of Final Open House	Delivery Method
Mississaugas of the New Credit	Chief Brian Laforme	(a) November 19, 2009 (b), (c), (d), (e) October 4, 2010 October 6, 2010	Courier
Mohawks of Akwesansne	Grand Chief Michael Mitchell	(a) Not sent (b), (c), (e) October 27, 2010 (d) October 28, 2010	Courier
Mohawk of the Bay of Quinte	Chief R. Donald Maracle	(a) Not sent (b), (c), (d), (e) October 27, 2010	Courier
Oneida Council of Chiefs	Chief Alfred Day Charlene Deleary, Secretary	Copied with Six Nations Confederacy Council letter(b), (c), (d)	Courier
Oneida of the Thames*	Chief Joel Abram	(a) Not sent (b), (c), (d), (e) October 28, 2010	Courier
Six Nations Confederacy Council	Chief A. McNaughton	(a) November 19, 2009 (b), (c), (d), (e) October 1, 2010 October 6, 2010	Courier
Six Nations of the Grand River	Chief William Montour	(a) November 19, 2009 (b), (c), (d), (e) October 1, 2010 October 6, 2010	Courier

Community	Contact Person(s)	<b>Dates Delivered:</b> (a) Notice of First Open House (b) Draft REA Doc's. (c) s. 17 Request (d) Summaries (e) Notice of Final Open House	Delivery Method
Wahta Mohawk*	Chief Blaine Commandant	(a) Not sent (b), (c), (d) (e) October 27, 2010	Courier

\*Oneida of the Thames and Wahta Mohawk have deferred to Six Nations as lead for this project.

The Directors' List of Communities to be consulted included the three Mohawk communities and Oneida of the Thames, but it was received October 25, 2010, almost one year after the first open house. The notice of first open house was delivered to those communities identified through prior inquiries with Indian and Northern Affairs and Ministry of Aboriginal Affairs. As a result no notices of the first open house were delivered to Mohawk communities or the Oneida of the Thames. Publication of the first and second open house notices was, however, made in the Turtle Island News, which is published at Six Nations of the Grand River but has broad circulation that would be accessible to all of the Mohawk communities and Oneida of the Thames. No other community newspapers with standard circulation or daily/weekly publication dates were available.

In addition to delivery of the foregoing information, NEEC has delivered letters advising of the submission of its application under Ontario Regulation 359/09, to all communities listed in Table 2.2.1, other than those communities who do not assert traditional territory at the Project location, the Huron-Wendat Nation (i.e. archaeology interest only) and Whata Mohawk who deferred to Six Nations. Copies of the letters are enclosed as **Appendix 6**.

### **2.3 Additional Information Made Available**

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

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

to discuss all current projects. NEEC is prepared to make other community presentations, if requested.

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

NEEC has also distributed relevant contextual background information about wind energy including the technology, development process, industry, related commercial opportunities and the regulatory approval process to all the communities it had identified for the Project. In addition to the above presentations, this information was contained in a “Community Reference Binder” that was distributed to all First Nation and Métis communities with potential interests in current Ontario projects. The binder is sized to accommodate additional materials so that communities who wish to, may use it as a central repository for all NEEC project correspondence.

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

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

### **3. Information Received From Aboriginal Communities**

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

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

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

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

Community	s. 17 Information Provided	How Addressed
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.
Mississaugas of the New Credit	<p>No specific “s. 17” information about the Project to date.</p> <p>Prior to sending the “s.17 request”, the Mississaugas of the New Credit provided a general list of issues they wished to be consulted about, as follows:</p> <ol style="list-style-type: none"> <li>1. Land claims</li> <li>2. Potential to affect reserves</li> <li>3. Potential to affect sacred grounds</li> <li>4. First Nation treaty rights</li> <li>5. Potential to affect significant pre-historic or historic First Nations archaeological sites of extreme local, provincial or national interest.</li> </ol>	<p>The Summerhaven project is not located on any known Mississaugas of the New Credit land claims, reserve lands or treaty areas.</p> <p>NEEC believes the field work conducted by its consultants to date concludes no sacred sites will be affected and that any archaeological sites will be either be avoided, or dealt with in accordance with Ministry of Tourism and Culture requirements in consultation with Mississaugas of the New Credit.</p> <p>NEEC is continuing to work with Mississaugas of the New Credit and met on November 26, 2010 to determine what process will be followed for review of the Project. Please see section 3.4.</p>
Mohawks of Akwesansne	No specific “s. 17” information about the Project to date.	Initial contact with Akwesansne staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.
Mohawks of the Bay of Quinte (Re. Nanfan Treaty Claim)	No specific “s. 17” information about the Project to date.	Initial contact with Bay of Quinte staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.

Community	s. 17 Information Provided	How Addressed
<p>Oneida Council of Chiefs (On^yota a:ka Lotiyaneshu)</p>	<p>No specific “s. 17” information about the Project to date.</p> <p>On March 8, 2010 a letter was received from Howard Elijah, Secretary, Oneida Council of Chiefs On^yota a:ka Lotiyaneshu, on behalf of the Haudenosaunee and stating it was with support of the elected of Council Oneida of Thames. The letter stated, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• The Council strongly support use of sustainable resources and recognized the Project as consistent with their views on conservation and respect for the natural world.</li> <li>• Council of Chiefs’ assert a treaty right under 1701 Nanfan Treaty and subsequent 1726 and 1755 clarifications.</li> <li>• The Treaty sets apart an area, including the Project area, for what today would be termed economic activities.</li> <li>• The Duty to Consult and accommodate rests with the Crown and cannot be delegated</li> <li>• The Haudenosaunee have a right to participate in any benefits that result from the Project.</li> </ul> <p>The Council sent a copy of their letter to Ministry of Energy and Infrastructure, Ministry of Environment and Ministry of Aboriginal Affairs.</p>	<p>NEEC believes this letter was intended to address another project, named “Bornish”.</p> <p>NEEC replied by letter dated 2010-06-03 seeking clarification of which Haudenosaunee communities and governments are represented by Oneida Council of Chiefs and to confirm if the letter only applied to another NEEC project, named Bornish, which is closer to Oneida of the Thames. The letter further asked for identification of any impact the Council believes that the Bornish Project may have on economic activities authorized by the 1701 Nanfan Treaty. No reply has been received.</p> <p>The Nanfan Treaty of 1701 dealt with hunting and fishing (harvesting) rights. The Project is on private lands and should not impact any existing access rights to lands for harvesting purposes. As indicated in the Project Table 1 Reports and work conducted by NEEC’s environmental consultants, the Project should not adversely affect species or habitats that may be subject of harvest activities.</p>
<p>Oneida of the Thames</p>	<p>See Oneida Council of Chiefs, below.</p>	<p>On November 30, 2010 Oneida staff confirmed working with Six Nations is acceptable.</p>

Community	s. 17 Information Provided	How Addressed
Six Nations of the Grand River (Elected Council)	No specific "s. 17" information about the Project to date however, there is a claim asserted in the Haldimand Tract, to the immediate east of the Project.	NEEC will continue to discuss the Project with SNEC staff and/or leadership, as appropriate. Please see section 3.4, below.
Six Nations Confederacy Council	A meeting took place on March 8, 2010 at the office of the Haudenosaunee Development Institute (HDI). It was mutually agreed that the meeting was for information-sharing, not for consultation. HDI staff and confederacy leadership in attendance explained the areas of greatest concern over development, namely: Haldimand Tract; lands in Fergus and Kirtchener-Waterloo claim areas, and; Haudenosaunee Places to Grow are of prime concern.	NEEC will continue to discuss the Project with HDI and/or Haudenosaunee leadership, as appropriate.  NEEC provided information to initiate the HDI process on November 26, 2010.  The Project is not located in any known Haudenosaunee claim areas.
Wahta Mohawks	No information provided to date.	On 2010-12-16 Chief Blaine Commandant confirmed Wahta Mohawk would defer any concerns about the Project to Six Nations Council.

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

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

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

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

Community	Environmental Issue(s)	How Addressed
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.
Mississaugas of the New Credit	Mississaugas of the New Credit have provided a list of issues they wished to be consulted about, as follows: 1. Potential to affect use of land and resources for traditional purposes	NEEC believes the field work conducted by its consultants to date concludes that this factor will not be affected by the Project.  NEEC is continuing to work with Mississaugas of the New Credit and met on November 26, 2010 to determine what process will be followed for review of the Project. Please see section 3.4, below.
Mohawks of Akwesansne	No information provided to date.	Initial contact with Akwesansne staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.
Mohawks of the Bay of Quinte (Re. Nanfan Treaty Claim)	No information provided to date.	Initial contact with Bay of Quinte staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.

Community	Environmental Issue(s)	How Addressed
Oneida Council of Chiefs	Any burial sites are not to be disturbed	NEEC has adopted an archeological protocol that is consistent with Ministry of Tourism and Culture requirements and has arranged for First Nation monitors to be part of the archaeologists' crew.
Oneida Nation of the Thames	See Oneida Council of Chiefs	On November 30, 2010 Oneida staff confirmed working with Six Nations is acceptable.
Six Nations of the Grand River (Elected Council)	The Six Nations Council "Land Use Consultation & Accommodation Policy" states that "...[Six Nations elected] Council asserts a responsibility to protect the land, air, and water within the wider area specified by the 1701 Fort Albany/Nanfan Treaty."	<p>NEEC believes that the results of the Project Table 1 Reports demonstrate that the Project can be constructed and operated consistent with the spirit and intent of the SNEC Policy.</p> <p>On November 1, 2010, NEEC provided capacity funding for SNEC to begin a third party review of the Table 1 Reports.</p> <p>If the review raises new questions, concerning negative environmental impacts, they will be addressed through the mitigations outlined in the Project Table 1 documents, the initiatives described in section 5, below and/or through discussions with Six Nations staff and leadership.</p>



Community	Environmental Issue(s)	How Addressed
Haudenosaunee (Six Nations Confederacy)	<p>A meeting took place on March 8, 2010 at the office of the Haudenosaunee Development Institute (HDI). It was agreed the meeting was not for consultation. HDI require an application fee and payments leading to negotiation of a memorandum of understanding in order to review and comment on the Project.</p> <p>Please see description of the HDI consultation and accommodation process, in section 3.4, below.</p>	<p>NEEC will continue to discuss the Project with HDI and/or Haudenosaunee leadership, as appropriate.</p> <p>NEEC provided information to initiate the HDI process on November 26, 2010.</p> <p>If the review raises new questions, concerning negative environmental impacts, they will be addressed through the mitigations outlined in the Project Table 1 documents, the initiatives described in section 5, below and/or through discussions with Six Nations staff and leadership</p>
Wahta Mohawks	No information provided to date.	On 2010-12-16 Chief Blaine Commandant confirmed Wahta Mohawk would defer any concerns about the Project to Six Nations Council.

### ***3.3 Other Issues Raised by Aboriginal Communities***

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

**TABLE 3.3.1: OTHER ISSUES RAISED BY ABORIGINAL COMMUNITIES**

Community	Other Issue(s)	How Addressed
Huron-Wendat (Interest related to archaeological reports)	No communication to date	Stage 2 archaeology report to be forwarded upon completion.
Mississaugas of the New Credit	<p>Mississaugas of the New Credit have provided a list of issues they wished to be consulted about, as follows:</p> <ol style="list-style-type: none"> <li>1. Potential to support First Nations industry in the area by efficient and reliable movement of people and goods</li> <li>2. Revenue-sharing arrangements</li> <li>3. Partnership ventures</li> <li>4. Employment opportunities</li> <li>5. Education assistance</li> <li>6. Training and apprenticeship programs</li> <li>7. Scholarships</li> <li>8. Funding for community based projects</li> <li>9. Proponent to fund First Nations to actively participate in negotiating an agreement including for legal advisors and consultants</li> <li>10. Health contributions</li> <li>11. Contributions for department programs, cultural activities, powwows, library, playgrounds and community events.</li> </ol>	<p>NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain.</p> <p>NEEC provided a modest sponsorship of Mississaugas of the New Credit historical gathering called “Our People: The Mississauga Nation,” on March 3, 4 &amp; 5, 2010.</p> <p>NEEC will continue to communicate with the Mississaugas of the New Credit and include them in any project-related information programs.</p>
Mohawks of Akwesansne	No information provided to date.	Initial contact with Akwesansne staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.

Community	Other Issue(s)	How Addressed
Mohawks of the Bay of Quinte (Re. Nanfan Treaty Claim)	No information provided to date.	Initial contact with Bay of Quinte staff indicates a letter may be received directing NEEC to continue to deal with Six Nations.
Oneida Council of Chiefs	Opportunities for economic benefits.	NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain. Dialogue regarding such additional issues will continue if requested.
Oneida Nation of the Thames	See Oneida Council of Chiefs	On November 30, 2010 Oneida staff confirmed working with Six Nations is acceptable.
Six Nations of the Grand River (Elected Council)	A meeting took place on May 17, 2010 at which staff from Six Nations of the Grand River explained the Six Nations Elected Council (SNEC) Consultation and Accommodation Policy. It was explained at the meeting and by e-mail, that the procedure under the policy requires proponents to first confirm in writing whether or not they want to partner with Samsung on their project, and if not, the discussions then move to negotiating accommodation beginning with submission of project financial information. It is believed these two matters are outside the scope of issues identified in O/Reg 359/09.	<p>NEEC will continue to discuss the Consultation and Accommodation policy with Six Nations of the Grand River with respect to all affected NEEC projects.</p> <p>NEEC have responded to the request concerning Samsung.</p> <p>NEEC offered to sponsor attendance at June 2010 CanWEA Seminar on opportunities in wind energy supply and value chain.</p> <p>NEEC will continue to communicate with the SNEC and include them in any project-related information programs.</p>
Haudenosaunee (Six Nations Confederacy)	No information provided to date.	NEEC will continue to communicate with the Confederacy Council and include them in any project-related information programs.
Wahta Mohawks	No information provided to date.	On 2010-12-16 Chief Blaine Commandant confirmed Wahta Mohawk would defer any concerns about the Project to Six Nations Council.

### **3.4 First Nation and Métis Consultation and Accommodation Protocols**

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

#### **A. Mississaugas of the New Credit**

NEEC met with staff and a Council member on November 26, 2010 to discuss what process Mississaugas of the New Credit will follow to review the Project. While there is no current procedure or policy in place, the process will generally follow these steps:

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

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

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

#### **B. Six Nations Confederacy Council**

NEEC has been advised that the Haudenosaunee Development Institute ("HDI") has been delegated authority to review and provide technical advice to the Six Nations Confederacy Council for all developments within: (a) Haudenosaunee Green Plan, which includes the

Haldimand Tract, the Haudenosaunee Places to Grow and places where clear land rights are held, and also; (b) all lands within the 1701 Nanfan Treaty area.

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

Copies of the foregoing protocol and green plan are enclosed in **Appendix 9**.

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

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

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

#### C. Six Nations of the Grand River

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

As the official governing body of the territory and working with all Six Nations Community Members, Six Nations Elected Council (SNEC) on

behalf of the people of Six Nations of the Grand River has interests in and a duty to protect land within the Haldimand Tract. These interests include unsurrendered lands; conditionally surrendered lands which are subject to unfulfilled conditions; and the Grand River including the river bed.

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

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

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

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

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

#### D. Mohawk Communities, Oneida Council of Chiefs and Oneida of the Thames

NEEC has made contacts with all three Mohawk Communities (Akwasasne, Bay of Quinte and Wahta), as well as the Oneida Council of Chiefs and Oneida of the Thames. The requisite information to be delivered under the REA pursuant to section 17 has been provided, as documented in **Table 2.2.1**, below. To date, NEEC has not been advised of any specific consultation and accommodation protocol by these communities, nor has any

response been received to the requisite information. In fact, early indications from staff of the Mohawk communities are that, given the location of the Project, leadership may deem it acceptable that Six Nations Confederacy Council takes the lead on behalf of Haudenosaunee communities. This is consistent with previous advice received from Oneida Council of Chiefs.

As of the date of writing this report, a written confirmation of the foregoing has been requested from the three Mohawk communities and Oneida of the Thames. Confirmation is pending internal inquiries by Bay of Quinte and Akwesasne staff. Confirmation was, however received on November 30, 2010 from Oneida of the Thames staff and on December 12, 2010 from Chief Blaine Commandant that they defer to Six Nations to take the lead for the Project.

NEEC has communicated with staff at all three Mohawk communities. In addition, communications and meetings have taken place with leadership and staff at Six Nations Confederacy Council, Six Nations Elected Council, Oneida Council of Chiefs and Oneida of the Thames. NEEC has also established a formalized framework, as set out in section 1.4, above, to continue to guide relationships with all communities on a going forward basis. NEEC is confident the work completed in preparation of the Project Table 1 Reports, the results of those studies, the planned mitigations and the additional measures and commitments to ongoing communications and collaboration, as set out under section 5 “**Going Forward**”, below, will address any questions by raised by the three Mohawk communities, Oneida Council of Chiefs and Oneida of the Thames concerning potential impacts to the environment, cultural interests or lands affected by the Project.

#### E. Métis

The Project is not in an area where either Métis Nation of Ontario or Historic Saugeen Métis Council assert any traditional harvest territory. No other Métis organizations have been identified to have interests that may be affected by the Project. As a courtesy, NEEC has included the Summerhaven project in its discussions with Métis Nation of Ontario and will continue to do so.

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

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

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



## 5. Going Forward: Communications and Approach

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

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

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

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

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

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

1. Implementation of construction mitigation as required and as set out in the final project Table 1 Reports, in particular, the Archaeology reports, Construction Plan Report, Design and Operations Report, the Decommissioning Report and the Natural Heritage Report as submitted to the Director of Renewable Energy Approvals under Ontario Regulation 359/09, including any required monitoring and follow-up;

2. A management system approach to tracking and resolving issues of concern brought to the attention of NEEC by Aboriginal communities that is consistent with Ontario Regulation 359/09, Table 1, Section 4, and;
3. Maintaining open lines of communication with Aboriginal communities throughout construction and operations.
4. Site-specific mitigations that may be mutually agreed to with the Aboriginal community.

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

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

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

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

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

4. reporting of all issues of concern as part of project monitoring reports and commissioning activities.

Finally, NEEC will maintain ongoing communications with Aboriginal communities through the construction and operating phase of its project as one element of its ongoing community, municipal and landowner communications program. In addition to contact with leadership and/or key staff, and where practicable, local Aboriginal community newsletters, web sites or other communication vehicles will be used to convey relevant project notices and updates, as may be agreed to by the Aboriginal communities. Anticipated topics may include Project schedule updates, reports on Project activities and on the effectiveness of environmental mitigations. Details of the content of this program, frequency of updates and communication vehicles will be discussed with Aboriginal communities who express interest in receiving such information.

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

## **6. Conclusion**

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

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

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

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

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

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

## LIST OF APPENDIXES

	<b><u>No.</u></b>
NEEC Energy Canada, ULC, “Aboriginal Relations Canadian Project Framework”	1
NEEC Energy Canada, ULC, Ontario Projects - Archaeological Protocol	2
NEEC Energy Canada, ULC “Community Reference Binder” contents	3
Contact Summaries	4
Copies of Letters to Communities re. Delivery of draft REA documents and request for comments under s. 17(1) 4.	5
Letters Sent to Communities re. Filing of the Project REA Application	6
1749 Nanfan Treaty Text and Maps	7
Six Nations Elected Council Consultation and Accommodation Policy	8
Haudenosaunee Development Development Protocol and Haudenosaunee Places to Grow	9



**Appendix 1**  
**NEEC Energy Canada, ULC, “Aboriginal Relations Canadian Project Framework”**



## **NextEra Energy Canada ULC Aboriginal Relations Canadian Project Framework**

### **Purpose:**

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

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

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

### **Vision:**

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

### **Project Approach to Consultation:**

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

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

#### **Project Approach to Requests for Community Capacity:**

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

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

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

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



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

### **Project Approach to Archaeology**

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

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

### **Broader Engagement**

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



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



## **NextEra Energy Canada ULC Ontario Projects - Archaeological Protocol**

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

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

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

### **Guiding Principles for Archeological Work on NEEC Projects:**

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

### **Objectives:**

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

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

### **General Process:**

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

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

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



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

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



## **Appendix 3**

### **Community Reference Binder Introduction and Contents**



NextEra Energy Canada, ULC

### **NextEra Energy Canada - Community Reference Materials**

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

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

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

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

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





## NextEra Energy Canada - Community Reference Materials

### TABLE OF CONTENTS

#### **Who is NextEra Energy Canada?**

Information from NextEra Energy Canada:

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

#### **Some “Wind Energy Basics”**

Information from Canadian Wind Energy Association and Natural Resources Canada:

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

#### **Renewable Energy Approvals for Wind Energy Projects**

- Information from the Ontario Ministry of the Environment

#### **Where is NextEra in Ontario?**

- Map of current and potential projects

#### **Where can I get project information?**

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

#### **How to contact NextEra Energy Canada**

- NextEra contact information.



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

For:

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

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

For:

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

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

Contact us by mail, phone or facsimile at:

**NextEra Energy Canada**

Contact us at:

NextEra Energy Canada ULC

5500 North Service Road

Suite 205

Burlington, Ontario

L7L 6W6

Telephone: (905) 335-4904

Facsimile: (905) 335-5731

## Appendix 4 Contact Summaries

The following summaries are enclosed, in this order.	
Mississaugas of the New Credit	See summary enclosed
Mohawks of Akwesansne	See Six Nations Confederacy Council (Haudenosaunee)
Mohawk of the Bay of Quinte	See Six Nations Confederacy Council (Haudenosaunee)
Oneida Council of Chiefs (Haudenosaunee)	Combined Summary
Oneida of the Thames (Elected)	
Six Nations Confederacy Council (Haudenosaunee)	See summary enclosed
Six Nations of the Grand River (Elected)	See summary enclosed
Wahta Mohawk	See Six Nations Confederacy Council (Haudenosaunee)

## Contact Record

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

**Community:** Mississauga of the New Credit

**Main Contact:** Chief Bryan LaForme  
Margaret Sault, Director,

Lands, Resources and Membership

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

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

<http://www.canadianwindproposals.com>

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

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

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

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

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

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



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

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

## Contact Record

Projects:	<b>Adelaide, Bluewater, Bornish, Conestogo, Goshen and Jericho Wind Energy Centres</b>
Community:	<b>Oneida Nation of the Thames Oneida Council of Chiefs (Haudenosaunee)</b>
Main Contact:	Chief Randy Philips Chief Joel Abram (2009) April Varewyck, Environment Officer Chief Alfred Day, Oneida Council of Chiefs

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

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

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

- **Adelaide** Wind Energy Centre
- <http://www.canadianwindproposals.com>
- **Bluewater** Wind Energy Centre
- **Bornish** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- **Goshen** Wind Energy Centre
- **Jericho** Wind Energy Centre

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

## Contact Record

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

<b>Communities:</b>	<b>Six Nations Confederacy Council (Haudenosaunee)</b>	<b>Main Contacts:</b>	Chief A. MacNaughton Haudenosaunee Confederacy Council; Chief Bomberly, Haudenosaunee Confederacy Council Leroy Hill, Secretary Six Nations Confederacy Council; Hazel Hill, Acting Secretary Six Nations Confederacy Council; Aaron Detlor, Haudenosaunee Development Institute
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NextEra Energy Canada ULC (“NEEC”) proposes to develop, construct and operate a number of wind energy projects in Ontario. This report details all communications with the Aboriginal community identified above, in support of the Ontario Regulation 359/09 Renewable Energy Approval requirement for consulting with Aboriginal peoples. Information is current to the date shown at the bottom of this report. Please contact NEEC for clarification or to receive any available updates.

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

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

- **Adelaide** Wind Energy Centre

<http://www.canadianwindproposals.com>

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

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

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

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

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



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

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

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

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

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

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

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-09-24	Hazel Hill, HDI	R. Waldon	Letter enclosing new HDI Development Protocol, accompanying map and HDI Application for Consideration and Engagement for Development. Ms. Hill explained that HDI has been legislated to represent the interests of the Haudenosaunee Confederacy Chiefs Council in development of lands over which Haudenosaunee have rights, including but not limited to the Haldimand Tract.	<ul style="list-style-type: none"> <li>• Process</li> </ul>	Review application and take appropriate action to address the information and process it requires.
2010-09-29	R. Waldon	Hazel Hill	E-mail to advise Summerhaven REA studies will be delivered and requesting a call to clarify information requested in the HDI application.	<ul style="list-style-type: none"> <li>• Information-sharing</li> <li>• Process</li> </ul>	
2010-10-01	R. Waldon	Hazel Hill	Telephone call to to obtain further clarification on HDI fee and process and left a message on Ms. Hill's voicemail to explain the reason for my call.	<ul style="list-style-type: none"> <li>• Process</li> </ul>	
2010-10-01 Delivered 2010-10-04	T. Bird, NEEC	Chief McNaughton	Letter delivered enclosing all <b>REA studies for Summerhaven</b> and requesting response as per s. 14 and s. 17 of O/Reg 359/09	<ul style="list-style-type: none"> <li>• Regulatory compliance</li> </ul>	
2010-10-06	Tom Bird	Chief R. Donald Maracle	Letter delivered enclosing all <b>REA studies for Summerhaven</b> and requesting response as per s. 14 and s. 17 of O/Reg 359/09	<ul style="list-style-type: none"> <li>• Regulatory assurance</li> </ul>	
2010-10-08	R. Waldon	Hazel Hill	E-mail to follow-up voicemail from 2010-10-01 asking for clarification of what activities are supported by the HDI fee.	<ul style="list-style-type: none"> <li>• Process</li> </ul>	
2010-10-18	R. Waldon	Leroy Hill	Telephone call to Haudenosaunee Resource Centre as a result of information received that there may be a change in the review process involving HDI.	<ul style="list-style-type: none"> <li>• Process</li> </ul>	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-10-25	Doris Dumais, MOE	Tom Bird, NEEC	Director's letter received confirming the communities to be consulted for <b>Summerhaven</b> . The List included Six Nations Confederacy Council, Mohawks of Akwesasne, Mohawks of the Bay of Quinte and Wahta Mohawks as well as the Oneida of the Thames (an elected Band council).	<ul style="list-style-type: none"> <li>Regulatory compliance</li> </ul>	Follow-up with MOE staff provided explanation that Mohawk communities included Contacts made with Mohawk governments (staff level) to clarify extent of their interests in <b>Summerhaven</b> .
2010-10-27	Tom Bird	Chief Donald Maracle	Letter to Mohawks of the Bay of Quinte enclosing <b>Summerhaven</b> REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	
2010-10-27	Tom Bird	Chief Michael Mitchell	(Undated) Letter to Mohawks of Akwesasne enclosing <b>Summerhaven</b> REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	
2010-10-27	Tom Bird	Chief Blaine Commandant	Letter to Wahta Mohawks enclosing <b>Summerhaven</b> REA documents and requesting response as per s. 14 and s. 17 of Ontario Regulation 359/09.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	
2010-10-28	Tom Bird	Chief Michael Mitchell	Letter enclosing paper copies of the <b>Summerhaven</b> REA reports.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	
2010-10-28	Tom Bird	Chief Donald Maracle	Letter enclosing paper copies of the <b>Summerhaven</b> REA reports.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	
2010-10-28	Tom Bird	Chief Blaine Commandant	Letter enclosing paper copies of the <b>Summerhaven</b> REA reports.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	



Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-11-01	R. Waldon	Chief McNaughton	Telephone call to Haudenosaunee Confederacy Council office as a result of information received that there may be a change in the review process involving HDI.	<ul style="list-style-type: none"> <li>Process question</li> </ul>	
2010-11-02	R. Waldon	Hazel Hill	Ms. Hill explained the HDI fee covers costs for their review and reporting on proponents projects including external review of studies by technical experts, a community meeting and reporting to the confederacy council. Ms. Hill also indicated Oneida Council of Chiefs may take the lead on the <b>Bornish and Adelaide</b> projects.	<ul style="list-style-type: none"> <li>Process</li> </ul>	
2010-11-08	R. Waldon	H. Lickers, Mohawks of Akwesansne Department of Environment	Phone call and e-mail to clarify Mohawk of Akwesansne interest in <b>Summerhaven</b> . Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	
2010-11-08	R. Waldon	Kristin Maracle, Environment Officer, Mohawks of the Bay of Quinte	Phone call and e-mail to clarify Mohawk of Bay of Quinte interest in <b>Summerhaven</b> . Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-11-08	R. Waldon	Linda Maracle, Council Executive Assistant, Whata Mohawks	Phone call and e-mail to clarify Wahta Mohawk interest in <b>Summerhaven</b> . Subject to leadership review, the file may be referred back to Six Nations Confederacy Council. Although Mohawks may have an interest in the Nanfan Treaty lands, they may not have an interest in the project, per se. It is too far away.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> <li>Information-sharing</li> </ul>	
2010-11-11	Tom Bird	Chief Blaine Commandant, Wahtas Mohawk	Letter enclosing all draft REA reports for <b>Conestogo</b> and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	Wahta Mohawk were not on the Director's List of November 23, 2010.
2010-11-11	Tom Bird	Grand Chief Michael Mitchell, Mohawk Council of Akwasasne	Letter enclosing all draft REA reports for <b>Conestogo</b> and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	Mohawk of Akwasasne were not on the Director's List of November 23, 2010.
2010-11-11	Tom Bird	Chief Donald Maracle, Mohawk of the Bay of Quinte	Letter enclosing all draft REA reports for <b>Conestogo</b> and requesting comments as per s. 17 of the REA.	<ul style="list-style-type: none"> <li>Regulatory assurance</li> </ul>	Mohawk of the Bay of Quinte were not on the Director's List of November 23, 2010.
2010-11-24	R. Waldon	Chief Blaine Commandant, Whata Mohawk	E-mail to follow-up for a reply from Wahta Mohawk as to which Haudenosaunee community may take the lead on <b>Summerhaven</b> .	<ul style="list-style-type: none"> <li>Regulatory compliance</li> </ul>	
2010-11-25	H. Lickers	R. Waldon	E-mail confirming receipt of <b>Summerhaven</b> REA draft reports and that a reply will be forthcoming soon.	<ul style="list-style-type: none"> <li>Regulatory compliance</li> </ul>	

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

Date	Contact By	Contact With	Description	Purpose	Follow-up and results
2010-12-14	Chief Blaine Commandant, Wahta Mohawk	R. Waldon	E-mail exchange confirming Wahta Mohawk defer review of <b>Summerhaven</b> to Six Nations Council	<ul style="list-style-type: none"><li>Regulatory compliance</li></ul>	N/R

## Contact Record

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

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

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

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

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

- **Adelaide** Wind Energy Centre
- <http://www.canadianwindproposals.com>
- **Bluewater** Wind Energy Centre
- **Bornish** Wind Energy Centre
- **Conestogo** Wind Energy Centre
- **East Durham** Wind Energy Centre
- **Goshen** Wind Energy Centre
- **Jericho** Wind Energy Centre
- **Nanticoke** (renamed as **Summerhaven**) Wind Energy Centre

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

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

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



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

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

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

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

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

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

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

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



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



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



October 4, 2010

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

DELIVERED

Dear Chief LaForme:

Proposed NextEra Energy Canada Summerhaven (a.k.a. "Nanticoke") Wind Energy Centre

Please find enclosed two paper copies and a CD set of draft reports that are required to be finalized and filed for our Summerhaven Wind Energy Centre renewable energy application to the Ministry of Environment. As you know, this project was formerly called the Nanticoke Wind Project, by TCi Renewables, who are now working in partnership with NextEra Energy Canada.

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

Copies of each of the draft reports are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com).

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

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

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

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements right away, but we will be in touch within a week of this letter to follow-up on scheduling a meeting.

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

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

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

Yours very truly,



Tom Bird  
Environmental Services Project Manager

Encls. 2 Draft REA Reports for Summerhaven  
1 CD copy of report

c.c. Margaret Sault, Director, Lands Research and Membership

info c.c. Ben Greenhouse, Project Director, NextEra Energy Canada  
David Miller, McLeod Wood Associates  
Robert Waldon, Bedford Consulting & Associates  
Mark Gallagher, TCi Renewables  
Cathryn Moffett, Golder Associates  
Jeff Wright, Golder Associates

Note: Undated letter to Grand Chief Michael W. Mitchell (following) was delivered on October 27, 2010 by NextEra Energy Canada, ULC.

Grand Chief Michael W. Mitchell  
Mohawk Council of Akwesasne  
725 Boundary Road  
PO BOX 579  
Cornwall, ONTARIO  
P0C 1A0



Dear Grand Chief Mitchell,

**Subject: Proposed NextEra Energy Canada Summerhaven (a.k.a. “Nanticoke”) Wind Energy Centre**

We are writing to you in connection with a wind energy project in Haldimand, Ontario. The reason for this letter is to ensure we have properly contacted all First Nations who may have a potential interest via an Aboriginal or treaty right, or other interest in potential environmental effects from our project.

A notice with a map showing the location of this project is enclosed.

In addition, please find enclosed the Project Description Report Summary which provides an overview description of the proposed Summerhaven Wind Energy Centre. This project was *formerly called the Nanticoke Wind Project*, by the previous developer, TCi Renewables, who are now working in partnership with NextEra Energy Canada.

We also enclose one paper copy and a CD set of *draft* reports that we are required to be finalized and filed for our renewable energy application to the Ministry of Environment. A summary of each report to assist you in review of the proposal and the supporting studies and Information is also enclosed on the CD.

Copies of all of the enclosed documents are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com)

We are aware the Mohawk are part of the Haudenosaunee and wish to confirm that we have contacted Six Nations Confederacy Council and the On^yota a:ka Lotiyaneshu (Oneida Council of Chiefs) about this project. In addition, we have met with Mississaugas of the New Credit and Six Nations of the Grand River Elected Council.

Discussions are ongoing at staff and leadership levels with all of these organizations and we have sent the same draft reports to them.

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

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

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

We are available to meet with you to answer any questions or address any concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment.

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

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, NextEra Energy Canada works directly with Aboriginal communities for any matters they feel should be discussed about our projects. In this regard, Robert Waldon will contact you or your staff representative to discuss the foregoing and determine your community's interests in the project.

In the mean time, please contact Robert Waldon at (905) 838-4256 or e-mail: [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com) with any questions.

Yours very truly,



Thomas Bird

CC: Henry Lickers, Director, Environment Department



October 28, 2010

Grand Chief Michael W. Mitchell  
Mohawk Council of Akwesasne  
725 Boundary Road  
PO Box 579  
Cornwall, ON  
K6H 5T3

Dear Grand Chief Mitchell,

**Subject: Proposed NextEra Energy Canada (a.k.a. “Nanticoke”) Wind Energy Centre**

Further to my letter dated October 27, 2010, please find enclosed paper copies of the report summaries for the Summerhaven Wind Energy Centre as part of NextEra Energy Canada ULC’s Renewable Energy Application to the Ministry of the Environment. These summaries supplement the original information package that you should have now received.

Should you have any questions or comments please contact me at (905) 335-4904 or Robert Waldon at (905) 838-4256, or by email at [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com).

Yours very truly,

A handwritten signature in black ink, appearing to read "Tom Bird".

Tom Bird  
Project Manager  
Environmental Services





October 6, 2010

Chief R. Donald Maracle  
Mohawks of the Bay of Quinte  
13 Old York Road  
R. R. #1  
Tyendinaga Mohawk Territory, ON  
K0K 1X0

DELIVERED

Dear Chief Maracle:

**Proposed NextEra Energy Canada Summerhaven (a.k.a. “Nanticoke”) Wind Energy Centre**

We are writing to you in connection with a wind energy project in Haldimand, Ontario. The reason for this letter is to ensure we have properly contacted all First Nations who may have a potential interest via an Aboriginal or treaty right, or other interest in potential environmental effects from our project. A notice with a map showing the location of this project is enclosed.

In addition, please find enclosed the Project Description Report Summary which provides an overview description of the proposed Summerhaven Wind Energy Centre. This project was formerly called the Nanticoke Wind Project, by the previous developer, TCi Renewables, who are now working in partnership with NextEra Energy Canada.

Within the next few days, please expect two paper copies and a CD set of draft reports that are required to be finalized and filed for our renewable energy application to the Ministry of Environment. We will also be providing a summary of each report to assist you in review of the proposal and the supporting studies and information.

Copies of each of the draft reports are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com)

A letter was received from Indian and Northern Affairs, Specific Claims Branch last year in response to inquiries about our project. They advised us there was a Mohawks of the Bay of Quinte specific claim “in the vicinity” of our project. Upon checking their web site, however, we understand Mohawks of the Bay of Quinte has a claim for illegal alienation of the Culbertson Tract, being some 827 acres in Deseronto and Tyendenaga Townships. This location is far removed from our project, so we wish clarify if you feel our project is of relevance and interest to Mohawks of the Bay of Quinte.

We are aware the Mohawk are part of the Haudenosaunee and wish to confirm that we have contacted Six Nations Confederacy Council and the On^yota a:ka Lotiyaneshu (Oneida Council of Chiefs). In addition, we have met with Mississaugas of the New Credit and Six Nations of the Grand River Elected Council.

Discussions are ongoing at staff and leadership levels with all organizations and we have sent the same draft reports to them.

As an applicant under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from Aboriginal communities. Should Mohawks of the Bay of Quinte have an interest in this project, we respectfully request that you provide us with your written response to our Summerhaven Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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

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

We are available to meet with you to answer any questions or address any concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment.

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

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, NextEra Energy Canada works directly with Aboriginal communities for any matters they feel should be discussed about our projects. In this regard, Robert Waldon will contact you or your staff representative to discuss the foregoing and determine your community's interests in the project.

In the mean time, please contact Robert Waldon at (905) 838-4256 or e-mail: [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com) with any questions.

Yours very truly,



Environmental Services Project Manager

Encls.            1 Copy of Summerhaven Project Description Report Summary  
                      1 Copy of Notice of Final Public Meeting

c.c. Brian Hamilton, Chief Administrative Officer  
via e-mail: rdonm@mbq-tmt.org

Info c.c: Ben Greenhouse, Project Director, NextEra Energy Canada  
David Miller, McLeod Wood Associates  
Robert Waldon, Bedford Consulting & Associates  
Mark Gallagher, TCi Renewables  
Cathryn Moffett, Golder Associates  
Jeff Wright, Golder Associates



October 27, 2010

Chief R. Donald Maracle  
Mohawks of the Bay of Quinte  
13 Old York Road  
R. R. #1  
Tyendinaga Mohawk Territory, ON  
K0K 1X0

**Subject: Proposed NextEra Energy Canada Summerhaven (a.k.a. “Nanticoke”) Wind Energy Centre**

Dear Chief Maracle:

We are writing to you in connection with a wind energy project in Haldimand, Ontario. The reason for this letter is to ensure we have properly contacted all First Nations who may have a potential interest via an Aboriginal or treaty right, or other interest in potential environmental effects from our project.

A notice with a map showing the location of this project is enclosed.

In addition, please find enclosed the Project Description Report Summary which provides an overview description of the proposed Summerhaven Wind Energy Centre. This project was formerly called the Nanticoke Wind Project, by the previous developer, TCi Renewables, who are now working in partnership with NextEra Energy Canada.

We also enclose one paper copy and a CD set of draft reports that we are required to be finalized and filed for our renewable energy application to the Ministry of Environment. A summary of each report to assist you in review of the proposal and the supporting studies and Information is also enclosed.

Copies of all of the enclosed documents are also available on our project web site at:  
<http://www.tcirenewables.com/default.aspx?lang=en&page=projects-nanticoke>.

We are aware the Mohawk are part of the Haudenosaunee and wish to confirm that we have contacted Six Nations Confederacy Council and the On^yota a:ka Lotiyaneshu (Oneida Council of Chiefs) about this project. In addition, we have met with Mississaugas of the New Credit and Six Nations of the Grand River Elected Council.

Discussions are ongoing at staff and leadership levels with all of these organizations and we have sent the same draft reports to them.

As an applicant under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from Aboriginal communities. Should Mohawks of the Bay of Quinte have an interest in this project, we respectfully request that you provide us with your written response to our Summerhaven Wind Energy Centre proposal. We ask that your response include any information that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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

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

We are available to meet with you to answer any questions or address any concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment.

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

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, NextEra Energy Canada works directly with Aboriginal communities for any matters they feel should be discussed about our projects. In this regard, Robert Waldon will contact you or your staff representative to discuss the foregoing and determine your community's interests in the project.

In the mean time, please contact Robert Waldon at (905) 838-4256 or e-mail: [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com) with any questions.

Yours very truly,



Tom Bird, Project Manager, Environmental Services



October 28, 2010

Chief Donald Maracle  
Mohawks of the Bay of Quinte  
13 Old York Road, RR 1  
Tyendinaga Mohawk Territory, ON  
K0K 1X0

Dear Chief Maracle,

**Subject: Proposed NextEra Energy Canada (a.k.a. “Nanticoke”) Wind Energy Centre**

Further to my letter dated October 27, 2010, please find enclosed paper copies of the report summaries for the Summerhaven Wind Energy Centre as part of NextEra Energy Canada ULC’s Renewable Energy Application to the Ministry of the Environment. These summaries supplement the original information package that you should have now received.

Should you have any questions or comments please contact me at (905) 335-4904 or Robert Waldon at (905) 838-4256, or by email at [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com).

Yours very truly,

A handwritten signature in black ink, appearing to read "Tom Bird".

Tom Bird  
Project Manager  
Environmental Services



October 28, 2010

Chief Joel Abram  
Oneida Nation of the Thames  
2212 Elm Avenue, RR 2  
Southwold, ON  
N0L 2G0

**Subject: Proposed NextEra Energy Canada Summerhaven (a.k.a. “Nanticoke”) Wind Energy Centre**

Dear Chief Abram,

We are writing to you in connection with a wind energy project in Haldimand, Ontario. The reason for this letter is to ensure we have properly contacted all First Nations who may have a potential interest via an Aboriginal or treaty right, or other interest in potential environmental effects from our project.

A notice with a map showing the location of this project is enclosed.

The Project Description Report enclosed, provides an overview description of the proposed Summerhaven Wind Energy Centre. You will note that this project was formerly called the Nanticoke Wind Project, by the previous developer, TCI Renewables, who are now working in partnership with NextEra Energy Canada, ULC.

We have also enclosed one paper copy and two CDs of all draft reports that are required as part of our Renewable Energy Application to the Ministry of Environment. Summaries of each report are also enclosed as paper copies and on the CD.

Copies of all of the enclosed documents are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com)

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

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

NextEra Energy Canada, ULC

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5500 North Service Road, Suite 205 | Burlington, Ontario L7L 6W6 | 905 335 4904

3. Any suggestions you have for mitigating the impacts identified in #1 and #2.

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

We are available to meet with you to answer any questions or address any concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment.

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

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, NextEra Energy Canada works directly with Aboriginal communities for any matters they feel should be discussed about our projects. In this regard, Robert Waldon will contact you or your staff representative to discuss the foregoing and determine your community's interests in the project.

In the mean time, please contact Robert Waldon at (905) 838-4256 or e-mail: [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com) with any questions.

Yours very truly,



Tom Bird  
Project Manager  
Environmental Services

c.c. April Varewyk, Environment Officer  
Holly Elijah, Council Assistant





October 1, 2010

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

DELIVERED

**RE: Proposed NextEra Energy Canada Summerhaven (a.k.a. "Nanticoke") Wind Energy Centre**

Dear Chief MacNaughton:

Please find enclosed two paper copies and a CD set of draft reports that are required to be finalized and filed for our Summerhaven Wind Energy Centre renewable energy application to the Ministry of Environment. As you know, this project was formerly called the Nanticoke Wind Project, by TCi Renewables, who are now working in partnership with NextEra Energy Canada.

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

Copies of each of the draft reports are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com).

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

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

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

NextEra Energy Canada will include your response as part of its Aboriginal consultation report, which is required to be included in its submission for a Renewable Energy Approval from the Ministry of

NextEra Energy Canada, ULC

Environment for this project. That report must form part of NextEra Energy Canada's Renewable Energy Application and will therefore be a public document.

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements right away, but we will be in touch within a week of this letter to follow-up on scheduling a meeting.

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

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

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

Yours very truly,



Tom Bird  
Environmental Services Project Manager

Encls. 2 Copies of REA Draft Summerhaven Documentation  
1 CD Copy of REA Draft Summerhaven Documentation

c.c. Chief Alfred Day  
Hazel Hill  
Charlene Deleary

Info cc: Ben Greenhouse, Project Director, NextEra Energy Canada  
David Miller, McLeod Wood Associates  
Robert Waldon, Bedford Consulting & Associates  
Mark Gallagher, TCi Renewables  
Cathryn Moffett, Golder Associates  
Jeff Wright, Golder Associates

NextEra Energy Canada, ULC

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5500 North Service Road, Suite 205 | Burlington, Ontario L7L 6W6 | 905 335 4904



October 1, 2010

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

DELIVERED

**RE: Proposed NextEra Energy Canada Summerhaven (a.k.a. "Nanticoke") Wind Energy Centre**

Dear Chief Montour:

Please find enclosed two paper copies and a CD set of draft reports that are required to be finalized and filed for our Summerhaven Wind Energy Centre renewable energy application to the Ministry of Environment. As you know, this project was formerly called the Nanticoke Wind Project, by TCi Renewables, who are now working in partnership with NextEra Energy Canada.

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

Copies of each of the draft reports are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com).

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

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

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

NextEra Energy Canada, ULC

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5500 North Service Road, Suite 205 | Burlington, Ontario L7L 6W6 | 905 335 4904

We are available to meet with you to answer any questions or address concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment. Please contact Bob Waldon if you wish to make these arrangements right away, but we will be in touch within a week of this letter to follow-up on scheduling a meeting.

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

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

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

Yours very truly,



Tom Bird  
Environmental Services Project Manager

Encls. 2 Copies of REA Draft Summerhaven Documentation  
1 CD Copy of REA Draft Summerhaven Documentation

c.c. Lonny Bomberry, Director, Lands and Resources  
Joanne Thomas, Land Use Officer Lands, and Resources

Info c.c: Ben Greenhouse, Project Director, NextEra Energy Canada  
David Miller, McLeod Wood Associates  
Robert Waldon, Bedford Consulting & Associates  
Mark Gallagher, TCi Renewables  
Cathryn Moffett, Golder Associates  
Jeff Wright, Golder Associates



October 27, 2010

Chief Blaine Comandant  
Wahta Mohawks  
2664 Muskoka Rd. 38  
Bala, Ontario

**Subject: Proposed NextEra Energy Canada Summerhaven (a.k.a. “Nanticoke”) Wind Energy Centre**

Dear Chief Comandant,

We are writing to you in connection with a wind energy project in Haldimand, Ontario. The reason for this letter is to ensure we have properly contacted all First Nations who may have a potential interest via an Aboriginal or treaty right, or other interest in potential environmental effects from our project.

A notice with a map showing the location of this project is enclosed.

In addition, please find enclosed the Project Description Report Summary which provides an overview description of the proposed Summerhaven Wind Energy Centre. This project was formerly called the Nanticoke Wind Project, by the previous developer, TCi Renewables, who are now working in partnership with NextEra Energy Canada.

We also enclose one paper copy and a CD set of draft reports that we are required to be finalized and filed for our renewable energy application to the Ministry of Environment. A summary of each report to assist you in review of the proposal and the supporting studies and Information is also enclosed on the CD.

Copies of all of the enclosed documents are also available on our project web site at: [www.CanadianWindProposals.com](http://www.CanadianWindProposals.com)

We are aware the Mohawk are part of the Haudenosaunee and wish to confirm that we have contacted Six Nations Confederacy Council and the On^yota a:ka Lotiyaneshu (Oneida Council of Chiefs) about this project. In addition, we have met with Mississaugas of the New Credit and Six Nations of the Grand River Elected Council.

Discussions are ongoing at staff and leadership levels with all of these organizations and we have sent the same draft reports to them.

As an applicant under Ontario Regulation 359/09 NextEra Energy Canada must request a written response to our project proposal from Aboriginal communities. Wahta Mohawks have an interest in this project, we respectfully request that you provide us with your written response to our Summerhaven Wind Energy Centre proposal. We ask that your response include any information

NextEra Energy Canada, ULC

that you and/or your community feel should be considered as part of the final reports to be submitted to the Ministry of the Environment for our Renewable Energy Application. Kindly advise us of your views on:

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

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

We are available to meet with you to answer any questions or address any concerns and would like to do this prior to submitting our Renewable Energy Application to the Ministry of Environment.

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

While this formal Ministry of Environment process is available to you to express any concerns, as explained above, NextEra Energy Canada works directly with Aboriginal communities for any matters they feel should be discussed about our projects. In this regard, Robert Waldon will contact you or your staff representative to discuss the foregoing and determine your community's interests in the project.

In the mean time, please contact Robert Waldon at (905) 838-4256 or e-mail: [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com) with any questions.

Yours very truly,

Yours very truly,



Tom Bird, Project Manager, Environmental Services



October 28, 2010

Chief Blaine Commandant  
Wahta Mohawk Territory  
PO Box 260  
Bala, ON P0C 1A0

Dear Chief Commandant,

**Subject: Proposed NextEra Energy Canada (a.k.a. “Nanticoke”) Wind Energy Centre**

Further to my letter dated October 27, 2010, please find enclosed paper copies of the report summaries for the Summerhaven Wind Energy Centre as part of NextEra Energy Canada ULC’s Renewable Energy Application to the Ministry of the Environment. These summaries supplement the original information package that you should have now received.

Should you have any questions or comments please contact me at (905) 335-4904 or Robert Waldon at (905) 838-4256, or by email at [rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com).

Yours very truly,

A handwritten signature in black ink, appearing to read "Tom Bird". The signature is fluid and cursive, with a large initial "T" and "B".

Tom Bird  
Project Manager  
Environmental Services



**Appendix 6**  
**Letters sent to Communities re. filing of the Project REA Application**



December 20, 2010



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

Dear Chief LaForme:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my previous letter of October 4<sup>th</sup>, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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

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

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

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

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

Cc: Margaret Sault, Director Lands, Research and Membership



December 20, 2010

Grand Chief Michael W. Mitchell  
Mohawk Council of Akwesasne  
101 Dewesateni Road,  
Akwesasne, ON K6H 5R7

Dear Grand Chief Mitchell:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my letters dated October 27<sup>th</sup>, 2010, and October 28<sup>th</sup>, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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

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

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

cc: Henry Lickers, Director, Department of Environment

December 20, 2010



Chief R. Donald Maracle  
Mohawk of the Bay of Quinte  
13 Old York Road, R.R. # 1  
Tyendinaga Mohawk Territory, ON  
K0K 1X0

Dear Chief Maracle:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my letters dated October 6, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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

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

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

cc: Brian Hamilton, CAO  
Todd Kring, Director of Community Infrastructure  
Kristin Maracle, Environmental Officer

December 20, 2010



Chief Joel Abram  
Oneida Nation of the Thames  
2212 Elm Avenue, R.R. # 2  
Southwold, ON N0L 2G0

Dear Chief Abram:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my letters dated October 28<sup>th</sup>, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

cc: April Varewyk, Environment Officer  
Holly Elijah, Council Assistant



December 20, 2010



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

Dear Chief MacNaughton:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my letter dated October 1st, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

cc: Leroy Hill, Secretary, Haudenosaunee Resources  
Chief Alfred Day, Oneida Council of Canada  
Hazel Hill, Interim Director, Haudenosaunee Development Institute  
Charlene Deleary, Secretary, Oneida Council of Chiefs

December 20, 2010



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

Dear Chief Montour:

**Subject: Proposed NextEra Energy Canada Summerhaven Wind Energy Centre**

I am writing to follow up from my letters dated October 1st, 2010 about the Summerhaven Wind Energy Centre, and the communications we have had with you and/or your staff to date.

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

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Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'T. Bird'.

Thomas Bird  
Project Manager, Environmental Services

cc: Lonny Bomberly, Director, Lands and Resources  
Joanne Thomas, Land Use Officer, Lands and Resources

**Appendix 7**  
**1701 Nanfan Treaty Text and Maps**



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

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

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

To all Christian & Indian people in this parte of the world and in Europe over the great salt waters, to whom the presents shall come - Wee the Sachims Chief men, Capt<sup>ns</sup> and representatives of the Five nations or Cantons of Indians called the Maquase Oneydes Onnandages and Sinnekes living in the Government of New Yorke in America, to the north west of Albany on this side the Lake Cadarachquisendeth greeting - Bee it known unto you that our ancestors to our certain knowledge have had, time out of mind a fierce and bloody warr with seaven nations of Indians called Aragaritkas<sup>1</sup> whose Chief comand was called successively Chohahise - The land is scituate lyeing and being northwest and by west from Albany beginning on the south west<sup>2</sup> side of Cadarachqui lake and includes all that waste Tract of Land lyeing between the great lake off Ottowawa<sup>3</sup> and the lake called by the natives Sahiquage and by the Christians the lake of Swege<sup>4</sup> and runns till it butts upon the Twichtwicks and is bounded on the right hand by a place called Quadoge<sup>5</sup> conteigning in length about eight hundred miles and in bredth four hundred miles including the country where the bevers the deers, Elks and such beasts keep and the place called Tieugsachrondio, alias Fort de Tret or wawyachtenok and so runs round the lake of swege till you come to place called Oniadarondaquat which is about twenty miles from the Sinnekes Castles which said seaven nations our predecessors did four score years agoe totally conquer and subdue and drove them out of that country and had peaceable and quiet possession of the same to hunt beavers (which was the motive caused us to war for the same) for three score years it being the only chief place for hunting in this parte of the world that ever wee heard of and after that wee had been sixty years sole masters and owners of the said land enjoying peaceable hunting without any internegotion, a remnant of one of the seaven nations called Tionondade whom wee had expelled and drove away came and settled there twenty years agoe disturbed our beaver hunting against which nation wee have warred ever since and would have subdued them long ere now had not they been assisted and succoured by the French of Canada, and whereas the Governour of Canada aforesaid hath lately sent a considerable force to a place called Tjeughsaghronde the principall passe that commands said land to build a Forte there without our leave and consent, by which means they will possess themselves of that excellent country where there is not only a very good soile but great plenty of all maner of wild beasts in such quantities that there is no maner of trouble in killing of them and also will be sole masters of the Boar<sup>1</sup> hunting whereby wee shall be deprived of our livelyhood and subsistance and brought to perpetual bondage and slavery, and wee having subjected ourselves and lands on this side of Cadarachquilake wholly to the Crown of England wee the said Sachims chief men Capt<sup>ns</sup> and representatives of the Five nations after mature

<sup>1</sup>Hurons.

<sup>2</sup>North west. See next page.

<sup>3</sup>Lake Huron.

<sup>4</sup>Lake Erie.

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

<sup>1</sup>Sic. qu' Beaver. - ED.

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

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

SINNEKES SACHIMS

Tehonwaren [Totem] genie (L.S).

Sonahso [Totem] wanne (L S).

Tosoquat [Totem] hoa (L S).

MAQUASE SACHIMS

Tsina [Totem] go (L S).

Onucher [Totem] anorum (L S).

Teoni [Totem] ahigarawe  
alias Hendrik (L S).

Tirogaren [Totem] alias Cornelis (L S).

Sinon [Totem] quireso (L S).

Tanoch [Totem] rachhoss (L S).

CAYOUGES SACHIMS

Sodsio [Totem] wanne (L S).

Thodsino [Totem] jado - (L S).

Nijuch [Totem] sagentisquoa (L S).

ONNANDAGE SACHIMS

Tegach [Totem] nawadiqua (L S.)

Kach [Totem] wadochon (L S).

Taga [Totem] tsehede (L S).

Sade [Totem] ganastie (L S)

Ach [Totem] rireho (L S).

ONEYDE SACHIMS

Dega [Totem] ronda (L S).

Canada [Totem] gariaz (L S).

Tio [Totem] rachkoe (L S).

Sealed and delivered in the presence of us

P<sup>r</sup> Schuyler  
J Jansen Bleeker Mayor  
Joh<sup>s</sup> Bleeker Recorder  
John Abeel Alderman  
Johannes Schuyler Alder<sup>n</sup>  
David Schuyler Alder<sup>n</sup>  
Wessells ten Broek Alderman  
Johannes Roseboom Alderman

this is a true Copy

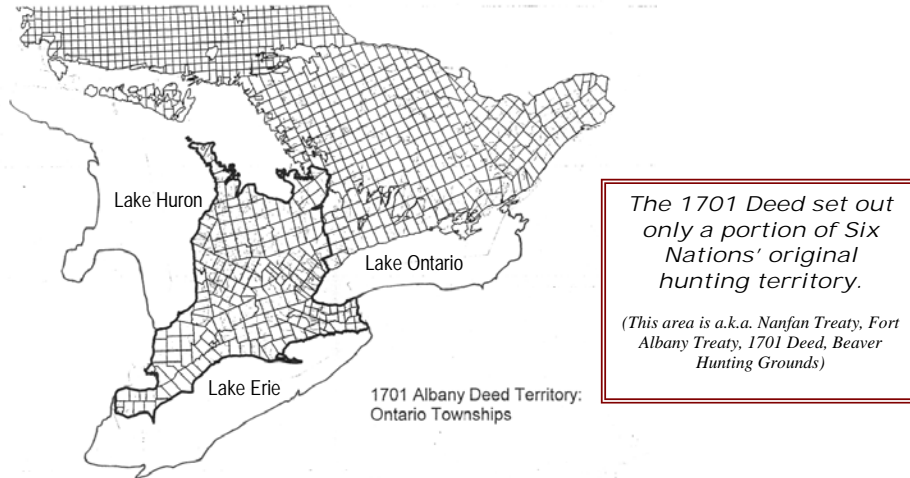
(Signed). JOHN NANFAN

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

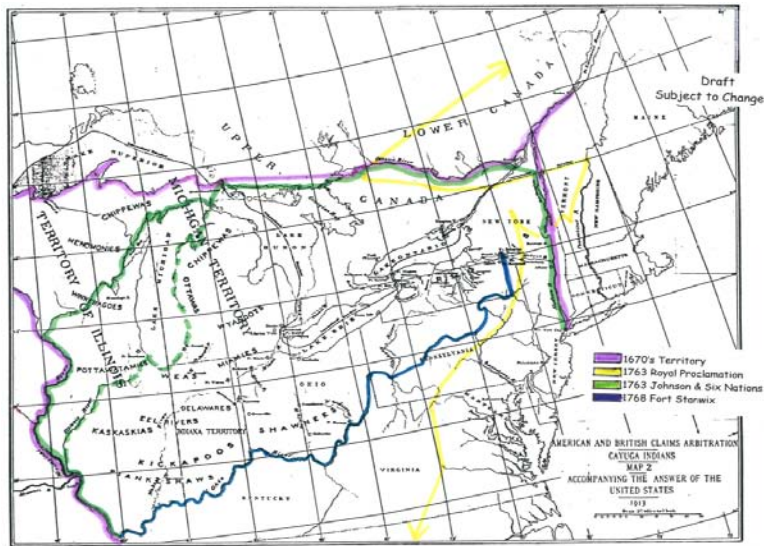


## Six Nations Interpretation of 1701 Nanfan and Traditional Hunting Territory

Maps showing Hunting and Fishing Territories of Six Nations



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



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



**Appendix 8**  
**Six Nations Elected Council Consultation and Accommodation Policy**



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

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

#### **1. Preamble**

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

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

#### **2. Policy Statement**

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

#### **3. Guiding Principles**

The following principles shall guide all consultation and accommodation endeavours.

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

(iii) full disclosure including, but not limited to, detailed reports on the project and the property; details of all federal, provincial, and municipal fees and taxes related to the property; and information as to the purchase price of the property.

3.2 The decision-making process must be proactive, holistic, and strategic in scope that works toward joint planning approaches. Decisions should be made by consensus wherever possible.

3.3 The process shall have an ongoing government-to-government relationship based on the recognition of Six Nations inherent rights, treaty rights, and title. Six Nations must have a formal role in all decisions influencing and impacting the territory at all levels reasonably necessary to protect the rights and interests of Six Nations. SNEC must not be just considered part of a larger Ontario community who might be consulted.

3.4 The process shall have respect for the sacred bonds between Six Nations and the land, through long term agreements that provide measures to protect the land and resources that Six Nations relies on to sustain its culture, Community, and economy.

3.5 There shall be available financial resources for Six Nation's full and effective participation in all aspects of the consultation and accommodation process.

3.6 There must be a willingness to provide accommodation for the reasonable concerns of Six Nations prior to the commencement of the project.

3.7 There must be a willingness to engage in a jointly accepted dispute resolution process in the event an agreement cannot be reached.

3.8 There must be a commitment to deal with each development on an individual and flexible basis. The controlling question in all situations must be what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and Six Nations peoples with respect to the interests at stake.

#### **4. Application**

4.1 This policy and related procedures apply to any and all Federal, Provincial and Municipal land use policies or regulations; all land use development projects within the Haldimand Tract; and any proposed land projects outside of the Haldimand Tract that may reasonably be seen to affect the rights and interests of Six Nations as outlined in the Policy Statement section above.

4.2 This policy does not apply to land use projects proposed by Members of Six Nations within the Six Nations territory.

#### **5. Enforcement**

5.1 If a Proponent or the Crown fails to abide by this policy SNEC may take one or more of the following actions:

(i) legal action;

(ii) publication of projects that are not in compliance with the policy; and

(iii) any other action deemed reasonable.

#### **6. Definitions**

6.1 Accommodation – an amicable agreement achieved by consultation between two or more parties to reconcile Six Nations concerns and to avoid irreparable harm or to minimize the effects of infringement by seeking compromise in an attempt to harmonize any conflicting interests. Accommodation may include, but is not limited to:

(i) Partnerships;

(ii) joint ventures;

(iii) revenue sharing;

(iv) employment and educational opportunities; and

(v) other arrangements that benefit the Six Nations Community.

6.2 Consultation – a deliberation, in good faith, on a matter involving two or more parties, having concern for and consideration of Six Nations' wishes in planning and acting; with a mutual goal of arriving at an agreeable decision prior to any undertaking by either party.

6.3 Haldimand Tract – the land six miles on either side of the Grand River from its source to Lake Erie granted to Six Nations by the Haldimand Proclamation of October 25, 1784

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

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

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

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

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

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

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

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

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

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

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

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

## 7. Non-Derogation

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

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

## 8. Responsibilities of the Crown

8.1 The Crown is responsible to:

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

## 9. Responsibilities of SNEC

9.1 SNEC is responsible to:

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

## 10. Responsibilities of Proponents

10.1 Proponents are responsible to:

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

## 11. Overview of the Early Consultation Process

11.1 This overview shall not be interpreted to be exhaustive of the process for consulting with Six Nations. For greater clarity please reference the SNEC document, "*Six Nations of the Grand River Land Use Consultation and Accommodation Procedure Manual*."

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

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

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

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

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

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

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

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

## 12. Minor Projects

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

## 13. Major Projects

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

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

## 14. Overview of Accommodation Process

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

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

## **15. Dispute Resolution**

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

15.2 Any dispute resolution process must be:

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

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

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

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

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

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

## **16. Review and Amendment**

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

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

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

## **17. Regulations**

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

## **18. Authorization**

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

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





**Appendix 9**  
**Haudenosaunee Development Development Protocol and Haudenosaunee**  
**Places to Grow**

## **HAUDENOSAUNEE DEVELOPMENT PROTOCOL**

### **Definition**

1. In this Protocol,

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

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

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

### **Development prohibited**

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

### **Permission to develop**

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

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

### **Application for permission**

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

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

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

#### **Cancellation of permission**

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

#### **Validity of permissions and extensions**

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

#### **Appointment of officers**

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

#### **Fees**

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

#### **Environmental Standards**

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

standards in consultation with the Haudenosaunee Confederacy Chiefs Council.

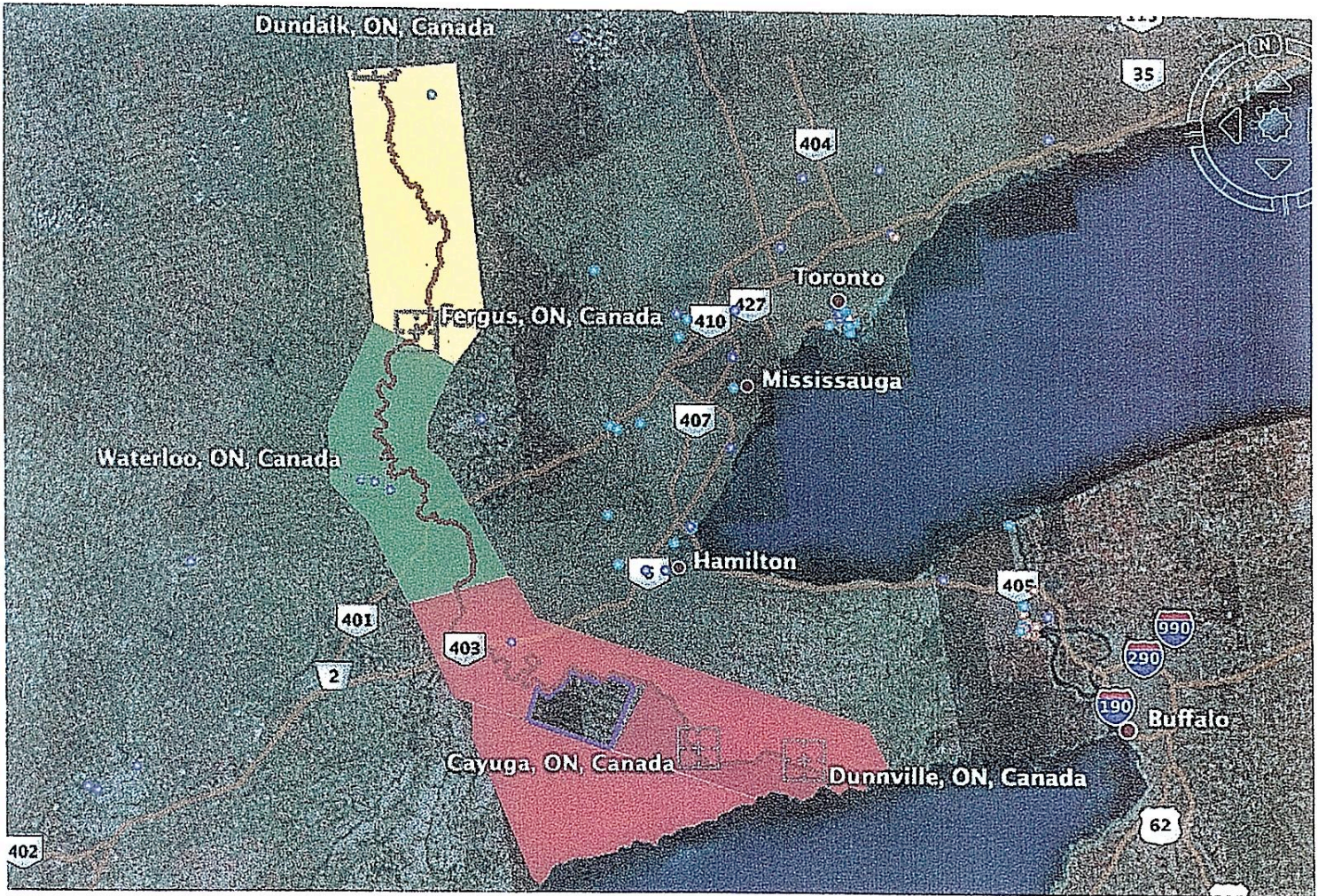
14. The Authority may establish an Environment Review Commission ('ERC') and appoint members to the ERC.
15. The ERC shall make recommendations to the authority with respect to the application of appropriate environmental standards.
16. The Authority may refer matters to the ERC with respect to determining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

#### **General**

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

Tseh Niyocht Dwayadowehsra Ogwahweja Wihwageh

## Haudenosaunee Green Plan



### **Areas of Concern I**

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

### **Areas of Concern II**

Haudenosaunee Places to Grow

### **Areas of Concern III**

Where we have clear land rights

### **Development within our Areas of Concern**

**RED ZONE** (zero to minimal development)

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

Haudenosaunee Places to Grow

Land right areas

**YELLOW ZONE** (Significant Consultation)

**GREEN ZONE** (Minimal consultation)

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