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**Project Number:** 1104037.00

**Project Title:** HAF WIND ENERGY PROJECT

**Title:** CONSULTATION REPORT  
ADDENDUM-ABORIGINAL CONSULTATION

**Client:** IPC Energy  
2550 Argentia Road Suite 105  
Mississauga, Ontario  
L5N 5R1

**Date:** September, 2012



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## 1.0 Project Overview

The HAF Wind Energy Project's ("the Project") Consultation Plan Report was prepared in accordance with the requirements of the Ministry of the Environment's Renewable Energy Approvals Regulation ("the Regulation"), O.Reg 359/09, specifically with consideration for *Item 2* of the requirements as outlined in *Table 1* of the Regulation.

The proposed HAF Wind Energy Project is to be situated in the Township of West Lincoln, in the Niagara Region of Ontario. The Project would consist of five (5) Vestas V-100 1.8 megawatt wind turbines producing a nameplate capacity of 9.0 megawatts. If approved, the wind turbines would be erected for the purpose of capturing energy from the wind, a renewable resource, and converting it into clean, useable electricity. This electricity will be transported to consumers via interconnection facilities, including transformers and distribution lines. The footprint of these facilities is described in the reports prepared for this Renewable Energy Approval (REA).

A Consultation Report was prepared to detail the consultation activities undertaken as part of the REA process including the following:

- A summary of communication with members of the public, Aboriginal communities, municipalities, local roads boards, and Local Services Boards regarding the project
- Evidence that the information required to be distributed to Aboriginal communities under Subsection 17(1) was distributed
- Any information provided by an Aboriginal community in response to a request made under paragraph 4 of subsection 17(1)
- Evidence that a consultation form was distributed in accordance with subsection 18(1)
- The consultation form distributed under subsection 18(1), if any part of it has been completed by a municipality, local roads board or Local Services Board
- A description of whether and how:
  - Comments made by members of the public, Aboriginal communities, municipalities, local roads boards and Local Service Boards were considered by the Project Team
  - The documents that were made available under subsection 16(5) were amended after the final public meeting was held
  - The proposal to engage in the project was altered in response to comments made from members of the public, Aboriginal communities, municipalities, local roads boards and Local Service Boards

This addendum report has been prepared to expand upon consultation activities conducted with Aboriginal communities throughout the Renewable Energy Approval (REA) process defined under Ontario Regulation 359/09 and document additional consultation activities undertaken since the Proponent's submission of the REA application to the Ministry of the Environment (MOE).

## **2.0 Aboriginal Consultation**

Aboriginal consultation is a mandatory component of the Renewable Energy Approval process as defined under O. Reg. 359/09. The Proponent's consultation program was designed to notify and share information with Aboriginal communities early on in the planning process in order to:

- Obtain information on any potentially affected rights;
- Listen to any concerns raised by an Aboriginal community; and
- Consider any adverse impacts and determine how to address concerns, including attempting to avoid, minimize and/or mitigate adverse impacts on Aboriginal or treaty rights.

### ***2.1 Identifying Aboriginal Communities and Potential Interests***

It is the Crown's Duty to Consult with Aboriginal communities in relation to potential or established Aboriginal or Treaty rights. The legal duty to consult rests with the Crown, however through the REA process the Crown has delegated procedural aspects of consultation to the Proponent. Therefore Proponents of renewable energy projects are required to engage in meaningful consultation with Aboriginal communities.

A list of aboriginal communities was provided by MOE on July 9<sup>th</sup>, 2010 which identified communities who may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project, or otherwise may be interested in any negative environmental effects of the project. The identified communities are as follows:

- Six Nations of the Grand River;
- Six Nations of the Grand River, Haudenosaunee Confederacy Council;
- Mississaugas of the New Credit First Nation;
- Métis Nation of Ontario; and
- Niagara Region Métis Council

These communities were subsequently notified and provided with project documents and materials in accordance with O. Reg. 359/09. Please refer to Section 5.2 of the original Consultation Report dated August 2012 for a complete description of the distribution of required materials.

### **2.2 Additional Details Regarding Aboriginal Consultation**

Throughout the REA process multiple written requests were made to each Aboriginal group to identify and provide information regarding potential impacts the project may have on Aboriginal or Treaty Rights. The following discussion provides an update on the status of aboriginal consultation and responses/feedback received since the Proponent's submission of the REA application to MOE.

### Six Nations of the Grand River

No information or response received to date from the distribution of required materials under O. Reg. 359/09 as provided in Table 8 of the original Consultation Report. The Proponent will continue to inform the Six Nations of the Grand River of project updates as they become available and as specific milestones are reached.

### Six Nations of the Grand River Haudenosaunee Confederacy Council

The Proponent has been advised that the Haudenosaunee Confederacy Chiefs Council ('HCCC') has delegated authority to the Haudenosaunee Development Institute ('HDI') to represent HCCC interests in the development of lands within areas of the Haldimand Proclamation and the 1701 Nanfan Treaty Area.

HDI has provided the Proponent with an Application for Consideration and Engagement for Development, which outlines additional information requested by HDI to initiate a review of the project on behalf of the Six Nations of the Grand River Haudenosaunee Confederacy Chiefs Council. **Table 1** provides an updated summary of additional consultation activities undertaken since the Proponent's submission of the REA application.

The Project Team met with HDI and Haudenosaunee leadership on August 7<sup>th</sup>, 2012 to provide a project overview, share information and to discuss any concerns with respect to the project and potential impacts to Aboriginal or Treaty Rights. Main discussion points from the meeting included potential impacts to 1701 Nanfan Treaty concerning hunting and harvesting rights over the lands the project is situated and procedural matters moving forward.

The Proponent will continue to discuss the project with HDI/Haudenosaunee leadership to address any outstanding concerns regarding potential impacts to traditional hunting and harvesting rights under the 1701 Nanfan Treaty, however the project is located on private lands outside of the Haldimand Tract and will not impact any existing access rights to lands for hunting or harvesting.

If any further discussions or review of project materials raises new questions concerning negative environmental effects associated with the project's construction, operation or decommissioning, they will be addressed through mitigation measures outlined in prepared project reports and further discussions with HDI/Haudenosaunee leadership.

Copies of additional aboriginal correspondence has been included in **Appendix A**

<b>Table 1: Summary of Additional Consultation Activities Undertaken with Six Nations of the Grand River Haudenosaunee Confederacy Council</b>	
<b>Date</b>	<b>Correspondence Description</b>
April 20 <sup>th</sup> , 2012	A call was placed to the Haudenosaunee Confederacy Council regarding the proposed project and distribution of updated project materials. Haudenosaunee Confederacy Council representative advised that all project correspondence should be sent directly to the Haudenosaunee Development Institute (HDI).
June 19 <sup>th</sup> , 2012	A letter was sent by the Haudenosaunee Development Institute (HDI) on June 19 <sup>th</sup> 2012 and received June 28 <sup>th</sup> , 2012 identifying that they have treaty rights, in the particular area proposed for the HAF Wind Energy Project concerning the 1701 Treaty Area. HDI requested further engagement in the form of an Application for Consideration and Engagement to determine if the nature of the infringements are justified or can be accommodated. The Application also includes an associated fee for HDI to review and comment on the project.
July 3 <sup>rd</sup> , 2012	IPC Energy left voicemail requesting to arrange a meeting with HDI to discuss the project.
July 3 <sup>rd</sup> , 2012	The Proponent sent a response letter by mail requesting a meeting to provide additional information regarding the project and further discuss identified concerns before considering completion of the Application for Consideration and Engagement. In addition the Proponent faxed the letter mailed to HDI July 3 <sup>rd</sup> 2012 on July 6 <sup>th</sup> , 2012.
July 5 <sup>th</sup> , 2012	IPC Energy left voicemail requesting to arrange a meeting with HDI to discuss the project.
July 9 <sup>th</sup> , 2012	HDI sent the Proponent a response letter agreeing to meet with the project team, and suggested two possible meeting dates.
July 18 <sup>th</sup> , 2012	An email was sent from the Project Team to HDI accepting a suggested meeting date of July 31 <sup>st</sup> , 2012. No response was received from HDI on this correspondence and subsequently a meeting on July 31 <sup>st</sup> , 2012 did not take place.
July 26 <sup>th</sup> , 2012	HDI sent a Project Team member an email inviting them to attend an upcoming Board Meeting scheduled for August 7, 2012.
August 3 <sup>rd</sup> , 2012	Project Team member spoke with/emailed HDI office manager to confirm availability to attend Board Meeting on August 7, 2012.
August 7 <sup>th</sup> , 2012	The Project Team met with HDI/Haudenosaunee Leadership on August 7, 2012 to provide a project overview, share information and to discuss any concerns with the project. Main discussion points from the meeting included potential impacts to harvesting and hunting rights over the land the project is located on as a result of the 1701 Treaty.
August 9 <sup>th</sup> , 2012	IPC Energy sent a follow up email thanking HDI for meeting with the project team.

Mississaugas of the New Credit First Nation

No information or response received to date from the distribution of required materials under O. Reg. 359/09 as provided in Table 8 of the original Consultation Report. The Proponent will continue to provide the Mississaugas of the New Credit First Nation with project updates as they become available and as specific milestones are reached.

Métis Nation of Ontario

No information or response received to date from the distribution of required materials under O. Reg. 359/09 as provided in Table 8 of the original Consultation Report. The Proponent will continue to provide the Métis Nation of Ontario with project updates as they become available and as specific milestones are reached.

Niagara Region Métis Council

No information or response received to date from the distribution of required materials under O. Reg. 359/09 as provided in Table 8 of the original Consultation Report. The Proponent will continue to provide the Niagara Region Métis Council with project updates as they become available and as specific milestones are reached.

### **3.0 Moving Forward**

At the time of submitting this addendum report no further responses have been received by the Proponent from identified aboriginal communities that were distributed notices and project materials as required by O. Reg. 359/09.

The Proponent will continue consultation activities with HDI/Haudenosaunee leadership to address any outstanding concerns.

Once the Project's REA application has been accepted by the Ministry of the Environment the Proponent will notify each aboriginal community of the project's application acceptance and subsequent posting to the Environmental Registry for a 30-day review and comment period. The Proponent will respond to any further correspondence received from aboriginal communities and address any additional issues of concern as they are identified.



## **Appendix A: Additional Aboriginal Correspondence**



## Haudenosaunee Development Institute

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June 19, 2012



Mr. Tom Lewis  
Project Manager, IPC Energy  
2550 Argentia Road, Suite 105  
Mississauga, Ontario, L5N 5R1

Dear Mr. Lewis:

**Re: HAF Wind Energy Project**  
**Our File No. : 030-102**

Thank you for your letter dated April 25, 2012 and attachments.

The Haudenosaunee Confederacy Chiefs ('HCCC') has legislated the Haudenosaunee Development Institute ('HDI') to represent HCCC interests in the development of lands within areas of Haudenosaunee jurisdiction, including but not limited to the land prescribed by the Haldimand Proclamation and the 1701 Treaty Area.

We can confirm that the Haudenosaunee have treaty rights, in particular in the area contemplated by your Project, including but not limited to, the right to free and undisturbed harvesting. As the proposed Project will have a negative impact upon those treaty rights, the nature and scope of engagement required is significantly above and beyond what is commonly referred to as "consultation".

The HDI has established and administers a regulatory framework, which identifies, registers and regulates development in compliance with the regulatory obligations outlined in our Lands Rights Statement, the Haudenosaunee Green Plan and Haudenosaunee Development Protocol.

Part of the process requires an application for Engagement to be submitted to the HDI which I have attached for your ease of reference. The Application for Engagement provides proponents a structured engagement process which allows the HDI to set up and clarify the nature of what will be impacted by the Project and to determine if those infringements are justified and whether or not they can be accommodated.

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OUR LAND, OUR LAW, OUR PEOPLE, OUR FUTURE

I look forward to receipt of your application at which time we can arrange a convenient time to meet to discuss your Project.

Yours truly



Hazel E. Hill Interim Director

Attach. -1

*lbm*

cc: Ms. Britney Pringle Environmental Planner, MH 235 Yorkland Boulevard, Suite 600 Toronto, Ontario, M2J 1  
T1 2



Haudenosaunee Development Institute  
Our Land, Our Law, Our People, Our Future

**APPLICATION FOR CONSIDERATION  
AND ENGAGEMENT FOR DEVELOPMENT**

NOTE: *This application to be completed in quadruplicate.*

**SECTION 1: APPLICANT INFORMATION**

1.1 Name of applicant and full mailing address:

Tel: \_\_\_\_\_

Fax No.: \_\_\_\_\_

1.2 Name of Registered owner(s) of subject land(s) and mailing address:

1.3 Party who is to be contacted about the application (check one):

Applicant  Agent, Planning Consultant  Owner  Surveyor

Name and address:

Tel: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

**SECTION 2: LOCATION OF LANDS PROPOSED TO BE DEVELOPED**

2.1 Municipal address:

2.2 Legal description (please attach survey):

2.3 Maps (please attach):

**SECTION 3: PROPOSED AND CURRENT LAND USE**

3.1 Current land use: (i.e. Agricultural, residential, commercial, industrial, other):

3.2 Proposed use of subject land:

3.3 Are there any buildings or structures on the lands proposed to be developed?  
If yes, are these buildings to be retained, demolished or otherwise removed?

**SECTION 4: ADDITIONAL INFORMATION FOR THE SITE**

4.1 Current zoning: \_\_\_\_\_

## **SECTION 5: ARCHAEOLOGY**

5.1 Have any archaeology studies been completed? If yes please attach.

5.2 If no archaeology studies have been undertaken to date are any archaeology studies planned? Please include any relevant details.

## **SECTION 6: LAND TITLE**

6.1 Please provide details and a history of the title including any information on the initial Crown patent and how the Crown obtained such patent.

## **SECTION 7: TIME FRAME**

7.1 Please set out the scheduling proposed for the project and any significant dates.

## **SECTION 8: OTHER PERMITS, LICENCES AND/OR APPROVALS**

8.1 Please provide details with respect to any other permits, licences and/or approvals which the Applicant is seeking for the project from any municipal, provincial and/or federal authority.

## **SECTION 9: APPLICATION FEE**

9.1 An application fee is enclosed in the amount of \$ \_\_\_\_\_ on the basis that the cost of the proposed project is:

- Less than \$300,000 (fee of \$3,000)
- Greater than \$300,000 but less than \$500,000 (fee of \$5,000)
- Greater than or equal to \$500,000 (fee of \$7,000)

## **SECTION 10: OTHER INFORMATION**

10.1 The HDI reserves the right to request such other information as it deems necessary in its sole discretion to process this application.

**SECTION 11: FORM OF APPLICATION**

11.1 This form is provided for information purposes and requests the minimal information required to process an application. An applicant is free to amend the form as necessary and include such other information as necessary.

11.2 Application is to be provided to:

Haudenosaunee Development Institute  
16 Sunrise Court, Suite 407  
P.O. Box 714  
Ohsweken, Ontario  
N0A 1M0  
Tel: 519.445.4222

**SECTION 12: SIGNATURE OF APPLICANT**

Name of Applicant:

Signature of Applicant:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



July 03, 2012

Ms. Hazel Hill  
Interim Director -  
Haudenosaunee Development Institute  
P.O. BOX 714  
#417- 16 Sunrise Court  
Ohsweken, Ontario  
N0A 1M0

**Re: HAF Wind Energy Project HDI File Number 030-102  
& Wainfleet Wind Energy Project HDI File Number 030-103**

Dear Ms. Hill,

This letter is to confirm that IPC Energy has received your letters dated June 19, 2012 with respect to the HAF Wind Energy and Wainfleet Wind Energy projects.

IPC Energy has made several unsuccessful attempts to reach you via telephone intending to set up a meeting with you to discuss our two projects and address your letters, as referenced above. We ask, therefore, that you provide two possible dates and times that would be convenient for us to meet with you.

I look forward to hearing from you and would like to thank you in advance for your cooperation in this matter.

Regards,

A handwritten signature in blue ink, appearing to read "Tom Lewis". The signature is stylized and cursive.

Tom Lewis  
Project Manager

CC: Ms. Britney Pringle, Morrison Hershfield





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## FACSIMILE TRANSMITTAL SHEET

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TO: MS. HAZEL HILL

FROM: TOM LEWIS

COMPANY: HDI

DATE: FRIDAY, JULY 06, 2012

FAX NUMBER: 519 445 2389

TOTAL NO. OF PAGES INCLUDING  
COVER:2

PHONE NUMBER: 519 445 4222

SENDER'S REFERENCE NUMBER:

RE: FILE 030-102 & 030-103

YOUR REFERENCE NUMBER:

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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NOTES/COMMENTS:

Ms. Hill,

I wanted to send you the letter that was mailed to you from IPC Energy on Tuesday Via Fax as well.

I look forward to speaking with you.

Regards,

Tom Lewis  
Project Manager



July 03, 2012

Ms. Hazel Hill  
Interim Director -  
Haudenosaunee Development Institute  
P.O. BOX 714  
#417- 16 Sunrise Court  
Ohsweken, Ontario  
N0A 1M0

**Re: HAF Wind Energy Project HDI File Number 030-102  
& Wainfleet Wind Energy Project HDI File Number 030-103**

Dear Ms. Hill,

This letter is to confirm that IPC Energy has received your letters dated June 19, 2012 with respect to the HAF Wind Energy and Wainfleet Wind Energy projects.

IPC Energy has made several unsuccessful attempts to reach you via telephone intending to set up a meeting with you to discuss our two projects and address your letters, as referenced above. We ask, therefore, that you provide two possible dates and times that would be convenient for us to meet with you.

I look forward to hearing from you and would like to thank you in advance for your cooperation in this matter.

Regards,

A handwritten signature in black ink, appearing to read "Tom Lewis", is written over a faint, circular stamp or watermark.

Tom Lewis  
Project Manager

CC: Ms. Britney Pringle, Morrison Hershfield



## Haudenosaunee Development Institute

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July 9, 2012

Mr. Tom Lewis  
Project Manager, IPC Manager  
2550 Argentia Road, Suite 105  
Mississauga, Ontario  
L5N 5R1

Dear Mr Lewis:

**Re: HAF Wind Energy Project – Our File No. 030-102 &  
Wainfleet Wind Energy Project – Our File No. 030-103**

Thank you for yours of July 3, 2012. Should you wish contact with us in the future please be advised the easiest way is by email.

Please be advised we are prepared to meet on the following two dates and times subject to your confirmation providing an application and application fee. Dates suggested are Monday, July 23, 2012 at 11:00 a.m. or Tuesday, July 31, 2012 at 1:00 p.m.

Yours truly,

Hazel E. Hill  
Interim Director

/bm

✓ c.c. Ms. Britney Pringle  
Environmental Planner, MH  
235 Yorkland Boulevard, Suite 600  
Toronto, Ontario M2J 1T1

OUR LAND, OUR LAW, OUR PEOPLE, OUR FUTURE

## Britney Pringle

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**From:** John Andrews <john@ipcenergy.ca>  
**Sent:** Wednesday, July 18, 2012 4:49 PM  
**To:** hdi2@bellnet.ca  
**Cc:** Tom Lewis; Britney Pringle  
**Subject:** Your Files No. 030-102 and 030-103 HAF/Wainfleet Wind Energy Projects

Dear Ms. Hill

I thank you for your letter of July 9, 2012 offering 2 dates that you are available to meet.

We are thankful for HDI agreeing to meet with the us, however, we would like the opportunity to present additional information about the projects and to obtain further understanding of the HDI/the Haudenosaunee Confederacy Chiefs Council's concerns prior to submission of the requested application and associated fee.

We are more than willing to share information regarding our projects and to listen to your concerns. If this is acceptable to you we would be available to meet on July 31, 2012 at 1:00pm as you suggested and at a location of your choice.

Best Regards,  
John

John Andrews, President



Tel: 905-607-1016

Fax: 905-607-5995

[IPC Energy](#)

## Britney Pringle

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**From:** Britney Pringle  
**Sent:** Friday, August 03, 2012 12:34 PM  
**To:** 'Hazel Hill'  
**Cc:** John Andrews  
**Subject:** RE: Our File No. 030-102 HAF Wind Energy Project & 030-103 Wainfleet Wind Energy Project

Dear Ms. Mitten,

Thank you for your email. In addition to my voicemail today, I would like to confirm that members of the project team are available to attend HDI's board meeting on Tuesday, August 7th, 2012 at 2:00pm. Can you please advise to the meeting location and specifics (i.e. agenda).

Additionally, any information you could provide regarding the degree of formality that will be required for this presentation as well as if facilities for overhead projection are available, would be greatly appreciated. If hardcopies of the presentation are required please advise as to their number.

Best Regards,

Britney Pringle  
Environmental Planner  
[bpringle@morrisonhershfield.com](mailto:bpringle@morrisonhershfield.com)  
Suite 600, 235 Yorkland Blvd. | Toronto, ON M2J 1T1  
Dir: 416 499 3110 x1435 | Fax: 416 499 9658 morrisonhershfield.com

-----Original Message-----

From: Hazel Hill [<mailto:hazelehill@gmail.com>]  
Sent: Thursday, July 26, 2012 2:26 PM  
To: Britney Pringle  
Cc: Hazel E Hill  
Subject: Our File No. 030-102 HAF Wind Energy Project & 030-103 Wainfleet Wind Energy Project

This is an invitation for yourself and Mr. Tom Lewis, Project Manager to attend our upcoming HDI board meeting scheduled for Tuesday, August 7th, 2012 to discuss the above-mentioned projects. If you are able to attend, we will schedule you for 2:00 p.m. Please advised if you are able to attend.

Brenda Mitten  
Office Manager

## Britney Pringle

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**Subject:** Re: Tuesday August 7th meeting

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**From:** Tom Lewis  
**Sent:** Thursday, August 09, 2012 9:33 AM  
**To:** [hdi2@bellnet.ca](mailto:hdi2@bellnet.ca)  
**Cc:** John Andrews  
**Subject:** Re: Tuesday August 7th meeting

Good morning Hazel,

It was very nice to meet with you and the other members of the Haudenosaunee Development Institute on Tuesday August 7th to provide an update on the Wainfleet Wind Energy and HAF Wind Energy projects.

Would you mind sending me the names and titles of those in attendance at Tuesdays meeting and who they represent for our records.

Kind Regards,

Tom Lewis

Project Manager  
IPC Energy

Office: 905 607 1016  
Fax: 905 607 5995