

3.1.2 Obtain Director's List

The Director's List of Aboriginal communities for the Project was requested on December 14, 2009 as per s.14 (1)(b). The list was received via letter dated March 24, 2010.

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

The Project's public consultation process began in February 2008, prior to the REA coming into force. Note that the Director's list did not exist at this time. Notices of Commencement were published in newspapers as described in section 3.1.15, below, which was compliant with the relevant environmental approval process at that time.

A Project Update Open House (i.e. "second" Open House #1) was held January 5, 2010. Notices were published and delivered as set out in Table 3.1.1, below.

3.1.4 Distribute Draft PDR to Communities

The draft PDR was distributed initially as part of NextEra's draft Project Table 1 Reports on October 26, 2009. Delivery dates are noted in the individual community summaries in section 4, below. The updated PDR (reflecting layout changes) was distributed through written correspondence dated November 2, 2011 and again under letter dated May 7, 2012 to all communities on the Director's list, as well as the additional communities identified above (Tables 2.1.1 and 2.2.1, above).

3.1.5 Hold First Public Meeting

The first open house was held in February 20, 2008, prior to the REA coming into force. Note that the REA, and hence a Director's list, did not exist at this time. Notices were published in newspapers as described in section 3.1.15, below, which was compliant with the relevant environmental approval process at that time. A Project Update Meeting (essentially

a “second” Open House #1) was held January 5, 2010. No attendees identified themselves as Aboriginal community leadership or representatives.

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

“Executive summaries”, were prepared and delivered with the set of draft Project Reports in October 2009. Plain Language Summaries were delivered with the updated draft Project REA Table 1 Reports on November 2, 2011 and again on May 7, 2012.

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. 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, initially on October 26, 2010. Updated draft Project REA Table 1 Reports were delivered to the communities on the Project distribution list (i.e. the Director's List plus the additional communities identified by NextEra) on May 7, 2012 in both hard copy and CD versions.

Each community was requested to provide 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

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 7, 2012 to all communities on the Director's list, as well as the additional communities identified by NextEra. Notices were also published in newspapers as described in section 3.1.15, below.

The Open House was held on July 10, 2012. 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. Furthermore, NextEra has provided copies of the draft text from section 4 below, to the relevant Aboriginal community for their review and comment. As of the date of writing this report, no responses have been received on this report's text.

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

Table 3.1.1 Summary of REA Notification Compliance

The following table summarizes the dates, method and recipients of the requisite notices under Ontario Regulation 359/09 for the Project.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
"Pre-REA"	Notice of Commencement and Notice of Public Meeting held February 20, 2008 (NOTE: took place prior to Renewable Energy Approval Regulation 359/09)	January 29, 2008	Chippewas of Aamjiwnaang 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
	Notice of Commencement	May 26, 2008	Walpole Island First Nation	E-Mailed. See Appendix I.1.1
14	Request Director’s List	Request: December 14, 2009 Receipt: March 24, 2010	Aamjiwnaang First Nation Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Munsee-Delaware First Nation Oneida Nation of the Thames Walpole Island First Nation	Letter
15.3	Publication of Notices			
	Notice of Proposal	<u>Turtle Island News:</u> October 11, 2011 and November 2, 2011	N/A	Publication
	Project Update Meeting January 5, 2010 ("second" Public Meeting #1)	<u>Turtle Island News:</u> October 11, 2009	N/A	
	Project Update Meeting November 10, 2011: Open House for Transmission Line Route Change	<u>Turtle Island News:</u> October 11, 2011 and November 2, 2011	N/A	Publication
	Final Public Meeting July 10, 2012	<u>Turtle Island News:</u> May 9, 2012 and July 4, 2012	N/A	Publication
15.5.ii	Deliver Notices to all Aboriginal Communities			
	Notice of Project Update Open House ("second" Public Meeting #1) held January 5, 2010	October 26, 2009, by letter.	Chippewas of Aamjiwnaang Chippewas of Kettle and Stony Point Chippewas of the Thames Munsee-Delaware Oneida Nation of the Thames Walpole Island First Nation	Mailed. See Appendix I.2.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	Project Update Meeting: Open House for Transmission Line Route Change	November 2, 2011	<p>Director's List: Aamjiwnaang First Nations Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Munsee-Delaware First Nation Oneida Nation of the Thames Walpole island First Nation</p> <p>Additional Communities: Haudenosaunee Confederacy Chiefs Council Oneida Council of Chiefs Six Nations of the Grand River (elected) Council</p> <p><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></p>	Courier See Appendix I.4
	Final Public Meeting July 10, 2012	May 7, 2012	All communities	Courier See Appendix I.6
16(1)	Hold at least two public meetings ("PM").	<p>The dates of the public meetings were as follows.</p> <p>Public Meeting #1 was held on: February 20, 2008 (Prior to Ontario Regulation 359/09)</p> <p>A project Update Meeting ("second" Public Meeting #1) was held on: January 5, 2010</p> <p>A Project Update Meeting Open House was held in North Middlesex for a Transmission Line Route Change: November 10, 2011</p> <p>Final Public Meeting was held on: July 10, 2012</p>		
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>October 26, 2009 (Re. "second PM#1)</p> <p>November 2, 2011 (updated PDR)</p>	All communities	<p>October 26, 2009 – Hand Delivered or Courier See Appendix I.2.</p> <p>November 2, 2011 - Courier See Appendix I.4</p>
16.(5)(c)	Make paper copies of draft REA (Table 1) reports available at least 60 days before PM2.	<p>October 26, 2009 (original reports)</p> <p>May 7, 2012 (updated reports)</p>	All communities	<p>October 26, 2009 – Hand Delivered or Courier See Appendix I.2.</p> <p>May 7, 2012 - Courier See Appendix I.6</p>
16.(5)(d), 16.(6)	Distribute drafts of REA (Table 1) reports. Original reports were delivered October 26, 2009. Updated reports distributed on May 7, 2010 were:	<p>October 26, 2009 (original reports)</p> <p>May 7, 2012 (updated reports)</p>	All communities	October 26, 2009 – Hand Delivered or Courier See Appendix I.2.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	<ul style="list-style-type: none"> 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 2 Archaeological Assessment Report Shadow Flicker Report Report Summaries Turbine Visualizations 			May 7, 2012 - Courier See Appendix I.6
	Sign-off Letters from: Ministry of Natural Resources Ministry of Tourism, Culture and Sport	May 7, 2012	All communities	Courier See Appendix I.6
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 7, 2012	All communities	Courier See Appendix I.6
17.(1)4.	Make a written request for information relevant to REA.	January 25, 2010 and May 7, 2012.	All communities	See Appendixes I.3 (January 25, 2010) and I.6 (May 7, 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.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
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) and (v)	Give copies of Notice of Draft Site Plan.	December 21, 2011	All communities	Courier See Appendix I.5
54.1(d) and (e)	Make copies of Draft Site Plan available and distribute.	December 21, 2011	All communities	Courier See Appendix I.5

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. To date, the monitor has been satisfied with the conduct of the archaeological work.
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 Bornish draft Project Description Report. One update to the Binder has been circulated, which included the “Bornish 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 Bornish.
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. Draft text of the community summaries in Section 4 of this report was forwarded to individual Aboriginal communities for comment. Only one reply was received, which stated there were no concerns.

4. Community-Specific Aboriginal Consultation

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 this 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 "Pre" and "Post" 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. 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 Bornish project. Please see Appendix H.1 for a complete chronology of all communications concerning the five projects of interest to Aamjiwnaang, including Bornish.

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 the original draft Project REA Table 1 reports for the Bornish Wind Energy Centre. It was considered a successful experience and contributed both to Aamjiwnaang’s understanding of the Project, and to NextEra’s understanding of Aamjiwnaang’s perspectives. In this process, a third party reviewer, retained by Aamjiwnaang and funded by NextEra, provided a draft review report of the draft Bornish Natural Heritage Report. A meeting was arranged among the third party reviewer, Ben Porchuk, Aamjiwnaang Environment department staff, NextEra’s natural heritage consultant, LGL Limited and NextEra’s Aboriginal consultation representative on January 18, 2010. The 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.

On February 24, 2010, Aamjiwnaang’s Environment Officer advised NextEra that:

AFN [Aamjiwnaang First Nation] submitted comments through the independent reviewer’s report and at this time have no further concerns regarding the documentation but expect continued consultation and engagement and to be fully informed during the process.

We would also expect the opportunity to be involved in any archeological work that continues in the area or in any area that AFN has expressed their interest in.

(See copy of letter dated February 24, 2010 from Sharilyn Johnston, in Appendix J.1)

As requested by Aamjiwnaang, NextEra has continued to keep them fully informed about the Bornish project, and have shared with them the reports issued by the independent First Nations archaeological monitor for the Project (see section 3.2 Item 4, above.)

Unfortunately, changes in the Bornish project layout took place after the Aamjiwnaang independent review, and the REA reports had to be redone. But the experience was invaluable and has 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 Bornish, 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 15th 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, Bornish, 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 Bornish. 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 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"> • 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> • Education for youth and future generations is important. <u>NextEra has developed a First Nation and Métis Relationship Policy that includes such initiatives.</u> • 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> • 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> • 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> • Keep dialogue open and ongoing. NextEra is maintaining ongoing dialogue. • 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>

Aamjiwnaang is a participant with two other First Nations in a Joint Assessment Committee for five NextEra projects. A joint 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. 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, Bornish, 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. 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 to be two-fold:

1. To review the draft REA Table 1 Reports for three projects, including Bornish, 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 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?”