



July 28, 2011

Stantec Consulting Ltd.
Suite 1 – 70 Southdale Drive
Guelph ON N1G 4P5

Attention: Mr. Peter Prier, Senior Principal

Dear Sirs;

Re: Grand Renewable Energy Park – Leave to Construct Application

We are in receipt of your letter of July 12, 2011, although I must say that its contents contradict the minutes of previous meetings that your firm attended with senior staff at Six Nations. Our letter to Kara Hearne of Stantec Consulting Ltd. ("Stantec") dated October 12, 2010 was clear on what we understood to be the state of the consultation process.

Between March 8th and August 31, 2010, representatives from Six Nations met with Samsung on four occasions. Stantec attended three of these meetings, primarily as a non-participating advisor to Samsung. At the July 5th meeting it was observed that Stantec was taking notes, which prompted Chief Montour to ask that copies of minutes taken be provided to Six Nations, indicating clearly that all meetings to date did not constitute the commencement of consultation discussions. At prior and subsequent meetings we insisted the same. Despite assurances that we would be copied, no minutes were ever provided to us, prompting Chief Montour's letter of October 12, 2010 (copy enclosed).

It is worth noting that at the August 31, 2010 meeting at First Canadian's offices in Toronto, representatives attending from Samsung and Stantec were asked if they had seen a copy of Six Nations' document "*Six Nations of the Grand River Land Use Consultation & Accommodation Policy*". The unanimous response was that no-one had previously seen the document, prompting distribution of copies to Samsung's Gy Yoo, Hagen Lee, and Marnie Dawson, and to Kara Hearne of your office. Since the August 31st meeting was the last held with senior representatives of Six Nations, we find surprising the assertion that Stantec's GREP "*project team has been guided by the Six Nations of the Grand River Land Use Consultation and Accommodation Policy*" despite being previously unaware of its existence.

It is Six Nations' position now and has at all times been that the consultation process has not yet commenced. All meetings, regardless of your apparent unwillingness to share minutes with us, have been to discuss in general terms an outline of the GREP project and the framework for consultation. With respect to the former, the only meaningful information

provided to Six Nations during the term of the one-year MOU that expired January 22, 2011 was a PPT presentation made to the public a few days after the July 5th meeting in Ohsweken.

While your July 12th letter does not specifically assert that you have been in consultation discussions with Six Nations, if you are intending to imply that Samsung and Pattern have already engaged in consultation with Six Nations, such a conclusion would be incorrect and a misuse of the term *consultation*, let alone *accommodation*.

Had Stantec or Samsung read the document "*Six Nations of the Grand River Land Use Consultation & Accommodation Policy*" during the past nineteen months, you would have seen that there are a number of guiding principles embodied in the policy that are based on the United Nations Declaration on the Rights of Indigenous Peoples, to which Canada is a signatory. Some of these key provisions include but are not limited to:

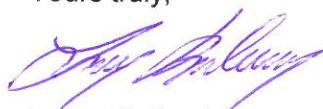
- commencing consultation at the onset of a project, prior to decisions being made;
- full disclosure including detailed reports on the project and the property;
- proactive, holistic, and strategic decision-making in support of joint planning;
- decisions to be made by consensus, wherever possible;
- financial resources to support Six Nations for consultation and accommodation;
- accommodation for Six Nations' reasonable concerns prior to commencement;
- jointly accepted dispute resolution process;

In light of the few requirements set out above that are but a sub-set of our policy, it is at best difficult to see how Stantec's efforts were "*guided by the Six Nations of the Grand River Land Use Consultation and Accommodation Policy*". Instead, we are left to conclude that you are mistaken, and to voice our strong objection to the conclusions set out in your letter of July 12th and the interpretation that it is an attempt to re-write history.

In conclusion, upon closer inspection I believe you will find support for our objection to your recent letter, which was copied to the Ontario Energy Board. The fair and appropriate thing to do would be for you to retract your letter and notify the OEB to that effect.

In the meantime, we welcome and encourage you to initiate consultation discussions in accordance with the terms set out in the policy statement titled "*Six Nations of the Grand River Land Use Consultation and Accommodation Policy*". We also ask again that minutes of all previous meetings with Six Nations be provided for our review. Thank you in advance for your co-operation.

Yours truly,



Lonny C. Bomberry
Director, Lands & Resources

cc. Kirsten Walli, Ontario Energy Board
Marnie Dawson, Samsung
Hagen Lee, Samsung
GY Yoo, Samsung
Kara Hearne, Stantec