



ABORIGINAL (FIRST NATION AND MÉTIS) CONSULTATION REPORT

FOR:

PROPOSED EAST DURHAM WIND ENERGY CENTRE

East Durham Wind, Inc.

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

Report Updated as of: January 17, 2013



TABLE OF CONTENTS

Executive Summary	2
1. Context.....	4
1.1 Description of Project.....	4
1.2 Regulatory Framework for Aboriginal Consultation.....	6
1.3 NextEra’s Approach to Aboriginal Consultation	8
1.4 Aboriginal Government Consultation Protocols	10
1.5 Aboriginal Consultation Links to Natural Heritage and Archaeology REA Components	11
2. Aboriginal Communities with Potential Interest in the Project	15
2.1 Director’s List.....	15
2.2 Additional Communities Consulted.....	19
3. Consultation Activities Applicable to All Aboriginal Communities.....	21
3.1 Description of Activities.....	21
3.2 Additional Consultation Activities.....	31
4. Community-Specific Aboriginal Consultation For East Durham.....	35
4.1 Haudenosaunee Confederacy Chiefs Council	36
4.2 Historic Saugeen Métis.....	37
4.3 Métis Nation of Ontario.....	40
4.4 Oneida Council of Chiefs.....	43
4.5 Saugeen Ojibway Nations	44
4.6 Six Nations of the Grand River Elected Council	47
4.7 Summary of changes as a result of consultation activities.....	49
4.8 Summary of Out of Scope Input Received.....	50
5. Conclusion.....	51
6. Next Steps.....	52
LIST OF APPENDICES.....	55

Executive Summary

NextEra Energy Canada, ULC ("NextEra") on behalf of its wholly owned subsidiary, East Durham Wind, Inc., has undertaken a thorough program of consultation with Aboriginal communities for the East Durham Wind Energy Centre project ("the Project", or "East Durham"). The results of the program to date 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 provides a detailed description of NextEra's consultation program for the Project.

Section 2 of this Report identifies all communities consulted for the Project. 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 East Durham was requested on December 14, 2009 and received on April 15, 2011. The Director's List included 4 Aboriginal governments ("communities" as defined in Ontario Regulation 359/09) with interests for potential rights. Through inquiries made by NextEra, two additional traditional Aboriginal councils and one elected band council have been included in consultation activities about the Project.

Section 3 of this Aboriginal Consultation Report describes the consultation activities required under the Regulation and how they were complied with, as well as the additional activities undertaken by NextEra to cooperatively review the Project with Aboriginal communities. Delivery of the required information and notices to comply with Ontario Regulation 359/09 is 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 provides summaries of the consultation activities undertaken with each individual community *for East Durham*. In all cases, this dialogue is ongoing. Communications and a collaborative approach will continue during the remaining planning, construction and operations phases for East Durham.

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 those conclusions are demonstrated, through ongoing communications with Aboriginal communities and a management system approach to address any unexpected issues or concerns that may be raised.

Section 6 describes NextEra's commitment to ongoing dialogue and communication with First Nation and Métis Communities, which will be an integral component of corporate-community relations.

Appendixes to the Aboriginal Consultation Report include: relevant policy documentation; chronologies of all contacts with the affected communities in regard to the Project; 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 draft Project REA Table 1 Reports (i.e. the reports submitted in fulfillment of the East Durham renewable energy approval application to Ministry of Environment).

1. Context

NextEra Energy Canada, ULC is proposing to construct a wind energy project in the Township of West Grey, Grey County, Ontario. This project has been awarded a Feed-in-Tariff contract by the Ontario Power Authority and is presently seeking a Renewable Energy Approval.

Please see the East Durham Project Description report for details on the Project and project study area locations and its proposed facilities.

1.1 Description of Project

The Project will be referred to as the East Durham Wind Energy Centre (“East Durham”, or the “Project”). It is located on private lands with lease arrangements. The Study Area for the Project is located in the Municipality of West Grey, Grey County. The Study Area is generally bounded by:

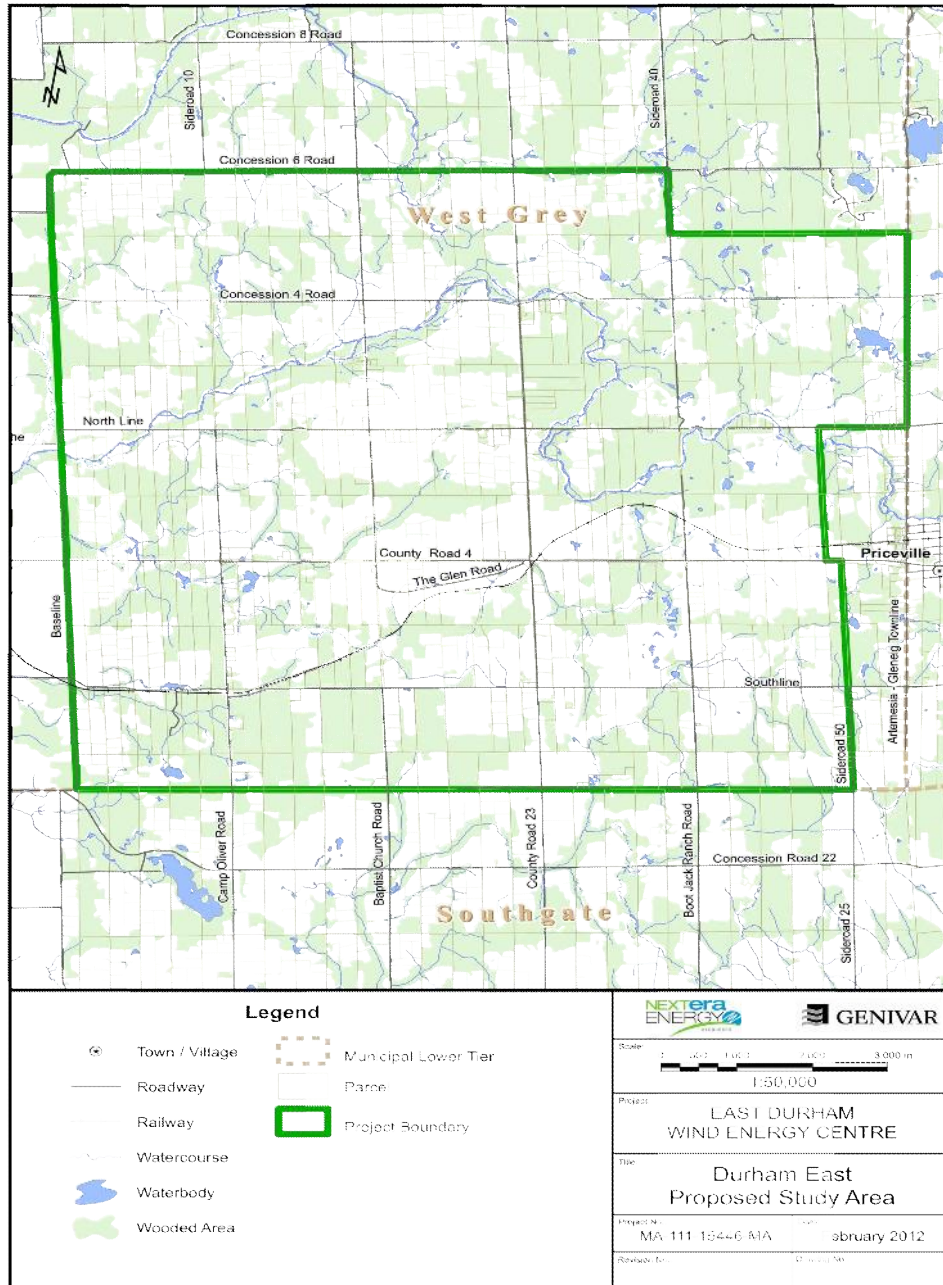
- Concession Road 6 to the north
- Sideroad 50 and Artemesia-Glenelg Townline to the east
- The West Grey – Southgate municipal boundary to the south
- Baseline to the west

NextEra Energy Canada is the proponent for the Project, however, the Project will be owned and operated by East Durham Wind Inc., a wholly owned subsidiary of NextEra Energy Canada. NextEra Energy Canada’s parent company is NextEra Energy Resources, LLC, a global leader in wind energy generation.

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, which is planned to be located in municipal road rights-of-way. Please see the Project Description Report, section 2

for a description of the facilities proposed, and map 1.1.1, below, which shows the Project Study Area.

Map 1.1.1 East Durham Project Location Map



1.2 Regulatory Framework for Aboriginal Consultation

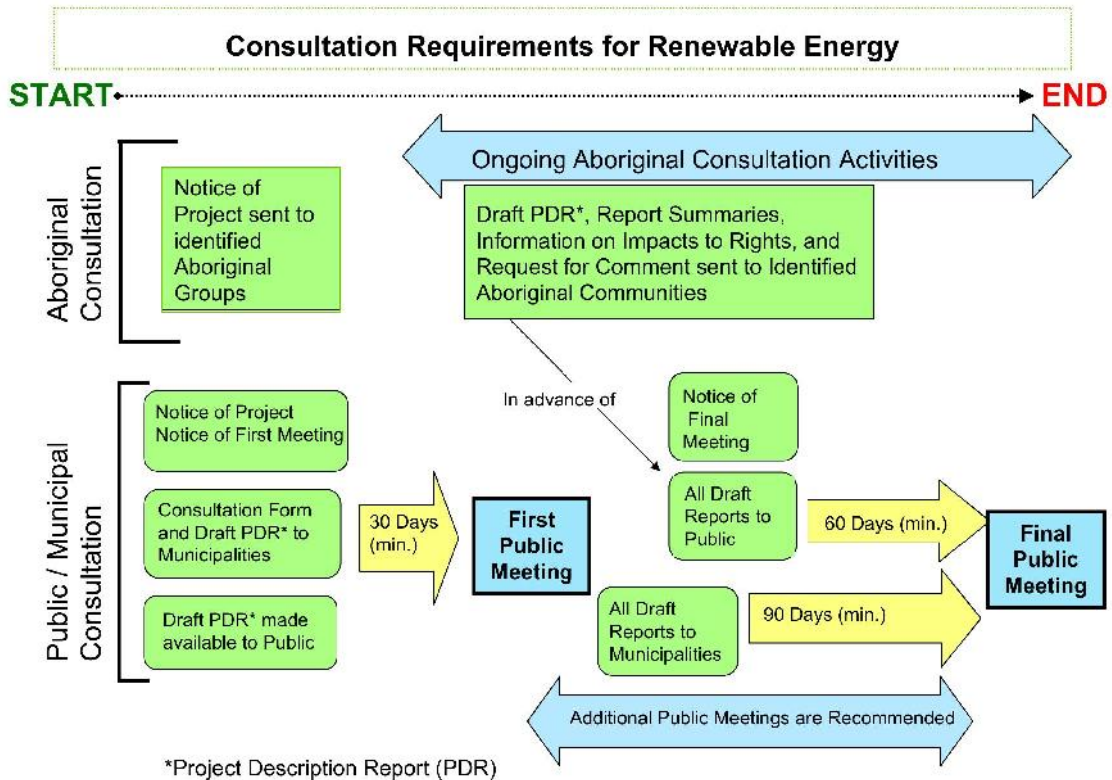
The Crown's Duty to Consult with Aboriginal peoples arises when a government considers an authorization or action that may affect Aboriginal rights or title. The Duty belongs to the Crown. It is grounded in the honour of the Crown and the Crown cannot delegate its Duty to a proponent. The Crown can, 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 has been 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 that perfectly aligns with regulatory milestones (see Figure 1.2.1, below). Providing information, seeking mutual understanding, working towards consensus and relationship building are all part of the process. They all require time and ongoing effort.

Procedural consultation guidance to REA proponents is contemplated in the Ministry of Environment's "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 Paultette, Fort Smith First Nation.

Figure 1.2.1: Aboriginal Consultation



Source: Ministry of Environment web site, 2011

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 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 NextEra'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 Archaeological 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 East Durham.

While the Director's List identified four communities, seven First Nation and Métis governments (see Section 2.1) were consulted about East Durham. 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 original and the updated binder 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 periodically 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 of reports 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 (updated)
- Construction Plan Report
- Design and Operations Report
- Decommissioning Plan Report
- Wind Turbine Specification Report
- Natural Heritage Assessment Report
- Water Assessment and Water Body Report
- Heritage Assessment Report
- Stage 1 and 2 Archaeological Assessment Reports and Cultural Heritage Report
- Noise Report
- Report Summaries (i.e. “plain language summaries”)
- 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 two 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. NextEra feels it has addressed these issues through the REA studies. These values are cross-referenced to the applicable Project REA Table 1 Report as explained in the Tables of Concordance 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. Golder Associates Ltd. Completed the Stage 2 archaeological assessment from June 5 to September 7, 2012 and on September 28, 2012. It documented three historic Euro-Canadian sites for the Wind Energy Centre. All three sites were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present.

NextEra has made capacity funding arrangements directly with Saugeen Ojibway Nations (“SON”) Environment Office, for attendance by independent SON archaeological monitors,

and archaeology report reviews by SON's archaeology expert. SON has therefore been involved in planning and execution of the Stage 2 archaeological assessment of the East Durham Wind Energy Project and to date, SON has identified no concerns with the results of the archaeological work.

SON will continue to be involved through Stage 3 and construction-phase monitoring, and NextEra will continue to work with all relevant 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 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; (b) fully understand the existing treaties and claims within the Project area; and (c) guide NextEra's consultation program. The strength of claims analysis involved consideration of the Bond Head (Saugeen) Purchase (Treaty No. 45½) of 1836, and the Nanfan Treaty of 1701.

Treaty No. 45½ covered an area (the Saugeen Tract) of 1.5 million acres, and was signed by Saugeen Ojibway Chiefs in 1836. There was no monetary consideration provided by the Crown in Treaty No. 45, but rather the promise to assist and protect the Saugeen Ojibway that took up residence outside the Saugeen Tract (to Manitoulin Island or further north on the Bruce Peninsula). Many Saugeen Ojibway remained in the Saugeen Tract, and issues with the Treaty (and purported "surrender") were made known to the British Colonial Secretary almost immediately, but the surrender was allowed to stand. These issues included: (a) the form of the "treaty" (i.e., a memorandum of Sir Francis Bond Head's speech and marks of the

Saugeen Ojibway Chiefs affixed thereto); (b) a number of Chiefs who stated that they never signed Treaty No. 45½; and (c) others who stated that they signed under duress. A claim was filed regarding the invalidity of the Treaty No. 45½ surrender, and not accepted by the Canadian government in 1992.

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 East Durham 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 for East Durham.

NextEra does not believe that the Project will result in significant impacts to any species that may be hunted, fished or harvested within the Project area, the Saugeen Tract or Nanfan Treaty areas (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 and Métis governments that have been identified as having potential interests in approval, construction and operation of the Project.

As required by O.Reg.359/09, the draft Project Description Report was provided to the Director of the MOE 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 April 8, 2011.

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
Saugeen Ojibway Nation Saugeen Ojibway Nation Environment Office	Identified as may have constitutionally protected Aboriginal or treaty rights.
Saugeen First Nation	The "Saugeen Ojibway Nations", or "SON" collectively refers to Chippewas of Saugeen and Chippewas of Nawash, and are represented at a technical level by the staff of the SON Environment Office reporting to a Consultation Team, which includes leadership from both nations.
Chippewas of Nawash Unceded First Nation	
Historic Saugeen Métis	Identified as may have constitutionally protected Aboriginal or treaty rights.

Director's List	Notes
Great Lakes Métis Council (formerly Grey-Owen Sound Métis Council)	Identified as may have constitutionally protected Aboriginal or treaty rights.
Métis Nation of Ontario Consultation Unit	The Métis Nation of Ontario ("MNO") issues charters to individual Community Councils, who are primarily involved in service delivery to MNO citizens. Consultations are supported by MNO staff of the Lands, Resources and Consultation Branch, but are led by Regional Consultation Committees through protocol arrangements with MNO. The Georgian Bay Traditional Harvest Territory Consultation Committee ("GBTHTCC") is the relevant committee for East Durham. Please see Map 2.1.2.

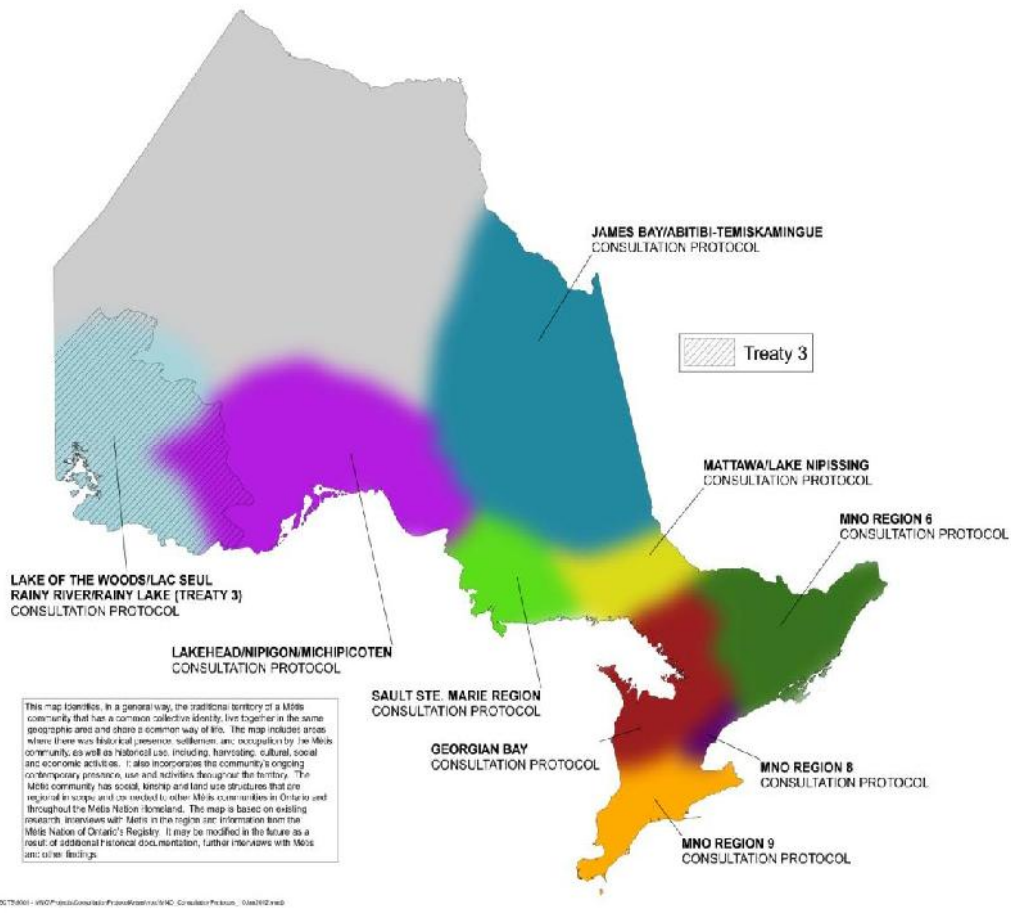
MAP 2.1.1 Aboriginal Communities and NextEra Ontario FIT Projects

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 is shown, as well as the approximate area of assertion for the 1701 Nanfan Treaty.



MAP 2.1.2: Métis Nation of Ontario Traditional Harvest Territories

This map shows approximate boundaries of Métis Nation of Ontario traditional harvest territories. The East Durham Project is located within the Georgian Bay Traditional Harvest Territory (shaded red)



Source: Métis Nation of Ontario

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.



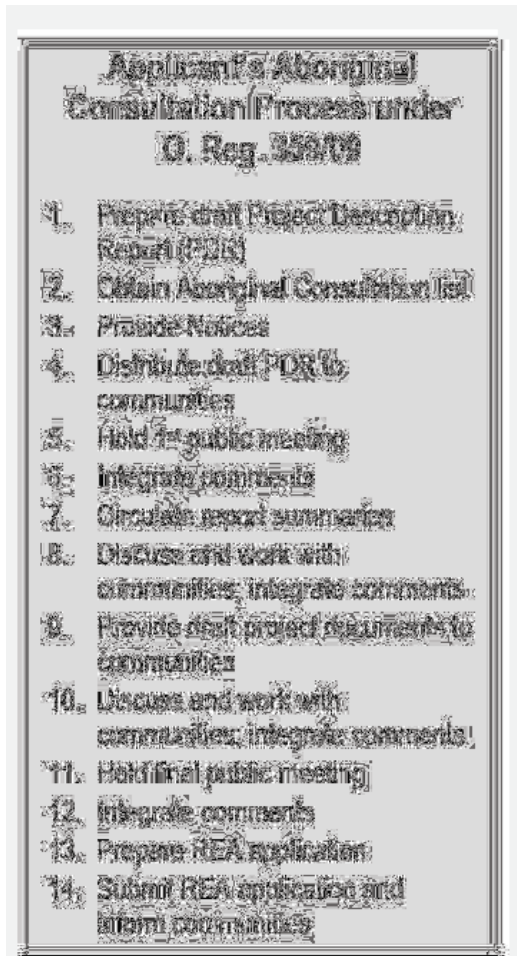
3. Consultation Activities Applicable to All Aboriginal Communities

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 them with opportunities to make comments, ask questions and explain any 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

The original draft Project Description Report (“PDR”) was prepared November 26, 2009, before the 2010 amendments to Ontario Regulation 359/09 requiring distribution of PDR 30 days prior to PM#1. In late 2011, the Project Study Area was amended, and an updated PDR reflecting that change was prepared and delivered to the interested communities more than 30 days prior to the first Public Meeting for the amended Study Area. Please see Table 3.1.1.



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

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 April 15, 2011.

3.1.3 Notice of Proposal to Engage in a Renewable Energy Project and Notice of Public Meeting #1

The initial Open House (public meeting #1) was held on December 7, 2009, before the Director's List had been received. As a result of a change in the Project Study Area in late 2011, another Public Meeting (public meeting #2) was held on July 18, 2012, which was considered a "first" public meeting under the REA for the revised Project Study Area. Notices of this public meeting were delivered to Aboriginal communities on June 13, 2012. Copies of the covering letters accompanying this delivery are included in Appendix I.

3.1.4 Distribute Draft PDR to Communities

As explained in section 3.1.1, the original draft PDR was prepared before the O/Reg 359/09 requirement to deliver it to Aboriginal communities 30 days prior to the first Public Meeting. A copy of the original draft PDR was, however, delivered to Saugeen Ojibway Nations Environment Office on February 9, 2010 in connection with a meeting with staff (see cover letter in Appendix I).

An updated PDR was delivered to appropriate leadership (i.e. the Chief, President or Committee Chair) and responsible staff on June 13, 2012. Copies of cover letters for these deliveries to Aboriginal Communities are included in Appendix I. This distribution took place more than 30 days before the relevant Public Meeting in accordance with the REA.

The updated PDR was distributed again as part of the draft Project REA Table 1 Report on October 29, 2012. Copies of the cover letters for this delivery are included in Appendix I.

3.1.5 Hold First Public Meeting

The first public meeting (“Open House”, or “PM”) for East Durham was held December 7, 2009. As explained above, another public meeting was held on July 18, 2012, after the Project Study Area was amended, which was considered a “first” public meeting, as defined in the REA, for the revised Project Study Area.

3.1.6 Integrate Comments

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

General comments requested and obtained 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 in Section 4, and in the Tables of Concordance in Appendix G for the communities that provided a response.

3.1.7 Circulate Report Summaries

“Plain language summaries”, were prepared and delivered with the set of draft Project Table 1 Reports On October 29, 2012 together with the updated draft Project REA Table 1 Reports (see 3.1.9, below). Copies of the cover letter for these deliveries can be found in Appendix I.

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. Dialogue with communities interested in East

Durham began as early as 2008, and specifically for East Durham as set out in Section 4, below.

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 October 29, 2012 in both hard copy and CD versions. The reports were delivered to the Chief, Métis President, or MNO Consultation Committee Chair, with copies to the responsible staff person, or persons. The following reports and other notices were included with the deliveries.

- Project Description Report (updated)
- Construction Plan Report
- Design and Operations Report
- Decommissioning Plan Report
- Wind Turbine Specification Report
- Natural Heritage Assessment Report
- Water Assessment and Water Body Report
- Heritage Assessment Report
- Stage 1 and 2 Archaeological Assessment Report and Cultural Heritage Report
- Noise Report
- Report Summaries (i.e. "plain language summaries")

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. In some cases, communities accepted offers from NextEra, or made requests for capacity assistance to review, meet and discuss the draft REA Table 1 Reports. These cases are described in the *Project-specific description* of consultation activities in Section 4.0, below.

3.1.11 Hold Final Open House(s)

As mentioned in Section 3.1.5, a second Open House was held on July 18, 2012. The final Open House for East Durham was held January 15, 2013. In both cases, no attendees identified themselves as Aboriginal community members or representatives at either of these Open Houses.

3.1.12 Integrate Comments

Comments received from the public at the Open Houses, and through ongoing communications with Aboriginal communities were addressed and integrated as part of the REA process.

As of the date of this report, NextEra is continuing dialogue with a number of communities about East Durham as described in Section 4. It is expected such communications will continue throughout the Project life cycle 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 East Durham.

Table 3.1.1 Summary of REA Notification Compliance for East Durham

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
14	Request Director's List	Request: December 14, 2009 Receipt: April 15, 2011	May have constitutionally protected rights: "Saugeen Ojibway Nation Saugeen First Nation Chippewas of Nawash Unceded First Nation Historic Saugeen Métis Great Lakes Métis Council Métis Nation of Ontario" May be interested in negative environmental effects: "None"	Via letter from Ministry of the Environment
	<p>Delivery and distribution of all required notices and reports were addressed to the foregoing "Director's List" communities according to their instructions, as follows:</p> <p>Chippewas of Nawash Unceded First Nation Chippewas of Saugeen First Nation (Collectively, Saugeen Ojibway Nations, c/o SON Environment Office)</p> <p>Historic Saugeen Métis</p> <p>Métis Nation of Ontario, c/o Georgian Bay Traditional Harvest Territory Consultation Committee</p> <p>Additional communities who expressed interest in the East Durham Project and that were included in delivery and distribution of notices and reports were:</p> <p>Oneida Council of Chiefs (as a traditional council within the Haudenosaunee Confederacy Chiefs Council), c/o Haudenosaunee Development Institute</p> <p>Six Nations of the Grand River (referred to as Six Nations Elected Council)</p> <p>Six Nations Confederacy Council (referred to as Haudenosaunee Confederacy Chiefs Council), c/o Haudenosaunee Development Institute</p> <p>In all cases, correspondence and notices were addressed to the applicable Chief, President, or Committee Chair, or to a delegated staff role, with copies and enclosures sent to the responsible staff role(s).</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>			
Public Meetings ("PM")	<p>Open Houses, or "public meetings" (PM) were held on December 7, 2009 ("PM 1"), July 18, 2012 ("PM 2") and the Final open house (Final PM) was held January 15, 2013 ("PM3").</p> <p>Because PM 1 was held shortly after proclamation of the Green Energy and Economy Act and accompanying Ontario Regulation 359/09, there was no requirement at that time in Ontario Regulation 359/09 to deliver draft PDRs to Aboriginal Communities before the meeting. In addition,</p>			

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	<p>the Director's List for East Durham was not issued until April 15, 2011.</p> <p>In late 2011, the Project Study Area was modified. As a result, another public meeting (PM 2), was held on July 18, 2012.</p> <p>PM2 was therefore considered a "first" public meeting to consider the revised Project Study Area. As set out below, delivery of the required notice and the updated PDR was completed more than 30 days prior to that meeting, in accordance with the amended Ontario Regulation 359/09.</p>			
15.3	<p>Publication of Notices</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 newspapers are published in the communities.</p> <p>The dates of the PM notices were as follows.</p>			
	Notice of Project and December 7, 2009 PM1	December 2009	Notice of Project posted on NextEra's web site (then, www.CanadianWindProposals.com	Posting on web site.
	Notice of July 18, 2012 PM 2	June 18, 2012 and July 11, 2012	Owen Sound Sun Times The Markdale Standard	Publication
		June 13, 2012 and July 11, 2012	The Flesherton Advance The Dundalk Herald	
		June 15, 2012 and July 13, 2012	The Hanover Post	
	Notice of January 15, 2013 PM3	October 30, 2012 and January 8, 2013	Owen Sound Sun Times	Publication
		October 31, 2012 and January 9, 2013	The Flesherton Advance The Dundalk Herald	
		November 1, 2012 and January 10, 2013	The Hanover Post	
		December 14, 2012	West Grey Progress	
		October 31, 2012 and January 9, 2013	Turtle Island News	
15.5.ii	<p>Deliver Notices to all Aboriginal Communities</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>The dates of distribution of these notices was:</p>			
	Notice of Project and December 7, 2009 PM1	<p>See explanation of PM 1 and PM2, above. PM 2 was considered the "first" public meeting for the revised Project Study Area.</p> <p>The Notice of Project and December 7, 2009 PM 1 was posted on www.CanadianWindProposals.com, which was NextEea's project web site at</p>		

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
		the time.		
	Notice of July 18, 2012 PM 2	June 13, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
	Notice of January 15, 2013 PM3	October 29, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
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: this requirement was an Amendment to O. Reg. 359/09 which came into force after PM1)</p>	<p>1. February 10, 2010 [Note: <i>The original PDR was issued November 26, 2009, which predated the amendment to Ontario Regulation 359/09, requiring distribution of PDR 30 days prior to PM#1.</i>]</p> <p>2. June 13, 2012 Updated PDR for revised Project Study Area.</p>	<p>1. SON (1st draft PDR)</p> <p>2. All communities</p>	<p>1. Hand delivered</p> <p>2. By Courier</p> <p>See Appendix I for covering letters.</p>
16.(5)(c)	Make paper copies of draft Project REA (Table 1) reports available at least 60 days before Final PM.	October 29, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
16.(5)(d), 16.(6)	<p>Distribute drafts of REA (Table 1) reports.</p> <p>Draft Project REA Table 1 Reports distributed on October 29, 2012 were</p> <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 	October 29, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	<ul style="list-style-type: none"> Assessment Report Water Assessment and Water Body Report Cultural Heritage Assessment Report Stage 1 and 2 Archaeological Assessment Report Noise Report Report Summaries 			
Not a requirement.	Sign-off Letters from: Ministry of Natural Resources Ministry of Tourism, Culture and Sport	Awaiting receipt of all letters. As of date of this report, MTCS sign-off on the Stage 2 archaeology report was pending.	All communities	All letters will be delivered upon their receipt from those agencies.
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.	October 29, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
17.(1)4.	Make a written request for information relevant to REA.	October 29, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
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) 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.	August 14, 2012	Owen Sound Sun Times The Markdale Standard	Publication
		August 15, 2012	The Flesherton Advance The Dundalk Herald	
		August 17, 2012	The Hanover Post	
		August 15, 2012	Turtle Island News	
54.1(c) and (v)	Give copies of Notice of Draft Site Plan.	August 13, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
54.1(d)	Make paper copies of Draft Site Plan available and distribute within 5 days of publishing Notice.	August 13, 2012	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
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 conference 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 with potential interests in East Durham sent representative to this conference out of over twenty invitations offered, and two attended the conference. Both representatives were staff from “East Durham” Aboriginal communities.

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. Presentations have been made to 6 communities that included East Durham information. 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). These communiqués described 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 independent First Nations archeology monitors for the Project. The monitors are from the Saugeen Ojibway Nations Environment Office.
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 Aboriginal communities with which NextEra has a project relationship (not an “East Durham community”). The meetings 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, invitations will continue to be offered as part of the regular Archaeological Communiqué summaries issued periodically, before 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 East Durham draft Project Description Report. One update to the binder has been circulated, which included the “East Durham 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 reported for each community in Section 4, which outline the process, discussion and issues that are specific to East Durham.*
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. NextEra participates in Aboriginal community meetings wherever possible. As an example, NextEra took part in a workshop for Environmental Stewards (summer student program) with two of the “East Durham communities” who comprise the Saugeen Ojibway Nations. This information-sharing initiative is described in section 4.5, below.

4. Community-Specific Aboriginal Consultation For East Durham

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 is typically only one of any number of issues, events or other matters that community leadership and staff are addressing.

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

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

Although the Appendixes provide supporting documentation, each community summary, below is intended to provide a full description of efforts made, the results achieved and the plans going forward for East Durham. 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 Haudenosaunee Confederacy Chiefs Council

The Haudenosaunee Confederacy Chiefs Council (“HCCC”) is not identified on the Director’s List for East Durham.

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, with respect to their stated interest in potential negative effects from the Project, which in HCCC’s view, could impact asserted treaty rights to hunt.

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, primarily aimed at the closest project to the Six Nations community, Summerhaven. Please see Appendix H.3 for a chronology summarizing communications about the projects of potential interest to HCCC, which has been abridged to focus specifically on East Durham.

Delivery of REA notices and information for East Durham, however, 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 East Durham and 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 generating capacity, location, timing of development and status. Please see Appendix H.4 for a complete chronology of communications with HCCC, which has been abridged to reflect those with reference to East Durham.

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. For the most part, 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 October 29, 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.

4.2 Historic Saugeen Métis

Communications and information sharing with Historic Saugeen Métis ("HSM") began in 2009. Please see Appendix H.3 for a chronology summarizing communications about the projects of potential interest to HSM, which has been abridged to focus specifically on East Durham.

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

HSM was formerly a Community Council of the Métis Nation of Ontario ("MNO"). NextEra understands that since leaving MNO, HSM assert their traditional territory extends south to the Port Franks area, which is consistent with HSM's understanding of its collective community rights. While HSM acknowledges that its harvest activities were given up when it

withdrew from Métis Nation of Ontario², it was recognized by the Province of Ontario in the April 15, 2011 Director's List for East Durham as an Aboriginal community that has or may have constitutionally protected Aboriginal rights that may be affected by the Project, and as such, is a community to be consulted for the Project.

Throughout the period of consultation with HSM, NextEra has provided HSM with all general communications provided to other interested Aboriginal communities, such as Archaeological Communiqués, and distribution of project schedule milestones for planning purposes. This is in addition to the requisite notices and deliveries required under Ontario Regulation 359/09.

Information-sharing specific to East Durham began in June 2010. HSM was one of three Aboriginal communities that accepted an invitation to be NextEra's guest at a CanWEA seminar in Toronto, titled "Opportunities in the Wind Energy Value Chain". At the meeting, HSM's consultation coordinator was provided with a copy of NextEra's Community Reference materials binder on June 9, 2010, which included: a map of all NextEra FIT projects locations in southern Ontario; general wind technology and industry information; and, contacts and web site addresses.

At HSM's request, NextEra met with HSM Council and staff on August 11, 2010 to discuss all NextEra projects of interest to HSM in more detail. Bluewater, Goshen, Jericho and East Durham, were still in the pre-REA study phase at that time. HSM outlined their main concern as being any project which has the potential to negatively impact the traditional HSM territory, asserted to be comprised of the Sauble, Saugeen, Maitland, Bayfield and Ausable watersheds from Port Franks to Tobermory. On August 8, 2010 HSM's consultation coordinator followed up with a list of Métis interests that NextEra provided to its environmental consultants to be addressed as part of the draft REA Table 1 Reports, scheduled for 2011-12. This list of issues (or Métis values) is reproduced in Appendix G.1 as a Table of Concordance to demonstrate how NextEra feels the issues have been addressed in the REA studies and to cross-reference the applicable report and section. The schedule for

² Proceedings of the Senate Standing Committee on Aboriginal Peoples, Issue 21, Evidence - June 13, 2012, testimony of Patsy McArthur in response to Senator Dennis Glen Patterson, Acting Chair.

completion of the Project REA studies was explained to HSM's consultation coordinator in an e-mail of September 15, 2010, to provide assurance that the issues would be addressed at a later time, as those studies and reports were developed.

On February 7, 2011, HSM sent a detailed list of questions concerning the Project to NextEra on a privileged and confidential basis. Many questions required additional discussion and clarification from HSM, which was sought at a meeting held February 18, 2011. NextEra's environmental consultant, AECOM, attended the meeting to provide additional input. It was decided that HSM would restate some questions for clarity and NextEra was to address those that it could as information became available during the REA Table 1 Report process. HSM provided further clarification regarding some of its issues on February 22, 2011 and these were also forwarded to the environmental consultant. NextEra also feels these issues have been addressed in the draft Project REA Table 1 Reports, as set out in Appendix G.1 Table of Concordance. NextEra feels it has now responded to most of the HSM "East Durham questions" in its draft Project REA Table 1 Reports, except those for which a clarification was not received from HSM. Further discussion and resolution of these questions is considered to be part of the ongoing consultation process planned with HSM.

HSM has also sought to enter into a long-term relationship agreement and Memorandum of Understanding ("MOU") for capacity funding and community benefits with NextEra. NextEra received a draft MOU from HSM, including long-term relationship commitments, on July 29, 2011 and a proposed supporting budget was received from HSM on February 17, 2012. NextEra has provided HSM with a copy of its First Nation and Métis Relationship Policy, as it addresses both the relationship and capacity assistance aspect of HSM's documents. Negotiations have taken place aimed at reaching agreement on continuing consultation and capacity funding. While no agreement has been reached yet, negotiations continue. To date, HSM has been disinclined to accept capacity funding for technical review prior to a comprehensive funding agreement being in place. It is NextEra's intention to continue such negotiations seeking a mutually acceptable agreement with HSM.

As more fully explained in section 1.5, above, however, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal rights of the Historic Saugeen Métis, or significant negative environmental effects will result from approval of the Project. NextEra will use good faith efforts to complete the final agreement and budget to facilitate HSM's review and engagement for the Project. Any specific concerns brought forward to NextEra by HSM will be addressed with HSM and mutually acceptable solutions will be 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.

4.3 Métis Nation of Ontario

Communications and information sharing with Métis Nation of Ontario ("MNO") began in 2009. Please see Appendix H.3 for a chronology summarizing communications about the projects of potential interest to MNO, which has been abridged to focus specifically on East Durham. The narrative in this section 4.3, however, provides a project-specific report.

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

MNO is a province-wide Métis government. Métis communities are regional in nature and expansive. The provincial Provisional Council of the Métis Nation of Ontario leads MNO governance, with local service delivery through local Community Councils and Regional Councilors. Métis rights issues are the focus of Regional Consultation Protocol Committees, which include community, regional and Captain of the Hunt leadership within traditional harvest territory areas (see Map 2.2.1).

The project is located within the MNO Georgian Bay Traditional Harvest Territory ("GBTHT"). The GBTHT includes all of MNO Region 7 and a part of MNO Region 9. MNO citizens with Métis rights in GBTHT may, or may not live within the GBTHT. NextEra appreciates MNO

has great interest in potential impacts to the environment that may have impact on Métis Way of Life, including harvest activities, and thus is working with the Georgian Bay Traditional Harvest Territory Consultation Committee (“GBTHTCC”), in accordance with MNO’s established consultation process.

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

In 2009, MNO staff provided NextEra with a general list of Métis interests, or values. 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.2. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

As mentioned above, communications and information sharing with MNO began in 2009 with a presentation to senior MNO Lands, Resources and Consultation Branch staff about all of NextEra’s southwestern Ontario projects. A presentation was also made to the GBTHTCC on November 1, 2010 that covered all NextEra Ontario projects in general, and the East Durham, Conestogo and Bluewater projects in particular. An overview of all NextEra Ontario projects was given to the Regional Councillor and Community Council Presidents of Region 9 on July 19, 2011.

MNO received NextEra’s Community Reference materials binder on September 3, 2010, which included general information on all NextEra Ontario FIT projects, a map of project locations, NextEra corporate information, general information on wind energy and on the wind industry. An updated Community Reference Material Binder was delivered to MNO staff at a meeting on November 14, 2011.

On February 14, 2012, MNO staff advised that GBTHTCC wished to meet with NextEra but scheduling was not likely until after April 1, 2012. Staff confirmed the process of meeting with GBTHTCC would be the same as the one successfully completed with MNO for NextEra’s Conestogo project. After the initial meeting, GBTHTCC would then advise NextEra if the

Committee feels more consultation is necessary. Due to other scheduling commitments, a mutually agreeable date for this meeting could not be arranged.

NextEra provided a schedule of key milestone dates to MNO staff on February 23, 2012, including release of the Project draft REA Table 1 Reports and estimated filing date.

In early April 2012, MNO staff advised they will forward a proposed Memorandum of Understanding (“MOU”) that outlines process and capacity issues, for discussion with NextEra. NextEra has followed up to inquire about the MOU and the meeting with GBTHTC.

NextEra has continued to send Project information to MNO through the GBTHTC throughout the summer of 2012, including the notice of public meeting, updated PDR and draft site plan. (Please see Table 3.1.1 for dates of delivery.)

In October 2012, MNO staff advised that the MOU had not yet been prepared, but was still in progress. They also proposed a budget to fund a meeting with the GBTHTC.

The draft Project Table 1 REA Reports were delivered to MNO, in accordance with MNO’s protocol (i.e. to staff of the MNO Consultation Unit) and to the GBTHTC Chair on October 29, 2012.

The proposed MOU was received from MNO on December 20, 2012. It proposed both capacity-related funding and community benefits. Work is underway to review the proposed MOU and arrange a meeting with MNO to advance discussions of these matters and complete a consultation process.

As a general conclusion, however, and as more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to Aboriginal rights of the Métis Nation of Ontario 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.

4.4 Oneida Council of Chiefs

Communications and information sharing with Oneida Council of Chiefs (“OCC”) through the HCCC began in 2007, but the focus has not been on East Durham.

While Oneida Council of Chiefs was not identified on the Director’s List of April 15, 2011, all requisite delivery of REA notices and information has been completed, as more specifically set out in Table 3.1.1, above because of uncertainty over their potential interest in the Project as part of the Haudenosaunee Confederacy and the 1701 Nanfan Treaty.

Efforts have been made to clarify which of NextEra’s Ontario FIT projects OCC asserts to have an interest in, and the precise nature of such interest. In, a letter dated March 3, 2010 was received from Howard Elijah, Secretary of OCC that asserted OCC’s interests, but did not clarify to which projects within the 1701 Nanfan Treaty territory the assertion related. Given dialogue occurring with OCC at the time, it was assumed the letter was intended to refer to the Bornish Wind Energy Centre (west of London, Ontario), but the general nature of the assertion left the matter unclear. The letter 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.2.)

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

More recent correspondence dated March 12, 2012 from Chief Alfred Day on behalf of OCC about another NextEra project, the Conestogo Wind Energy Centre (which is southeast of East Durham), instructed that “all invitations” and matters” should be directed to the Haudenosaunee Development Institute (“HDI”), as OCC is a participant in the HDI process. This is further reinforced by correspondence addressed to Doris Dumais, Director Approvals at Ministry of Environment dated September 30, 2011 from Leroy Hill, Secretary of Six Nations (Iroquois) Confederacy, which identified HDI as the duly authorized representative for HCCC in consultation matters.

Given these communications, NextEra feels that matters of interest to OCC concerning East Durham – if any – will be dealt with through the HDI process, which is discussed in section 4.1, above. Additionally, and as more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of OCC, or significant residual negative environmental effects will result from approval of the Project.

NextEra will continue to communicate with OCC (either through HDI, HCCC or if requested, directly with OCC), 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.

4.5 Saugeen Ojibway Nations

Communications and information sharing with Saugeen Ojibway Nations (“SON”) began in 2009 with the offer of holding a community open house about NextEra’s southwestern Ontario projects. Please see Appendix H.5 for a chronology summarizing communications

about the projects of potential interest to SON, which has been abridged to focus specifically on East Durham. This narrative, however, provides a project-specific report.

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

In December 2010, SON Environment Office (“EO”) staff provided NextEra with a copy of the SON “Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations” (see Appendix F.1). The principles identify values and expectations that are important to SON in consulting with project proponents and NextEra has had regard to them in its engagement with SON.

At the December 2010 meeting, SON also provided a traditional territory map (illustrated on Map 2.1.1, above). SON’s has strong interest in any potential impacts to the environment that may have impacts within their Traditional Territory and has an equally strong interest in any potential impacts to archaeological resources. NextEra appreciates this, and has been working with SON to establish the appropriate process and capacity to ensure potential impacts are anticipated and avoided wherever possible (see below).

SON EO staff received (hand delivered) NextEra’s Community Reference materials binder on June 10, 2010, which included general information on all NextEra Ontario FIT projects, a map of project locations, NextEra corporate information, general information on wind energy and on the wind industry.

SON also receives all Archaeological Communiqués, which include information on the Project, and has been actively engaged in the archaeological fieldwork. As explained in section 1.5(C), above, SON sends its own independent monitors to observe NextEra’s consulting archaeologist activities, under a funding arrangement with NextEra. This has been ongoing throughout the East Durham archaeological program. No concerns about potential impacts to cultural interests have been raised by the SON monitors to date.

SON has been provided with all draft REA Table 1 Reports for the Project, as reported in Table 3.1.1, above.

At the time of writing this report, NextEra and SON are progressing through negotiations to establish an overall work plan and capacity budget for SON participation in all three NextEra projects of interest to them, including East Durham. A number of meetings have taken place in this regard, including a July 27, 2012 meeting with an external third party consultant, Dougan & Associates, retained by SON to review the draft Project REA Table 1 reports. NextEra has provided GIS data of environmental features to Dougan & Associates to assist in this regard. It is expected the work plan and budget will address this review of draft Project REA Table 1 Reports, archaeology monitoring and administration through the planning, construction and post-construction monitoring phases. NextEra is currently preparing documentation to formalize the work plan and budget and will be meeting SON early in 2013 to seek a mutually acceptable agreement.

NextEra and SON have already had a significant amount of experience working together for review of draft REA Table 1 documents in regard to the Conestogo project, where a consensus report was prepared in collaboration with SON and its third party environmental consultant, whose work was funded by NextEra. It is expected that lessons learned from that project will inform the development of the overall work plan and budget, including the planning, construction and post-construction monitoring stages for East Durham. It is also expected that discussions will include exploring a broader relationship between SON and NextEra. This is in accordance with NextEra's First Nations and Métis Relationship Policy and consistent with the approach taken with other First Nation and Métis governments who wish to be involved in NextEra projects.

Although not intended as a consultation activity with SON for specific NextEra projects, NextEra took part in a full day workshop for the SON Environmental Stewards summer students on August 28, 2012. The workshop was held at Chippewas of Nawash First Nation and it included: presentations about renewable energy; wind energy; wind turbine operations; NextEra's approach to environmental and archaeological assessment; collaborative approaches to community engagement; Aboriginal perspectives on the environment; and, an interactive question and answer session. The workshop was an opportunity for shared learning and relationship building.

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 Saugeen Ojibway Nations, 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 SON's review and engagement for the Project. Any specific concerns will be addressed with SON 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.

4.6 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 East Durham, but NextEra has engaged with them as explained below.

Please see Appendix H.6 for a chronology summarizing communications about the projects of potential interest to OCC, which has been abridged to focus specifically on East Durham. This narrative, however, provides a project-specific report.

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

Communications and information sharing with SNEC began in 2007 with the offer of holding a community open house about NextEra's southwestern Ontario projects.

In January 2008, NextEra made a presentation to SNEC on its southwestern Ontario FIT projects, including East Durham. While the focus on most communications with SNEC from 2008 through 2011 was on the Conestogo (located west of the Haldimand Tract), Summerhaven (west of Haldimand Tract and closest to Six Nations of the Grand River community), Bornish and Adelaide wind energy centres, 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 had requested to complete reviews of four projects, which had been their main focus; Adelaide, Bornish, Conestogo and Summerhaven. This approach may be a template to follow for review of East Durham by SNEC, but a third party review of the draft Project REA Table 1 reports has not been requested by SNEC yet.

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 general information on all NextEra Ontario FIT projects, a map of project locations, NextEra corporate information, general information on wind energy and on the wind industry. 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 projects mentioned above, namely: Summerhaven, Conestogo, Adelaide and Adelaide. No funding was requested for East Durham at that time.

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.

4.7 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.

4.8 Summary of Out of Scope Input Received

While not part of the mandated inquiries set out under Ontario Regulation 359/09, a number of communities brought issues to NextEra's attention during discussions about East Durham 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 (such as Ministry of the Environment and/or Ministry of Natural Resources) 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 (or other renewable energy companies) 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 to the REA conclusions.

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.

Appendix

LIST OF APPENDICES

	<u>Appendix</u>
NextEra Energy Canada, ULC First Nations and Métis Relationship Policy	A
NextEra Energy Canada, ULC Ontario Project – Archaeological Protocol	B
Community Reference Materials Binder Index	C
List of Projects and Milestone Dates provided to Aboriginal Communities	D
NextEra Energy Canada, ULC Archaeology Communiqué, Spring 2012	E
Aboriginal Community Consultation Protocols	F
Saugeen Ojibway Nations	F.1
Six Nations Elected Council	F.2
Tables of Concordance	G
Historic Saugeen Métis	G.1
Métis Nation of Ontario	G.4
Chronologies of Contacts with Aboriginal Communities	H
Haudenosaunee Confederacy Chiefs Council	H.1
Historic Saugeen Métis	H.2
Métis Nation of Ontario	H.3
Oneida Council of Chiefs	H.4
Saugeen Ojibway Nations	H.5
Six Nations Elected Council	H.6

Appendix

Letters Evidencing Deliveries Pursuant to Ontario Regulation 359/09	I
Notice of Project (posted on NextEra web site)	I.1
June 13, 2012 cover letter regarding July 18, 2012 Public Meeting #2 and enclosing updated PDR	I.2
October 29, 2012 cover letter regarding January 15, 2013 Public Meetings #3 and enclosing draft Project REA Table 1 Reports	I.3
August 13, 2012 cover letters accompanying Notice of Draft Site Plan and enclosing Draft Site Plan	I.4
Other Documentation	J
March 3, 2010 Letter from Oneida Council of Chiefs	J.1
June 3, 2010 Reply from NextEra to Oneida Council of Chiefs	J.2

LIST OF APPENDICES

	<u>Appendix</u>
NextEra Energy Canada, ULC First Nations and Métis Relationship Policy	A
NextEra Energy Canada, ULC Ontario Project – Archaeological Protocol	B
Community Reference Materials Binder Indexes (Original and Updated)	C
List of Projects and Milestone Dates provided to Aboriginal Communities	D
NextEra Energy Canada, ULC Archaeology Communiqué, Spring 2012	E
Aboriginal Community Consultation Protocols	F
Saugeen Ojibway Nations	F.1
Six Nations Elected Council	F.2
Tables of Concordance	G
Historic Saugeen Métis	G.1
Métis Nation of Ontario	G.2
Chronologies of Contacts with Aboriginal Communities	H
Haudenosaunee Confederacy Chiefs Council	H.1
Historic Saugeen Métis	H.2
Métis Nation of Ontario	H.3
Oneida Council of Chiefs	H.4
Saugeen Ojibway Nations	H.5
Six Nations of the Grand River	H.6



Appendixes

Letters Evidencing Deliveries Pursuant to Ontario Regulation 359/09	I
Notice of Project (posted on NextEra web site)	I.1
June 13, 2012 cover letter regarding July 18, 2012 Public Meeting #2 and enclosing updated PDR	I.2
October 29, 2012 cover letter regarding January 15, 2013 Public Meetings #3 and enclosing draft Project REA Table 1 Reports	I.3
August 13, 2012 cover letters accompanying Notice of Draft Site Plan and enclosing Draft Site Plan	I.4
Other Documentation	J
March 3, 2010 Letter from Oneida Council of Chiefs	J.1
June 3, 2010 Reply from NextEra to Oneida Council of Chiefs	J.2



Appendixes

Appendix A

NextEra Energy Canada, ULC First Nations and Métis Relationship Policy

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.



NextEra Energy Canada, ULC First Nation and Métis Relationship Policy



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

012012 22358



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.

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 Indexes (Original and Updated)



NextEra Energy Canada, ULC

NextEra Energy Canada - Community Reference Materials

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

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

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

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

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



NextEra Energy Canada - Community Reference Materials

TABLE OF CONTENTS

Who is NextEra Energy Canada?

Information from NextEra Energy Canada:

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

Some “Wind Energy Basics”

Information from Canadian Wind Energy Association and Natural Resources Canada:

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

Renewable Energy Approvals for Wind Energy Projects

- Information from the Ontario Ministry of the Environment

Where is NextEra in Ontario?

- Map of current and potential projects

Where can I get project information?

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

How to contact NextEra Energy Canada

- NextEra contact information.



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

For:

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

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

For:

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

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

Contact us by mail, phone or facsimile at:

NextEra Energy Canada

Contact us at:

NextEra Energy Canada ULC

5500 North Service Road

Suite 205

Burlington, Ontario

L7L 6W6

Telephone: (905) 335-4904

Facsimile: (905) 335-5731



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



Appendixes

Appendix D

List of Projects and Milestone Dates Provided to Aboriginal Communities

NextEra Energy Canada, ULC Ontario FIT Projects
Estimated Timelines for Planning
 Updated: APRIL 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	March 2, 2012	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: APRIL 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



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
Conestogo	Archaeological Consultant: Archaeological Services Inc. Contact: Andrew Riddle E-Mail: ariddle@iasi.to	Early spring once ploughing and soil weathering is complete.
	Independent Monitor, Saugeen Ojibway Nations Environment Office: Individual to be confirmed through SON EO	
	Work Description: 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.	