

Appendix C

Aboriginal Consultation

ABORIGINAL (FIRST NATION AND MÉTIS) CONSULTATION REPORT

FOR:

PROPOSED BLUEWATER WIND ENERGY CENTRE

Varna Wind Inc.

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

Report Updated as of June 26, 2012

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Executive Summary

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

The Aboriginal Consultation Report describes NextEra’s consultation program in detail. It includes evidence of compliance with the notice requirements under the Regulation; information-sharing that has taken place with First Nation and Métis communities; and, the activities undertaken by NextEra to cooperatively review the Bluewater project with those communities.

NextEra Energy Canada, ULC has been communicating with Aboriginal communities about its Ontario FIT projects since 2007. A Director’s List of Aboriginal communities to be consulted for Bluewater was requested on August 6, 2010 and received on April 8, 2011. The list included eight Aboriginal governments (i.e. communities). Through inquiries made by NextEra, four additional communities have been included in Project consultation activities. Section 2 of the Aboriginal Consultation Report identifies all communities consulted with for the Project.

Section 3 of this Aboriginal Consultation Report describes both the consultation activities required under the Regulation, and additional activities undertaken by NextEra. Delivery of the required information and notices are summarized in Table 3.1.1. All required notices and information have been delivered, in compliance with the REA. Beyond those requirements, NextEra has made additional information and opportunities for dialogue about both the

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

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

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

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

1. Context

Development on the Bluewater Wind Energy Centre began in 2006 by Canadian Green Power. In 2007, NextEra and Canadian Green Power began working together. This wind energy project is expected to have a maximum generating capacity of up to 60 megawatts. The wind farm will be located in Bluewater Township, with electrical interconnection extending into Huron East. At the maximum generating capacity, this wind project will produce enough energy for approximately 15,000 homes in Ontario. Bluewater has been awarded a Feed-in-Tariff contract by the Ontario Power Authority and is presently seeking a Renewable Energy Approval.

1.1 Description of Project

Varna Wind Inc. is proposing to construct a wind energy centre project in the Municipalities of Bluewater and Huron East in Huron County, Ontario. The project will be referred to as the Bluewater Wind Energy Centre (the “Project” or “Bluewater”) and will be located on private lands east of Highway 21 in the vicinity of the shoreline of Lake Huron (see location map, below).

The Project will be owned and operated by Varna Wind Inc. (“Varna”), a subsidiary of NextEra Energy Canada, ULC (“NextEra”). NextEra’s parent company is NextEra Energy Resources, LLC, a global leader in wind energy generation with a current operating portfolio of over 85 wind energy projects in North America.

The Project is located in Huron County, within the Municipalities of Bluewater and Huron East. 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). The Wind Energy Centre Study Area is generally bounded by Blackbush/Bronson Line to the west, Mill Road to the north, Concession V Road to the east, and Danceland Road/Staffa Road to the south, in the Municipality of Bluewater. The

Transmission Line Study Area is located to the east of the Wind Energy Centre Study Area, and is generally bounded by Concession 5 Road to the west, Mill Road to the north, Huron Road and Perth 183 Road to the east, and Staffa Road to the south, extending into the Municipality of Huron East.

The Project components will be located over approximately 2,400 hectares (5,900 acres) of privately owned farmland, although the physical footprint of the project infrastructure is much smaller, at approximately 25 hectares (62 acres) (typically about 0.6 ha or 1.5 acres per turbine). Some overhead electrical lines are expected to be located in municipal right-of-ways. The electrical substation will be located on privately owned lands with lease arrangements. The major components of the Project are proposed to be:

- Up to 41 1.6 MW GE model wind turbine generator locations and pad mounted step-up transformers are proposed for permitting (a maximum of 37 turbines will ultimately be constructed);
- Laydown and storage areas (including temporary staging areas, crane pads and turnaround areas surrounding each wind turbine);
- Approximately 52 km of 34.5 kV underground electrical collection lines to connect the turbines to the proposed transformer substation;
- Approximately 24 km of 115 kV transmission line proposed along Centennial Road and Hensall Road from the proposed transformer substation to the existing Hydro One Seaforth Transformer Station;
- Approximately 40 km of turbine access roads; and,
- An operations and maintenance building.

Additional details are available in the Project Description Report.

Bluewater Project Location Map:

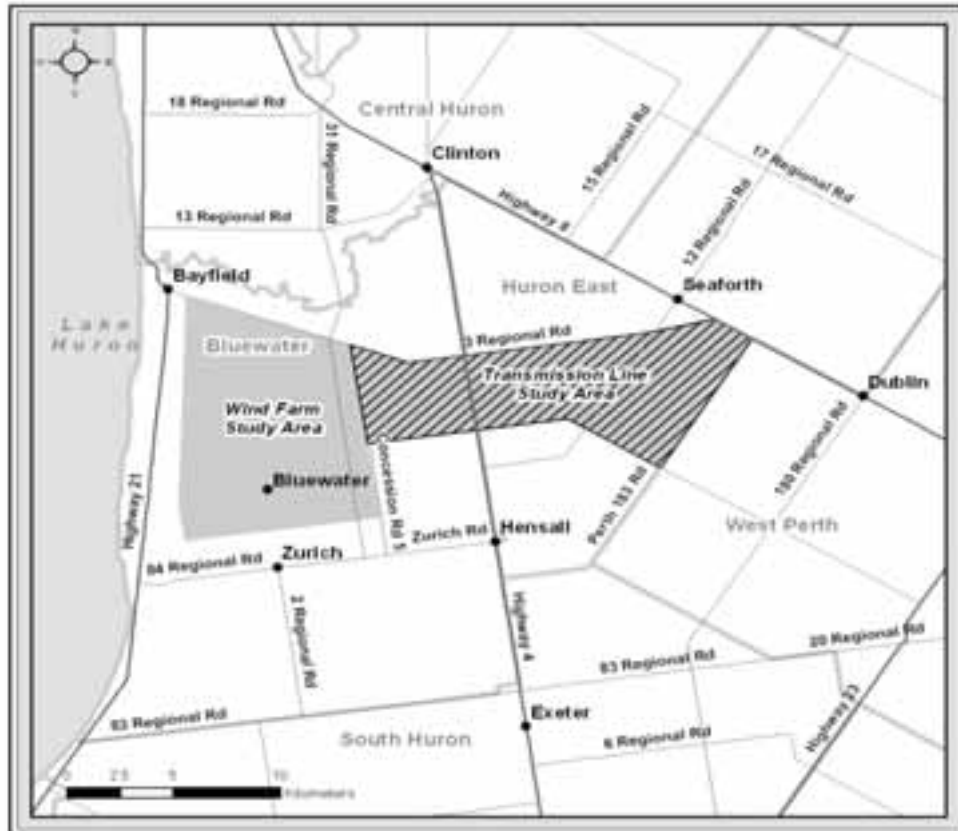
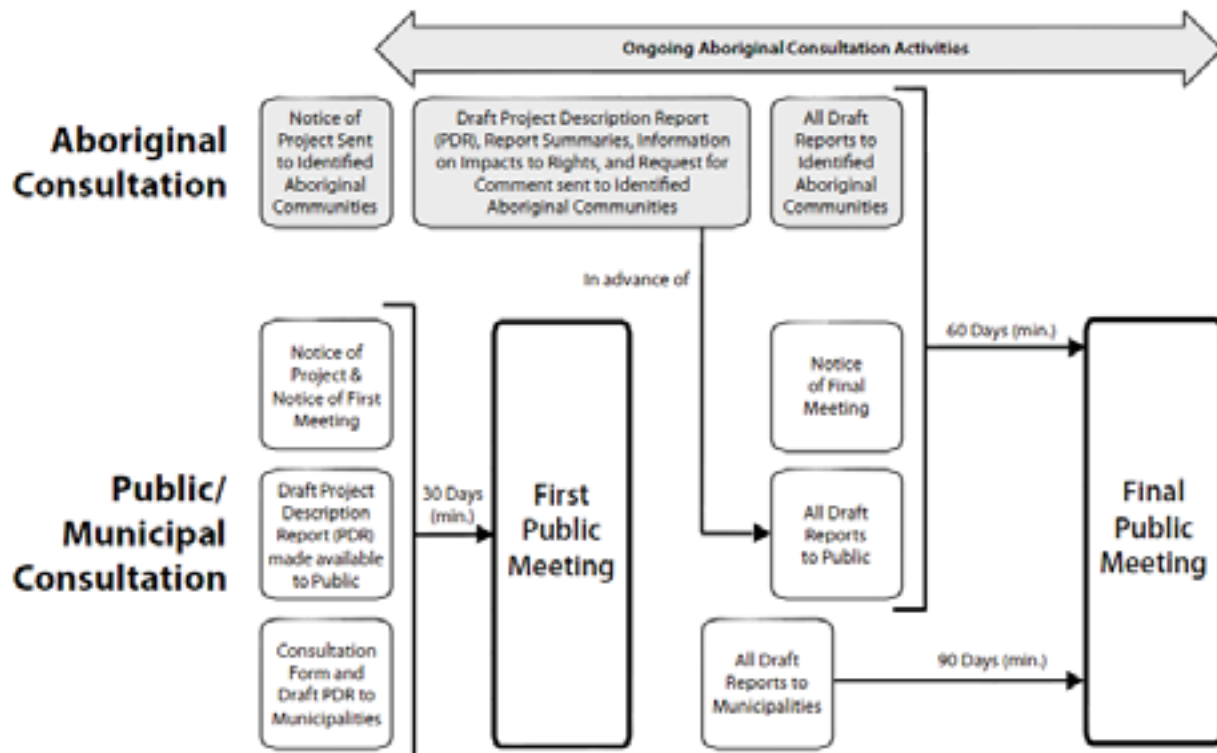


Figure 1.2.1: Aboriginal Consultation



Source: Technical Guide to Renewable Energy Approvals, Ministry of Environment, 2011 Figure 6

The proponent’s responsibility under the REA and FIT Contract is therefore to: seek to establish a process of information-sharing and dialogue with Aboriginal communities who may be affected by its Project; learn about Aboriginal values (rights, interests and way of life) that are relevant to the Project; and, seek mutually acceptable solutions that are within the proponent’s control, ability or authority to avoid or mitigate negative impacts.

1.3 NextEra’s Approach to Aboriginal Consultation

This section describes the general approach NextEra follows in carrying out Aboriginal consultation and the resources it is providing to Aboriginal communities support that process.

NextEra's approach to procedural consultation with interested First Nation and Métis communities is guided by a NextEra Energy Canada, ULC "First Nation and Métis Relationship Policy" ("NextEra's Policy"). NextEra's Policy is based on five key principles:

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

A copy of NextEra's Policy is enclosed in Appendix A.

NextEra has also developed an "Ontario Projects - Archeological Protocol" document that seeks to establish a respectful and collaborative approach to project archaeology, with clear lines of communications and protocols to address significant finds. An external archaeological consultant reviewed the Protocol to ensure consistency with the Ministry of Tourism and Culture's 2011 "Standards and Guidelines for Consulting Archaeologists". It has also been circulated to interested Aboriginal communities for their review and comment. No specific comments have been received.

A copy of NextEra's 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 for the eight NextEra wind energy projects with FIT Contracts, including Bluewater. Thirteen of those communities (see Section 2.1) were directly consulted about Bluewater, and this process will continue with them throughout the Project's life cycle.

In addition to the requisite information delivered pursuant to Ontario Regulation 359/09, each community has received 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 general information is meant to build an information foundation, on which more meaningful Project-specific consultations can be developed, and is comprised of:

1. A NextEra "Community Reference Materials" binder, with general industry, technology, mapping, web site, project summary and contact information. This binder has received compliments from community staff. A copy of the index from the most recent binder update is enclosed in Appendix C.
2. A NextEra general project location map (also in binder), which is reproduced below as Map 2.1.1.
3. A list of NextEra southern Ontario FIT projects, with key milestone dates to assist with planning consultation activities. The list is updated for any significant changes. A copy of the most recently updated list is enclosed in Appendix D.
4. An "Archaeological Communiqué", which describes: planned fieldwork; the responsible archaeologist; names of First Nation and independent monitors (where applicable); and, NextEra contact information. The communiqué is issued twice a year. A copy of the most recent communiqué is enclosed as Appendix E.
5. General community newsletters. A copy of the Bluewater "Wind Energy News" newsletters can be found in Appendix A of the Bluewater Public Consultation Report.

This multi-project experience helps NextEra increase its understanding of Aboriginal-related practices and potential issues. It also provides a good opportunity for communities to learn about wind energy generally, and the various NextEra projects specifically. As information is shared both by NextEra and the communities, the collective knowledge base grows and forms a basis for greater understanding and working together. Information that is shared and learned from one project can improve planning and decision-making on others.

NextEra also works with individual Aboriginal governments to discuss and seek agreement on providing them with appropriate capacity resources they may need to effectively participate in the consultation process. This may include independent archaeological monitoring, third party expertise for draft Project REA Table 1 Reports (see list in section 1.5, below), necessary administrative support and/or community meeting costs to review the Project, or projects. The scope of these discussions includes the project planning, construction and post-construction monitoring stages, however, as explained in NextEra's First Nation and Métis Relationship Policy, the company is open to discussing broader relationships.

1.4 Aboriginal Protocols

NextEra has regard to all consultation protocols and policies that are issued by Aboriginal governments with interests in a NextEra project. All communities being consulted for this Project with such protocols and policies are identified in the individual community consultation narratives in Section 4.0, below, and copies have been included in Appendix F.

1.5 Aboriginal Consultation Links to Natural Heritage and Archaeology REA Components

Over the course of development of the Project REA, First Nations and Métis communities have been provided with information and outcomes of specific studies related to the key

areas of natural and cultural environment. The draft reports and other documents (collectively, “the Project REA Table 1 Reports”) provided to Aboriginal communities were:

- Project Description Report and update.
- Natural Heritage Assessment Report (and corresponding sign-off letter from Ministry of Natural Resources).
- Stage 1 and 2 Archaeological Assessment Reports and Heritage Assessment Report.
- Construction Plan Report (and corresponding sign-off letters from Ministry of Tourism, Culture and Sport).
- Design and Operations Report (including Noise Assessment Report).
- Decommissioning Plan Report.
- Water Assessment and Water Body Report.
- Wind Turbine Specification Report.
- “Plain language” summaries of REA reports.
- Shadow Flicker Report.
- Turbine Visualizations.
- Project location mapping, including study area location relative to reserves, claims and First Nation traditional territory/Métis traditional harvest territory.

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

(A) Natural Environment

Any Project activities that directly or indirectly have a negative impact on species, habitat or ecosystems that are used for food, ceremonial or social purposes that are integral to an Aboriginal right would be of immediate concern. NextEra received information from some communities about species or habitats of importance to those communities (“Aboriginal values”). Preparation of the Project REA Table 1 Reports took these values into consideration and is discussed for the applicable communities in Section 4, below, with cross-reference to the applicable Project REA Table 1 Report in Appendix G.

The overall conclusion of the Natural Heritage Assessment Report and the Water

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

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

(B) Cultural

NextEra has completed Stage 1 and 2 archaeological studies for the Project. The Stage 2 assessment resulted in the identification of 25 archaeological sites, including seven historic Euro-Canadian and 18 pre-contact Aboriginal. Of those, four historic Euro-Canadian sites were recommended for a Stage 3 assessment prior to ground disturbance to document any artifacts that may be present. NextEra will continue to work with Aboriginal communities regarding potential archaeological concerns through monitoring during construction, as explained in Section 6 “Next Steps”, below

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

(C) Land

A strength of claims analysis was completed by outside legal counsel in order to: (a) confirm the completeness of the Directors' List; and (b) fully understand the existing treaties and claims within the Project area, and guide NextEra's consultation program. The strength of claim analysis involved consideration of the Huron Tract Treaty of 1827; and (b) the Nanfan Treaty of 1701. The former was entered into with Chippewa bands in the region, and took a number of years before ultimate signing in 1827. Since then, there have been a number of discrepancies and disputes associated with the Huron Tract Treaty (and its companion Longwoods Treaty). NextEra has considered these treaty rights in its consultation efforts with the Chippewas of the Thames, the Chippewas of Kettle and Stony Point, the Chippewas of Aamjiwnaang, and Walpole Island First Nation (all of which are identified on the Bluewater Director's List (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 Bluewater Project on species that migrate across private and public lands.

NextEra does not believe that the Project will not result in significant impacts to any species that may be hunted pursuant to the Nanfan Treaty or Huron Tract Treaty (see also "(A) Natural Environment" above). Consequently, NextEra submits that the Project will not impact on any existing or asserted treaty rights.

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 on July 26 and updated August 6, 2010 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
Chippewas of Kettle and Stony Point Kettle Point 44	Identified as may have constitutionally protected Aboriginal or treaty rights.
Chippewas of the Thames First Nation Chippewas of the Thames 42	Identified as may have constitutionally protected Aboriginal or treaty rights.
Aamjiwnaang First Nation Sarnia 45	Identified as may have constitutionally protected Aboriginal or treaty rights.
Bkejwanong Territory Walpole Island First Nation Walpole Island 46	Identified as may have constitutionally protected Aboriginal or treaty rights.
Oneida Nation of the Thames Oneida 41	Identified as may have constitutionally protected Aboriginal or treaty rights.

Director's List	Notes
Historic Saugeen Métis	Identified as may have constitutionally protected Aboriginal or treaty rights.
Munsee-Delaware First Nation Munsee-Delaware Nation 1	Identified as may have interests in potential negative environmental effects.
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.

MAP 2.1.1 Aboriginal Communities and NextEra Ontario FIT Projects

Map 2.1.1 shows the location of southern Ontario First Nations in relation to the Project location, and to NextEra's other eight Ontario FIT projects. Available information for traditional territory areas are shown, as well as the approximate area of assertion for the 1701 Nanfan Treaty.



2.2 Additional Communities Consulted

NextEra determined that additional Aboriginal communities expressed interests in the Project. In some cases, the interest was based on proximity of the Project to a traditional territory, or traditional Métis harvest territory. In other cases, the Project is located in an area where treaty rights are asserted, 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
Chippewas of Saugeen First Nation Chippewas of Nawash Unceded First Nation Collectively referred to as the Saugeen Ojibway Nations (“SON”)	SON asserts a traditional territory that extends to a point just north of the Project (see Map 2.1.1). Given the proximity of SON’s traditional territory to the Project location, and the possibility for impacts to be connected by pathways (migratory routes, for example), NextEra has engaged with SON to consult about this aspect of the Project, as well as archaeological matters.
Métis Nation of Ontario (“MNO”)	MNO asserts the Georgian Bay Traditional Harvest Territory (“GBTHT”), which lies somewhere north of the Project (see Map 2.2.1). Given the proximity of MNO’s GBTHT to the Project location, and the possibility for impacts to be connected by pathways (migratory pathways, for example), NextEra has engaged with MNO to consult about this aspect of the Project.

Additional Communities Consulted	Rationale
Haudenosaunee Confederacy Chiefs Council (HCCC)	HCCC assert a treaty right to harvest within the 1701 Nanfan Treaty area (see Map 2.2.2), 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 2.2.2). NextEra engaged with SNEC to consult about potential impacts to the natural environment.

MAP 2.2.1 Métis Nation of Ontario Traditional Harvest Territories of Southwestern Ontario

Map 2.2 describes approximate boundaries of Métis Nation of Ontario Traditional Harvest Territories located in southwestern Ontario. Consultation protocol committees, as of 2010, are also indicated. The Project location and study area are not located in a Traditional Métis Nation of Ontario Harvest Territory, but is proximate (north of) to the Georgian Bay Traditional Harvest Territory.



Map Source: Métis Nation of Ontario Annual Report, 2009-2010

MAP 2.2.2 1701 Nanfan Treaty Beaver Hunting Grounds

Map 2.2.2 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 asserted rights or interests pursuant to the Nanfan Treaty were added for consultation purposes.



3. Consultation Activities Applicable to All Aboriginal Communities

Since the start of the REA process, a variety of consultation activities have taken place to communicate with local and interested Aboriginal communities and to seek input, as required under O.Reg. 359/09.

3.1 Description of Activities

This section gives an overview of the required consultation activities undertaken to ensure local and interested Aboriginal communities were made aware of and kept informed of Project activities and had the opportunity to provide comments, questions and concerns regarding the Project. For a detailed list of compliance activities required under O. Reg. 359/09, methods of consulting, dates and communities involved, please see Table 3.1.1, below.

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 1 st 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

3.1.1 Preparation of draft PDR

A draft PDR was prepared for the Project, as per Ontario Regulation 359/09, and submitted to the Director of Renewable Energy Approvals July 26, 2010 and updated August 6, 2010.

3.1.2 Obtain Director's List

The Director's List of Aboriginal communities for the Project was requested on August 6, 2010 as per s.14 (1)(b). The list was received via letter dated April 8, 2011.

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

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

The first open house notice was distributed May 26, 2010 to all Aboriginal communities NextEra had identified with a right or interest related to the Project. Note that the Director's list had not been received at this time. Notices were also published in newspapers as described in section 3.1.15, below.

An additional public open house #1 was held on December 2011. Notice of this open house was circulated through written correspondence dated November 2, 2011 to all Aboriginal communities on the Director's list, as well as the additional communities identified by NextEra (Tables 2.1.1 and 2.2.1, above).

Project Notices were also placed in local newspapers that serve communities within the Project study area. In addition, notices were published in the *Turtle Island News*, which is broadly circulated and accessible on-line in the Aboriginal communities associated with this Project. No other appropriately scheduled and published community newspapers were available. Although many of the communities distribute community newsletters locally they were not compliant with the requirements of Ontario Regulation 359/09, due to circulation frequency, coverage or method. Similarly, the *Métis Voyageur* could not be utilized due to its publication schedule.

3.1.4 Distribute Draft PDR to Communities

The draft PDR was distributed initially as part of the NextEra "Community Reference Materials" binder, delivered to Aboriginal communities in June, July, September and October 2010 as part of a series of meetings and contacts with community consultation staff. Delivery dates are noted in the individual community summaries in section 4, below. The updated PDR was distributed through written correspondence dated November 2, 2011 to all communities on the Director's list, as well as the additional communities identified above (Tables 2.1.1 and 2.2.1, above).

3.1.5 Hold First Public Meeting

The first public meeting for the Project was held at the Bluewater Community Centre on June 28, 2010. A second (“first”) public open house #1 was held on December 2011. No attendees identified themselves as Aboriginal community leadership or representatives.

3.1.6 Integrate Comments

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

General comments received from Aboriginal communities were provided to NextEra’s environmental consultants to consider in preparing the draft REA Table 1 Reports. These general issues are described for each community that provided them, in Section 4, and in the Tables of Concordance in Appendix G.

One community, Historic Saugeen Métis, submitted a written list of questions concerning the Project draft PDR, which is described below in Section 4.6. Their questions primarily related to REA reports which were yet to be developed and would be addressed as part of that process.

3.1.7 Circulate Report Summaries

Project REA Table 1 Report summaries, or “plain language summaries”, were prepared and delivered with the complete set of draft Project REA Table 1 reports (see 3.1.9, below).

3.1.8 Discuss and Work with Communities

The process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. NextEra is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. Please see the Project-specific description of consultation activities in Section 4.0, below.

3.1.9 Draft REA Reports and Report Summaries

As per O. Reg. 359/09 S.16 (5) (c and d), the draft Project REA Table 1 Reports were sent to each Aboriginal community on the Project distribution list (i.e. the Director's List plus the additional communities identified by NextEra) on March 15, 2012 in both hard copy and CD versions.

Each community was requested to provide views related to:

- Anticipated adverse impacts the Project may have on constitutionally protected Aboriginal or treaty rights;
- Other concerns about potential negative impacts to the environment they anticipated, and;
- Any suggestions for mitigating impacts they identified.

Written comments or feedback regarding the draft REA Table 1 Reports was requested, so that it could be considered during the planning stages of the Project and for inclusion in the REA application. NextEra also offered to meet with communities regarding the REA reports, so that any comments, concerns or issues could be conveyed and reflected in the REA, if not addressed directly with those communities.

3.1.10 Discuss and Work with Communities

The process of discussing the Project and working with Aboriginal communities began far in advance of delivering the requisite notices and reports, continued through the period of open houses and report deliveries, and is ongoing. NextEra is working with multiple Aboriginal communities, and for multiple projects that are of interest to them. This has resulted in regular, ongoing communications aimed at finding common ground and deeper understanding of all parties' interests. NextEra is addressing, or has addressed requests for capacity assistance to help Aboriginal communities review and provide informed comment on the draft Project REA Table 1 Reports.

Please see the Project-specific description of consultation activities in Section 4.0, below.

3.1.11 Hold Final Open House(s)

This notice was distributed through written correspondence dated April 11, 2012 to all communities on the Director's list, as well as the additional communities identified. Notices were also published in newspapers as described in section 3.1.15, below.

The Open Houses were held on June 13 and 14, 2012. Two open houses were held to cover the two affected municipalities. No attendees identified themselves as Aboriginal community members or representatives.

3.1.12 Integrate Comments

Comments received from the public at the Open Houses, and through ongoing communications were addressed and integrated as part of the REA process. Furthermore, NextEra has provided copies of the draft text from section 4 below, to the relevant Aboriginal community for their review and comment. As of the date of writing this report, no responses have been received on this report's text.

3.1.13 Prepare REA Application

This consultation report has been prepared as part of the Project REA application, and reflects the consultation work completed to date.

3.1.14 Submit REA Application and Notify Communities

NextEra has an established practice of notifying interested Aboriginal communities upon filing its REA applications, upon receipt of the “application complete” status from the Ministry of Environment, and upon receipt of the Ministry Environment posting of its REA decision. These letters will be sent to all Aboriginal communities on the Director’s List for the Project and the additional communities NextEra identified, to notify them that the Project’s REA has been filed.

The following Table summarizes NextEra’s compliance with Ontario Regulation 359/09 notice and information requirements for Aboriginal consultation

Table 3.1.1 Summary of REA Notification Compliance

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

O.Reg. 359/09 Section	Action Required	Date Completed	Aboriginal Community	Method
14	Request Director’s List	Requested August 10, 2010 (with submission of updated PDR) Received April 8, 2011	Communities Identified: Chippewas of Kettle and Stony Point Chippewas of the Thames First Nation Aamjiwnaang First Nation Bkejwanong Territory Walpole Island First Nation Oneida Nation of the Thames Historic Saugeen Métis Munsee-Delaware First Nation Delaware Nation Moravian of the Thames	Via letter from Ministry of the Environment
15.3	Public Notices in Aboriginal Community Newspaper(s)	The date of the first Public Meeting (PM1) was June 28, 2010 in the Municipality of Bluewater (Zurich) and December 7,		

O Re 0000 Section	Action Re quired	Date Co pleted	A ori ina Co unit	Met od
		2011 in the Municipality of Huron East (Seaforth). Note: The final public meetings were held on June 13 and 14 in the Municipality of Huron East (Seaforth) and the Municipality of Bluewater (Varna).		
	Notice of Proposal	December 21, 2011		Turtle Island News
	First Public Meeting – Municipality of Bluewater	November 2 and 30, 2011		Turtle Island News
	First Public Meeting – Municipality of Huron East	November 2 and 30, 2011		Turtle Island News
	Final Public Meeting - Municipality of Huron East	April 11 and June 6, 2012		Turtle Island News
	Final Public Meeting – Municipality of Bluewater	April 11 and June 6, 2012		Turtle Island News
15.5.ii	De li er Notices to all Aboriginal Communities			
	Notice of Proposal/Public Meeting #1 – Municipality of Bluewater	May 26, 2010	Chippewas of Kettle and Stony Point Chippewas of the Thames First Nation Aamjiwnaang First Nation Bkejwanong Territory Walpole Island First Nation Oneida Nation of the Thames Munsee-Delaware First Nation Delaware Nation Moravian of the Thames (Note: The Director's List had not been issued at this time.)	Notice (only) delivered via Canada Post. No covering letters.
	Public Meeting #1 – Municipality of Huron East	November 2, 2011	Chippewas of Kettle and Stony Point Chippewas of the Thames First Nation Aamjiwnaang First Nation Bkejwanong Territory Walpole Island First Nation Oneida Nation of the Thames Historic Saugeen Métis Munsee-Delaware First Nation Delaware Nation Moravian of the Thames Chippewas of Saugeen First Nation Métis Nation of Ontario (“MNO”) Haudenosaunee Confederacy Chiefs Council Oneida Council of Chiefs Six Nations of the Grand River Elected Council (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.)	Written correspondence delivered via courier. See Appendix I.1 for covering letters

O Re 0000 Section	Action Required	Date Completed	Aboriginal Community	Method
	Public Meeting #2 – Municipality of Bluewater and Huron East	April 11, 2012	All communities	Written correspondence delivered via courier. See Appendix I.4 for covering letters
16(1)	Hold at least two public meetings.	<p>The date of the first Public Meeting (PM1) was June 28, 2010 in the Municipality of Bluewater (Zurich) and December 7, 2011 in the Municipality of Huron East (Seaforth).</p> <p>Note: The final public meetings were held on June 13 and 14 in the Municipality of Huron East (Seaforth) and the Municipality of Bluewater (Varna).</p>	No Aboriginal community members of representatives identified themselves as such at the two public meetings.	
16.(2)(c)(d)	Make paper copies of draft PDR available at least 30 days prior to PM1. Distribute draft PDR at least 30 days prior to 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.1 for covering letters
16(1)	Hold at least two public meetings.	The date of the second Public Meeting (PM2) was June 13, 2012 (Seaforth) and June 14, 2012 (Varna).	No Aboriginal community members of representatives identified themselves as such at the two public meetings.	
16.(5)(c)	Make paper copies of draft REA (Table 1) reports available at least 60 days before PM2.	March 15, 2012	All communities.	One paper copy and 2 CD copies transmitted by written correspondence and delivered via courier. See Appendix I.3 for covering letters
16.(5)(d), 16.(6)	Distribute drafts of REA (Table 1) reports. Reports distributed were: <ul style="list-style-type: none"> • Natural Heritage Assessment • Water Body and Water Assessment • Heritage Assessment • Stage 1 and 2 Archaeological Assessment • Project Description • Construction Plan 	March 15, 2012	All communities.	One paper copy and 2 CD copies transmitted by written correspondence and delivered via courier. See Appendix I.3 for covering letters

Objectives Section	Action Required	Date Completed	Aboriginal Community	Method
	<ul style="list-style-type: none"> Design and Operations Decommissioning Plan Plain Language Report Summaries 			
	Sign-off Letters from: Ministry of Natural Resources Ministry of Tourism, Culture and Sport	April 12, 2012	All communities.	One paper copy and one CD copy transmitted by written correspondence and delivered via courier. See Appendix I.4 for covering letters.
	Other Reports: <ul style="list-style-type: none"> Shadow Flicker Turbine Visualizations Updated Reports: <ul style="list-style-type: none"> Natural Heritage Assessment Cultural Heritage Assessment Stage 2 Archaeology Assessment 	April 12, 2012	All communities.	One paper copy and one CD copy transmitted by written correspondence and delivered via courier. See Appendix I.4 for covering letters.
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 adverse impacts had been identified or were anticipated, other than those identified in the draft Project REA Table 1 Reports, including the plain language summaries, all of which were delivered to Aboriginal communities.	
17.(1)3.i.	Distribute a summary of all draft REA (Table 1) reports.	March 15, 2012.	All communities.	One paper copy and 2 CD copies transmitted by written correspondence and delivered via courier. See Appendix I.3 for covering letters.
17.(1)4.	Make a written request for information relevant to REA.	March 15, 2012.	All communities.	Written correspondence delivered via courier. See Appendix I.3 for covering letters.
17.(1.1)(a)	Make the s. 17.(1)4 written request before making documents under 16.(5) available.	See 16.(5) and 17.(1)4, above.		
17.(2)(a)	Communicate with each community about any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted	2007 to present and will continue in a manner and frequency as may be agreed to with each Aboriginal community.		See Aboriginal Consultation report, sections 3 and 4.
17.(2)(b)	Communicate with each community about measures	2007 to present and will continue in a		See Aboriginal Consultation report,

Ontario Regulation Section	Action Required	Date Completed	Aboriginal Community	Method
	for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community	manner and frequency as may be agreed to with each Aboriginal community		sections 3 and 4.
54.1(c) and (v)	Give copies of Notice of Draft Site Plan	December 19, 2011	All communities.	Paper copy transmitted by written correspondence delivered via courier. See Appendix I.2 for covering letters.
54.1(d) and (e)	Make copies of Draft Site Plan available and distribute	December 19, 2011	All communities.	Paper copy transmitted by written correspondence delivered via courier. See Appendix I.2 for covering letters.

3.2 Additional Consultation Activities

In order to foster informed ongoing dialogue and engagement about the Project, and other NextEra projects, NextEra also carried out a number of additional Aboriginal consultation-related activities (i.e. beyond those considered in Ontario Regulation 359/09) with all Aboriginal communities noted in Section 2 of this report, as follows:

1. In May 2010, NextEra offered to host leadership from all Ontario Aboriginal communities with potential interests in NextEra Projects, at the CanWEA seminar, titled “Building the Wind Energy Supply Chain in Canada”, held on June 9-10, 2010 in Toronto. The purpose was to offer broader information about the wind energy industry that would be of potential interest beyond procedural consultation under the REA and have a chance to meet in person. Three communities sent representative to this seminar out of over twenty invitations offered, and two attended the conference.
2. NextEra has offered to make presentations about its projects to Aboriginal leadership and communities and has done so whenever invited. This includes presentations to leadership, committees of council and attendance at community events. These actions are detailed in the individual consultation summaries in Section 4, below.

3. NextEra has established a practice of circulating an “Archaeological Communiqué” to all Aboriginal communities with interests in its projects; two communiqués have been issued to date (Fall 2011 and Spring 2012). The communiqué describes planned field work, its timing, the consulting archaeologist and contact information for more information, and for the appropriate NextEra representatives.
4. NextEra has also provided capacity funding for a fully independent First Nations archeology monitor 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 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. They are meant to be an opportunity for community staff and leadership to meet the consulting archaeologist on site, discuss the proposed work and review contact information for NextEra’s, “Ontario Projects - Archaeological Protocol”. While only one community has responded to these invitations to date, they will continue to be offered as part of the regular Archaeological Communiqué summaries issued twice yearly, prior to the start of fieldwork.
6. NextEra has prepared and delivered a “Community Reference Materials” binder containing: general wind industry and technology information; project location mapping; additional information sources; relevant project information, such as newsletters; and, NextEra contact information. The binder is meant to provide a quick reference for staff or for community members. The initial binder included the

Bluewater draft Project Description Report. One update to the Binder has been circulated, which included the “Bluewater 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 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 Bluewater.
9. NextEra is developing initiatives that seek to establish broader relationships with Aboriginal communities, including: an “opportunities outreach” program to provide information on wind energy and company opportunities in employment and procurement; and, a scholarship program.
10. The draft text of the community summaries in Section 4 of this report was forwarded to individual Aboriginal communities for comment and to ensure that this report adequately reflects any project-related comments received.

4. Community-Specific Aboriginal Consultation

This section builds on the description of required and additional consultation activities in Section 3.0 that are applicable to all communities. It describes the process and results of consultation for each individual community in a narrative format, with specific reference to this Project.

The purpose of Aboriginal engagement as it relates to the Project is to engage interested and local Aboriginal communities in a way that is meaningful and respectful of their Aboriginal and treaty rights and interests in the Project area.

As can be seen from the following sections of this report, the degree of consultation and engagement with Aboriginal communities varies. Although a consistent effort has been made to engage them, not each and every community has responded with the same degree of interest. While NextEra does offer to assist where capacity is needed to enable meaningful participation, each community responds according to the community's own priorities. A wind farm proposal may be only one of any number of issues, events or other matters which community leadership and staff are addressing.

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

- i. Appendix H Chronologies of communication with each community.
- ii. Appendix I Copies of covering letters accompanying information required to be delivered 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 summary description of efforts made, the results achieved and the plans going forward. Updates to these summaries will be provided as meaningful

developments take place, and/or as requested by Ministry of the Environment to assist it in evaluating the Project REA.

4.1 Chippewas of Kettle and Stony Point

Communications and information sharing with Chippewas of Kettle and Stony Point First Nation ("Kettle and Stony Point") began in 2007 for the Bluewater project. Please see Appendix H.1 for a complete chronology of all communications concerning the five projects of interest to Kettle and Stony, including Bluewater.

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

The Bluewater project was specifically identified in NextEra's first "Community Reference Materials" binder, which was developed as a handy reference guide for Aboriginal community staff. The binder included the draft Bluewater Project Description report as well as map of all Ontario projects 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 11, 2011. It included the NextEra Spring 2011 "Bluewater, Goshen, Jericho Wind Energy News" and 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" cross-referencing the issues/questions to sections of the relevant reports addressing these questions and issues 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 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 Bluewater.

A joint meeting with staff from Kettle and Stony, Aamjiwnaang First Nation and Walpole Island First Nation took place on January 12, 2012 to further explore the possibility of a joint technical review of the draft Project REA Table 1 Reports. There was agreement in principle

to that idea and options for retaining third party reviewers and capacity funding were discussed. The review would include all five projects (namely Adelaide, Bornish, 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 (the “JAC”) to facilitate review of the five NextEra.

Copies of the draft REA Table 1 Reports were delivered to Kettle and Stony Point on March 15, 2012

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

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

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

Work on the REA Review report and Issues List report have begun but were not yet available as of the writing of this report. It is anticipated that the both reports will form the basis of a meeting and further dialogue between the three First Nations and NextEra that will focus on the issues raised and potential solutions, including (if necessary) appropriate mitigation and accommodations.

As of the writing of this report, an offer has been made to negotiate capacity funding budgets that will facilitate completion of Kettle and Stony Point's Consultation process (as well as the other two First Nations' processes).

As more fully explained in section 1.5, above, 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.

4.2 Chippewas of the Thames

Communications and information sharing with Chippewas of the Thames First Nation ("COTTFN") began in 2007 for the Bluewater 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.6 for a complete chronology of all communications concerning the five projects of interest to COTTFN, including Bluewater.

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

The Bluewater project was first specifically identified to COTTFN in NextEra's first "Community Reference Materials" binder. The binder was developed as a handy reference guide for Aboriginal community staff. The binder included the draft Bluewater Project Description report as well as map of all Ontario projects and general industry and company information. This information was delivered to COTTFN staff on June 15, 2010. The binder was updated and delivered to COTTFN staff October 19, 2011. It included the NextEra Spring 2011 "Bluewater, Goshen, Jericho Wind Energy News" and 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 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 REA Table 1 Reports and REA filing targets. The NextEra First Nations and Métis Relationship Policy was also discussed; capacity assistance is one component of that Policy. NextEra had previously sent invitations for COTTFN to consider joining the joint review 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. NextEra is very supportive of COTTFN joining the JAC.

COTTFN staff raised the following issues at the May 2, 2012 meeting.

COTTFN 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>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>
<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.</p>	<p>NextEra understands and respects COTTFN's community priorities and will cooperate to provide information about the Project in ways that meet COTTFN's needs.</p>
<p>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.</p>	<p>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.</p>

As of the date of this report, NextEra is awaiting COTTFN decision whether to join the JAC process, but is also prepared to meet and develop a COTTFN-specific review process for the Bluewater and other projects in which COTTFN has an interest. 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, but as of writing this report, no reply has been received.

NextEra will continue to work with COTTFN, whether through the JAC review process to inform COTTFN's consultation process, and/or directly with them to follow through on their process. 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.

4.3 Chippewas of Aamjiwnaang

Communications and information sharing with Chippewas of Aamjiwnaang First Nation (“Aamjiwnaang”) began in 2007 for the Bluewater project. Please see Appendix A.7 for a complete chronology of all communications concerning the five projects of interest to Aamjiwnaang, including Bluewater.

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

Aamjiwnaang was one of the first Aboriginal communities to work with NextEra to complete a third party review of project REA reports. That review was for the Bornish Wind Energy Centre. It is mentioned here because it was a successful experience and contributed both to Aamjiwnaang’s understanding of the Project, and to NextEra’s understanding of Aamjiwnaang perspectives. Unfortunately, changes in the Bornish project layout took place after the review, and the REA reports had to be redone. But the experience was invaluable and has helped to lay the groundwork for the Bluewater project consultation and the JAC process described in Section 4.1.

The Bluewater project was specifically identified to Aamjiwnaang in NextEra’s first “Community Reference Materials” binder. The binder was developed as a handy reference guide for Aboriginal community staff. It included the draft Bluewater Project Description report as well as map of all Ontario projects and general industry and company information. This information was delivered at a meeting with Aamjiwnaang staff on June 15, 2010. The binder was updated and delivered to Aamjiwnaang staff November 10, 2011. It included the NextEra Spring 2011 “Bluewater, Goshen, Jericho Wind Energy News” and web site address to obtain Project information and draft Project REA Table 1 reports.

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

At the June 15th meeting, Aamjiwnaang staff put forward the idea of hosting an archaeology fieldwork orientation meeting, prior to 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.

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 Bluewater. The current schedule and the purpose and process for the draft Project REA Table 1 reports were explained. The following questions and responses were covered in the ensuing discussion:

Aamjiwnaang Question/Issue	Response Provided
Are the NHAs an ongoing process or all finished (question posed in relation to Ravenswood project, which is not a NextEra development).	The process required under Ontario Regulation 359/09 (510-10) (“REA”) is for NHA reports to be submitted, plus a construction and operations report. This will include post-construction monitoring for a three-year period to validate predicted impacts and effectiveness of mitigation.
Do turbines affect earthworms?	Not aware of such information from operating wind farms, but a study by Epsilon may help address this question. The study was forwarded to Aamjiwnaang after the meeting.
How do local (non-Aboriginal) communities feel about wind farms?	Based on polls completed by industry, the majority of people support renewable energy. There is a very vocal minority who oppose them. The Kent Breeze wind farm approval was appealed to the Environmental Review Tribunal, and the appeal was turned down. NextEra sent location information on Kent Breeze so that Committee members could visit the site.

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

On August 10, 2010, NextEra received Aamjiwnaang's Consultation and Accommodation Protocol, and an updated copy is included in Appendix F.1. In addition to describing important values and principles to guide consultation, and the roles of all parties, the Protocol set clear expectations for provision of relevant information and capacity to inform and support the steps in the consultation process. Developing plans to meet this goal has therefore been the focus on consultation efforts prior to and since the delivery of the draft Project REA Table 1 reports on March 15, 2012.

Aamjiwnaang is participating in the First Nations Joint Assessment Committee ("JAC") with Walpole Island and Kettle and Stony Point First Nations. As of the date of writing this report, NextEra is awaiting receipt of the reports from the JAC process and information from Aamjiwnaang to develop a work plan and budget to implement their consultation process for the Project.

As more fully explained in section 1.5, 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 Consultation Protocol, and directly with Aamjiwnaang 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.

4.4 Walpole Island First Nation

Communications and information sharing with Walpole Island First Nation (“Walpole”) began in 2007 for the Bluewater project. Please see Appendix G.3 for a complete chronology of all communications concerning the five projects of interest to Walpole, including Bluewater.

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

The Bluewater project was specifically identified to Walpole in NextEra’s first “Community Reference Materials” binder developed as a handy reference guide for Aboriginal community staff. The binder included the draft Bluewater Project Description report as well as map of all Ontario projects and general industry and company information. This information was delivered at a meeting with Walpole Heritage Centre and Economic Development Department staff on June 7, 2010. The update included NextEra’s Spring 2011 “Bluewater, Goshen, Jericho Wind Energy News” and 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 Bluewater 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.3.

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
<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.</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 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 Bluewater, 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 writing of this report, the plan is to negotiate capacity funding budgets that will facilitate completion of Walpole’s Consultation process. Ideally this will be in place when the JAC consultant’s review reports are completed. A copy of Walpole’s Consultation Protocol is included in Appendix F.2.

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.

4.5 Oneida Nation of the Thames

Communications and information sharing with Oneida Nation of the Thames ("Oneida") began in 2007 for the Bluewater project. Please see Appendix H.8 for a complete chronology of all communications concerning the projects of potential interest to Oneida, including Bluewater.

All requisite delivery of REA notices and information have 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. An updated Community Reference Material Binder was delivered to staff on October 19, 2011, which included a Bluewater project Wind Energy Newsletter.

NextEra has worked with Oneida staff and leadership to understand the protocol for consultation on Bluewater, 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 established that the Oneida Council of Chiefs would take the lead on consultation matters related to the Bornish and Adelaide projects, not Oneida Nation of the Thames. Oneida Council of Chiefs is also a participant in the Haudenosaunee Development Institute process ("HDI"). HDI have been delegated consultation matters as the staff secretariat to the

Haudenosaunee Confederacy Council of Chiefs. (See section 4.11, below for Haudenosaunee Confederacy Chiefs Council summary.) 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 Bluewater 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.

Although e-mail follow-ups, personal meetings and telephone calls have taken place with Oneida staff requesting clarification or confirmation of Oneida's vs. Oneida Council of Chief's role for Bluewater and the other projects, no response has been received.

E-mail follow-ups, personal meetings and telephone calls have also 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 either.

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.

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 negative environmental effects will result from approval of the Project. NextEra will continue to communicate with Oneida, 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.

4.6 Historic Saugeen Métis

Communications and information sharing with Historic Saugeen Métis (“HSM”) began in 2009. Please see Appendix H.2 for a complete chronology of all communications concerning the projects of potential interest to HSM, including Bluewater.

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 generally north of the Bluewater project location. Additionally, recent correspondence from the Office of the federal Interlocutor placed HSM’s traditional territory well north of the Project. Since HSM’s leaving MNO, however, their traditional territory assertion extends south to the Port Franks area. HSM’s asserted traditional harvest territory was recognized by the Province of Ontario in the April 8, 2011 Director’s List, and as such is a community to be consulted for the Project.

Throughout the period of consultation with HSM, NextEra has included HSM in all general communications to 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 Bluewater 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 Bluewater 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.2, 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 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, and addressed as set out in Appendix G.2 Table of Concordance. NextEra feels it has now responded to most of the HSM “Bluewater 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 project reviews 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 with much progress towards reaching agreement on consultation process and capacity, but no final agreement has been reached yet. It is NextEra’s intention to continue such negotiations seeking a mutually acceptable agreement with HSM, and to complete consultations for the Project.

As more fully explained in section 1.5, above, 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 will be addressed with HSM and mutually acceptable mitigation explored. Additionally, NextEra will implement all mitigation and monitoring as described in the Project REA Table 1 reports. Finally, NextEra will implement the systems to receive and resolve issues that may be raised during construction and operation of the Project as described in Section 6, “Next Steps”, below.

4.7 Munsee–Delaware First Nation

Communications and information sharing with Munsee-Delaware First Nation (“Munsee”) began in 2007 for the Bluewater project. Please see Appendix H.4 for a complete chronology of all communications concerning the projects of potential interest to Oneida, including Bluewater.

All requisite delivery of REA notices and information have 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. An updated Community Reference Material Binder was delivered to the First Nation Manager on October 19, 2011.

At the July 20, 2010 meeting, 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.4. The table lists the issues, NextEra’s response and a cross-reference to the relevant section in the draft 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 Bluewater.

No responses have been provided from staff or leadership as to any concerns Munsee 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.

4.8 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 Bluewater project. Please see Appendix H.9 for a complete chronology of all communications concerning the projects of potential interest to Moravian, including Bluewater.

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, in regard to another project, the Bornish Wind Energy Centre. Chief Peters stated that project was not within Moravian’s traditional territory, and so long as there were no impacts to the Thames River, Moravian would have no concerns. The Bornish project is located closer to Moravian than Bluewater.

On June 14, 2010, NextEra contacted Chief Gregory Peters by telephone, to seek clarification on Moravian’s interests in the remaining NextEra Ontario FIT projects, including Bluewater. 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.9, but no reply has been received. Absent such a confirmation, NextEra has made sure that Moravian receives 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 Bluewater draft PDR) and update, as well as the Archaeological Communiqués. No response to any of the required or additional communications has been received from Moravian of the Thames Delaware First Nation.

Should Moravian subsequently decide it has an interest in the Project, as more fully explained in section 1.5, above, NextEra is confident that no adverse impacts to Constitutionally protected Aboriginal or treaty rights of Moravian of the Thames Delaware First Nation, or significant negative environmental effects will result from approval of the Project. NextEra will continue to communicate with Moravian, 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.

4.9 Saugeen Ojibway Nations (Chippewas of Saugeen, Chippewas of Nawash Unceded First Nation)

Neither Chippewas of Saugeen, nor Chippewas of Nawash Unceded First Nations are included on the Director’s List for Bluewater, but NextEra has engaged with them for the Project, as explained below.

Communications and information sharing with Saugeen Ojibway Nations (“SON”) began in 2009 with the offer of holding a community open house about NextEra’s southwestern Ontario projects. Please see Appendix H.10 for a complete chronology of all communications concerning the projects of potential interest to SON, including Bluewater.

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

In December 2010, SON Environment Office (“EO”) staff provided a copy of the SON “Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nations” (see Appendix F.3). The principles identify values and expectations that are important to SON in consulting with project proponents and NextEra has had regard to them in its engagement with SON.

At the December 2010 meeting, SON also provided a traditional territory map (illustrated on Map 2.1.1, above). Although the Project is south of the traditional territory of the SON, NextEra appreciates SON’s interest in potential impacts to the environment that may connect with their Traditional Territory through pathways such as migratory routes, for example. As a result NextEra has been working with SON for the Bluewater project, as well as the other two NextEra projects that are within their Traditional Territory.

SON EO staff received (hand delivered) NextEra’s Community Reference materials binder on June 10, 2010, which included a copy of the first Bluewater draft Project Description Report. SON staff received an updated Binder on June 1, 2012 including the Bluewater Wind Energy News newsletter.

SON also receives all Archaeological Communiqués, which include information on the Project. Additionally, SON has access to the reports produced by the independent First Nations archaeological monitor for Bluewater, Bandy George Archaeological Research, Inc., but conducts its own independent review of the archaeological studies. Finally, SON has been provided with all draft REA Table 1 Reports for the Project.

At the time of writing this report, NextEra and SON had begun negotiations to establish an overall work plan and capacity budget for SON participation in all three NextEra projects of interest to them, including Bluewater. NextEra and SON have already had a significant amount of experience working together for review of draft REA Table 1 documents in regard to the Conestogo project. It is expected that lessons learned from that project will inform the development of the overall work plan and budget, including the planning, construction and post-construction monitoring stages. It is also expected that discussions will include exploring a broader relationship between SON and NextEra. This is in accordance with NextEra’s First

Nations and Métis Relationship Policy and consistent with the approach taken with other First Nation and Métis governments who wish to be involved in NextEra projects.

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

4.10 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 Bluewater, 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.12 for a complete chronology of all communications concerning the projects of potential interest to SNEC, including Bluewater.

All requisite delivery of REA notices and information have 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 Bluewater. 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), Adelaide and Bornish, 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.4.

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 Bluewater by SNEC.

SNEC first received the Project draft Project Description Report on June 23, 2010, as part of NextEra’s Community Reference materials binder. 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 Six Nations of the Grand River.

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. A proposed process agreement was shared

with SNEC after the meeting and suggested as a basis for working together on all projects through their planning, construction and post-construction monitoring stages. While this agreement was rejected by SNEC, NextEra has continued to engage with SNEC CAP Team to develop a mutually acceptable process agreement to operationalize the proposed capacity budget for SNEC's review and engagement in the projects of their stated interest, including Bluewater.

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 taken place. As of writing this report, these meetings are ongoing.

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.

4.11 Haudenosaunee Confederacy Chiefs Council (Six Nations Confederacy Council and Oneida Council of Chiefs)

Haudenosaunee Confederacy Chiefs Council ("HCCC") is not identified on the Director's List for Bluewater. NextEra has engaged with HCCC, in respect to their stated interest in potential negative effects from the Project, which in HCCC's view, could impact asserted treaty rights to hunt.

Communications and information sharing with HCCC began in 2007. Please see Appendix H.12 for a complete chronology of all communications concerning the projects of potential interest to SNEC, including Bluewater.

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

HCCC first received the Project draft PDR in June 2010 (cover letters dated as of June 4, 2010) as part of NextEra's Community Reference materials binder. An updated Community Reference Material Binder was mailed to Hazel Hill, Acting Secretary of the Haudenosaunee Development Institute ("HDI") on October 13, 2011. A chart of all NextEra Ontario Fit projects was also delivered, outlining their capacity, location, timing of development and status.

HCCC is a traditional government representing the six nations within the confederacy. In Canada, the Oneida and Mohawk are represented within HCCC. NextEra has had direct communications with both the Oneida Council of Chiefs (see discussion within Section 4.5 Oneida Nation of the Thames) and the three Mohawk communities in Ontario, the latter as part of the Summerhaven wind energy centre consultations. HCCC has delegated consultation process management to the HDI, and NextEra's engagement with HCCC has been through senior HDI staff and Board members. In correspondence about another NextEra project (the Conestogo Wind Energy Centre) Oneida Council of Chiefs has advised NextEra that it is participating in the HDI process and that all matters should be referred to HDI. The Mohawk communities have never responded, or responded in writing to requests for clarification of their interests in NextEra's Summerhaven project, or whether they defer matters to HDI's management. As a result, NextEra continues to work with HDI and is seeking HDI's confirmation that it will provide comment on the Project on behalf of all Haudenosaunee communities.

NextEra has had ongoing communications with HDI, as illustrated in Appendix H.12. Given HCCC's asserted interest in all NextEra Ontario FIT projects, that engagement has taken place at a general level, with a focus on overarching issues of interest to HCCC. 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 report the content, tenor and progress of its consultations with HCCC, except to say that they are ongoing and NextEra is optimistic of their successful and timely conclusion.

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 Confederacy Chiefs Council, and the nations it represents, or to environmental features which may form the basis of such rights, 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.

4.12 Métis Nation of Ontario

Métis Nation of Ontario (“MNO”) is not included on the Director’s List for Bluewater, but NextEra has engaged with them as explained below. Please see Appendix H.5 for a complete chronology of all communications concerning the projects of potential interest to MNO, including Bluewater.

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

The project is located south of, or at the southern extreme of the MNO Georgian Bay Traditional Harvest Territory (“GBTHT”). The GBTHT includes all of MNO Region 7 and a part of MNO Region 9. NextEra appreciates MNO’s interest in potential impacts to the environment that may connect with their Traditional Harvest Territory through pathways such

as migratory routes, for example. As a result NextEra has been working with MNO for the Bluewater project.

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

In 2009, MNO staff provided NextEra with a general list of Métis interests, or values. These issues were sent to NextEra's environmental consultants to be considered as part of their preparation of the draft Project REA Table 1 Reports. A "Table of Concordance" cross-referencing the issues/questions to sections of the relevant reports addressing these questions and issues is set out in Appendix G.5. NextEra believes these issues have been addressed in the draft Project REA Table 1 Reports.

Communications and information sharing with MNO continued in 2009 with a presentation to senior MNO staff about all of NextEra's southwestern Ontario projects. A presentation was made to the Georgian Bay Traditional Harvest Territory Consultation Committee ("GBTHTCC") on November 1, 2010 that covered all NextEra Ontario projects in general, and the Bluewater and Conestogo projects in particular. An overview of all NextEra Ontario projects was given to the Regional Councillor and Community Council Presidents of Region 9 on July 19, 2011.

MNO first received the Project draft Project Description Report on September 3, 2010, as part of NextEra's Community Reference materials binder. An updated Community Reference Material Binder was delivered to MNO staff at a meeting on November 14, 2011.

On February 6, 2012, MNO staff advised that Region 9 would not be commenting on the Bluewater project; Project engagement would be through the GBTHTCC. On February 14, 2012, MNO staff advised that GBTHTCC wished to meet with NextEra but scheduling was not likely until after April 1, 2012. Staff confirmed the process of meeting with GBTHTCC would be the same as the one successfully completed with MNO for NextEra's Conestogo project. After the initial meeting, GBTHTCC would then advise NextEra if the Committee feels further consultation is necessary. NextEra provided a schedule of key milestone dates to

MNO staff on February 23, 2012, including release of the Project draft REA Table 1 Reports and estimated filing date.

The draft Project Table 1 REA Reports were delivered to MNO in accordance with MNO's protocol (i.e. staff of the MNO Consultation Unit) and the GBTHCC Chair on March 15, 2012.

As of writing this report, a budget to support the initial GBTHCC meeting has been agreed to in principle. In early April 2012, MNO staff advised they will forward a proposed Memorandum of Understanding ("MOU") that outlines process and capacity issues prior to the meeting, for discussion with NextEra. NextEra has followed up to inquire about the MOU and the meeting with GBTHCC. Due to workloads and the recent MNO Provisional Council elections, MNO has not yet sent the proposed MOU or proposed meeting dates, but NextEra anticipates receiving them and meeting to discuss the projects of interest to MNO, including Bluewater.

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

4.13 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.

4.14 Summary of Out of Scope Input Received

While not part of the mandated inquiries set out under Ontario Regulation 359/0, a number of communities brought issues to NextEra's attention during discussions about Bluewater 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, although they fall outside the ambit of Ontario Regulation 359/09.

1. Will wind farm development have regional or cumulative effects, and is an Ontario Ministry 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.



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