

Appendix C

Aboriginal Consultation

ABORIGINAL (FIRST NATION AND MÉTIS) CONSULTATION REPORT

FOR:

PROPOSED GOSHEN WIND ENERGY CENTRE

Goshen Wind, Inc.

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

Report Updated as of January 11, 2013

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Executive Summary

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

This Aboriginal Consultation Report 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 2008. A Director’s List of Aboriginal communities to be consulted for Goshen was requested on August 10, 2010 and received on April 8, 2011. The list included eight Aboriginal governments (i.e. communities); six for potential rights, and two for potential interests in environmental effects. Through inquiries made by NextEra, two additional traditional Aboriginal councils and one elected band council have been included in Project consultation activities, and one of the communities on the Director’s List provided a written confirmation of no requirement for further consultation about the Project.

Section 3 of this Aboriginal Consultation Report describes both the consultation activities required under the Regulation and how they were complied with, as well as 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 are summarized in Table 3.1.1. All required notices and information have been delivered, in compliance with the REA. Beyond those requirements, NextEra has made

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

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

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

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

1. Context

NextEra Energy Canada, ULC together with Canadian Green Power (CGP) is proposing to construct a wind energy project in Bluewater and South Huron, Huron 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 Goshen Project Description report for details on the Project, project study area locations and proposed facilities.

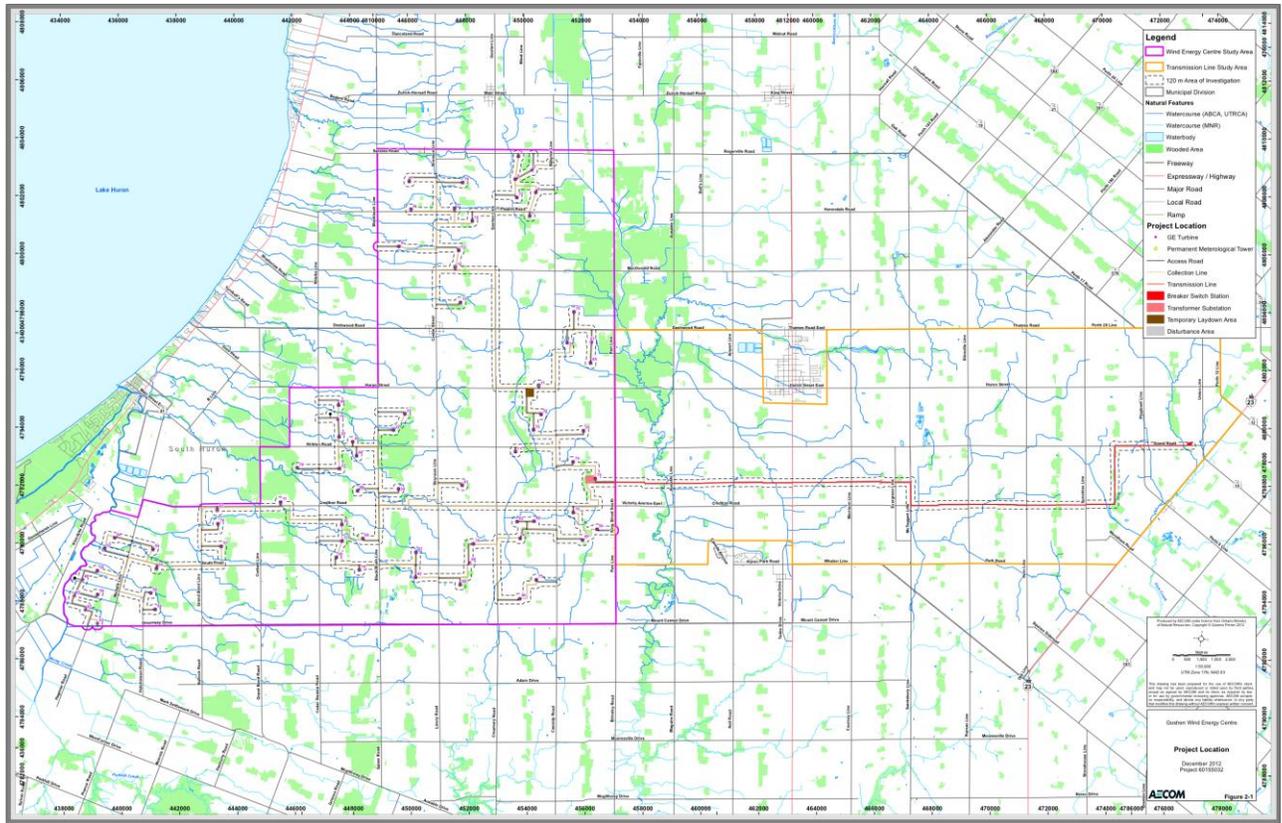
1.1 Description of Project

The Project will be referred to as the Goshen Wind Energy Centre (the “Project”) and will be located on private lands in the vicinity of the shoreline of Lake Huron. It is generally bounded by Zurich-Hensall Road to the north, Mt. Carmel Drive to the south, Parr Line to the east and Bluewater Highway and the South Huron/Lambton Shores municipal boundary and Blackbush Line to the west.

NextEra Energy Canada is the proponent for the Project; however, the Project will be owned and operated by Goshen 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 (Transmission Line Study Area). 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 Goshen 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 is sometimes described analogously as "the path we walk together"¹, rather than as a specific step or task in a larger process. As a result, consultation in project development may not, and arguably should not, have a distinct start and end point (see Figure 1.2.1, below) that perfectly aligns with regulatory milestones. 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 a Ministry of Environment "Draft Aboriginal Consultation Guide for Preparing a Renewable Energy Approval Application" ("the Draft Guide"). The Draft Guide was issued in Summer 2011 and has not yet been finalized, however, proponents have been advised by MOE to have regard to it when planning and implementing their Aboriginal consultation programs.

¹ François Paullette, Fort Smith First Nation.

consultation and the resources it is providing to Aboriginal communities to 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 Goshen.

While the Director's List identified eight communities, eleven First Nation and Métis governments (see Section 2.1) were directly consulted about Goshen. One of the communities identified by the Director has confirmed they do not need to be consulted about the Project. The process of communication will continue with the interested communities throughout the Project's life cycle (i.e. through planning, construction, operations and decommissioning).

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

1. A NextEra "Community Reference Materials" binder, with general industry, technology, mapping, web site, project summary and contact information. This binder has received compliments from community staff. A copy of the index from the 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 and update.
- Natural Heritage Assessment Report (and corresponding sign-off letter from Ministry of Natural Resources).
- Stage 1 and 2 Archaeological Assessment Reports and Heritage Assessment Report.
- Construction Plan Report (and corresponding sign-off letters from Ministry of Tourism, Culture and Sport).
- Design and Operations Report (including Noise Assessment Report).
- Decommissioning Plan Report.
- Water Assessment and Water Body Report.
- Wind Turbine Specification Report.
- “Plain language” summaries of REA reports.
- Shadow Flicker Report.
- Turbine Visualizations.
- Project location mapping, including study area location relative to reserves, claims and First Nation traditional territory/Métis traditional harvest territory.

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

(A) Natural Environment

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

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

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

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

(B) Cultural

NextEra has completed Stage 1 and 2 archaeological studies for the Project. The Stage 2 archaeological assessment has documented 61 sites through pedestrian surveys including 36 pre-contact Aboriginal, 20 historic Euro-Canadian, and five multi-component sites with both pre-contact Aboriginal and historic Euro-Canadian artifacts. Of those, approximately 30 sites were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present. As of the date of this report, the Stage 3 assessment had not yet begun. NextEra will continue to work with Aboriginal communities regarding potential archaeological concerns through monitoring during construction, as explained in Section 6 “Next Steps”, below.

NextEra submits that its ongoing communications and Archaeological Protocol, the presence of an independent First Nations monitor, the results of the archaeology work to date and the planned monitoring during ground disturbance activities, will result in no significant cultural impacts that could be of concern to Aboriginal communities.

(C) Land

A strength of claims analysis was completed by outside legal counsel in order to: (a) confirm the completeness of the Directors' List; and (b) fully understand the existing treaties and claims within the Project area, and guide NextEra's consultation program. The strength of claims analysis involved consideration of the Longwoods Treaty of 1822, the Huron Tract Treaty of 1827; and the Nanfan Treaty of 1701. The Longwoods and Huron Tract Treaties cover in excess of three million acres of southwestern Ontario. The two treaties took many years to negotiation and finalize with the Chippewa bands in the region, and there have been a number of discrepancies and disputes associated with the treaties (e.g., failure to provide Reserve lands, fair compensation) which persist to this day and have given rise to claims by the four key Chippewa communities. NextEra has considered these treaty rights in its consultation efforts with the Chippewas of the Thames, the Chippewas of Kettle and Stony Point, the Chippewas of Aamjiwnaang, and Walpole Island First Nation (all of which are identified on the Goshen Director's List as having constitutionally-protected Aboriginal rights).

The 1701 Nanfan (or Albany) Treaty made between the British Crown and the (then) five Iroquois Nations or Haudenosaunee Confederacy covers virtually all of southern Ontario and therefore the Project is within the Nanfan Treaty area. NextEra has had discussions with Nanfan Treaty successor rights holders in relation to all of NextEra's proposed wind farms, including considerations as to the ability to exercise such treaty rights over private lands as well as the impact of the Goshen 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 Goshen.

NextEra does not believe that the Project will result in significant impacts to any species that may be hunted, fished or harvested pursuant to the Nanfan Treaty or Longwoods/Huron Tract Treaties (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 April 8, 2011 (left hand column) and the Director's rationale for including them (right hand column).

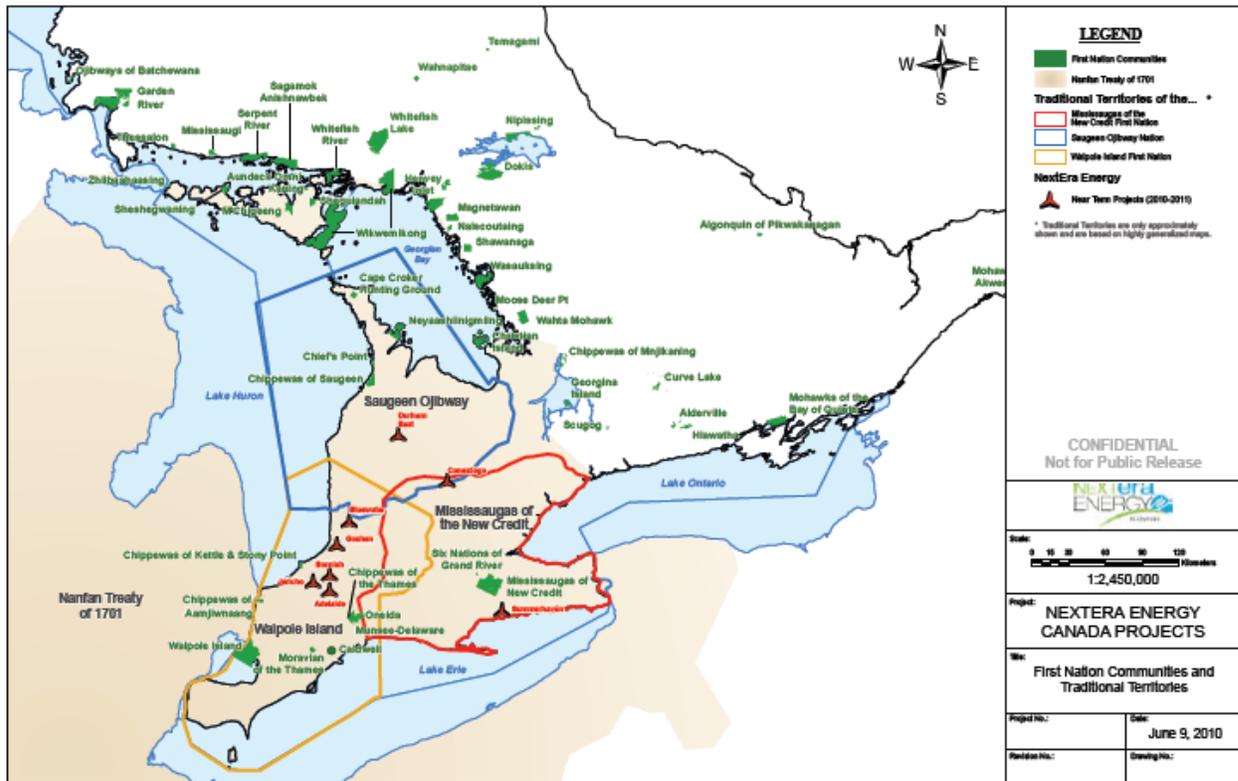
TABLE 2.1.1 ABORIGINAL COMMUNITIES IDENTIFIED

Director's List	Notes
Aamjiwnaang First Nation Chippewas of Sarnia Sarnia 45	Identified as may have constitutionally protected Aboriginal or treaty rights. Referred to in this report as "Aamjiwnaang First Nation"
Chippewas of Kettle and Stony Point FN Kettle Point 44	Identified as may have constitutionally protected Aboriginal or treaty rights. Referred to in this report as "Kettle and Stony Point First Nation".
Chippewas of the Thames First Nation Chippewas of the Thames 42	Identified as may have constitutionally protected Aboriginal or treaty rights. Referred to in this report as "Chippewas of the Thames First Nation".

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

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.



2.2 Additional Communities Consulted

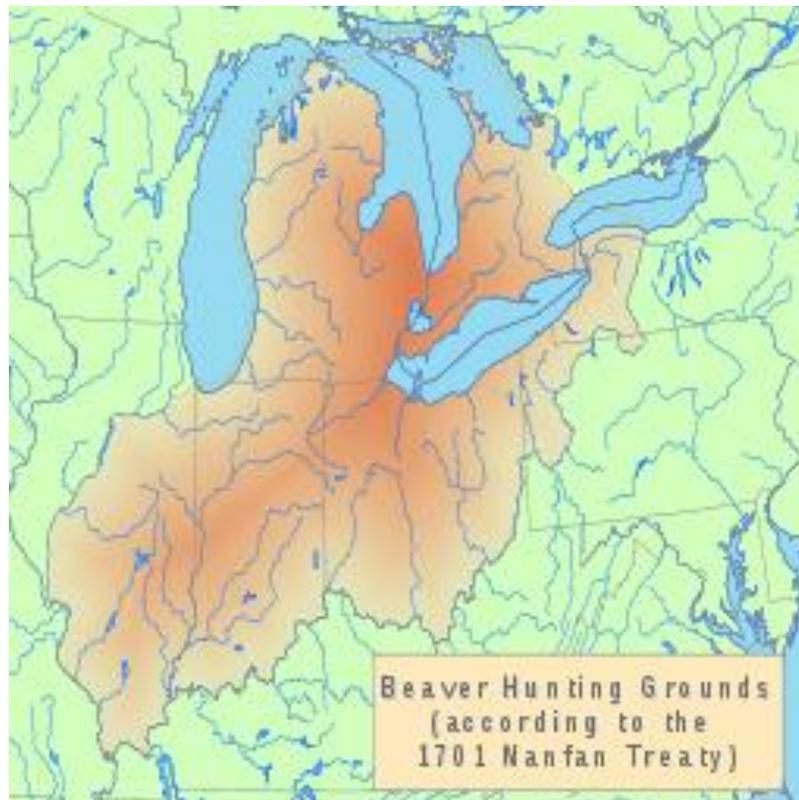
NextEra determined that additional Aboriginal governments expressed interests in the Project where treaty rights are asserted under the 1701 Nanfan Treaty, as explained in Section 1.5 (C), above. The following communities were included in the consultation activities described in this report. The rationale 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 opportunity to make comments, ask questions and explain concerns regarding the Project. For a detailed list of compliance activities required under O. Reg. 359/09, methods of consulting, dates and communities involved, please see Table 3.1.1, below.

3.1.1 Preparation of draft PDR

The draft Project Description Report (“PDR”) was prepared in June 2010. Copies of the draft PDR were included in a binder titled, “Community Reference Material”, which was delivered to the Chief and/or responsible staff the same month. The binder was delivered to all communities who had been identified for any and all NextEra Ontario wind projects, including, of course, Goshen.

3.1.2 Obtain Director’s List

The Director’s List of Aboriginal communities for the Project was requested on August 10, 2010 as per s.14 (1)(b). The list was received via letter dated April 8, 2011.

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

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

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

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

The Notice of Proposal and Notice of the first Open House (public meeting #1) were delivered to Aboriginal communities on June 29, 2010. Communities included in the delivery were as identified by NextEra, as the Director's List had not been received at that point in time. NextEra confirms that a copy of the notice was delivered by Canada Post as set out in Table 3.1.1, below, however no covering letters accompanied the notice.

3.1.4 Distribute Draft PDR to Communities

As explained in section 3.1.1, copies of the draft PDR were included in a binder titled, "Community Reference Material", which was delivered to the Chief and/or responsible staff. The binder was delivered to all communities who had been identified for any and all NextEra Ontario wind projects, including, of course, Goshen. An updated PDR was delivered on November 2, 2011. Copies of the cover letters for this delivery are included in Appendix I.

3.1.5 Hold First Public Meeting

The first of a number of public meetings for Goshen was held on June 29, 2010.

Additional public meetings were held December 8, 2011, May 29, 2012 and May 30, 2012 (see section 3.1.11. below).

3.1.6 Integrate Comments

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

General comments 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, as well as 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 10, 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 Goshen began as early as 2008, and specifically for Goshen with delivery of the Community Reference materials binders in June 2010.

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 10, 2012 in both hard copy and CD versions. The reports were delivered to the Chief, or Métis President, with copies to the

responsible staff person, or persons. The following reports and other notices were included with the October 12, 2012 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
- Shadow Flicker Report
- Report 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)

More than two open houses (public meetings, or "PM") were held for the Project.

1. PM 1 was held June 29, 2010, as described in section 3.1.5.
2. PM 2 was held on December 8, 2011. It was considered a "first" open house in the Municipality of Huron East. Notices were delivered on November 2, 2011
3. PM 3 and 4 were held on May 29 and 30, 2012 respectively. These open houses were held in respect of the transmission line route for the Project. Notice was delivered to communities on April 23, 2012.
4. The final open houses were held on January 9 and 10, 2013. Notices for these open houses were delivered to communities on October 10, 2012.

No attendees identified themselves as Aboriginal community members or representatives at 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 Goshen 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 Goshen.

Table 3.1.1 Summary of REA Notification Compliance for Goshen

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: August 10, 2010 Receipt: April 8, 2011	<p>May have constitutionally protected rights:</p> <p>"Chippewas of Kettle and Stony Point, Kettle Point 44 Chippewas of the Thames First Nation, Chippewas of the Thames 42 Aamjiwnaang First Nation, Sarnia 45 Bkejwanong Territory, Walpole Island First Nation, Walpole Island 46 Oneida Nation of the Thames, Oneida 41 Historic Saugeen Métis"</p> <p>May be interested in negative environmental effects: "Munsee-Delaware First Nations, Munsee Delaware Nation 1 Delaware Nation Moravian of the Thames"</p>	Via letter from Ministry of the Environment

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	<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 style="padding-left: 40px;">Chippewas of Kettle and Stony Point First Nation Chippewas of Aamjiwnaang First Nation Chippewas of the Thames First Nation Walpole Island First Nation Oneida Nation of the Thames Munsee-Delaware First Nation Moravian of the Thames Delaware First Nation Historic Saugeen Métis</p> <p>Additional communities who expressed interest in the Goshen Project and that were included in delivery and distribution of notices and reports were:</p> <p style="padding-left: 40px;">Oneida Council of Chiefs (as a traditional council within the Haudenosaunee Confederacy Chiefs Council), c/o Haudenosaunee Development Institute</p> <p style="padding-left: 40px;">Six Nations of the Grand River (referred to as Six Nations Elected Council)</p> <p style="padding-left: 40px;">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 June 29, 2010 ("PM1"), December 8, 2011 ("PM 2"), and May 29 and May 30, 2012 ("PM3" and "PM4"). The Final open houses (Final PM) were held January 9 and 10, 2013 ("PM5" and "PM6").</p> <p>PM1 and PM2 are considered the "First Public Meetings" for the REA process while PM3 and PM4 were held to provide an update on the proposed changes regarding a transmission line for the Project. Lastly, PM5 and PM6 are considered the "Final Public Meetings" for the REA Process.</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>			
	<p>Notice of Proposal and Notice of June 29, 2010 PM1</p>	<p><u>Exeter Times Advocate</u> (May 26 and June 2, 2010)</p> <p><u>Lakeshore Advocate</u> (June 2 and 23, 2010)</p> <p><u>London Free Press</u> (May 28)</p>	<p>These publications were in general circulation in the vicinity of the Project.</p>	<p>Newspaper</p>

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
		and June 23, 2010) <u>Goderich Signal-Star</u> (June 2 and 23, 2010)		
	Notice of December 8, 2011 PM2	<u>Turtle Island News</u> (November 2 and 30, 2011)	All communities. Notice in <u>Turtle Island News</u> was published <u>in addition to</u> 5 newspapers in general circulation in the vicinity of the Project.	Publication
	Notice of May 29 and May 30, 2012 PM3 and PM4	Turtle Island News (April 25 and May 23, 2012)	All communities. Notice in <u>Turtle Island News</u> was published <u>in addition to</u> 5 newspapers in general circulation in the vicinity of the Project.	Publication
	Notice of were held January 9 and 10, 2012 PM5 and PM6 (i.e. Final PMs)	Turtle Island News (December 12, 2012 and January 2, 2013)	All communities. Notice in <u>Turtle Island News</u> was published <u>in addition to</u> 4 newspapers in general circulation in the vicinity of the Project.	Publication
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>A total of 6 PMs were held for the Goshen Project, as follows:</p> <ol style="list-style-type: none"> PM 1 was held June 29, 2010. PM 2 was held on December 8, 2011. It was considered a "first" open house in the Municipality of Huron East. PM 3 and 4 were held on May 29 and 30, 2012 respectively. These open houses were held in respect of the transmission line route for the Project. The final open houses (PM 5 and 6) were held on January 9 and 10, 2013. <p>The dates of distribution of these notices was:</p>			
	Notice of Proposal/June 29, 2010 PM1	May 26, 2010	Chippewas of Kettle and Stony Point First Nation Chippewas of the Thames First Nation Aamjiwnaang First Nation Bkejwanong Territory (Walpole Island First Nation) Oneida Nation of the Thames Munsee-Delaware Nation Delaware Nation Council (Moravian of the Thames)	Notice (only) delivered via Canada Post. No covering letters.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
			Southern First Nations Secretariat (Note: The Director's List had not been issued at this time.)	
	Notice of December 8, 2011 PM 2	November 2, 2011	All Communities	Written correspondence delivered via courier. See Appendix I for covering letters.
	Notice of May 29 and May 30, 2012 PM3 and PM4	April 23, 2012	All communities	Written correspondence delivered via courier. See Appendix I for covering letters.
	Notice of January 9 and 10, 2012 PM5 and PM6 2012 Final PMs	October 10, 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)	Make paper copies of draft PDR available at least 30 prior to PM1. Distribute draft PDR at least 30 days prior to PM1. (note this requirement was an Amendment to O. Reg. 359/09 which came into force after PM1)	Original draft PDR was delivered as part of Community Reference materials in June, July, September and October 2010. Updated PDR was delivered November 2, 2011.	All Communities.	Paper copy of updated PDR transmitted by written correspondence delivered via courier. See Appendix I for November 2, 2011 covering letters.
16.(5)(c)	Make paper copies of draft Project REA (Table 1) reports available at least 60 days before Final PM.	October 10, 2012	All Communities	One paper copy and 2 CD copies transmitted by written correspondence and delivered via courier. See Appendix I for covering letters
16.(5)(d), 16.(6)	Distribute drafts of REA (Table 1) reports. Draft Project REA Table 1 Reports distributed on October 10, 2010 were: <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 			

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
	Assessment Report <ul style="list-style-type: none"> • Water Assessment and Water Body Report • Heritage Assessment Report • Stage 1 and 2 Archaeological Assessment Report • Shadow Flicker Report • Report Summaries 			
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.	See 16.(2)(c) and (d), above. See 16.5(d), 16.(6). Above		
17.(1)4.	Make a written request for information relevant to REA.			
17.(1.1)(a)	Make the s. 17.(1)4 written request before making documents under 16.(5) available.			
17.(2)(a)	Communicate with each community about any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
17.(2)(b)	Communicate with each community about measures for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community.	Has been continuous throughout project planning and is ongoing. Please see section 4.	All communities	See Section 4.
54.1(c) ii	Publish notice of draft site plan in a newspaper published in each Aboriginal Community on the Director's List where it is reasonable to do so.		N/A	Publication
54.1(c) and (v)	Give copies of Notice of Draft Site Plan.	June 29, 2012	All Communities	Paper copy transmitted by correspondence delivered via courier. See Appendix I for covering letters.

O/Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
54.1(d)	Make paper copies of Draft Site Plan available and distribute within 5 days of publishing Notice.	June 29, 2012	All Communities	Paper copy transmitted by 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 sent representative to this conference out of over twenty invitations offered, and two attended the conference; one being from a “Goshen community”.
2. NextEra has offered to make presentations about its projects to Aboriginal leadership and communities and has done so whenever invited. This includes presentations to leadership, committees of council and attendance at community events. These actions are detailed in the individual consultation summaries in Section 4, below.
3. NextEra has established a practice of circulating an “Archaeological Communiqué” to all Aboriginal communities with interests in its projects; two communiqués have been issued to date (Fall 2011 and Spring 2012). These communiqué describe 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 a fully independent First Nations archeology monitors for the Project. The monitor, Brandy George of Brandy George Cultural Research Inc. is a licensed Ontario archaeologist and First Nations person. The monitor's mandate is to liaise with interested Aboriginal communities to obtain any relevant information for potential locations of cultural and spiritual importance, and to monitor and report on the activities of the consulting archaeologist's field crews. Her reports are available to all First Nations communities, and are specifically provided to Oneida Council of Chiefs, Kettle & Stony Point First Nation, Aamjiwnaang First Nation and Walpole Island First Nation. To date, the independent monitor has raised no concerns and has been satisfied with the consulting archaeologist's fieldwork.
5. NextEra also offers to host field orientation meetings at the outset of archaeological fieldwork. The field orientation meetings were a suggestion from one of the Project Aboriginal communities. 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, they will continue to be offered as part of the regular Archaeological Communiqué summaries issued periodically, before the start of fieldwork. To date, only one community has accepted an invitation.
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 Goshen draft Project Description Report. One update to the binder has been circulated, which

included the “Goshen Project: Wind Energy News” newsletter to provide current project status. Please see Section 4 for dates of delivery to individual communities.

7. NextEra distributed project summary tables in the Fall 2011 with information on project locations, nameplate capacities, number of turbines, and current status of fieldwork. To assist Aboriginal community staff with planning for report reviews and related consultation activities an additional summary table was distributed in Spring 2012 with key milestone dates and lists of the Project REA Table 1 Reports to be produced. Copies of both these summaries are found in Appendix D.
8. In order to be proactive at all stages of REA development, there has been, and continues to be ongoing personal, telephone and e-mail contact with staff in Aboriginal communities. The number, scope and frequency of these ongoing efforts are illustrated by the Chronologies of Communication reproduced in Appendix H. These Chronologies represent the broader effort of communication, information sharing and engagement across all NextEra FIT projects. *Project-specific summaries have been extracted in a narrative for each community in Section 4 that outline the process, discussion and issues, which are specific to Goshen.*
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. One outreach meeting and presentation was held through the Southern First Nations Secretariat meeting of Economic Development Officers on October 12, 2012.
10. The draft text of the community summaries in Section 4 of this report was forwarded to most Aboriginal communities for comment and to ensure that this report adequately reflects any project-related comments received.

4. Community-Specific Aboriginal Consultation For Goshen

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

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

4.1 Chippewas of Aamjiwnaang

Communications and information sharing with Chippewas of Aamjiwnaang First Nation (“Aamjiwnaang”) began in 2008 for the Goshen project. Please see Appendix H.1 for a complete chronology of all communications concerning the five projects of interest to Aamjiwnaang, including Goshen.

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

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

NextEra’s first “Community Reference Materials” binder was delivered to Aamjiwnaang at a meeting with Aamjiwnaang staff on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Goshen, a Project Description Report for Goshen and general industry and

company information. The binder was updated and delivered to Aamjiwnaang staff November 10, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

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

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

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

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

Aamjiwnaang Question/Issue	Response Provided
Are the NHAs an ongoing process or all finished (question posed in relation to Ravenswood project,	The process required under Ontario Regulation 359/09 (510-10) ("REA") is for NHA reports to be

Aamjiwnaang Question/Issue	Response Provided
which is not a NextEra development).	submitted, plus a construction and operations report. This will include post-construction monitoring for a three-year period to validate predicted impacts and effectiveness of mitigation.
Do turbines affect earthworms?	Not aware of such information from operating wind farms, but a study by Epsilon may help address this question. The study was forwarded to Aamjiwnaang after the meeting.
How do local (non-Aboriginal) communities feel about wind farms?	Based on polls completed by industry, the majority of people support renewable energy. There is a very vocal minority who oppose them. The Kent Breeze wind farm approval was appealed to the Environmental Review Tribunal, and the appeal was turned down. NextEra sent location information on Kent Breeze so that Committee members could visit the site.

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

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

copy in Appendix J.1). While not sent directly to NextEra, it is understood that the comments are intended as Aamjiwnaang's general response to wind proposals in their Traditional Territory. NextEra and its environmental consultants completed a review of the concerns statement, and have prepared responses as a basis for discussion. A copy is enclosed as a Table of Concordance and is included in Appendix G.1. NextEra will confirm with Aamjiwnaang if it wishes to meet separately to discuss the concerns statement and NextEra's responses, or to meet and discuss it as part of a Joint Assessment Committee, in which Aamjiwnaang is participating. This initiative is described below.

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

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

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

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

In addition to a third party review of three draft Project REA Table 1 Reports for three projects (including Goshen), NextEra agreed to capacity funding for the reviewer to explore broader issues in the form of an Issue Report, applicable to all five to the NextEra projects of interest to JAC communities. The terms of reference for the Issues Report was as follows:

2. The scope of work for the Issues Report shall be :
 - i. Overview of natural systems in enveloping counties - Joint First Nations Wildlife Habitat Corridor:
 - Review Big Picture Project from the *Carolinian Canada Coalition*, the Natural Heritage System (NHS) from *Federation of Ontario Nature*; NHS and planning documents in various counties (Lambton, Middlesex and Huron Counties).
 - Mapping these NHS features for relevant sections of Lambton, Middlesex and Huron Counties
 - Mapping of wind turbines existing in above identified area as well as adjacent lands in southwester Ontario Region (including counties noted above, as well as Essex, Kent and Bruce for greater perspective).
 - Combining map layers (NHS and Wind Turbines) and interpretation - cumulative picture of wind turbine farms and NHS in the manner similar to that recommended by *Natural Heritage Systems: Connecting the Green Dots*
 - ii. Potential for natural habitat enhancements such as:

- Corridors, habitat improvements and First Nations community involvement
- iii. Potential for First Nations involvement in monitoring programs, such as:
- Monitoring through bird banding and/or radar studies
- iv. Pollinator Issues
- What are the unanswered questions among communities concerning pollinators and wind development?

In other words, the JAC consultant would produce two draft reports. One would be a technical review of the draft REA Table 1 reports for three projects (including Goshen). The second would be an Issues Report, applicable to all five of the projects the JAC communities had in common.

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

The third party reviewer's draft REA Review report and Issues List report were received November 11, 2012 and an initial meeting to begin a dialogue about the reports took place with JAC and their reviewer on December 10, 2012 at Aamjiwnaang First Nation. A follow-up meeting is planned after receipt of revised draft reports in January 2013, after which time they will be finalized.

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

As more fully explained in section 1.5, however, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Aamjiwnaang First Nation, or significant negative environmental effects will result from approval of the Project. Consultation with Aamjiwnaang is ongoing. NextEra will continue to work with Aamjiwnaang using the results of the JAC review process to inform Aamjiwnaang's specific community consultation process, and directly with Aamjiwnaang as set out in their Consultation Protocol. All results from the JAC process and Aamjiwnaang Consultation Protocol process will be fully

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

4.2 Chippewas of Kettle and Stony Point

Communications and information sharing with Chippewas of Kettle and Stony Point First Nation (“Kettle and Stony Point”) began in 2008 for the Goshen project. Please see Appendix H.2 for a complete chronology of all communications concerning the five projects of interest to Kettle and Stony, including Goshen.

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

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

The June 7, 2010 meeting was in direct response to information received from the independent First Nations Archaeological monitor, Brandy George of Brandy George Cultural Research Inc. As a member of Kettle and Stony Point, and in her monitor role reporting to Kettle and Stony Point leadership, Ms. George had been made aware of potential issues of interest to Chief Liz Cloud. On June 7, 2010, NextEra met with Chief Cloud and two Council environment portfolio holders. Through that discussion, it was determined that many of the issues of interest related to an existing wind farm owned by SkyGen, located immediately

adjacent to Kettle and Stony Point community. Other issues were identified, however, that related to this Project and potential impacts to the natural environment. These issues were sent to NextEra's environmental consultants to be considered as part of their preparation of the draft Project REA Table 1 Reports. A "Table of Concordance" describing these issues/questions and cross-referencing them to sections of the relevant reports that address them is set out in Appendix G.1. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

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

A follow-up meeting was arranged with Kettle and Stony's CRO on November 10, 2011 to discuss current public open houses scheduled for various NextEra projects, and make plans for the anticipated release of draft Project REA Table 1 Reports in 2012. The updated copy of the Community Reference Materials binder was also delivered at that meeting. The CRO explained that Kettle and Stony Point had developed a draft Consultation and Accommodation Protocol, but it was not available for external distribution at that time. The possibility was discussed of Kettle and Stony Point taking part in a joint review of NextEra projects where its interests were coincident with Chippewas of Aamjiwnaang and Walpole Island First Nations, and the CRO was open to such a discussion. All three First Nations are included in Director's Lists for the same five NextEra wind projects, including Goshen.

Copies of the draft REA Table 1 Reports were delivered to Kettle and Stony Point on May 4, 2012 (See letter in Appendix I.2).

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

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

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

4.3 Chippewas of the Thames

Communications and information sharing with Chippewas of the Thames First Nation (“COTTFN”) began in 2007 for the Goshen project. While many attempts to follow-up and engage with COTTFN have taken place since then for five of NextEra’s Ontario FIT Projects, community capacity limitations have meant that substantive engagement was only able to begin more recently. Please see Appendix H.3 for a complete chronology of all communications concerning the five projects of interest to COTTFN, including Goshen.

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

NextEra's first "Community Reference Materials" binder was delivered to COTTFN on June 7, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Goshen, the Goshen Project Description Report and general industry and company information. The binder was updated and delivered to COTTFN staff October 19, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

NextEra was able to meet directly with COTTFN staff on May 2, 2012, shortly after the formation of a COTTFN consultation team. An overview summary of all NextEra Ontario FIT projects was provided, together with a chart of key milestone dates for planning, such as anticipated delivery times for draft Project REA Table 1 Reports and REA filing targets to help describe the various projects and their status (See Appendix D). The NextEra First Nations and Métis Relationship Policy was also discussed; capacity assistance is one component of that Policy and was also discussed. NextEra had previously sent invitations for COTTFN to consider joining the JAC process that had been developed by Walpole, Aamjiwnaang and Kettle and Stony Point First Nations, called the Joint Assessment Committee, or "JAC". (The JAC is fully described in section 4.1, above.) This suggestion was discussed in more detail at the May 2 meeting. COTTFN staff seemed open to the idea, and agreed to speak with the JAC members. To date, COTTFN has not replied to the invitation to participate in JAC and it seems unlikely they will participate before the process is completed.

COTTFN staff, did however, raise the following issues at the May 2, 2012 meeting.

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

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

On June 6, 2012, NextEra was advised that COTTFN had hired a new Renewable Energy Coordinator to have carriage of this file. NextEra responded the same day, offering to meet and review progress made to date. On July 30, 2012, NextEra spoke with the COTTFN Renewable Energy Coordinator and provided an update on the project. The possibility of COTTFN joining JAC was discussed and an offer to work directly with COTTFN was also offered, including discussing consultation process and capacity funding. No response to that offer has been received yet, and it is NextEra's understanding the Renewable Energy Coordinator role may be temporarily vacant due to lack of funding.

As of the date of this report, COTTFN has not indicated whether or not it may join the JAC process, but NextEra is prepared to meet and develop a COTTFN-specific review process for

Goshen and other NextEra projects in which COTTFN has an interest. All results from the JAC process and/or COTTFN process will be fully considered and where appropriate, will inform and influence the implementation of the Project. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 Reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

4.4 Haudenosaunee Confederacy Chiefs Council

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

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.

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

Communications and information sharing with HCCC began in 2007, primarily aimed at the closest project to the Six Nations community, Summerhaven. Delivery of REA notices and information for Goshen, 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 Goshen, the Goshen Project Description Report 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 capacity, location, timing of development and status. Please see Appendix H.4 for a complete chronology of the communications concerning the projects of potential interest to HCCC, focusing primarily on Goshen.

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 May 4, 2012.

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

4.5 Moravian of the Thames Delaware First Nation

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

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

On February 18, 2010, NextEra made contact with Chief Gregory Peters. Chief Peters stated that so long as there were no impacts to the Thames River, Moravian would have no concerns.

On June 14, 2010, NextEra contacted Chief Gregory Peters by telephone, to seek clarification on Moravian's interests NextEra Ontario FIT projects for which they had been included on Director's Lists, including Goshen. Chief Peters described the Moravian Traditional Territory as being about 58,000 acres, "town line to town line" extending northward into Zone Township and most of Orford Township, south to Highway 3. Zone Township is south of all NextEra Ontario FIT projects.

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

On May 4, 2012, the draft Project REA Table 1 Reports were delivered to Moravian of the Thames. A number of follow-up e-mails and calls were made to confirm whether Moravian had any interests in the Project. In response, NextEra received a letter dated August 8, 2012 from Moravian's Lands and Consultations Manager, explaining, "The information sent regarding the above-mentioned project was reviewed and it was recognized that this project will not require any further consultation with the Moravian of the Thames First Nation." A copy of this letter is enclosed in Appendix J.2. On October 15, 2012 an e-mail was received from Moravian's Lands and Consultations Manager to confirm that they no longer felt a need to receive notices or project information about the current NextEra wind projects, which includes Goshen. A copy of this e-mail is included in Appendix J.3.

4.6 Munsee–Delaware First Nation

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

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

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

At the July 20, 2010 meeting with Chief Waddilove and the First Nation Manager, NextEra requested and was provided with information on issues that would be of concern to Munsee in the development of a wind farm. The issues included specific species, activities and values that would be of importance to Munsee members within their traditional territory. NextEra provided a summary of these issues to its environmental consultant, to be addressed in preparation of the draft REA Table 1 Reports. This information is included in the Munsee-Delaware “Table of Concordance” in Appendix G.3. The table lists the issues, NextEra’s response and a cross-reference to the relevant section in the draft Project REA Table 1 reports.

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

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

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

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

4.7 Oneida Nation of the Thames and Oneida Council of Chiefs

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

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

Oneida staff was provided (hand delivered) with NextEra’s Community Reference materials binder on June 15, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Goshen, as well as general industry and company information. An updated Community Reference Material Binder was delivered to the Oneida Environment Officer on October 19, 2011. It included an updated web site address to obtain Project information and draft Project REA Table 1 reports.

NextEra has worked with Oneida staff and other Oneida leadership to identify a protocol for consultation on Goshen, and on other Ontario projects. Through e-mails and at meetings with Oneida staff and Alfred Day (now Chief Day) of the Oneida Council of Chiefs in 2010, it was originally established that the Oneida Council of Chiefs would take the lead on consultation matters related to the NextEra Bornish project, not Oneida Nation of the Thames. Given that Goshen is west of Bornish (i.e. further away from the Six Nations community where Six Nations Confederacy Council is based), NextEra believed the same protocol and issues would apply to Goshen.

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

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

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

(See copy of letter in Appendix J.4.)

NextEra responded to that letter on June 3, 2010, asking for clarification of which Haudenosaunee communities the Oneida Council of Chiefs would speak for and for which NextEra projects, including Goshen. (See copy in Appendix J.5). No reply was received.

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

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

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

A meeting took place with the Oneida Nation of the Thames elected Chief Joel Abram on August 30, 2012 to discuss the NextEra projects of interest to Oneida. NextEra's understanding is that Oneida elected council is primarily focused on matters of service delivery for the Oneida of the Thames Community, while Oneida Council of Chiefs are concerned with rights and treaty issues. Chief Abram further confirmed that NextEra should continue its practice of providing Project information to leadership with copies to Oneida staff.

E-mail follow-ups, personal meetings and telephone calls have taken place with Oneida staff requesting responses to the Project information and draft Project REA Table 1 Reports that have been delivered. NextEra has offered to discuss capacity assistance for review of Project

information in accordance with its First Nation and Métis Relationship Policy. No response has been received to date for those communications.

No information has been provided from staff or leadership as to any concerns Oneida may have about: potential adverse impacts of the Project to their constitutionally protected Aboriginal or treaty rights; potential negative impacts to the environment; or, any suggestions to mitigate such impacts.

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

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

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

(See copy of letter in Appendix J.4)

The letter was copied to the (then) Ministry of Energy and Infrastructure, Ministry of the Environment and Ministry of Aboriginal Affairs. NextEra responded to that letter on June 3, 2010, asking for clarification of what economic activities the Oneida Council of Chiefs felt would be interfered with (See copy in Appendix J.5). No response was received.

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

NextEra will continue to communicate with Oneida, and with Oneida Council of Chiefs, as with all other communities with potential interests in its projects. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 reports.

Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

4.8 Six Nations of the Grand River Elected Council

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

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

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

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

Wind power projects are considered “special projects” within the SNEC Policy and as a result SNEC follows a process that includes both consultation and accommodation. Since the SNEC Policy was new in 2010, there was some discussion in June of that year as to whether, and how NextEra’s projects would fall under the Policy. In September 2010 SNEC determined that it wished to review available REA reports for the NextEra projects and in November 2010 SNEC was provided with capacity funding they requested to complete

reviews of the four projects, which had been their main focus. This approach has set a template to follow for review of Goshen by SNEC.

NextEra's first "Community Reference Materials" binder was delivered to SNEC on June 4, 2010. The binder was developed as a handy reference guide for Aboriginal community staff. It included a map of all Ontario projects, including Goshen, the Goshen Project Description Report and general industry and company information. An updated Community Reference Material Binder was delivered to SNEC Consultation and Accommodation Process Team ("CAP Team") staff at a meeting on October 17, 2011. Another presentation on all NextEra Ontario FIT Projects was given at that meeting, which detailed current status of each project.

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

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

As more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of the Six Nations of the Grand River, or significant negative environmental effects will result from approval of the Project. NextEra will use good faith efforts to complete the work plan and budget to facilitate SNEC's review and engagement for the Project. Any specific concerns will be addressed with SNEC and mutually acceptable mitigation explored. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, "Next Steps", below.

4.9 Walpole Island First Nation

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

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

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

Communications through correspondence, statutory notices, e-mails, telephone and personal meetings with Walpole leadership and staff have been an ongoing and frequent effort, which reflects that five of Next Era's projects are of interest to them. Primary contact and dialogue has been with staff of the Walpole Heritage Centre, which includes a Renewable Energy Coordinator role. Walpole's former wind energy consultant, and staff from Economic

Development and Employment and Training have also been involved at various times to discuss questions and issues of specific interest to their mandates.

Walpole staff has been consistent in the general issues they raised during discussions with NextEra. These issues are as applicable to Goshen as they are to any projects; whether proposed by NextEra, or other wind developers. These issues were provided to NextEra's environmental consultants to be addressed during the preparation of the draft REA Table 1 Reports. A Table of Concordance detailing these issues, NextEra's response and the corresponding cross-reference in the draft REA Table 1 Reports is included in Appendix G.4. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

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

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

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

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

Walpole has provided a proposed capacity funding budget and work plan to NextEra, to implement the Walpole consultation process for the Project, and for Walpole’s administrative responsibilities for the JAC. In principle, NextEra is in agreement with this proposal, but a specific agreement to formalize it and finalize the budget has not yet been tabled by NextEra. This is anticipated to be done very early in 2013. It is expected that the results of the JAC reviewer’s reports will inform the final scope of the work plan. A copy of Walpole’s Consultation Protocol is included in Appendix F.3.

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

4.10 Historic Saugeen Métis

Communications and information sharing with Historic Saugeen Métis ("HSM") began in 2009. Please see Appendix H.10 for a complete chronology of all communications concerning the projects of potential interest to HSM, including Goshen.

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"). While MNO assert traditional harvest territory in Ontario, it is north of the Goshen project location. Additionally, e-mail correspondence from the Office of the Federal Interlocutor (now the Métis and Non-Status Indian Relations Directorate) placed HSM's traditional territory well north of the Project because HSM had not responded to requests to clarify its traditional territory assertions. 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 it's right to harvest was

given up when it withdrew from Métis Nation of Ontario², it was recognized by the Province of Ontario in the April 8, 2011 Director's List for Goshen 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 the Goshen project 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; contacts and web site addresses; and, a draft copy of the Goshen PDR.

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.5, 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.

In October 2010, 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.5 Table of Concordance. NextEra feels it has now responded to most of the HSM "Goshen 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 consultation process 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.

4.11 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.

4.12 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 Goshen 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 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.

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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.



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NextEra Energy Canada, ULC First Nation and Métis Relationship Policy



PRINCIPLES

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

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

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

PRINCIPLE 1

Forming a Collaborative Working Relationship

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

PRINCIPLE 2

Understanding and Recognition of Rights and Interests

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

PRINCIPLE 3

Understanding and Respecting Cultural Integrity

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

PRINCIPLE 4

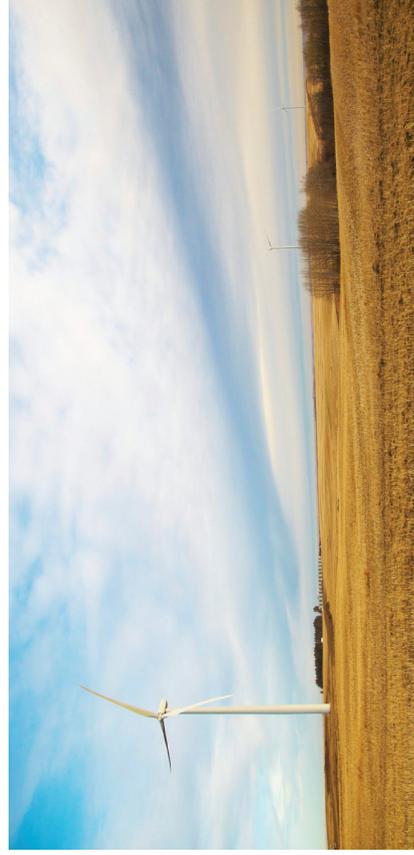
Fulfilling Delegated Consultation and Accommodation Obligations

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

PRINCIPLE 5

Considering a Broader Relationship

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





Appendixes

Appendix B

NextEra Energy Canada, ULC Ontario Project – Archaeological Protocol



NextEra Energy Canada ULC

Ontario Projects - Archaeological Protocol

NextEra Energy Canada ULC (“NEEC”) is pursuing wind energy projects in Ontario. Under the Ontario Renewable Energy Approvals regulation (the “REA”), there is a requirement to undertake archaeological assessments where the project may impact an archaeological resource.

NEEC is also committed to working collaboratively with potentially affected Aboriginal communities to ensure that archaeological and construction work at project sites does not cause avoidable impacts to archaeological resources. In this regard, NEEC will abide by this protocol and will require its archaeological contractors to acknowledge and respect it as part of their contract for services with NEEC, as well as any additional process agreed to between NEEC and those communities.

NEEC invites comments on this protocol from affected Aboriginal communities and will update and amend it as required for relevance and effectiveness.

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

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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:

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Contact us at:

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5500 North Service Road

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Telephone: (905) 335-4904

Facsimile: (905) 335-5731



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(f) 905-335-5731**



NextEra Energy Canada - Community Reference Materials

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Who is NextEra Energy Canada?

Information from NextEra Energy Canada:

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

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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
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Telephone: (905) 335-4904
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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
Blewater	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
<p>Conestogo</p>	<p>Archaeological Consultant: Archaeological Services Inc. Contact: Andrew Riddle E-Mail: ariddle@iasi.to</p>	<p>Early spring once ploughing and soil weathering is complete.</p>
	<p>Independent Monitor, Saugeen Ojibway Nations Environment Office: Individual to be confirmed through SON EO</p>	
	<p>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.</p> <p>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.</p>	

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

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

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

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

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

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

Field Briefings

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

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

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

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

Contact Information

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

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

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

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



Appendixes

Appendix F Aboriginal Community Consultation Protocols



Appendixes

Appendix F.1 Aamjiwnaang First Nation

Consultation Protocol—Aamjiwnaang

1. Preamble

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

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

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

2. Guiding Principles:

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

- a. The Guidelines listed in this document are the minimum requirements for consultation and accommodation and are the expectations of Aamjiwnaang with respect to consultation and accommodation.
- b. Aamjiwnaang has inherent treaty rights and aboriginal rights as well as a traditional territory and must be consulted with on any project that will or might have an impact on these rights.
- c. All parties must recognize that the duty to consult and accommodate with Aamjiwnaang rests with the Crown (Federal and Provincial Governments) and that all authority for decision-making and approvals will remain on a government-to-government basis.
- d. All proponents must commit to satisfying all environmental regulations and to seek best practice solutions and to use best available technology as regards any environmental concerns on any project within Aamjiwnaang's traditional territory. Aamjiwnaang must be made aware of any real or potential risks to health and safety, and every measure should be provided to avoid impacting the health of the Aamjiwnaang people.
- e. Proponents, the Crown, and the First Nation will approach meetings in good faith, with respect, and with a desire to be flexible and seek a fair agreement for all parties.
- f. Proponents, in their desire to complete projects in a reasonable time frame, should seek to satisfy all relevant federal and provincial guidelines and legislation for the project.
- g. Consultations and negotiations should be held with full disclosure that includes, but should not be limited to, detailed project reports, details about regulations and fees that relate to the property or development in question, and any information given also to the Crown to satisfy regulatory measures.
- h. All consultation and negotiation should be free of all coercion (including financial and time constraints), and should begin as soon as possible to ensure First Nations are included before irreversible decisions are made.
- i. That all parties recognize that consultation is an on-going process that spans the life of a project through construction, operation, and decommissioning. Therefore, any agreements resulting from this process should allow for the possibility of renegotiation if the circumstances surrounding the agreement change.
- j. Decisions should be made by consensus wherever possible. There must be a willingness to provide accommodation for the reasonable concerns of Aamjiwnaang before the project proceeds.

- k. Nothing in this document shall offer any justification for taking away or superseding treaty and/or aboriginal rights within the meaning of Section 25 and 35 of the Constitution Act, 1982 or the duty to consult and accommodate.
- l. Nothing in this document shall be considered an endorsement by Aamjiwnaang of any current legislation, regulations, policies, procedures, or practices of the Crown or proponents in Aamjiwnaang's traditional territory where Aamjiwnaang has no meaningful role in their development or administration, or do not reflect the reconciliation of the relationship between the Crown and Aamjiwnaang.
- m. Nothing in this protocol implies consent or approval of any past, existing, new, or ongoing activities within Aamjiwnaang's traditional territory.

3. Definitions:

Aamjiwnaang First Nation: Means the aboriginal people within the meaning of section 35 of the Constitution Act, 1982, which is a First Nation, and a Band pursuant to the Indian Act. The First Nation is formerly known as the Chippewas of Sarnia. The First Nation's reserve is located near Sarnia, Ontario and is un-ceded land.

Aamjiwnaang Rights (Aboriginal Rights): Aamjiwnaang members have Aboriginal rights within the meaning of Section 25 and 35 of the Constitution Act, 1982 which are collective and not individual. The rights belong to the community and arise from presence, occupation and practice on the land prior to European contact. These rights continue to exist unless modified or extinguished by treaty.

Aamjiwnaang Title (Aboriginal Title): is a common law property interest in land. Aboriginal title arises from occupation of Canada by Aboriginal peoples prior to the *Royal Proclamation of 1763*. Aboriginal title is a collective right to land held by all members of an Aboriginal nation.

Accommodation: An amicable agreement achieved by consultation between two or more parties to deal with concerns and to avoid irreparable harm or to minimize the effects of infringement by seeking compromise in an attempt to harmonize any conflicting interests.

Activity: Any legislation, regulation, policy, procedure, plan, tenure, grant, license, permit, restriction, amendment, approval, authorization, transfer, transaction, operation, or other activity, which may have an impact on Aamjiwnaang's Aboriginal Title or other Aboriginal Rights.

Consultation: A deliberation, in good faith, on a matter involving two or more parties having concern for the consideration of a First Nation's wishes in planning and acting; with a mutual goal of arriving at an agreeable decision prior to any undertaking by any party.

Crown: Her Majesty in right of Canada and Her Majesty in right of Ontario and their respective governments and agencies.

Information: Refers to materials that can be disclosed in accordance with applicable law

Impact: Any adverse effect that any activity may cause to the Environment within Aamjiwnaang's traditional territory or the health of Aamjiwnaang or any of its members or any Aamjiwnaang right.

Proponent: A person, including corporations, which may include the Crown, who proposes a project to be implemented that may affect Aamjiwnaang interests.

Reserve: Refers to the un-ceded land near Sarnia, ON that was set aside under Treaty 27 ½ and 29 for the Sarnia band, now known as Aamjiwnaang First Nation and formerly known as the Chippewas of Sarnia.

Traditional Territory: The Traditional Territory of Aamjiwnaang is not confined to its reserve boundaries, but rather to the area of past occupation and land use. For this purposes of this consultation protocol, the Traditional territory of the Aamjiwnaang First Nation stretches along the shores of Lake Huron, north to Goderich, east to Stratford and south to Point Pelee.

4. Consultation principles

The Crown must initiate consultation at the earliest stage in the decision-making process before decisions are made that infringe on Aamjiwnaang title or rights, and without Aamjiwnaang first having to raise questions about the proposed activity. Consultation must occur at all stages of any proposed activity that potentially impact on asserted or recognized rights of Aamjiwnaang, including legal or policy changes, strategic planning, scientific or technical decision making, operational decisions, environmental assessments, impact assessments, approvals which may lead to a permit, license, lease, or change in land status, and any amendment to any such decisions.

The consultation process, while involving non-crown proponents, shall have an ongoing government-to-government relationship based on the recognition and affirmation of the aboriginal and treaty rights and aboriginal title of the people of Aamjiwnaang. The concerns, interests, and ideas of Aamjiwnaang must be integrated into the decisions or developments that impact their territory, rights, or title.

Consultation with Aamjiwnaang must be separate and distinct from consultation with other interest groups.

The Crown or its designate shall provide all necessary financial or other resources required by Aamjiwnaang in order to effectively participate in all aspects of the consultation.

All discussions must be undertaken in good faith, and all alternative options must be available, including a “no-activity” option if the impacts of the decision or development are expected to cause undue infringement on Aamjiwnaang’s rights, title, or people.

Aamjiwnaang must be prioritized in any strategic level decisions, before operational decisions are undertaken. Resources and time must be provided to Aamjiwnaang in order to conduct the necessary studies or reviews to better understand the potential impacts or infringements that may occur as the result of an activity.

5. Anticipated Outcomes:

It is the desired hope that all consultations will result in fair and mutually beneficial meetings that are conducted in good faith, without prejudice, and designed to incorporate Aamjiwnaang into the decision making process. It is further expected that the Crown and Proponents must accommodate and/or mitigate any activity that may infringe on Aamjiwnaang’s Aboriginal title, rights, or interests.

Common types of Accommodation include, but are not limited to:

- Modification of the project, including scope, scale, or technology changes
- Employment
- Joint Ventures
- Co-management of resources
- Joint land use planning
- Training
- Limiting resource extraction and harvesting
- Conservation measures
- Hunting access
- Environmental protections and ongoing monitoring
- Alternate land arrangements
- Relocation
- Alternative food source compensation
- Equity in companies
- Preferential contracts for services
- Community-use buildings
- Financial compensation
- Compensatory damages for past infringements or impacts