



ABORIGINAL (FIRST NATION AND MÉTIS) CONSULTATION REPORT

FOR:

PROPOSED BORNISH WIND ENERGY CENTRE

Bornish Wind LP

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

Report Updated as of July 18, 2012

TABLE OF CONTENTS

Executive Summary	1
1. Context	3
1.1 Description of Project.....	3
1.2 Regulatory Framework.....	5
1.3 NextEra’s Approach to Aboriginal Consultation	6
1.4 Aboriginal Protocols	9
1.5 Aboriginal Consultation Links to Natural Heritage and Archaeology REA Components.....	9
2. Aboriginal Communities with Potential Interest in the Project	14
2.1 Director’s List	14
2.2 Additional Communities Consulted	17
3. Consultation Activities Applicable to All Aboriginal Communities	19
3.1 Description of Activities.....	19
3.2 Additional Consultation Activities	27
4. Community-Specific Aboriginal Consultation	30
4.1 Chippewas of Aamjiwnaang.....	31
4.2 Chippewas of Kettle and Stony Point.....	36
4.3 Chippewas of the Thames	39
4.4 Haudenosaunee Confederacy Chiefs Council	42
4.5 Munsee–Delaware First Nation.....	43
4.6 Oneida Nation of the Thames and Oneida Council of Chiefs	45
4.7 Six Nations of the Grand River Elected Council	48
4.8 Walpole Island First Nation	50
4.10 Summary of changes as a result of consultation activities	54
4.11 Summary of Out of Scope Input Received.....	54
5. Conclusion	56
6. Next Steps	57



LIST OF APPENDICES.....60



Executive Summary

NextEra Energy Canada, ULC (“NextEra”) on behalf of its wholly owned subsidiary, Bornish Wind LP, has undertaken a thorough program of consultation for the Bornish Wind Energy Centre project (“the Project”, or “Bornish”). 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.

The Aboriginal Consultation Report describes NextEra’s consultation program 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 Bornish 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 Bornish was requested on December 14, 2009 and received on March 24, 2010. The list included six Aboriginal governments (i.e. communities). Through inquiries made by NextEra, two additional communities have been included in Project consultation activities. Section 2 of the Aboriginal Consultation Report identifies all communities consulted with 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 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 about both the

Project specifically, and wind energy in general, available to all interested Aboriginal communities.

Section 4 describes the consultation activities undertaken with each individual community in relation to 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 Bornish.

Section 5 of the Aboriginal Consultation Report provides the concluding summary of consultation results to date. No impacts to Aboriginal or treaty rights, or 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; 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 Bornish renewable energy approval application to Ministry of Environment).

1. Context

Development on the Bornish Wind Energy Centre began in 2007. 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

Bornish Wind, LP is proposing to construct a wind energy centre project in the Municipality of North Middlesex in Middlesex County, Ontario. The project will be referred to as the Bornish Wind Energy Centre (the “Project” or “Bornish”) and will be located on private lands south of Elginfield Road, east of Pete Sebe Road, north of Elmtree Drive and west of Fort Rose Road (see location map, below).

The Project will be owned and operated by Bornish Wind LP a wholly owned subsidiary of NextEra Energy Canada, ULC (“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 in North America.

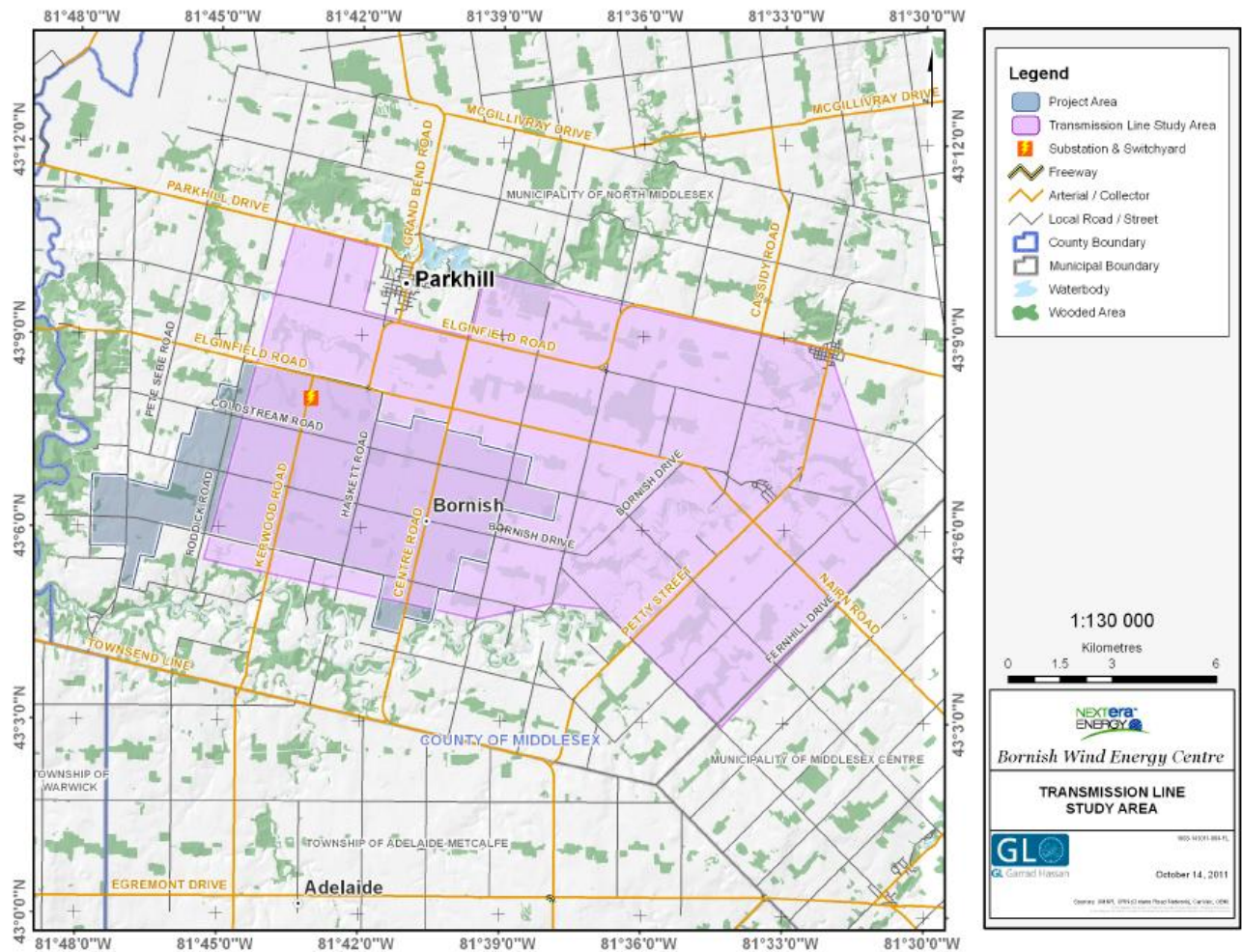
The Project Study Area consists of the areas being studied for the wind farm components (Wind Energy Centre Study Area), as well as for the interconnection route area being studied for transmission lines to connect the Project to the electrical grid (Transmission Line Study Area). Please see the Project Description Report, section 1.1 for a more detailed description.

The Project components will be located over approximately 5,177 hectares (12,793 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 45 1.62 MW wind turbines, and associated facilities, and will have a maximum generating capacity of up to 72.9-megawatts.

Collector lines are planned to be located underground and transmission lines are expected to be located in municipal right-of-ways on existing poles, or new ones if required by the local utility. The electrical substation will be located on a 2 to 3 hectare site, on privately owned lands through lease or purchase arrangements. There will also be an operations building. Either a new 30 by 15 metre building will be constructed on private lands, or an existing building will be purchased.

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

Bornish Project Location Map:



1.2 Regulatory Framework

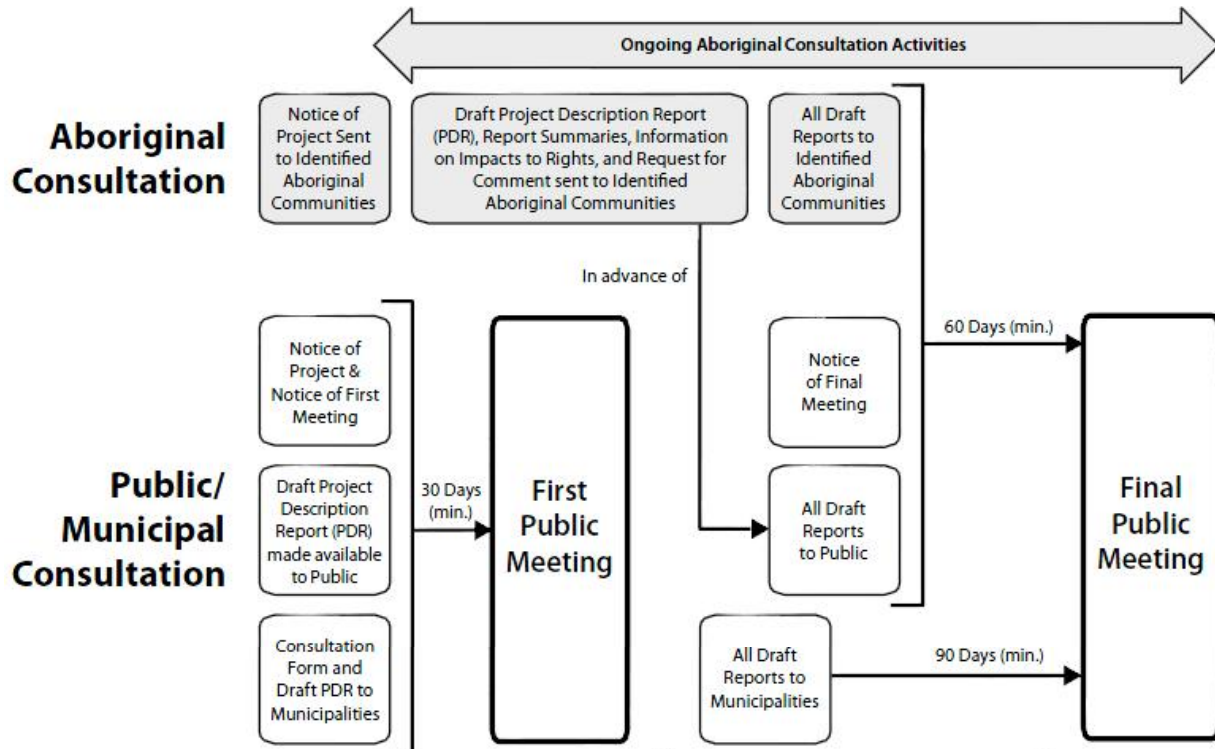
The Crown's Duty to Consult with Aboriginal peoples arises when a government considers an authorization or action that may affect Aboriginal rights or title. The Duty belongs to the Crown. It is grounded in the honour of the Crown and the Crown cannot delegate its Duty to a proponent. The Crown can, 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"¹, 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.

¹ 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 to avoid or mitigate negative impacts.

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 for the eight NextEra wind

energy projects with FIT Contracts, including Bornish. Eight First Nation communities (see Section 2.1) were directly consulted about Bornish, and this process will continue with them throughout the Project's life cycle. No Métis communities have expressed interests or asserted rights in this Project.

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, and 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. An "Archaeological Communiqué", which describes: 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 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 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 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 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 assessment resulted in the identification of 69 archaeological sites, including 23 historic Euro-Canadian, 45 pre-contact Aboriginal, and one multi-component (with both historic Euro-Canadian and pre-contact Aboriginal components). Of those, 17 historic Euro-Canadian sites, eight pre-contact Aboriginal sites and one multi-component site were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present. 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 an independent First Nations monitor, the results of the archeology 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 Bornish Director's List as either having Constitutionally protected Aboriginal rights, or potential interests in negative impacts to the environment).

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 Bornish 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 governments were included 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 also "(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 December 14, 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 March 24, 2010.

2.1 Director's List

The following table identifies communities included in the Director's List of March 24, 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, or may have interests in potential negative environmental effects. 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, or may have interests in potential negative environmental effects. 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, or may have interests in potential negative environmental effects. Referred to in this report as "Chippewas of the Thames 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 communities 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 (see Appendix F.2), 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 (also-called the 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 asserted rights or interests pursuant to the Nanfan Treaty were added for consultation purposes.



3. Consultation Activities Applicable to All Aboriginal Communities

This Project was considered a “transition project”, with respect to Ontario Regulation 359/09 (“O./Reg. 359/09” or “the REA”). Environmental assessment work had begun prior to the REA coming into force, including the first public open house, which took place in February 2008. A variety of consultation activities have taken place to communicate with local and interested Aboriginal communities and to seek their input, including those required under the REA, since O.Reg. 359/09 came into force, as described below.

3.1 Description of Activities

This section gives an overview of the required consultation activities undertaken to ensure identified and other interested Aboriginal communities were made aware of and kept informed of Project activities and had the opportunity to provide comments, questions and 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

A draft PDR was prepared for the Project, as per Ontario Regulation 359/09, and submitted to the Director of Renewable Energy Approvals on December 14, 2009.

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

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

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