



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

**FOR:**

## **PROPOSED ADELAIDE WIND ENERGY CENTRE**

**Kerwood Wind, Inc.**

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

**Report Updated as of August 20, 2012**



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## Executive Summary

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

This Aboriginal Consultation Report describes NextEra’s consultation program for the Project in detail. It includes evidence of compliance with the notice requirements under the Regulation; information-sharing that has taken place with First Nation and Métis communities; and, the activities undertaken by NextEra to cooperatively review the Adelaide project with those communities.

NextEra has been communicating with Aboriginal communities about its Ontario FIT projects since 2007. A Director’s List of Aboriginal communities to be consulted for Adelaide was requested on November 3, 2009 and received on December 29, 2010. The list included seven Aboriginal governments (i.e. communities). Through inquiries made by NextEra, two additional traditional Aboriginal councils and one elected band council have been included in Project consultation activities. Section 2 of the Aboriginal Consultation Report identifies all communities consulted for the Project.

Section 3 of this Aboriginal Consultation Report describes both the consultation activities required under the Regulation, and additional activities undertaken by NextEra. Delivery of the required information and notices to comply with Ontario Regulation 359/09 are summarized in Table 3.1.1. All required notices and information have been delivered, in compliance with the REA. Beyond those requirements, NextEra has made additional

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

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

Section 5 of the Aboriginal Consultation Report provides the concluding summary of consultation results to date for the Project. No impacts to Aboriginal or treaty rights, and no significant residual impacts to the natural environment are anticipated, given the results of the studies for the REA Table 1 Reports and NextEra's commitments for mitigation and follow-up. Section 6 describes NextEra's further commitments to ensure the veracity of those conclusions through ongoing communications with Aboriginal communities and a management system approach to address any unexpected issues or concerns that may be raised.

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

## 1. Context

Development on the Adelaide Wind Energy Centre began in November 2006 by Air Energy TCI Inc. ("TCI") The Project had progressed to the point of submitting an ESR/EIA to the Ministry of Environment in June 2009, however, the Green Energy Act was proclaimed in September 2009 before the ESR/EIS was approved, which meant approval was then required under the Regulation. As a result, this Project is considered a "transition" project.

NextEra Energy Canada, ULC ("NextEra") entered into an agreement with TCI, in November 2009, whereby NextEra would eventually own and operate the Project.

This project has been awarded a Feed-in-Tariff contract by the Ontario Power Authority and is presently seeking a Renewable Energy Approval.

### **1.1 Description of Project**

Kerwood Wind, Inc. is proposing to construct a wind energy centre project in the Township of Adelaide-Metcalf in Middlesex County, Ontario. The project will be referred to as the Adelaide Wind Energy Centre (the "Project" or "Adelaide") and will be located on private lands south of Townsend Line, west of Centre Road, north of Napperton Drive and east of Sexton Road (see location map, below).

The Project will be owned and operated by Kerwood Wind, Inc. a wholly owned subsidiary of NextEra. NextEra's parent company is NextEra Energy Resources, LLC, a global leader in wind energy generation with a current operating portfolio of over 85 wind energy projects is North America.

The Project Study Area consists of the areas being studied for the wind farm components (Wind Energy Centre Study Area), as well as for the interconnection route area being studied for transmission lines to connect the Project to the electrical grid (Transmission Line Study

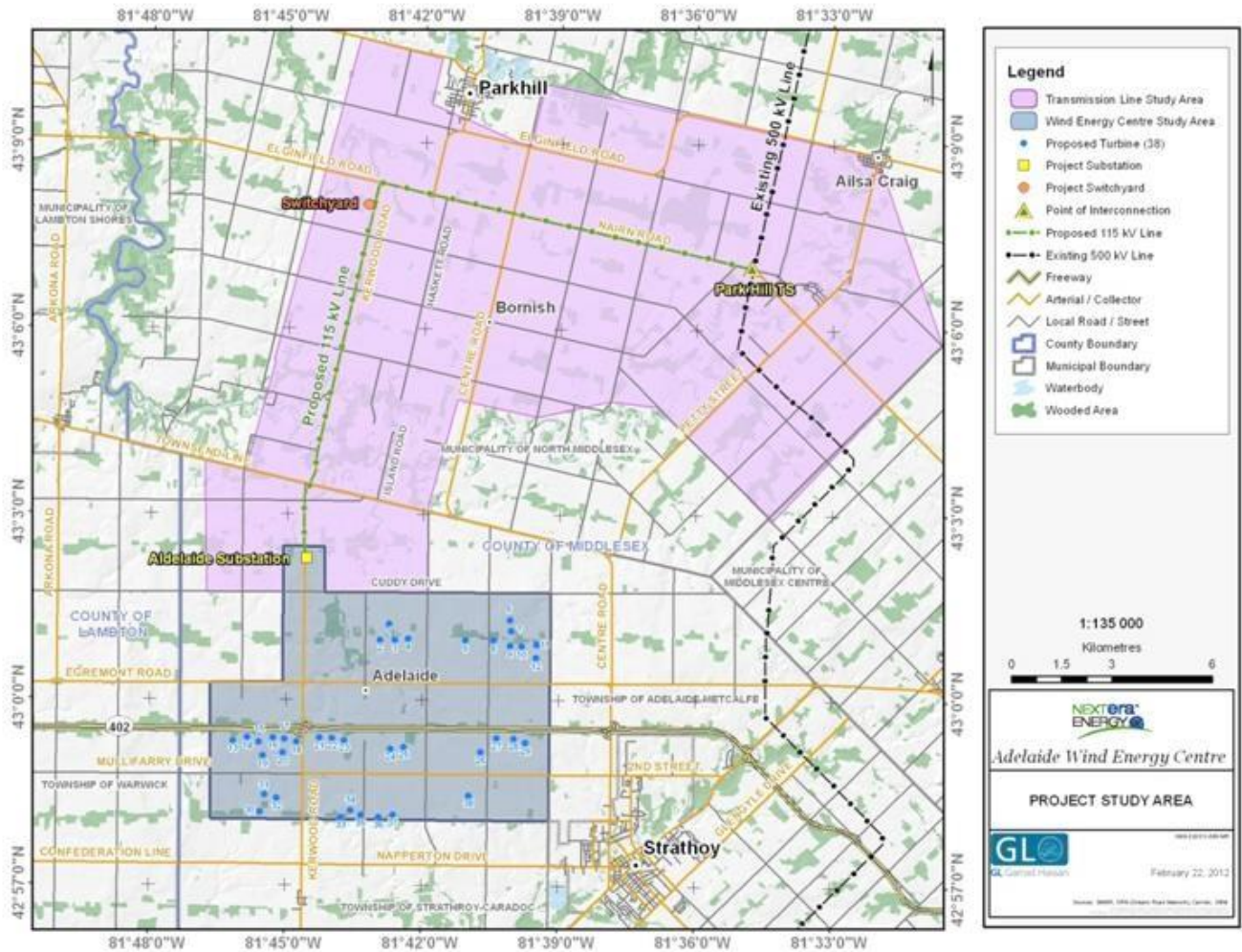
Area). Please see the Project Description Report, section 1.1 for a more detailed description and map 1.1.1, below.

The Project components will be located within an area of approximately 6,515 hectares (16,099 acres) of privately owned farmland, although the physical footprint of the project infrastructure is much smaller, at approximately 27 hectares (67.5 acres) (typically about 0.6 ha or 1.5 acres per turbine). This wind energy project is considered a Class 4 Wind Facility. It is expected to comprise 37 1.62 MW wind turbines, and associated facilities, and will have a maximum generating capacity of up to 59.9-megawatts, however, up to 38 turbine locations will be applied for.

Collector lines are planned to be located underground and/or on public rights-of-way. Transmission lines are expected to be located in municipal right-of-ways to a switchyard on Elginfield and Nairn Roads and then to an existing HydroOne 500kV transmission line.

Please refer to the Adelaide Project Description Report, section 2 for a full description of the Project components.

Map 1.1.1 Adelaide Project Location Map





## **1.2 Regulatory Framework**

The Crown's Duty to Consult with Aboriginal peoples arises when a government considers an authorization or action that may affect Aboriginal rights or title. The Duty belongs to the Crown. It is grounded in the honour of the Crown and the Crown cannot delegate its Duty to a proponent. The Crown can, and in the case of Ontario Regulation 359/09, has delegated procedural aspects of its Duty to proponents. As an agent of the Crown, Ministry of Environment must ensure that the Duty to Consult has been discharged before taking a decision on a project that may impact Aboriginal rights or interests.

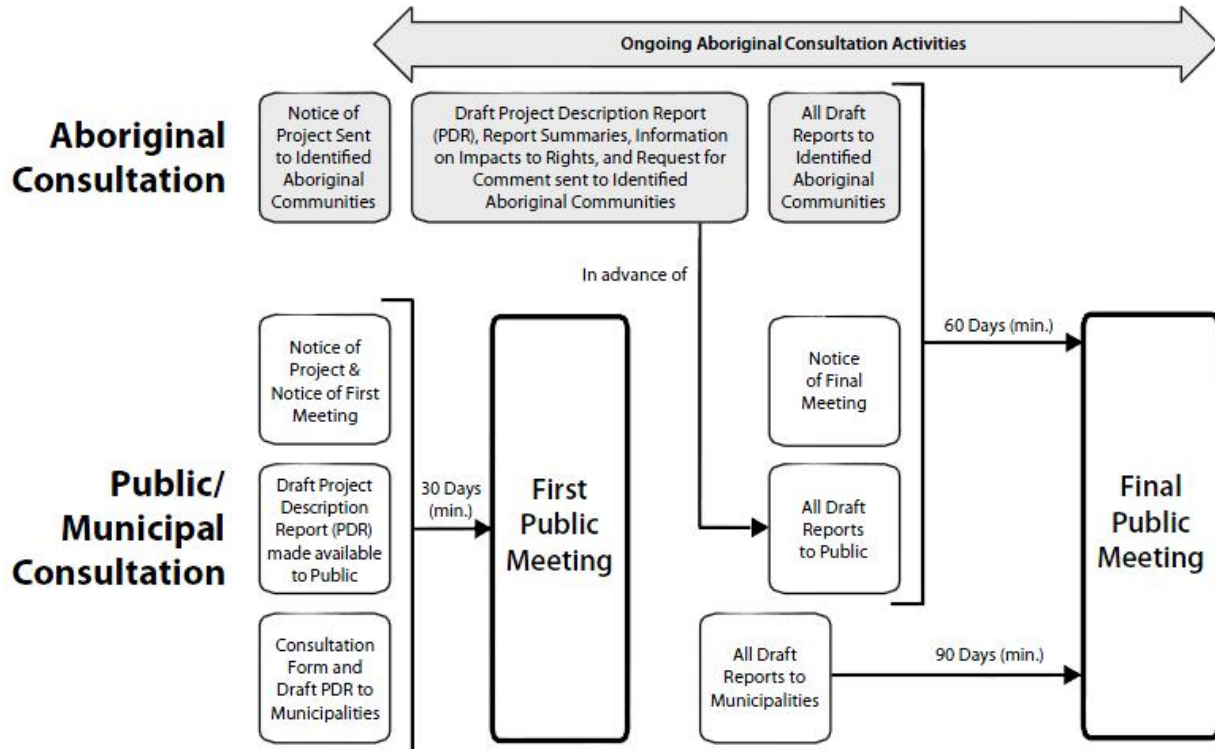
The Project is subject to approval under Ontario Regulation 359/09 (the "Regulation" or the "REA"). In addition, all such projects require a Feed In Tariff Contract ("FIT Contract") from the Ontario Power Authority. The REA contains specific actions that proponents must include in their procedural consultation with Aboriginal communities, and the FIT Contract application emphasizes both the importance of Aboriginal consultation and the applicant's commitment to conducting it in a thorough manner. The process of Aboriginal consultation is sometimes described analogously as "the path we walk together"<sup>1</sup>, rather than as a specific step or task in a larger process. As a result, consultation in project development may not, and arguably should not, have a distinct start and end point (see Figure 1.2.1, below). Relationship building is a very large part of the process.

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

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

Figure 1.2.1: Aboriginal Consultation



Source: Technical Guide to Renewable Energy Approvals, Ministry of Environment, 2011 Figure 6

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

### 1.3 NextEra’s Approach to Aboriginal Consultation

This section describes the general approach NextEra follows in carrying out Aboriginal consultation and the resources it is providing to Aboriginal communities support that process.

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

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

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

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

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

NextEra has been actively communicating with all First Nation and Métis communities who express interest in its projects. In southern Ontario, these efforts have been ongoing since approximately 2007. Up to twenty Aboriginal communities, some of which have interest in

multiple projects, have been contacted for information sharing and discussions about the eight NextEra wind energy projects with FIT Contracts, including Adelaide.

While the Director's List identified seven communities, ten First Nation governments (see Section 2.1) were directly consulted about Adelaide. One of them has recently confirmed they do not need to be consulted about the Project. No Métis communities have expressed interests or asserted rights in this Project. The process of communication will continue with the interested communities throughout the Project's life cycle (i.e. through planning, construction, operations and decommissioning).

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

1. A NextEra "Community Reference Materials" binder, with general industry, technology, mapping, web site, project summary and contact information. This binder has received compliments from community staff. A copy of the index from the most recent binder update is enclosed in Appendix C.
2. A NextEra general project location map (also in binder), which is reproduced below as Map 2.1.1.
3. A list of NextEra southern Ontario FIT projects, with key milestone dates to assist with planning consultation activities, including those for this Project. The list is updated for any significant changes. A copy of the most recently updated list is enclosed in Appendix D.
4. "Archaeological Communiqués", which describe: planned fieldwork; the responsible archaeologist; names of First Nation and independent monitors (where applicable);

and, NextEra contact information. The communiqué is issued twice a year and includes Project-specific information. A copy of the most recent communiqué is enclosed as Appendix E.

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

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

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

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

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

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

- Project Description Report and update.
- Natural Heritage Assessment Report (and corresponding sign-off letter from Ministry of Natural Resources).
- Stage 1 and 2 Archaeological Assessment Reports and Heritage Assessment Report.
- Construction Plan Report (and corresponding sign-off letters from Ministry of Tourism, Culture and Sport).
- Design and Operations Report (including Noise Assessment Report).
- Decommissioning Plan Report.
- Water Assessment and Water Body Report.
- Wind Turbine Specification Report.
- “Plain language” summaries of REA reports.
- Shadow Flicker Report.
- Turbine Visualizations.
- Project location mapping, including study area location relative to reserves, claims and First Nation traditional territory/Métis traditional harvest territory.

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

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

Any Project activities that directly or indirectly have a negative impact on species, habitat or ecosystems that are used for food, ceremonial or social purposes that are integral to an Aboriginal right would be of immediate concern. NextEra received information from some communities about species or habitats of importance to those communities (“Aboriginal

values”). Preparation of the Project REA Table 1 Reports took these values into consideration and is discussed for the applicable communities in Section 4, below, with cross-reference to the applicable Project REA Table 1 Report in Appendix G.

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

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

#### (B) Cultural

NextEra has completed Stage 1 and 2 archaeological studies for the Project. The Stage 2 archaeological assessment has documented 46 sites for the wind energy centre and two for the transmission line, including 35 pre-contact Aboriginal, 12 historic Euro-Canadian, and one multi-component with both pre-contact Aboriginal and historic Euro-Canadian artifacts.. Of those, 17 sites were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present. To date, one site has been recommended for Stage 4 assessment. NextEra will continue to work with Aboriginal communities regarding potential archaeological concerns through monitoring during construction, as explained in Section 6 “Next Steps”, below.

NextEra submits that its ongoing communications and Archaeological Protocol, the presence



of two independent First Nations monitors, the results of the archaeology work to date and the planned monitoring during ground disturbance activities, will result in no significant cultural impacts that could be of concern to Aboriginal communities.

### (C) Land

A strength of claims analysis was completed by outside legal counsel in order to: (a) confirm the completeness of the Directors' List; and (b) fully understand the existing treaties and claims within the Project area, and guide NextEra's consultation program. The strength of claims analysis involved consideration of the Huron Tract Treaty of 1827; and (b) the Nanfan Treaty of 1701. The former was entered into with Chippewa bands in the region, and took a number of years before ultimate signing in 1827. Since then, there have been a number of discrepancies and disputes associated with the Huron Tract Treaty (and its companion Longwoods Treaty). NextEra has considered these treaty rights in its consultation efforts with the Chippewas of the Thames, the Chippewas of Kettle and Stony Point, the Chippewas of Aamjiwnaang, and Walpole Island First Nation (all of which are identified on the Adelaide Director's List as having Constitutionally protected Aboriginal rights).

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

NextEra does not believe that the Project will result in significant impacts to any species that



may be hunted, fished or harvested pursuant to the Nanfan Treaty or Huron Tract Treaty (see, "(A) Natural Environment" above). Consequently, NextEra submits that the Project will not impact on any existing or asserted treaty rights, or other interests in the natural environment.

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

This section describes the First Nation governments that have been identified as having potential interests in approval, construction and operation of the Project. No Métis governments assert Constitutionally protected Aboriginal rights in the Project area, or have expressed concerns about potential negative environmental effects from the Project.

As required by O.Reg.359/09, the draft Project Description Report was provided to the Director of the MOE on November 3, 2009 in order to obtain the Aboriginal Communities List, as per s.14 (1)(b). The list identifies Aboriginal communities who:

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

The list was received via letter dated December 29, 2010.

### 2.1 Director's List

The following table identifies communities included in the Director's List of December 29, 2010 (left hand column) and the Director's rationale for including them (right hand column).

*TABLE 2.1.1 ABORIGINAL COMMUNITIES IDENTIFIED*

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

Director's List	Notes
Chippewas of the Thames First Nation Chippewas of the Thames 42	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as "Chippewas of the Thames First Nation".
Delaware Nation Moravian of the Thames Moravian 47	Identified as may have interests in potential negative environmental effects.  Referred to in this report as Moravian of the Thames Delaware First Nation.
Munsee-Delaware First Nation Munsee 1	Identified as may have interests in potential negative environmental effects.  Referred to in this report as "Munsee-Delaware First Nation".
Oneida Nation of the Thames First Nation Oneida 41	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as "Oneida of the Thames First Nation".
Bkejwanong Territory Walpole Island First Nation Walpole Island 46	Identified as may have constitutionally protected Aboriginal or treaty rights.  Referred to in this report as "Walpole Island First Nation".

MAP 2.1.1 Aboriginal Communities and NextEra Ontario FIT Projects

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



**2.2 Additional Communities Consulted**

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

Table 2.2.1 Additional Communities Consulted

Additional Communities Consulted	Rationale
Haudenosaunee Confederacy Chiefs Council (HCCC)	HCCC assert a treaty right to harvest within the 1701 Nanfan Treaty area (see Map 2.2.1), including both Crown and private lands. NextEra engaged with HCCC, through its delegated staff secretariat, the Haudenosaunee Development Institute (“HDI”) about potential impacts to the natural environment, which may affect harvest activities.
Oneida Council of Chiefs	Oneida Council of Chiefs is one of the traditional councils within the Haudenosaunee Confederacy Council.  Oneida Council of Chiefs participates through the HDI process, and was engaged by NextEra as part of HDI’s evaluation of the Project.
Six Nations of the Grand River Elected Council (SNEC)	SNEC have issued a 2011 Consultation and Accommodation Policy, which asserts SNEC’s responsibility to protect the air, land and water within the 1701 Nanfan Treaty area (see Map 2.2.1). NextEra engaged with SNEC to consult about potential impacts to the natural environment.

MAP 2.2.1 1701 Nanfan Treaty Beaver Hunting Grounds

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



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

Adelaide was identified as a transitional project, because although most of the environmental assessment work was completed under O. Reg 116/01, a Statement of Completion was not submitted prior to O. Reg. 359/09 coming into force. Prior to that point, TCI had completed the following Aboriginal consultation activities.

Table 3.0.1: Consultation Activities prior to Ontario Regulation 359/09

August 2009	Walpole Island First Nation	TCI had discussions with representatives and arranged a meeting on 11-08-09 to discuss the Project.
August 2009	Walpole Island First Nation	TCI met with William Big Bull (Consultant) and Lee White (Economic Development Officer) regarding Adelaide Project.
September 2009	Delaware Nation	TCI called Chief Gregory Peters Re: the Notice of Completion and left a message on his voicemail requesting meeting.
September 2009	Oneida of the Thames	TCI called Joel Abram Re: the Notice of Completion – the Chief was on vacation.
September 2009	Caldwell First Nation	TCI called Chief Louise Hillier and left a message with the Chief’s secretary requesting a meeting.
September 2009	Munsee Delaware First Nation	TCI called Chief Patrick Waddilove and left a voicemail.
September 2009	Chippewas of Kettle and Stony Point	TCI called Chief Elizabeth Cloud and had a detailed conversation regarding Project. The Chief would review and have someone call should she feel a meeting was necessary.
September 2009	Chippewas of the Thames	TCI called Chief Albert Vaughan – administrator explained there is a new Chief Joe Miskokomon. TCI left message and offered a meeting.
October 2009	Walpole Island First Nation	TCI had discussions regarding a follow-up meeting. A meeting was provisionally organized for November or early December, but did not take place due to transition to NextEra involvement.

Source: TCI Renewables

Because of the advanced, transitional status of the Adelaide Wind Farm, the Ministry of Environment’s Director of Renewable Energy Approvals determined that a third, or “transition”, public meeting was appropriate for the Project.

A mail-out of the Notice of Transition from the Environmental Screening Process to the Renewable Energy Approvals Process and an invitation to the third Public Open House was sent to assessed landowners and key stakeholders on November 19, 2009. The public and Aboriginal communities identified through Ontario Ministry of Aboriginal Affairs and (then)



Department of Indian and Northern Development were made aware of the new status of the Adelaide Wind Farm Project through the following means:

**Table 3.0.2: Notifications of Transition to REA Process and Third Open House**

November 19, 2009	Notice and invitation sent	Notice of transition from the environmental screening process to the renewable energy approvals process and invitation to public Open House sent to assessed landowners and wider public.
December 2, 2009	Publication of Notice	Combined Notice of Transition and invitation to Open House was advertised in Strathroy Age Dispatch.
December 7, 2009	Letter sent	Notice of TCI's partnership with NextEra Energy was sent to stakeholders.
December 9, 2009	Publication of Notice	Combined Notice of Transition and invitation to Open House was advertised in Strathroy Age Dispatch.
December 2009	Métis Nation of Ontario	Information package sent to MNO staff that mentioned Open House
January 2010	Métis Nation of Ontario	Email sent containing the date of the Open House
January 2010	Walpole Island First Nation	Email sent notifying Chief Gilbert of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Delaware Nation	Email sent notifying Chief Peters of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Oneida of the Thames	Email sent notifying Chief Abram of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Caldwell First Nation	Email sent notifying Chief Hillier of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Munsee Delaware First Nation	Email sent notifying Chief Waddilove of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Chippewas of Kettle and Stony Point	Email sent notifying Chief Cloud of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Chippewas of the Thames	Email sent notifying Chief Vaughan of transition process, inviting to Open House and providing a link to the Draft Addendum Report.
January 2010	Walpole Island First Nation	Built Heritage Assessment and Interim Stage 2 Archaeology reports sent for review.
January 21, 2010	Publication of Notice	Combined Notice of Transition and invitation to Open House was advertised in Strathroy Age Dispatch.
February 2010	Delaware Nation	Email sent to Chief Peters to request confirmation of his community's interest in the project. Outlined the general location of the project in relation to Highway 402 and west of London, and offered to send additional mapping information to confirm. Requested a confirmation of any interest in the project.

Source: TCI Renewables



After O.Reg. 359/09 came into force in September 2009, a variety of consultation activities continued, including those required under the Regulation, to communicate with local and interested Aboriginal communities and to seek their input about Adelaide. They are described in the following sections.

**3.1 Description of Activities**

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

**3.1.1 Preparation of draft PDR**

Because the Project was deemed a “transition project” by MOE, a draft Addendum Report was prepared that cross-referenced previously developed studies and information to the draft project REA Table 1 Reports, including the Project Description Report.

**3.1.2 Obtain Director’s List**

The Director’s List of Aboriginal communities for the

<p><b>Applicant’s Aboriginal Consultation Process under O. Reg. 359/09</b></p> <ol style="list-style-type: none"> <li>1. Prepare draft Project Description Report (PDR)</li> <li>2. Obtain Aboriginal Consultation list</li> <li>3. Provide Notices</li> <li>4. Distribute draft PDR to communities</li> <li>5. Hold 1<sup>st</sup> public meeting</li> <li>6. Integrate comments</li> <li>7. Circulate report summaries</li> <li>8. Discuss and work with communities; integrate comments</li> <li>9. Provide draft project documents to communities</li> <li>10. Discuss and work with communities; integrate comments</li> <li>11. Hold final public meeting</li> <li>12. Integrate comments</li> <li>13. Prepare REA application</li> <li>14. Submit REA application and inform communities</li> </ol>
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Source: Draft Aboriginal Consultation Guide for preparing Renewable Energy Application, Ministry of the Environment, Spring 2011, p. 8

Project was requested on November 3, 2009 as per s.14 (1)(b). The list was received via letter dated December 29, 2010.

### ***3.1.3 Notice of Proposal to Engage in a Renewable Energy Project and Notice of Open House #1***

As described above, the Project's public consultation process began prior to the REA coming into force, under the Environmental Screening process. The Director's list did not exist at this time, and was received after the third Project open house, held January 26, 2010. Notices delivered for that open house as described in the Table 3.1.1 below. The communities contacted at that time was based on information available from Department of Indian and Northern Affairs and Ontario Ministry of Aboriginal Affairs.

Because of a subsequent change in the Project layout, draft Project REA Table 1 Reports were revised, and additional public consultation was undertaken. An additional Open House was held November 10, 2011. Notices were published in newspapers as described in section 3.1.15, below, which was compliant with Ontario Regulation 359/09. All communities identified on the Director's List were notified.

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

An Environmental Impact Statement and Environmental Screening Report ("EIS/ESR") was completed for the Project under Ontario Regulation 116/01. The EIS/ESR was determined to meet the requirements of a PDR under O. Reg. 359/09. It was made available on the TCI web site in January 2010.

An Addendum Report to cross reference the previous EIS/ESR with the requirements of the REA Table 1 Reports was delivered on November 10, 2010 to the communities who had been identified at that time. This did not include Haudenosaunee Confederacy Council Chiefs because Oneida Council of Chiefs had indicated they would take the lead for Adelaide (and who were later not on Director's List,) and Moravian of the Thames, who had indicated the project was outside their traditional territory.

An updated Project Description Report was distributed and delivered to all Aboriginal Communities on the Director's List of December 29, 2010, and to the additional communities who expressed interests in the Project (see Table 2.2.1, above) on November 2, 2011.

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

Because the project had almost completed its approval under Ontario Regulation 116/01, a number of Public Meeting ("PM") Open Houses were held.

Public meetings were held in compliance with O. Reg 116/01, on February 12, 2008 and March 26, 2009, prior to Ontario Regulation 359/09. Note that a Director's List, did not exist at this time and communications took place with communities identified through the (then) Department of Indian and Northern Affairs and Ontario Ministry of Aboriginal Affairs.

The Director of Renewable Energy Approvals requested a third PM (i.e. a transition Public Meeting). It was held on **January 26, 2010** and has been considered the "First" PM in Adelaide Metcalf, for the purpose of O. Reg. 359/09. Notices were published in newspapers as described in section 3.1.15, below.

An additional open house was held on November 10, 2011 "common" to three projects (including Adelaide) and aimed at presenting these projects but also the common transmission line that is proposed to link these projects to Hydro One's network. It was considered a "first" PM for the purposes of Ontario Regulation 359/09 in North Middlesex.. All communities were provided with an explanation of the purpose of the Open House, a copy of the public notice and an updated Project Description Report by letter dated November 2, 2011. (Note: the draft Project Description report was updated again in respect of the Project nameplate capacity, and copies were delivered by letter dated November 29, 2011.) One staff representative from one of the Aboriginal communities attended the meeting for general information gathering, but did not provide specific comments on the Project.

### **3.1.6 Integrate Comments**

Comments received from the public at the Open Houses, and through ongoing communications were addressed and integrated as part of the REA process. No comments specific to Aboriginal values or interests were submitted at the open houses.

General comments received from Aboriginal communities were provided to NextEra's environmental consultants to consider in preparing the draft REA Table 1 Reports. These general issues are described for each community that provided them, in Section 4, and in the Tables of Concordance in Appendix G.

### ***3.1.7 Circulate Report Summaries***

"Plain language summaries", were prepared and delivered with the set of draft Project Table 1 Reports On May 4, 2012 together with the updated draft Project REA Table 1 Reports (see 3.1.9, below).

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

The process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. As explained above, consultation work had begun for the Project under the previously applicable Ontario Regulation 116/01 by TCI. NextEra became involved with the Project in 2009, and was already working with many of those with interests in Adelaide. NextEra is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. Please see the Project-specific description of consultation activities in Section 4.0, below.

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

As per O. Reg. 359/09 S.16 (5) (c and d), the draft Project REA Table 1 Reports were sent to each Aboriginal community with identified interests in the Project (i.e. the Director's List plus the additional communities identified by NextEra) on May 4, 2012 in both hard copy and CD versions. The reports were delivered to the Chief, with copies to the responsible staff person, or persons. The following reports and other notices were included with the May 4, 2012 deliveries.

- Project Description Report
- Construction Plan Report
- Design and Operations Report
- Decommissioning Plan Report
- Wind Turbine Specification Report
- Natural Heritage Assessment Report
- Water Assessment and Water Body Report
- Cultural Heritage Assessment Report
- Stage 1 and Stage 2 Archaeological Assessment Report
- Shadow Flicker Report
- One hard copy of the draft REA Report summaries
- MNR/MTCS sign-off letters
- Turbine Visualizations
- Final Public Meeting Notice

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

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

Written comments or feedback regarding the draft REA Table 1 Reports was requested, so that it could be considered during the planning stages of the Project and for inclusion in the

REA application. NextEra also offered to meet with communities regarding the REA reports, so that any comments, concerns or issues could be conveyed and reflected in the REA, if not addressed directly with those communities.

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

As explained above, the process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. NextEra is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. NextEra is addressing, or has addressed requests for capacity assistance to help Aboriginal communities review and provide informed comment on the draft Project REA Table 1 Reports.

Please see the *Project-specific description* of consultation activities in Section 4.0, below.

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

This notice was distributed through written correspondence dated May 4, 2012 to all communities on the Director's list, as well as the additional communities identified. Notices were also published in newspapers as described in section 3.1.15, below.

A second notice of Open House was delivered to the same communities on May 22, 2012, due to a necessary change in venue of the July 12<sup>th</sup> open house. Further notices had to be sent due to additional date and venue changes in the August 14<sup>th</sup> open house and these were completed on June 24<sup>th</sup> and July 6<sup>th</sup>, 2012

The Final Open Houses were held on July 11 and August 14, 2012 to cover the two municipalities where the project was located. No attendees identified themselves as Aboriginal community members or representatives.

### **3.1.12 Integrate Comments**

Comments received from the public at the Open Houses, and through ongoing communications were addressed and integrated as part of the REA process. As of the date of this report, no specific comments on Adelaide have been received from Aboriginal communities. Discussions are ongoing with communities as described in Section 4 and will continue as described in Section 6, below.

### **3.1.13 Prepare REA Application**

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

### **3.1.14 Submit REA Application and Notify Communities**

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

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

#### **Table 3.1.1 Summary of REA Notification Compliance for Adelaide**

The following table summarizes the dates, method and recipients of the requisite notices under Ontario Regulation 359/09 (i.e. completed after the REA came into force) for the Project.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
<b>"Pre-REA"</b>				
	Notice of Commencement	January 2008	Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Moravian of the Thames Oneida Nation of the Thames	Mail (Copies of notices only)
	Letter inviting participation in Environmental Screening Process	September 25, 2008	Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Moravian of the Thames Oneida Nation of the Thames	Letter See Appendix I.1
	Provide a copy of detailed Project Description	February 24, 2009	Walpole Island First Nation	Letter See Appendix I.2
	Notice of of Public Meeting held March 26, 2009	March 9, 2009	Chippewas of Aamjiwnaang Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Moravian of the Thames Oneida Nation of the Thames	March 9, 2009: Form Letter See Appendix I.3
	Notice of Completion	June 6, 2009	Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Moravian of the Thames Oneida Nation of the Thames Walpole Island First Nation	Mailed Copies of Notice only.
	Letter advising of partnership between TCI and NextEra and intention to resubmit ESR under REA.	March 22, 2010	Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Moravian of the Thames Oneida Nation of the Thames	Mailed. See Appendix I.4
<b>"Post-REA"</b>				



O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
14	Request Director's List	Request: November 3, 2009  Receipt: December 29, 2010	Aamjiwnaang First Nation Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Moravian of the Thames Delaware First Nation Munsee-Delaware First Nation Oneida Nation of the Thames Walpole Island First Nation	Letter
Public Meetings ("PM")	<p>Open Houses (PM 1 and 2 equivalents) were held on February 12, 2008 and March 26, 2009, <i>prior to</i> Ontario Regulation 359/09. See "Pre-REA" section of this Table, above.</p> <p>The Director of Renewable Energy Approvals (i.e. a transition Public Meeting) requested a third PM. It was held on <b>January 26, 2010</b>. It has been considered the "First" PM in Adelaide Metcalf, for the purpose of O. Reg. 359/09.</p> <p>A Project Update PM was held <b>November 10, 2011</b> "common" to three projects (including Adelaide) and aimed at presenting these projects but also the common transmission line that is proposed to link these projects to Hydro One's network. This meeting has been considered as the First Public Meeting for the purpose of O. Reg. 359/09 in North Middlesex..</p> <p>The Final PM for North Middlesex was held on <b>July 11, 2012</b> and the Final PM for Adelaide Metcalfe was held on <b>August 14, 2012</b>. A change in the venue for the August 14, 2012 PM required additional notification, as set out below.</p>			
15.3	<p><b>Publication of Notices</b></p> <p>Notices must be distributed at least 30 days before the first public meeting is held and at least 60 days before the final public meeting is held.</p> <p>Each notice must be published on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated.</p> <p>If reasonable to do so, notice should be published in a newspaper printed by each aboriginal community on the Director's List, however, in the case of this Project, no news <u>papers</u> are published in the communities.</p> <p>The dates of the public meetings ("PM") were as follows.</p>			
	Notice of Proposal	N/A due to transition status of Project. See Notice of Commencement in Pre-REA section, above.	N/A	See Notice of Commencement in Pre-REA section, above.
	Notice of November 10, 2011 PM	<u>Turtle Island News</u> : October 1, and November 2, 2011	N/A	Publication
	Final PM (s) July 10 and August 14, 2012	<u>Turtle Island News</u> : May 9, 2012	N/A	Publication
	August 14, 2012 PM Change of Venue Notice #1.	<u>Turtle Island News</u> : June 27 and July 4 2012.	N/A	Publication

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	August 14, 2012 PM Change of Venue Notice #2	<u>Turtle Island News</u> ; and July 11 2012	N/A	Publication
	August 14, 2012 PM Change of Venue Notice #3.	<u>Turtle Island News</u> ; July 25 and August 8, 2012	N/A	Publication
15.5.ii	<b><u>Deliver Notices to all Aboriginal Communities.</u></b>			
	Notices must be distributed at least 30 days before the first public meeting is held and at least 60 days before the final public meeting is held, however, the January 26, 2010 PM was considered a "transition meeting" held in addition to the prior two PMs under O. Reg 116/01.			
	Notice of Transition and Open House	November 19, 2009	<u>Communities identified prior to receipt of Director's List:</u> Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware First Nation Moravian of the Thames Delaware First Nation Walpole Island First Nation	Letter Mailed: See form letter and copy of Notice in Appendix I.14
	Notice of January 26, 2010 PM	January 14, 2010 (from TCI Renewables)	<u>Communities identified prior to receipt of Director's List:</u> Caldwell First Nation Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware First Nation Moravian of the Thames Delaware First Nation Walpole Island First Nation	Mail and E-Mail Mail copy not available, see E-mails in Appendix I.5
	November 10, 2011 Project Update PM	November 2, 2011	Director's List: Aamjiwnaang First Nations Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Moravian of the Thames Delaware First Nation Munsee-Delaware First Nation Oneida Nation of the Thames Walpole island First Nation  Additional Communities: Haudenosaunee Confederacy Chiefs Council Oneida Council of Chiefs Six Nations of the Grand River (elected) Council  <i>(Note: To save space, this list is not duplicated in the table. Where all of the above communities were involved, the notation "all communities" appears.)</i>	Courier See Appendix I.7

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	Final PM(s) July 10 and August 14, 2012	May 4, 2012 (Original Notice)	All communities	Courier See Appendix I.8
		May 22, 2012	All communities	Courier See Appendix I.9
		June 24, 2012 Copy of Notice Only	All communities	See Public consultation report for Notice
		July 6, 2012	All Communities	Courier See Appendix I.10
		July 24, 2012	All communities	Courier See Appendix I.11
16(1)	Hold at least two public meetings ("PM").	See explanation of PM's above.		
16.(2)(c)(d)	<p>Make paper copies of draft PDR available at least 30 prior to PM1.</p> <p>Distribute draft PDR at least 30 days prior to PM1.</p> <p>Note: ESR and Addendum distributed prior to O. Reg 359/09.</p>	<p>November 10, 2010 (Environmental Screening Report and Draft REA Addendum)</p> <p>November 2, 2011 (Updated PDR)</p>	<p>November 10, 2010 all communities, except</p> <ol style="list-style-type: none"> <li>1. Moravian of the Thames who on February 18, 2010 had provided confirmation that project was NOT within their traditional territory. See copy of e-mail in Appendix J.5</li> <li>2. Haudenosaunee Confederacy Chiefs Council, based on Oneida Council of Chief's advice that they would take the lead on Adelaide for the Confederacy. Archaeology reports were provided to Haudenosaunee Development Institute on November 26, 2010.</li> </ol> <p>November 2, 2011 <u>All</u> communities received the updated PDR report.</p>	<p>November 10, 2010 Courier See Appendix I.6.</p> <p>November 2, 2011 – Courier See Appendix I.7</p>

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
16.(5)(c)	Make paper copies of draft Project REA (Table 1) reports available at least 60 days before PM2.	November 10, 2010 (Environmental Screening Report and Draft REA Addendum)  May 4, 2012 (updated Draft Project REA Table 1 reports)	November 10, 2010 all communities, except 1. Moravian of the Thames who on February 18, 2010 had provided confirmation that project was NOT within their traditional territory. See copy of e-mail in Appendix J.5 2. Haudenosaunee Confederacy Chiefs Council, based on Oneida Council of Chief's advice that they would take the lead on Adelaide for the Haudenosaunee Confederacy. Archaeology reports were provided to Haudenosaunee Development Institute on November 26, 2010.  May 4, 2012 <u>All communities</u> received the draft Project REA Table 1 Reports.	May 4, 2012 Courier See Appendix I.8
16.(5)(d), 16.(6)	Distribute drafts of REA (Table 1) reports. Original ESR report was delivered November 10, 2010.  Updated draft <b>Project REA Table 1 Reports</b> distributed on May 4, 2010 were: <ul style="list-style-type: none"> <li>• Project Description Report</li> <li>• Construction Plan Report</li> <li>• Design and Operations Report</li> <li>• Decommissioning Plan Report</li> <li>• Wind Turbine Specification Report</li> <li>• Natural Heritage Assessment Report</li> <li>• Water Assessment and Water Body Report</li> <li>• Cultural Heritage Assessment Report</li> <li>• Stage 1 and 2 Archaeological Assessment Report</li> <li>• Shadow Flicker Report</li> </ul>	November 10, 2010 (Environmental Screening Report and Draft REA Addendum)  May 4, 2012 (updated Draft Project REA Table 1 reports)	November 10, 2010 all communities, except 1. Moravian of the Thames who on February 18, 2010 had provided confirmation that project was NOT within their traditional territory. See copy of e-mail in Appendix J.5 2. Haudenosaunee Confederacy Chiefs Council, based on Oneida Council of Chief's advice that they would take the lead on Adelaide for the Haudenosaunee Confederacy. Archaeology reports were provided to Haudenosaunee Development Institute on November 26, 2010.  May 4, 2012 <u>All communities</u> received the draft Project REA Table 1 Reports.	November 10, 2010 Courier See Appendix I.6  May 4, 2012 - Courier See Appendix I.8

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	<ul style="list-style-type: none"> <li>Report Summaries</li> <li>Turbine Visualizations</li> </ul>			
	Sign-off Letters from: Ministry of Natural Resources Ministry of Tourism, Culture and Sport	May 4, 2012	All communities	Courier See Appendix I.8
17.(1)1.	Distribute draft PDR: First Draft Updated Draft	See 16.(2)(c) and (d), above. See 16.5(d), 16.(6). Above		
17.(1)2.	Provide information on adverse impacts to any Aboriginal or treaty rights identified by the community.	No information on potential adverse impacts was known and no such impacts were expected.	N/A	N/A
17.(1)3.i.	Distribute a summary of all draft REA (Table 1) reports.	May 4, 2012	All communities	Courier See Appendix I.8
17.(1)4.	Make a written request for information relevant to REA.	November 10, 2010 and May 4, 2012.	All communities	See Appendixes I.6, (November 10, 2010) and I.8 (May 4, 2012).
17.(1.1)(a)	Make the s. 17.(1)4 written request before making documents under 16.(5) available.	See 17.(1)4, above.		
17.(2)(a)	Communicate with each community about any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
17.(2)(b)	Communicate with each community about measures for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
54.1(c) ii	Publish notice of draft site plan in a newspaper published in each Aboriginal Community on the Director's List where it is reasonable to do so.	<u>Turtle Island News</u> : November 23, 2011	N/A	Publication

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
54.1(c) and (v)	Give copies of Notice of Draft Site Plan.	Couriered on November 25, 2011 but letter dated November 29 in error.	All communities	Courier: See Appendix I.12 for cover letter and Appendix I.13 for Delivery receipts
54.1(d)	Make paper copies of Draft Site Plan available and distribute within 5 days of publishing Notice.	<b>Couriered on November 24, 2011</b> but letter dated November 29 <i>in error</i> .	All communities	Courier: See Appendix I.12 for cover letter and Appendix I.13 for Delivery receipts
54.1(e)	Distribute draft site plan within 5 days of publishing Notice.	See 54.1(c)	See 54.1(c) and (v), above.	See 54.1(c) and (v), above.

### 3.2 Additional Consultation Activities

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

1. In May 2010, NextEra offered to host leadership from all Ontario Aboriginal communities with potential interests in NextEra Projects, at the CanWEA seminar, titled “Building the Wind Energy Supply Chain in Canada”, held on June 9-10, 2010 in Toronto. The purpose was to offer broader information about the wind energy industry that would be of potential interest beyond procedural consultation under the REA and have a chance to meet in person. Three communities sent representative to this seminar out of over twenty invitations offered, and two attended the conference.
2. NextEra has offered to make presentations about its projects to Aboriginal leadership and communities and has done so whenever invited. This includes presentations to leadership, committees of council and attendance at community events. These actions are detailed in the individual consultation summaries in Section 4, below.

3. NextEra has established a practice of circulating an “Archaeological Communiqué” to all Aboriginal communities with interests in its projects; two communiqués have been issued to date (Fall 2011 and Spring 2012). The communiqué describes planned field work, its timing, the consulting archaeologist and contact information for more information, and for the appropriate NextEra representatives.
4. NextEra has also provided capacity funding for two fully independent First Nations archeology monitors for the Project. The first monitor, Brandy George of Brandy George Cultural Research Inc. is a licensed Ontario archaeologist and First Nations person. The monitor’s mandate is to liaise with interested Aboriginal communities to obtain any relevant information for potential locations of cultural and spiritual importance, and to monitor and report on the activities of the consulting archaeologist’s field crews. Her reports are available to all First Nations communities, and are specifically provided to Oneida Council of Chiefs, Kettle & Stony Point First Nation, Aamjiwnaang First Nation and Walpole Island First Nation. To date, the independent monitor has raised no concerns and been satisfied with the consulting archaeologist’s fieldwork. The second monitor, Wayne Hill of Two Row Archaeology, is a Haudenosaunee monitor, reporting directly to Haudenosaunee Development Institute. To date, the Haudenosaunee monitor has not brought concerns about the archaeology work or results to NextEra’s attention. The monitor has asked the consulting archaeologist to catalogue and retain some chert flakes that would not typically be retained, and this was done.
5. NextEra also offers to host field orientation meetings at the outset of archaeological fieldwork. The field orientation meetings were a suggestion from one of the Project Aboriginal communities. They are meant to be an opportunity for community staff and leadership to meet the consulting archaeologist on site, discuss the proposed work and review contact information for NextEra’s, “Ontario Projects - Archaeological Protocol”. While only one community has responded to these invitations to date, they will continue to be offered as part of the regular Archaeological Communiqué summaries issued twice yearly, prior to the start of fieldwork.

6. NextEra has prepared and delivered a “Community Reference Materials” binder containing: general wind industry and technology information; project location mapping; additional information sources; relevant project information, such as newsletters; and, NextEra contact information. The binder is meant to provide a quick reference for staff or for community members. The initial binder included the Adelaide draft Project Description Report. One update to the Binder has been circulated, which included the “Adelaide Project: Wind Energy News” newsletter to provide current project status. Please see Section 4 for dates of delivery to individual communities.
7. NextEra distributed project summary tables in the Fall 2011 with information on project locations, nameplate capacities, number of turbines, and current status of fieldwork. To assist Aboriginal community staff with planning for report reviews and related consultation activities an additional summary table was distributed in Spring 2012 with key milestone dates and lists of the Project REA Table 1 Reports to be produced. Copies of both these summaries are found in Appendix D.
8. In order to be proactive at all stages of REA development, there has been, and continues to be ongoing personal, telephone and e-mail contact with staff in Aboriginal communities. The number, scope and frequency of these ongoing efforts are illustrated by the Chronologies of Communication reproduced in Appendix H. These Chronologies represent the broader effort of communication, information sharing and engagement across all NextEra FIT projects. *Project-specific summaries have been extracted in a narrative for each community in Section 4 that outline the process, discussion and issues, which are specific to Adelaide.*
9. NextEra is developing initiatives that seek to establish broader relationships with Aboriginal communities, including: an “opportunities outreach” program to provide information on wind energy and company opportunities in employment and procurement; and, a scholarship program.



10. The draft text of the community summaries in Section 4 of this report was forwarded to individual Aboriginal communities for comment and to ensure that this report adequately reflects any project-related comments received.

## 4. Community-Specific Aboriginal Consultation For Adelaide

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

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

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

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

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

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

Communications and information sharing with Chippewas of Aamjiwnaang First Nation (“Aamjiwnaang”) began in 2007 for the Adelaide project. Please see Appendix I.1 for a complete chronology of all communications concerning the five projects of interest to Aamjiwnaang, including Adelaide.

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

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

NextEra’s first “Community Reference Materials” binder was delivered to Aamjiwnaang at a meeting with Aamjiwnaang staff on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Adelaide, as well as general industry and company information. The binder was updated and delivered to Aamjiwnaang staff November 10, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

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

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

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

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

Aamjiwnaang Question/Issue	Response Provided
Are the NHAs an ongoing process or all finished (question posed in relation to Ravenswood project, which is not a NextEra development).	The process required under Ontario Regulation 359/09 (510-10) (“REA”) is for NHA reports to be submitted, plus a construction and operations report. This will include post-construction monitoring for a three-year period to validate predicted impacts and effectiveness of mitigation.
Do turbines affect earthworms?	Not aware of such information from operating wind

Aamjiwnaang Question/Issue	Response Provided
	farms, but a study by Epsilon may help address this question. The study was forwarded to Aamjiwnaang after the meeting.
How do local (non-Aboriginal) communities feel about wind farms?	Based on polls completed by industry, the majority of people support renewable energy. There is a very vocal minority who oppose them. The Kent Breeze wind farm approval was appealed to the Environmental Review Tribunal, and the appeal was turned down. NextEra sent location information on Kent Breeze so that Committee members could visit the site.

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

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

copy in Appendix J.1). While not sent directly to NextEra, the comments are intended as Aamjiwnaang's general response to wind proposals in their Traditional Territory and as such, NextEra is taking the initiative to contact Aamjiwnaang to discuss their concerns. NextEra and its environmental consultants are presently completing a review of the concerns statement, and draft responses are being prepared as a basis for discussion. NextEra will be contacting Aamjiwnaang to determine if it wishes to meet separately to discuss the concerns statement, or to meet and discuss it as part of a Joint Assessment Committee, in which Aamjiwnaang is participating. This initiative is described below.

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

On March 23, 2012 NextEra received a proposal for the technical review work from JAC's consultant, Ben Porchuk, for review and discussion. An initial telephone discussion took place with the JAC. NextEra then met with staff from the three First Nations (now operating as the JAC) and Ben Porchuk on May 8, 2012 at Aamjiwnaang First Nation to finalize the review proposal. An approach to completing the review work was discussed and a consensus was reached. The terms of reference for the third party reviews were agreed to be two-fold:

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

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

The draft Project REA Table 1 Reports were delivered to Aamjiwnaang and the other JAC communities on May 4, 2012 (see letters in Appendix I.8).

As of the date of writing this report, the third party reviewer’s work on the REA Review report and Issues List report had begun but was not yet available. The draft Issues List Report is presently being reviewed by the three First Nations, after which it will be discussed with NextEra. A meeting to discuss the draft report is expected to be held in early September. The Project Review Report is still in progress but an estimated schedule for completion is not available at this time. It is anticipated that the both reports will form the basis of a meeting (or meetings) and further dialogue between the three JAC First Nations and NextEra that will focus on the issues raised and potential solutions, including (if necessary) appropriate mitigation measures. NextEra will be providing an update to this consultation report, as the results of the process unfold.

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



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

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

Communications and information sharing with Chippewas of Kettle and Stony Point First Nation ("Kettle and Stony Point") began in 2007 for the Adelaide project. Please see Appendix H.2 for a complete chronology of all communications concerning the five projects of interest to Kettle and Stony, including Adelaide.

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

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

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

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

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

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

Copies of the draft REA Table 1 Reports were delivered to Kettle and Stony Point on May 4, 2012 (See letter in Appendix I.8).

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

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

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

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

Communications and information sharing with Chippewas of the Thames First Nation (“COTT FN”) began in 2007 for the Adelaide project. While many attempts to follow-up and engage with COTT FN have taken place since then for five of NextEra’s Ontario FIT Projects, community capacity limitations have meant that substantive engagement was only able to begin more recently. Please see Appendix 1.3 for a complete chronology of all communications concerning the five projects of interest to COTT FN, including Adelaide.

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

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

NextEra was able to meet directly with COTT FN staff on May 2, 2012, shortly after the formation of a COTT FN consultation team. An overview summary of all NextEra Ontario FIT projects was provided, together with a chart of key milestone dates for planning, such as anticipated delivery times for draft Project REA Table 1 Reports and REA filing targets to help describe the various projects and their status (See Appendix D). The NextEra First Nations and Métis Relationship Policy was also discussed; capacity assistance is one component of that Policy and was also discussed. NextEra had previously sent invitations for COTT FN to consider joining the JAC process that had been developed by Walpole, Aamjiwnaang and Kettle and Stony Point First Nations, called the Joint Assessment Committee, or “JAC”. (The JAC is fully described in section 4.1, above.) This suggestion was discussed in more detail at the May 2 meeting. COTT FN staff seemed open to the idea, and agreed to speak with the JAC members. These discussions are ongoing.

COTTFN staff raised the following issues at the May 2, 2012 meeting.

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

Copies of the draft Project REA Table 1 reports were delivered to COTTFN by letter dated May 4, 2012 (Appendix I.8).

As of the date of this report, NextEra is awaiting COTTFN decision whether to join the JAC process, but is also prepared to meet and develop a COTTFN-specific review process for the Adelaide and other projects in which COTTFN has an interest. On June 6, 2012, NextEra was advised that COTTFN had hired a new Renewable Energy Coordinator to have carriage of this file. NextEra responded the same day, offering to meet and review progress made to date. On July 30, 2012, NextEra spoke with the COTTFN Renewable Energy Coordinator and provided an update on the project. The possibility of COTTFN joining JAC was discussed and an offer to work directly with COTTFN was also offered, including discussing consultation process and capacity funding. No response to that offer has been received yet.

NextEra will continue to work with COTTFN, whether through the JAC review process to inform COTTFN's consultation process, and/or directly with them to follow through on their process. All results from the JAC process and/or COTTFN process will be fully considered and where appropriate, will inform and influence the implementation of the Project. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 Reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

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

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

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

In Canada, the Oneida and Mohawk are represented within HCCC. NextEra has had direct communications with the Oneida Council of Chiefs about the Project, (see discussion within Section 4.5 Oneida Nation of the Thames). HCCC has delegated consultation process management to the Haudenosaunee Development Institute ("HDI"). NextEra's engagement with HCCC has been through senior HDI staff and Board members.

Communications and information sharing with HCCC began in 2007. All requisite delivery of REA notices and information has been completed with HCCC, as more specifically set out in Table 3.1.1, above. In addition, NextEra's Community Reference materials binder has been provided to HDI. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Adelaide, as well as

general industry and company information. An updated Community Reference Material Binder was mailed to Hazel Hill, Acting Secretary of the HDI on October 13, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports. A chart of all NextEra Ontario FIT projects was also delivered, outlining their capacity, location, timing of development and status. Please see Appendix H.4 for a complete chronology of all communications concerning the projects of potential interest to HCCC, including Adelaide.

Given HCCC's asserted interest in all NextEra Ontario FIT projects, engagement has taken place at a general level (with a focus on overarching issues of interest to HCCC. But, NextEra has provided capacity assistance to HDI for an external expert review of the original Adelaide draft Project Table 1 REA Reports. No response has been received to date. NextEra also provides capacity funding for a fully independent Haudenosaunee archaeology monitor, who provides reports directly to HDI. This is in addition to the Independent First Nations Monitor, Brandy George Cultural Resources, Inc. who is retained by Oneida Council of Chiefs, a Haudenosaunee government.

HDI has requested that all matters of discussion with it be treated in confidence. As a result, NextEra is limited in the extent to which it can disclose the content of such discussions, but can report that such discussions are ongoing.

Copies of the draft Project REA Table 1 Reports were delivered to HCCC and HDI on May 4, 2012.

As a general conclusion, however, and as more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to asserted Aboriginal or treaty rights of the Haudenosaunee will result from approval of the Project. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 Reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.



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

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

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

On February 18, 2010, NextEra made contact with Chief Gregory Peters, in regard to the Adelaide Wind Energy Centre. Chief Peters stated that project was not within Moravian’s traditional territory, and so long as there were no impacts to the Thames River, Moravian would have no concerns.

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

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

On May 4, 2012, the draft Project REA Table 1 Reports were delivered to Moravian of the Thames. In response, NextEra received a letter dated June 13, 2012 from Moravian’s Lands and Consultations Manager, explaining that the information had been received and reviewed “...to the best of my ability and find the proposed NextEra Energy Canada, ULC Adelaide Wind Energy Centre – Township of Adelaide-Metcalf and North Middlesex does not require any further consultation.” A copy of this letter is enclosed in Appendix J.2.



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

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

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

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

At the July 20, 2010 meeting with Chief Waddilove and the First Nation Manager, NextEra requested and was provided with information on issues that would be of concern to Munsee in the development of a wind farm. The issues included specific species, activities and values that would be of importance to Munsee members within their traditional territory. NextEra provided a summary of these issues to its environmental consultant, to be addressed in preparation of the draft REA Table 1 Reports. This information is included in the Munsee-Delaware “Table of Concordance” in Appendix G.2. The table lists the issues, NextEra’s response and a cross-reference to the relevant section in the draft Project REA Table 1 reports.

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

On May 4, 2012, the draft Project REA Table 1 Reports were delivered to Munsee-Delaware First Nation.

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

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

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

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

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

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

included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

NextEra has worked with Oneida staff and other Oneida leadership to identify a protocol for consultation on Adelaide, and on other Ontario projects. Through e-mails and at meetings with Oneida staff and Alfred Day (now Chief Day) of the Oneida Council of Chiefs in 2010, it was originally established that the Oneida Council of Chiefs would take the lead on consultation matters related to the NextEra Bornish project, not Oneida Nation of the Thames. Given the close proximity of the two projects, NextEra believed the same protocol and issues would apply to Adelaide.

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

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

The Oneida Nation Council of Chiefs is communicating with you about this proposal on behalf of the Haudenosaunee (the Iroquois Confederacy). In doing so, we are supported by the elected council of the Oneida Nation of the Thames. We intend to ensure there is no confusion about our authority to work with you, and that you will not be required to duplicate your efforts with other Haudenosaunee communities or governments.

(See copy of letter in Appendix J.3.)

NextEra responded to that letter on June 3, 2010, asking for clarification of which Haudenosaunee communities the Oneida Council of Chiefs would speak for and for which NextEra projects, including Adelaide. (See copy in Appendix J.4). No reply was received.

More recent correspondence dated March 12, 2012 from Chief Alfred Day on behalf of Oneida Council of Chiefs about another NextEra project, the Conestogo Wind Energy Centre, instructed that "all invitations" and matters" should be directed to the Haudenosaunee Development Institute ("HDI"), as Oneida Council of Chiefs is a participant in the HDI process.

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

Clarification of Oneida vs. Oneida Council of Chief's role for the Project was requested from Oneida staff at a meeting of October 19, 2011. Staff's follow-up e-mail of October 26, 2011 confirmed that Oneida wished to meet NextEra about Adelaide and four other projects, and they will require capacity assistance to review the draft REA Table 1 documents. A subsequent November 25, 2011 e-mail was then received indicating that NextEra did not have to meet with Oneida and referring them to the Oneida Council of Chiefs for those projects.

Although e-mail follow-ups, personal meetings and telephone calls have taken place with Oneida staff requesting clarification or confirmation of Oneida's vs. Oneida Council of Chief's role for Adelaide and the other projects, no response has been received.

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

No information has been provided from staff or leadership as to any concerns Oneida may have about: potential adverse impacts of the Project to their constitutionally protected

Aboriginal or treaty rights; potential negative impacts to the environment; or, any suggestions to mitigate such impacts.

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

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

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

(See copy of letter in Appendix J.3)

The letter was copied to the (then) Ministry of Energy and Infrastructure, Ministry of the Environment and Ministry of Aboriginal Affairs. NextEra responded to that letter on June 3, 2010, asking for clarification of what economic activities the Oneida Council of Chiefs felt would be interfered with (See copy in Appendix J.4). No response was received.

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

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

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

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

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

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

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

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

NextEra’s first “Community Reference Materials” binder was delivered to SNEC on June 4, 2010. The binder was developed as a handy reference guide for Aboriginal community staff.

It included a map of all Ontario projects, including Adelaide, as well as general industry and company information. An updated Community Reference Material Binder was delivered to SNEC Consultation and Accommodation Process Team (“CAP Team”) staff at a meeting on October 17, 2011. Another presentation on all NextEra Ontario FIT Projects was given at that meeting, which detailed current status of each project.

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

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

As more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of the Six Nations of the Grand River, or significant negative environmental effects will result from approval of the Project. NextEra will use good faith efforts to complete the work plan and budget to facilitate SNEC’s review and engagement for the Project. Any specific concerns will be addressed with SNEC and



mutually acceptable mitigation explored. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

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

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

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

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

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

Walpole staff has been consistent in the general issues they raised during discussions with NextEra. These issues are as applicable to Adelaide as they are to any projects; whether proposed by NextEra, or other wind developers. These issues were provided to NextEra’s



environmental consultants to be addressed during the preparation of the draft REA Table 1 Reports. A Table of Concordance detailing these issues, NextEra’s response and the corresponding cross-reference in the draft REA Table 1 Reports is included in Appendix G.3. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

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

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

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

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

As of the date of writing this report, the third party reviewer’s work on the REA Review report and Issues List report had begun but was not yet available. It is anticipated that the both reports will form the basis of a meeting (or meetings) and further dialogue between the three JAC First Nations and NextEra that will focus on the issues raised and potential solutions, including (if necessary) appropriate mitigation and accommodations.

NextEra and Walpole have also entered into discussions to develop a work plan and budget to implement the Walpole consultation process for the Project, and for Walpole’s administrative responsibilities for the JAC. It is expected that the results of the JAC

reviewer's reports will inform the final scope of the work plan. A copy of Walpole's Consultation Protocol is included in Appendix F.3.

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

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

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

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

While not part of the mandated inquiries set out under Ontario Regulation 359/0, a number of communities brought issues to NextEra's attention during discussions about Adelaide and other projects. In the interest of providing a complete report of the scope of issues raised by communities, NextEra wishes to include the following list of recurring themes raised by Aboriginal communities.

1. Will wind farm development have regional or cumulative effects, and is an Ontario Ministry considering this question?
2. What are the opportunities for Aboriginal communities to participate in wind projects that will result in economic and business benefits to them?
3. Will NextEra entertain or facilitate equity participation by Aboriginal communities, beyond the programs offered through the Ontario Finance Authority?
4. Improving educational opportunities and services in Aboriginal communities should be a priority for any benefits that flow from renewable energy projects.

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

## 5. Conclusion

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

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

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

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

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

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

## 6. Next Steps

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

1. NextEra will implement the construction mitigation as required and as set out in the final Project Table 1 Reports, in particular, the Archaeology reports, Construction Plan Report, Design and Operations Report, the Decommissioning Report and the Natural Heritage Report as submitted to the Director of Renewable Energy Approvals under Ontario Regulation 359/09, including any required monitoring and follow-up.
2. NextEra will consider and implement site-specific mitigation that may be mutually agreed to with Aboriginal communities as a result of their review of the draft Project REA Table 1 Reports.
3. To provide further assurance to Aboriginal communities in regard to the conclusions reached in the Project REA Table 1 Reports that there will be no significant environmental impacts, NextEra will explore the possibility of Aboriginal environmental field monitors and/or environmental liaison committees that would be a vehicle for ongoing communication during construction and post-construction monitoring. These steps could provide additional certainty to the affected Aboriginal communities that the required mitigation is implemented and effective. This may be through the communities themselves, Aboriginal contractors, or possibly through Provincial Territorial, Tribal Council or another collective organization with an appropriate relationship to the communities for this Project. Discussions of the methodology have already begun with interested communities. The mandate of the monitors or committee would be to view and report on the implementation of mitigation set out in the Project natural heritage study report, and make suggestions

where improvements are possible. This concept will be explored further with those Aboriginal organizations and communities with an interest in the Project.

4. To provide further assurance to Aboriginal communities regarding the protection of archaeological resources, NextEra will ensure there is monitoring of construction activities that may be proximate to any Stage 3 or Stage 4 site at the Project, in addition to requiring buffer areas around them. These measures are fully described in the Construction Plan Report, Table 3-1.
5. NextEra will operate a management system approach to communicating with and to the tracking and resolving issues of concern brought to the attention of NextEra during construction and operations by Aboriginal communities. Should an Aboriginal community express an issue of concern with the Project activities, NextEra will have a formal system to receive, track and resolve such concerns as is required under Ontario Regulation 359/09, Table 1, section 4. The Design and Operations Report, section 5, (page 15) contains a complete description of the emergency response, ongoing communications plan and complaint resolution process to be implemented for this Project. Information about this system will be shared with Aboriginal communities prior to construction.
6. NextEra will maintain ongoing general communications with Aboriginal communities through the construction and operating phase of its project as one element of its ongoing community, municipal and landowner communications program. In addition to contact with leadership and/or key staff, and where practicable, local Aboriginal community newsletters, web sites or other communication vehicles will be used to convey relevant project notices and updates, as may be agreed to by the Aboriginal communities. Anticipated topics may include Project schedule updates, reports on Project activities and on the effectiveness of environmental mitigation. Details of the content of this program, frequency of updates and communication vehicles will be discussed with Aboriginal communities who express interest in receiving such information.

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

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





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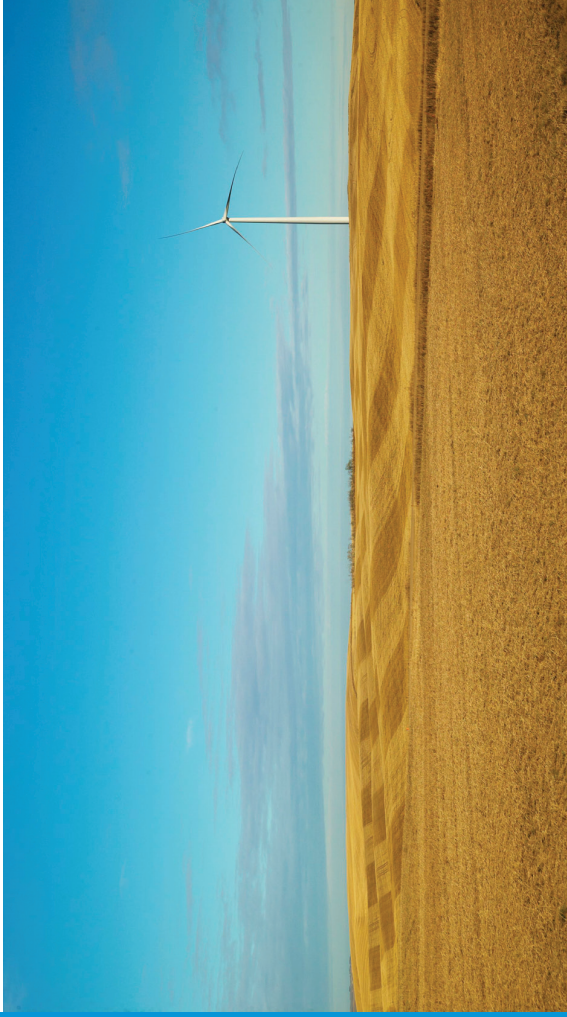
## NextEra Energy Canada, ULC

NextEra Energy Canada, ULC is an indirect, wholly-owned subsidiary of NextEra Energy Resources, LLC, North America's leading generator of renewable energy from the wind and sun with more than 8,800 wind turbines in operation in North America. NextEra Energy Resources is the largest generator of wind energy in North America with nearly 90 wind projects in 17 U.S. states and three Canadian provinces capable of generating more than 8,500 MW of energy, enough to power nearly two million homes.



5500 N. Service Road, Suite 205  
Burlington, ON L7L 6W6  
905-335-4904  
toll-free: 1-877-257-7330  
[www.NextEraEnergyCanada.com](http://www.NextEraEnergyCanada.com)

012012 22358



# NextEra Energy Canada, ULC First Nation and Métis Relationship Policy



## PRINCIPLES

During the course of developing, constructing, operating and decommissioning its renewable energy projects in Canada, NextEra Energy Canada (“NEEC”) will be guided by the following principles:

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

## In putting these principles into practice, NEEC is committed to the following practices:

### PRINCIPLE 1

#### Forming a Collaborative Working Relationship

- » providing notification to potentially impacted First Nation and Métis communities as early as possible
- » providing relevant project information (including information about project impacts) to potentially impacted First Nation and Métis communities in a timely manner and in a format that is meaningful
- » establishing a mutually-agreeable schedule for regularly meeting with Chief and Council or Métis leadership (or their appointed representatives) through the project development and construction phase
- » offering to hold an open house in each potentially-impacted First Nation or Métis community
- » establishing a mutually-agreeable arrangement for the exchange of information during project operations and decommissioning

### PRINCIPLE 2

#### Understanding and Recognition of Rights and Interests

- » early in the project development phase, assessing the nature of any existing aboriginal or treaty rights or unresolved First Nation or Métis claims in the project area
- » learning about First Nation and Métis interests and traditional practices (e.g., harvesting practices, sacred sites, etc.) in the project area
- » providing support to potentially impacted First Nation and Métis communities to allow such communities to undertake a meaningful review of the NEEC project
- » where applicable, employing mutually acceptable methods to identify the community interests of potentially impacted First Nation and Métis communities

### PRINCIPLE 3

#### Understanding and Respecting Cultural Integrity

- » providing training on First Nation and Métis history and law to NEEC employees with project development responsibilities in Canada
- » ensuring that work at project sites does not cause avoidable impacts to archaeological resources
- » maintaining an archaeological protocol that can be tailored to individual projects depending upon circumstances
- » where feasible, involving local First Nation and/or Métis communities or individuals in archaeological field work and construction monitoring

### PRINCIPLE 4

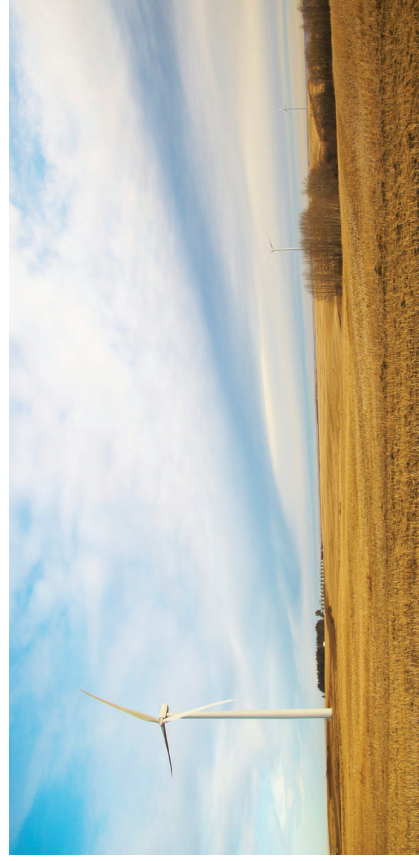
#### Fulfilling Delegated Consultation and Accommodation Obligations

- » meeting all legally-binding consultation requirements delegated from government
- » taking into consideration any consultation protocol or policy developed by any potentially impacted First Nation and Métis community
- » where applicable, accommodating impacted First Nation and Métis communities

### PRINCIPLE 5

#### Considering a Broader Relationship

- » where applicable, considering opportunities for aboriginal scholarships, cultural funding and/or training in the renewable energy sector
- » where applicable, providing employment opportunities for communities (e.g., advance job postings, targeted recruitment, preferential hiring for qualified members, etc.) to: (a) members of potentially impacted First Nation and Métis; and (b) host First Nation and Métis communities
- » where applicable, providing business opportunities (e.g., communicating project needs, unbundling supply contracts, support for training, preferential contracting, subcontractor requirements, etc.) to qualified, cost-competitive First Nation and Métis businesses







## Appendixes

### Appendix B

#### NextEra Energy Canada, ULC Ontario Project – 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 archaeological 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.*

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

#### **Guiding Principles for Archaeological 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 Tourism and 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 1 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 archaeological 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 and in accordance with the applicable guidelines and standards of Ministry of Tourism and Culture. 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 2 archaeological assessment uncovers aboriginal artifacts requiring a Stage 3 assessment based on the guidelines of the Ministry of Tourism and 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 3 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 for appropriate 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 archaeological 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**



## Appendixes

### Appendix C Community Reference Materials Binder Index



## **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

#### **(Updated) Where can I get more information?**

- Web site addresses where NextEra Energy Canada project descriptions and project studies will be posted as well as general references on wind energy issues.
- Website address to find links to reports and information on current topics including health issues, property values and Ontario’s energy plan

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

- NextEra contact information.

#### **(New) Wind Energy News**

#### **(New) Project Newsletters**

Updated July 18, 2011



**Where to get more information about current NextEra Energy Canada wind projects in Ontario, including all current renewable energy application materials.**

For:

- Adelaide Wind Energy Centre

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

For:

- Bluewater Wind Energy Centre
- Bornish Wind Energy Centre
- Conestogo Wind Energy Centre
- East Durham Wind Energy Centre
- Goshen Wind Energy Centre
- Jericho Wind Energy Centre
- Summerhaven Wind Energy Centre (formerly Nanticoke Wind Farm)

Please see: <http://www.canadianwindproposals.com/>





**(New)** For general information about the following wind energy issues and reference documents:

- [NextEra Energy Canada Wind Brochure](#)
- [Health Fact Sheet](#)
- [Canadian Wind Energy Association website](#)
- [Ontario's Long Term Energy Plan](#)
- [Green Energy Act Fact Sheet](#)
- [A Study of Low Frequency Noise and Infrasound from Wind Turbines – Epsilon Associates](#)
- [Chief Medical Officer of Health of Ontario Report](#)
- [Wind Turbine Sound and Health Effects -- An Expert Panel Review](#)
- [Wind Energy Study - Effect on Real Estate Values in the Municipality of Chatham-Kent, Ontario](#)
- [The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis – Berkely National Laboratory](#)
- [Landowners' Guide to Wind Energy in Alberta – Pembina Institute](#)

Please see NextEra Energy Canada, ULC's project information web site at:  
<http://www.canadianwindproposals.com/>

Or, contact us by mail, phone or facsimile at:

**NextEra Energy Canada, ULC**

5500 North Service Road  
Suite 200  
Burlington, Ontario  
L7L 6W6  
Telephone: (905) 335-4904  
Facsimile: (905) 335-5731



**Appendix D**

**List of Projects and Milestone Dates provided to Aboriginal Communities**

NextEra Energy Canada, ULC Ontario FIT Projects  
**Estimated Timelines for Planning**  
 Updated: MAY 2012

These timelines are estimates and subject to change. Field conditions, agency review time, regulatory process and other factors beyond NextEra's control will influence timing.

Project Name	Archaeology Field Work	Draft REA Report Package*	Target to Submit REA Application	MOE REA Decision	Start Construction
Adelaide	January 2012	Late-April or early May 2012	Late-July 2012	February 2013	Late Summer 2013
Bornish	April through May 2012	Late April or early May 2012	Mid-July 2012	February 2013	Late Summer 2013
Bluewater	April through May 2012	Early March, 2012	Late-June, 2012	February 2013	Summer 2013
Conestogo	February/March 2012 (Stage 2)	Completed	Completed	Approved, pending ERT Decision	TBC
East Durham	April through July 2012	October 2012	January 2013	August 2013	Spring 2014
Goshen	April through July 2012	Early August, 2012	Late October 2012	Early June, 2013	Winter 2014
Jericho	April through June 2012	October 2012	January 2013	August 2013	Spring 2014
Summerhaven	TBC	Completed	Completed	Approved, pending ERT Decision	TBC

\* The potential reports for a complete package include most or all of the following reports:

NextEra Energy Canada, ULC Ontario FIT Projects  
**Estimated Timelines for Planning**  
Updated: MAY 2012

Potential Reports Under REA

1. Project Description Report
2. Plain Language Summary Reports
3. Stage 1 Archaeological Assessment Report
4. Stage 2 Archaeological Assessment Report
5. Stage 3 Archaeological Assessment Report, if required and typically done after submission of REA.
6. Heritage Assessment Report
7. Construction Plan Report
8. Consultation Report (including Aboriginal Consultation Report containing a Table of Concordance to other reports concerning any *pre-identified* "Aboriginal Values" or issues lists)
9. Decommissioning Plan Report
10. Design and Operations Report (includes Environmental Effects Monitoring Plan and Emergency Response and Communication Plan)
11. Natural Heritage Assessment Report (includes Records Review, Site Investigation, Evaluation of Significance and Environmental Impact Study)
12. Noise Study Report
13. Site Plan Report
14. Wind Turbine Specification Report
15. Water Body and Water Assessment Report

NEXTERA ENERGY CANADA, ULC  
SOUTHWESTERN ONTARIO WIND PROJECTS  
2011-11-21

Project Name	Municipality or Township	No. Turbines (up to)	Nameplate Capacity (up to MW)	Status*	Comment
<b>Adelaide</b>	Adelaide-Metcalfe, North Middlesex Middlesex County	38	61.56	Additional fieldwork before filing for REA. FIT contract awarded	In partnership with TCi Renewables
<b>Bornish</b>	North Middlesex Middlesex County	45	72.9	Additional fieldwork before filing for REA. FIT contract awarded	In partnership with Canadian Green Power
<b>Bluewater</b>	Bluewater and Huron East Huron County	37	60	REA fieldwork 2011. FIT contract awarded	In partnership with Canadian Green Power
<b>Conestogo</b>	Mapleton Wellington County	9 (2.3 MW) + 1 (2.22MW)	22.9	REA posted on EBR for 60 day comment ended July 11, 2011. FIT contract awarded	

\*Note that all projects require both a FIT contract from the OPA and REA approval from MOE in order to proceed.

Project Name	Municipality or Township	No. Turbines (up to)	Nameplate Capacity (up to MW)	Status*	Comment
Durham East	West Grey Grey County	10 - 14	23	FIT contract awarded. Rescheduling field work now	
Goshen	Bluewater and South Huron Huron County	63	102	REA fieldwork 2011. FIT contract awarded.	In partnership with Canadian Green Power
Jericho	Lambton Shores, Warwick Lambton County, North Middlesex, Middlesex County	92	150	REA fieldwork 2011. FIT contract awarded	In partnership with Canadian Green Power
Summerhaven (a.k.a. "Nanticoke")	Haldimand County	59	131.04	REA posted on EBR for 60 day comment Sept 2 to Oct 31, 2011 FIT contract awarded.	Formerly a TCi Renewables project

Please see enclosed map titled "Figure 18" for project locations.

"stc" = subject to check, where some connectors to the HydroOne grid may have changed in July 4th FIT awards

\*Note that all projects require both a FIT contract from the OPA and REA approval from MOE in order to proceed.



## Appendixes

### Appendix E

#### NextEra Energy Canada, ULC Archaeology Communiqué, Spring 2012



**SPRING/SUMMER 2012 ARCHAEOLOGICAL UPDATES**

In the Fall 2011 we provided you with a second update on NextEra Energy Canada, ULC (“NEEC”) fieldwork that is required for its wind projects in southern Ontario. This work will continue in Spring 2012 once fields are ploughed and weathered. This update is to continue our ongoing communications about the work.

**Field Work Planned**

The following work will take place:

Project*	Work Planned and Consultant Name	Timeframe
<b>Conestogo</b>	<b>Archaeological Consultant:</b> Archaeological Services Inc. Contact: Andrew Riddle E-Mail: <a href="mailto:ariddle@iasi.to">ariddle@iasi.to</a>	Early spring once ploughing and soil weathering is complete.
	<b>Independent Monitor, Saugeen Ojibway Nations Environment Office:</b> Individual to be confirmed through SON EO	
	<b>Work Description:</b> The work will complete the Stage 2 archaeological surveying and will be conducted in accordance with the 2011 Ministry of Tourism, Culture and Sport’s (MTCS) Standards and Guidelines. The lands will be ploughed and allowed to weather for at least 2 significant rainfalls. This will be followed a pedestrian survey led by a licensed archaeologist. The surveying will be done only when there is at least 80% ground visibility.  A representative sample of archaeological artifacts that are found will be picked up, documented, and archived at an appropriate repository according to MTCS requirements. A Stage 2 Archaeological Assessment report will be completed that describes the study and any artifacts found and will be submitted to MTCS for review and to interested Aboriginal communities.	



Project*	Work Planned and Consultant Name	Timeframe
	The remaining fieldwork will require only 1 day to complete and includes pedestrian survey of one MET tower location and one electrical line corridor	
<b>East Durham</b>	<b>Archaeological Consultant:</b> Scarlett Janusas Archaeological And Heritage Consulting Contact: Scarlett Janusas, E-mail: <a href="mailto:jscarlett@amtelecom.net">jscarlett@amtelecom.net</a>	Spring 2012
	<b>Independent Monitor, Saugeen Ojibway Nations Environment Office:</b> Individual to be confirmed through SON EO	
	<b>Work Description:</b> The work is to start and complete stage 2 archaeological surveying. The lands will be plowed and allowed to weather for at least 2 significant rainfalls. This will be followed a pedestrian survey led by a licensed archaeologist. Land surveyors walk side by side and mark 5 metre intervals on cultivated fields. The surveying will be done when there is at least 80% ground visibility and the soil has been weathered by rain. That is why a set start date cannot be given.  Any archaeological artifacts that are found will be picked up, documented, and archived at an appropriate repository according to Ministry of Tourism and Culture (MTC) requirements.  A Stage 2 Archaeological Assessment report will be completed that describes the study and any artifacts found and will be submitted to MTC for review and to interested Aboriginal communities.  The surveying is expected to take 5 to 10 days to complete.  Stage 2 will be conducted as per the 2011 MTC Standards and Guidelines.	

Project*	Work Planned and Consultant Name	Timeframe
<p><b>Adelaide and Bornish</b></p>	<p><b>Archaeological Consultant:</b>            Golder Associates            Contact: Jeff Muir, Field Manager            E-Mail: Jeffrey_Muir@golder.com</p>	<p>Spring 2012</p>
	<p><b>Independent Monitors:</b>            Brandy George Archaeological Services Inc.            Contact: Brandy George, Monitoring Archaeologist             Wayne Hill, Two Row Archaeology</p>	
	<p><b>Work Description</b>            The goal is to conduct the remaining Stage 2 archaeological fieldwork. This will consist of a pedestrian survey led by a licensed archaeologist. Field archaeologists walk side by side at 5 metre intervals on cultivated fields. The surveying will be conducted when there is at least 80% ground visibility (i.e. crops have been harvested and the land re-ploughed) and the soil has been weathered by rain.</p> <p>A large portion of the work has been done on each project but this fieldwork will accommodate any changes made to the wind farm design layout and to any modifications to the proposed transmission lines.</p> <p>Any archaeological artifacts that are found will be documented, and a sample will be picked up, catalogued, and archived at an appropriate repository according to Ministry of Tourism, Culture and Sport requirements.</p> <p>A Stage 2 Archaeological Assessment report will be completed that describes the study area and any artifacts found. It will be submitted to Ministry of Tourism, Culture and Sport for review and to interested Aboriginal communities. This will supplement the Stage 2 Archaeological Assessment reports already submitted for these projects.</p> <p>The work schedule is currently being developed but is expected to take place throughout the spring. Field ploughing and weather may affect the schedule and duration of the field work.</p>	

Project*	Work Planned and Consultant Name	Timeframe
<p><b>Bluewater, Goshen and Jericho</b></p>	<p><b>Archaeological Consultant:</b>            Golder Associates            Contact: Jeff Muir, Field Manager            E-Mail: Jeffrey_Muir@golder.com</p>	<p>Spring 2012</p>
	<p><b>Independent Monitors:</b>            Brandy George Archaeological Services Inc.            Contact: Brandy George, Monitoring Archaeologist</p>	
	<p><b>Work Description:</b>            The goal is to conduct the remaining Stage 2 archaeological fieldwork. This will consist of a pedestrian survey led by a licensed archaeologist. Field archaeologists walk side by side at 5 metre intervals on cultivated fields. The surveying will be conducted when there is at least 80% ground visibility (i.e. crops have been harvested and the land re-ploughed) and the soil has been weathered by rain.</p> <p>This work is a continuation of the fieldwork already conducted by Golder with Brandy George's assistance in the fall of 2010 and throughout 2011.</p> <p>Any archaeological artifacts that are found will be documented, and a sample will be picked up, catalogued, and archived at an appropriate repository according to Ministry of Tourism, Culture and Sport requirements.</p> <p>For the Bluewater project, a Stage 2 Archaeological Assessment Report has already been submitted for the wind farm layout and the additional report submitted in the spring of 2012 will deal with the transmission line field work and any modifications to the existing wind farm layout. For both Goshen and Jericho, a Stage 2 Archaeological Assessment report for each project will be completed that describes the study area and any artifacts found. All reports will be submitted to the Ministry of Tourism, Culture and Sport for review and to interested Aboriginal communities.</p> <p>The work is anticipated to last for about 6 to 8 weeks.</p>	

Project*	Work Planned and Consultant Name	Timeframe
	Field ploughing and weather may affect the schedule and duration of the fieldwork.	
Summerhaven	<p><b>Archaeological Consultant:</b>            Golder Associates            Contact: Jeff Muir, Field Manager            E-Mail: Jeffrey_Muir@golder.com</p>	Spring 2012
	<p><b>First Nation Monitor with Golder Crew:</b>            Jason Silver (for Six Nations of Grand River)            Sheila Silver (for Six Nations of the Grand River)            Jedekiah Secord (for Mississaugas of New Credit)</p> <p><b>Independent Monitor:</b>            Wayne Hill, Two Row Archaeology</p>	
	<p><b>Work Description:</b>            The Stage 1 desktop study is completed and the Stage 2 archaeological fieldwork is about 95% done. All diagnostic artifacts and a sample of other artifacts have been collected and catalogued, while others were left <i>in situ</i>.</p> <p>Curated artifacts are kept securely in Golder's office as per Ministry of Tourism and Culture regulations and recorded as part of the Ontario Archaeological Sites Database. There have been about 900 sites found to date, with some portions of the proposed transmission line and collector cables still to be surveyed.</p> <p>About 150 sites have undergone Stage 3 archaeological assessment to date, with other sites recommended for Stage 3 archaeological assessment avoided through wind farm layout changes. Stage 4 work has already been conducted on 7 sites. This year's fieldwork will still follow the first priority of avoidance, but as the wind farm design advances, this becomes more difficult. Where avoidance is not possible, Stage 4 excavation, documentation and cataloguing is required.</p>	

**Please see the enclosed map for the general locations of all current NEEC wind projects.**

As explained above, the exact start date in of site work depends on weather and soil conditions. We cannot predict a specific date but certainly will begin as soon as fields are ploughed and soils are weathered.

### **Field Briefings**

NEEC and its archaeological consultants will arrange a field briefing for communities who wish to send a representative to meet directly with the archaeological consultant. The field briefing is a suggestion we received from one of the interested communities in 2010. They would last about 1 hour.

**Field briefing arrangements will be made based on requests we receive by April 1, 2012.**

The field briefing is described in NEEC's Ontario Projects Archaeological Protocol (enclosed). We would like the field briefing to include:

1. Opportunity to meet the personnel involved in this work, including any monitors who will be on site
2. Description of archaeological fieldwork plans and locations
3. Discussion of NEEC's Archaeological Protocol and roles of the archaeological crew and monitors
4. Receive any advice or direction from community representatives that may help us to complete this work in a respectful and thorough way
5. Ensure all involved parties know who the appropriate contact persons are, and how to contact them

### **Contact Information**

*For any questions about field briefings, or to request additional arrangements for monitoring*, please contact the coordinating archaeologists above **by April 1, 2012** and R. D. (Bob) Waldon of Bedford Consulting & Associates, who is coordinating the Aboriginal consultation work at:

Bob Waldon  
Bedford Consulting & Associates  
e-mail: rdwaldon@bedfordC4.com  
1-905-838-4256

*If you have any questions about the archaeological field work itself*, please contact:

Tom Bird  
Project Manager, Environmental Services  
NextEra Energy Canada, ULC  
1-905-335-4904



## Appendixes

### Appendix F Aboriginal Community Consultation Protocols



## **F.1 Aamjiwnaang First Nation**

## **Appendixes**

## Consultation Protocol—Aamjiwnaang

### 1. Preamble

The Aamjiwnaang First Nation, formerly known as the Sarnia Indian Reserve 45 or Chippewas of Sarnia First Nation, is a First Nations community of about 1000 Anishinabek people residing on reserve land along the shores of the St. Clair River near Sarnia, Ontario. The reserve land is the result of Treaties 27 ½ and 29 that were negotiated with the Crown in the 1820's. These treaties of the "Huron Tract" offered some compensation to the First Nation for the land surrendered, established reserves, and form the basis for Aamjiwnaang First Nation's treaty rights.

Though the reserve is the current location of the Anishinabek people of Aamjiwnaang, the traditional territory that Aamjiwnaang's ancestors inhabited covers much of south western Ontario and the Great Lakes Region, including significant territory in what is now Michigan. It is a habitat for distinctive flora and fauna and is known for its main waterway, the St. Clair River. Aamjiwnaang First Nation and its ancestors have been living, hunting and fishing in this territory since time immemorial. The people of Aamjiwnaang First Nation therefore assert aboriginal rights throughout this region.

Aamjiwnaang's environment is unique and as Anishinabek people they are given the responsibility as caretakers of Mother Earth. Aamjiwnaang's reserve lands are now bordered by significant industrial and petro-chemical developments, and there are significant concerns about the short and long term impacts of the presence and growth of these industries. Environmental remediation activities are carried out by Aamjiwnaang in response to concerns about the land, water, air, animals and people situated within Aamjiwnaang's territory and in an effort to continue to preserve the traditional ways of the community. Efforts to protect and restore the natural environment are, however, not limited to efforts which involve its own residents. The First Nation is also actively engaged in applying its own high standards of environmental concern and management to a range of external issues, including proposed project activities by Industries and Government in the traditional territory.

### 2. Guiding Principles:

Aamjiwnaang First Nation understands the following basic principles to be a key part of any consultation and accommodation discussion.