

Received August 1, 2012.



**Aamjiwnaang First Nation**  
**Health and Environment Committee**

**Comments and Concerns Regarding Wind Power Projects**

Aamjiwnaang First Nation (AFN) has numerous concerns involving wind farms or wind projects that have been proposed by proponents that would be located within Aamjiwnaang's Traditional Territory. Since this project is one that falls within this category, AFN submits the following for consideration. AFN would like to review the reports or studies related to this project. Aamjiwnaang First Nation reserves the right to submit further comments and concerns as they may relate to this project.

AFN would like to see bat and bird studies being conducted in the proposed wind project area. There are also concerns with migratory bird paths such as tundra swans and geese that may be affected by the proposed wind farms. Any studies completed on the bird paths should also be forwarded to AFN.

There are concerns around earthworms both during the construction phase and post construction operation as the earthworms may be affected by the vibration from the turbines when they are operating. There are also concerns with the underground transmission cables as the earthworms may be affected by the electricity flowing through them. Snakes in the affected area may also be adversely affected by both of these occurrences. These are concerns both pre- and post-construction in these areas as well as when wind farms are in operation. There are snakes of the Federal and Ontario Species At Risk listings that may be located in or near the proposed area. AFN would like to ensure precautions are taken to have these habitats remain undisturbed.

There are also concerns with the areas close to the proposed turbine areas that the ground and immediate surrounding area may not be suitable for any type of vegetation restoration once the vibration from the turbines has begun. Nutrient builders are present in the soil to provide nutrients in order for plants and crops to flourish. AFN feels this should be addressed before the construction begins. This would include any reports or studies that have been completed to address this situation.

Normal animal corridors would be affected by the construction phase but may also be affected by the operation of the turbines. As an example, any deer paths presently followed by the deer may change due to the wind farms during the construction phase and the operation of the turbines. The change in these paths may affect the hunting rights that the First Nations peoples exercise in or near the affected areas.

Approved: April 17, 2012

Plants and wetland areas near the project sites should be appropriately monitored and maintained where ever possible. The turbine sites and underground cable locations are designated away from residential areas and roadways but consideration needs to be given to the pre-construction condition of the proposed areas natural environment. AFN would like to see any changes to the affected areas minimized and certainly restored as close to the original pre-construction condition.

There are also concerns that relate to possible medical issues with residents who reside near wind turbines once these projects are in operation. AFN would like to see any reports or studies relating to these residents medical issues attributed to windmill operation near their residences. One issue that may not have been reported on is the flicker of the blades of the turbines. As wind farms are relatively new in the area, flicker or shadow reports should be prepared as part of the reporting process. Some residents who live in close proximity to wind farms may have complaints or perhaps medical conditions due to their residences being located close to these facilities.

One aspect that may not have been considered to this point in time by individual proposed wind farm projects is cumulative effects. With the number of projects now in operation combined with the number of proposed projects, AFN would like to see this aspect addressed. Studies on effects on winds patterns that may affect weather patterns may not have been completed to determine if increased numbers of operating turbines do affect the atmosphere at windmill heights which may cause changes to upper level wind flows. This could affect weather patterns not only in the proposed project areas but could change the patterns in areas outside of the wind farm projects.

Magnetic fields should be addressed as they would affect both plant life and the animals and birds within the proposed project location. Studies should be conducted to determine if these would be affected adversely as this may disturb their natural environment. These changes could affect the growth or potential growth of plants as well as patterns of animals that would possibly be disturbed by the changes caused by the wind farms.



**Appendixes**

**J. 2 June 13, 2012 Letter from Moravian of the Thames Delaware First Nation**



Delaware Nation Housing and Lands Department  
*Wiikhutiin waak Ahkiing*

*Moravian of the Thames*  
*Delaware Nation Council*

14760 School House Line, Thamesville, ON N0P 2K0  
\*\*Office located at 14979 School House Line, Moraviantown

*Tel: (519) 692-4290*  
*Fax: (519) 692-3453*

Wednesday, June 13, 2012

Thomas Bird  
Environmental Services Project Manager  
NextEra Energy Canada, ULC  
5500 North Service Road, Suite 205  
Burlington, ON  
L7LK 6W6

Dear Mr. Bird,

I have reviewed the documentation received May 23, 2012 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.

The information sent regarding the above mentioned project was evaluated and it was recognized that this project will not require any further discussion with the Delaware Nation, Moravian of the Thames First Nation.

Thanks for your time and consideration in this matter.

Sincerely,

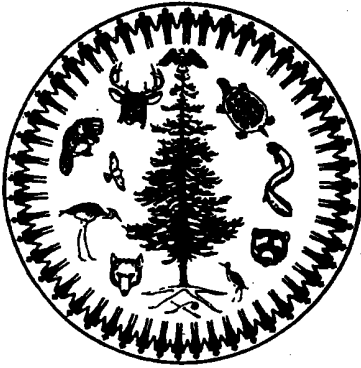
Tina Jacobs  
Lands and Resource Consultation Manager  
Delaware Nation

Cc: Mr. Rick Peters - Director Operations, Chief Greg Peters



**J.3 March 3, 2010 Letter from Oneida Council of Chiefs**

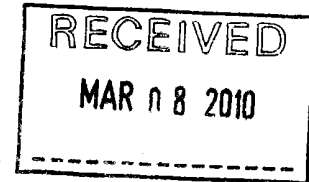
**Appendixes**



# HAUDENOSAUNEE

MOHAWK - ONEIDA - ONONDAGA - CAYUGA - SENECA - TUSCARORA

ONEIDA COUNCIL OF CHIEFS  
SOUTHWOLD P.O.  
ONTARIO N0L 2G0



March 3, 2010

Ben Greenhouse  
Project Director, Development  
NextEra Energy Canada  
5500 North Service Road, Suite 205  
Burlington, ON  
L7L 6W6

Dear Mr. Greenhouse:

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 own 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 that 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.

The relationship between the Haudenosaunee and the Crown is provided for in a series of treaties. Both by its treaty commitments and as a result of decisions by Canadian courts, the Crown bears a legal obligation to consult with indigenous nations about proposals and projects that can affect treaty and aboriginal rights.

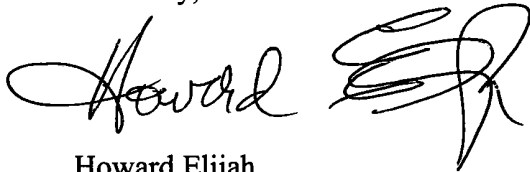
Where treaty rights are involved, the Crown must take steps to accommodate those rights. While we appreciate your working with us, and look forward to resolving any issues with you directly, we feel it is important that you should realize that our collaboration does not relieve the Crown of its obligations, and that those obligations cannot be delegated to third parties.

We fully expect the Crown will fulfill its duties, and we are sending a copy of this letter to the appropriate Crown officials to ensure that they are aware of what we are doing.

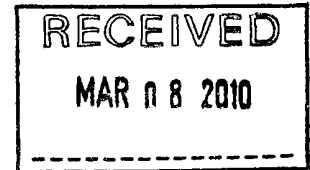
The location of your proposed facility is within the territory that is set apart for the Haudenosaunee pursuant to the Treaty at Albany in 1701. We view that Treaty, with its subsequent clarifications and reaffirmations in 1726 and 1755, as setting apart the area as one in which the Haudenosaunee would 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.

Sincerely,



Howard Elijah,  
Secretary,  
On^yota a:ka Lotiyaneshu



Cc

Ministry of Energy & Infrastructure  
John Whitehead  
Assistant Deputy Minister  
Ministry of Energy & Infrastructure  
880 Bay St  
3rd Floor  
Toronto ON M7A 2C1

Ministry of Environment  
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Chief Joel Abram  
Oneida Nation of the Thames  
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N0L 2G0

Grant Wedge  
Legal Director  
Ministry of Aboriginal Affairs  
160 Bloor Street East, 9th Floor  
Toronto, ON M7A 2E6



## Appendixes

### J.4 June 3, 2010 Reply from NextEra to Oneida Council of Chiefs





NextEra Energy Canada, ULC

June 3, 2010

Howard Elijah  
Secretary,  
Oneida Council of Chiefs  
On^yota a:ka Lotiyaneshu  
1086 River Road  
Southwold PO  
Southwold, Ontario  
N0L 2G0

Dear Secretary Elijah,

Thank you for the letter dated March 3, 2010, in which the Oneida Nation Council of Chiefs acknowledged having received notification of the NextEra Energy Resources, LLC ("NextEra") plan to construct and operate the Bornish Wind Energy Center ("Bornish Wind"). Please find enclosed a location map of Bornish Wind.

As you may know, within weeks, NextEra plans to file Bornish Wind's Renewable Energy Application ("REA") with the Ministry of Environment. Bornish Wind's REA includes the natural heritage (environmental) and archeological reports. Copies of all of the draft natural heritage and archeological reports were provided to the Oneida of the Thames in October 2009 with copies to Alfred Day. We acknowledge your advice concerning the Oneida Nation Council of Chiefs taking the lead, and will ensure future correspondence is sent directly to the Council. These reports are also available on our website at <http://www.canadianwindproposals.com>. In summary, the natural heritage and archaeological reports conclude that there should not be any significant negative environmental impacts associated with Bornish Wind. If the Oneida Nation Council of Chiefs has any questions or concerns about these reports or the Bornish Wind project, please do not hesitate to contact us to further discuss these issues.

Based on your letter, it is our understanding that the Oneida Nation Council of Chiefs intends to represent the interest of the other Haudenosaunee communities and governments as they relate to Bornish Wind. We respectfully ask for your guidance as to which communities and governments this will include and the process or protocol to be followed for technical review of project studies. We

would appreciate your advice on this protocol for Bornish, and for the other NextEra projects that are shown on the enclosed map. For example, should we assume that proximity of a project to a particular Haudenosaunee community will determine which Council will take the lead? Our intention in seeking your advice is simply to know how best to work collaboratively with all communities who may have an interest or concern about our projects.

We agree that it is well settled law that the Duty to Consult and accommodate rests with the Crown. As an applicant for a wind energy project, and as a matter of NextEra's company policy, our role in the consultation process is to provide relevant information about our projects to Aboriginal and non-aboriginal communities, agencies and government, so that any adverse impacts are identified, avoided, or mitigated. As you stated, we also look forward to working together collaboratively to address impacts associated with Bornish Wind. To that end, in your letter, you indicated that Bornish Wind may be located in an area where the Haudenosaunee has economic activities. Please identify any impact that you believe Bornish Wind may have on the Haudenosaunee's ability to conduct economic activities authorized by the Treaty at Albany in 1701, including the clarifications and reaffirmations in 1726 and 1755.

As a company, NextEra is interested in exploring engagement initiatives with all neighboring landowners and communities (aboriginal or otherwise) that have an interest in the operation and construction of our wind projects. We see this as being a part of our corporate responsibility to be a good neighbor in all communities, but not necessarily a requirement of the REA process.

Again, thank you for this opportunity to communicate with the Oneida Nation Council of Chiefs about Bornish Wind. Please contact Tom Bird at 905.335.4904 if you wish to meet and further discuss the natural heritage and archaeological reports that relate to Bornish's REA submittal. We will ensure copies of the final reports are sent to you at that time. We are also available to discuss NextEra's further engagement initiatives.

Sincerely,

NextEra Energy Canada,

A handwritten signature in black ink that reads "Ben Greenhouse". The signature is written in a cursive, flowing style.

Ben Greenhouse  
Project Director

CC: Tom Bird, NextEra Energy Canada  
Robert Waldon, Bedford Consulting & Associates



**Appendixes**

**J.4 June 3, 2010 Reply from NextEra to Oneida Council of Chiefs**

**From:** "David Miller" <[dmliller@mcleod-wood.com](mailto:dmliller@mcleod-wood.com)>  
**Subject:** FW: Proposed wind projects near Strathroy  
**Date:** February 18, 2010 4:28:01 PM GMT-05:00  
**To:** "Greenhouse, Ben" <[Ben.Greenhouse@nexteraenergy.com](mailto:Ben.Greenhouse@nexteraenergy.com)>, <[rdwaldon@bedfordc4.com](mailto:rdwaldon@bedfordc4.com)>

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A response! We can eliminate Moravian of the Thames/Delaware Nation (note: not the Munsee-Delaware).

David Miller, Advisor  
McLeod Wood Associates Inc.  
Phone: 519-787-5119  
Cell: 519-820-5829  
Fax: 519-787-5120  
[www.mcleod-wood.com](http://www.mcleod-wood.com)

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**From:** [gcpeters@mnsi.net](mailto:gcpeters@mnsi.net) [<mailto:gcpeters@mnsi.net>]  
**Sent:** Thursday, February 18, 2010 4:26 PM  
**To:** David Miller  
**Subject:** Re: Proposed wind projects near Strathroy

Sorry for the difficulty in connecting. This project is outside our territory and as long as there is no impact on thames river we would have no concerns

Sent wirelessly from my BlackBerry device on the Bell network.  
Envoyé sans fil par mon terminal mobile BlackBerry sur le réseau de Bell.

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**From:** "David Miller" <[dmliller@mcleod-wood.com](mailto:dmliller@mcleod-wood.com)>  
**Date:** Thu, 18 Feb 2010 16:02:10 -0500  
**To:** <[gcpeters@mnsi.net](mailto:gcpeters@mnsi.net)>  
**Subject:** Proposed wind projects near Strathroy

Dear Chief Peters,

I apologize for emailing, but seem to have not had much luck in calling when you are in the office. I know that you are busy, so I thought perhaps a quick email might work best.

I am providing advisory services to a wind energy development company, NextEra Energy, on several projects that they are pursuing in southern Ontario. I am assisting them with their engagement and consultation of First Nations communities. I am trying to determine whether either of the two projects closest to your community lie within the traditional territory of the Delaware Nation, or if you have other interests, claims, or rights that may be impacted by these projects. The two projects are located around the 402, near Strathroy, 25 km west of London. We have had discussions with communities who have reserve lands close to the project site, or who have identified traditional territory claims in the area. I apologize that we have not made contact sooner. The nearest project area to the Moravian reserve lands is approximately 45km. I can provide more details or maps if you require them to determine whether these projects are within your territory.

If you need more details about the project sites and locations, or just more information in general, please call me at the numbers below at your convenience.

Thank you for your time, I look forward to hearing from you soon.

David Miller, Advisor  
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Phone: 519-787-5119  
Cell: 519-820-5829  
Fax: 519-787-5120  
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