

Walpole Question/Issue	Response Provided
<p>Does the wind industry and/or Ministry of the Environment anticipate there will be cumulative effects from development of multiple wind farms?</p>	<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>
<p>How will an Aboriginal community be better off, after development of a wind farm, than before?</p>	<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
<p>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>	<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 Bornish, 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 Kettle and Stony Point First Nation summary in section 4.1, above, which is applicable to this Walpole consultation summary.

As of the date of writing this report, the third party reviewer’s work on the REA Review report and Issues List report had begun but was not yet available. It is anticipated that the both reports will form the basis of a meeting (or meetings) and further dialogue between the three JAC First Nations and NextEra that will focus on the issues raised and potential solutions, including (if necessary) appropriate mitigation and accommodations.

NextEra is also awaiting receipt of information from Walpole 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. 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 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.

4.11 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 Bornish 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 MNR or MOE) 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 wind developers 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 of this conclusion.

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.

LIST OF APPENDICES

	<u>Appendix</u>
NextEra Energy Canada, ULC First Nations and Métis Relationship Policy	A
NextEra Energy Canada, ULC Ontario Project – Archaeological Protocol	B
Community Reference Materials Binder Index	C
List of Projects and Milestone Dates provided to Aboriginal Communities	D
NextEra Energy Canada, ULC Archaeology Communiqué, Spring 2012	E
Aboriginal Community Consultation Protocols	F
Aamjiwnaang First Nation	F.1
Six Nations Elected Council	F.2
Walpole Island First Nation	F.3
Tables of Concordance	G
Kettle and Stony Point First Nation	G.1
Munsee-Delaware First Nation	G.2
Walpole Island First Nation	G.3
Chronologies of Contacts with Aboriginal Communities	H
Aamjiwnaang First Nation	H.1
Kettle and Stony Point First Nation	H.2
Chippewas of the Thames First Nation	H.3
Haudenosaunee Confederacy Chiefs Council	H.4
Munsee-Delaware First Nation	H.5
Oneida Nation of the Thames	H.6.1

Appendix

Oneida Council of Chiefs	H.6.2
Six Nations of the Grand River Elected Council	H.7
Walpole Island First Nation	H.8
Letters Evidencing Deliveries “Pre” and “Post” Ontario Regulation 359/09	I
January 29, 2008: Notice of Open Houses and Notice of Commencement	I.1
May 26, 2008: Notice of Commencement (Walpole Island)	I.1.1
October 26, 2009: Notice of Project Update Open House (“second” Open House #1) and Initial Draft Reports	I.2
January 25, 2010: Section 17 Request #1	I.3
November 2, 2011: Transmission Line Route Change and Draft PDR	I.4
December 21, 2011: Notice of Site Plan and Copy of Site Plan	I.5
May 7, 2012: Delivery of updated draft Project REA Table 1 Reports and s. 17 Request #2	I.6
Other Correspondence	
Aamjiwnaang to NextEra, February 24, 2010	J.1
Oneida Council of Chiefs to NextEra, March 3, 2010	J.2
NextEra reply to Oneida Council of Chiefs, June 3, 2010	J.3
E-Mails from Oneida Nation of the Thames, October 19 and November 25, 2011	J.4



Appendix

LIST OF APPENDICES

	<u>Appendix</u>
NextEra Energy Canada, ULC First Nations and Métis Relationship Policy	A
NextEra Energy Canada, ULC Ontario Project – Archaeological Protocol	B
Community Reference Materials Binder Index	C
List of Projects and Milestone Dates provided to Aboriginal Communities	D
NextEra Energy Canada, ULC Archaeology Communiqué, Spring 2012	E
Aboriginal Community Consultation Protocols	F
Aamjiwnaang First Nation	F.1
Six Nations Elected Council	F.2
Walpole Island First Nation	F.3
Tables of Concordance	G
Kettle and Stony Point First Nation	G.1
Munsee-Delaware First Nation	G.2
Walpole Island First Nation	G.3
Chronologies of Contacts with Aboriginal Communities	H
Aamjiwnaang First Nation	H.1
Kettle and Stony Point First Nation	H.3
Chippewas of the Thames First Nation	H.3
Haudenosaunee Confederacy Chiefs Council	H.4
Munsee-Delaware First Nation	H.5



Appendix

Oneida Nation of the Thames	H.6.1
Oneida Council of Chiefs	H.6.2
Six Nations of the Grand River Elected Council	H.7
Walpole Island First Nation	H.8
Letters Evidencing Deliveries Pursuant to Ontario Regulation 359/09	I
January 29, 2008: Notice of Commencement and First (Pre-REA) Open House	I.1
May 26, 2008: Notice of commencement (Walpole)	I.1.1
October 26, 2009: Notice of “second” Open House #1 and Initial Draft Reports	I.2
January 25, 2010: Section 17 Request #1	I.3
November 2, 2011: Transmission Line Route Change and Draft PDR	1.4
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E-Mails from Oneida Nation of the Thames, October 19 and November 25, 2011	J.4



Appendix

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

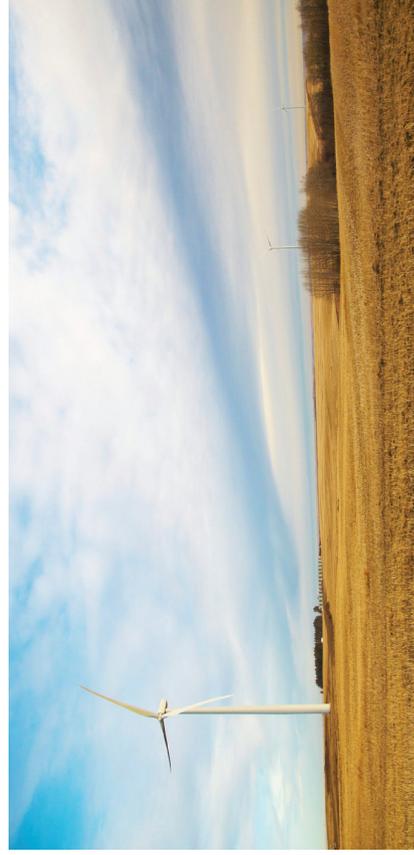
Fulfilling Delegated Consultation and Accommodation Obligations

- » 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





Appendix

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



Appendix

Appendix C
Community Reference Materials Binder Index



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:

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