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October 10, 2012

**RESS & COURIER**

Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Dufferin Wind Power Inc. - Application for Leave to Construct Transmission Facilities (EB-2012-0365) - Aboriginal Communities List**

We are counsel to Dufferin Wind Power Inc. ("Dufferin Wind"). In response to a request from Counsel to the Ontario Energy Board, we are hereby providing on behalf of Dufferin Wind a copy of the Director's Aboriginal Communities List, which was provided by the Ministry of the Environment in respect of the Dufferin Wind Farm Project, together with related correspondence confirming the need to include two additional Aboriginal Communities.

Yours truly,

A handwritten signature in black ink, appearing to be "J. Myers", written over a large, stylized circular flourish.

Jonathan Myers

Tel 416.865.7532  
jmyers@torys.com

cc: Mr. J. Hammond, Dufferin Wind

Ministry of the Environment

Environmental Assessment and  
Approvals Branch

2 St. Clair Avenue West  
Floor 12A  
Toronto ON M4V 1L5  
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Ministère de l'Environnement

Direction des évaluations et des  
autorisations environnementales

2, avenue St. Clair Ouest  
Étage 12A  
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Tél. : 416 314-8001  
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October 5, 2010

MOE File #: WC-10-WF-0072

Mr. Ian Henderson  
401 Energy Ltd.  
1 Valleywood Drive, Suite 3B  
Markham, Ontario  
L3R, 5L9

Dear Mr. Henderson:

**RE: Director's Aboriginal Communities List - Farm Owned Power (Melancthon) Wind Farm**

The Ontario Ministry of the Environment (Ministry) has reviewed the information provided in the *Draft of the Project Description Report (PDR)* received for the *Farm Owned Power (Melancthon) Wind Farm*. The Ministry has reviewed the anticipated environmental effects of the project (as described in the PDR) relative to its current understanding of the interests of aboriginal communities in the area.

In accordance with section 14 of Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" (O. Reg. 359/09) made under the *Environmental Protection Act*, please find below the list of aboriginal communities who, in the opinion of the Director:

i) have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project (s.14(b)(i));

Aboriginal Community
Common Name:
Reserve Name:
Contact Information:
Beausoleil Chippewas of Christian Island Christian Island 30 GENERAL DELIVERY Cedar Point ON L0K 1C0 Phone (705) 247-2051 Fax (705) 247-2239
Chippewas of Georgina Island Chippewas of Georgina Islands First Nation RR 2, PO BOX 13 Sutton West ON L0E 1R0 Phone (705) 437-1337 Fax (705) 437-4597

Chippewas of Mnjikaning First Nation Chippewas of Rama Mnjikaning First Nation 32 5884 Rama Road, Suite 200 Rama ON L0K 1T0 Phone (705) 325-3611 Fax (705) 325-0879
Saugeen Ojibway Nation Jake Linklater Case Manager Saugeen Ojibway Nation Environment Office R.R. # 5 Warton ON N0H 2T0 Phone (519) 534.5507 Fax (519) 534.5525
Saugeen First Nation Chief Randall Kahgee RR 1 Southampton ON N0H 2L0 Phone (519) 797-2781 Fax (519) 797-2978
Chippewas of Nawash Unceded First Nation Chief Ralph Akiwenzie #135 Lakeshore Blvd. RR#5 Warton ON N0H 2T0 Phone: (519) 534.1689 Fax: (519) 534.2130

OR

ii) otherwise may be interested in any negative environmental effects of the project (s.14(b)(ii)):

<b>Aboriginal Community</b> <b>Common Name:</b> <b>Reserve Name:</b> <b>Contact Information:</b>
Kawartha Nishnawbe Kawartha Nishnawbe First Nation P.O. Box 1432 Lakefield ON K0L 2H0

Great Lakes Métis Council  
(formerly the Grey-Owen Sound  
Métis Council)

Ray Racicot, President  
380 9th Street East  
Owen Sound ON N4K 1P1  
Phone (519) 370-0435

Métis Nation of Ontario  
Consultation Unit  
500 Old St. Patrick St, Unit 3  
Ottawa ON K1N 9G4

**NOTE:** None of the foregoing should be taken to imply approval of this project or the contents of the PDR. This letter only addresses the requirement of the Director to provide a list of aboriginal communities to you as required pursuant to section 14 of O. Reg. 359/09. You should also be aware that information upon which the above list of aboriginal communities is based is subject to change. Aboriginal communities can make assertions at any time, and other developments, for example the discovery of Aboriginal archaeological resources, can occur that may require additional aboriginal communities to be notified. Should this happen, the Ministry will contact you. Similarly, if you receive any feedback from any aboriginal communities not included in this list, as part of your consultation, the Ministry would appreciate being notified.

Please contact Narren Santos at (416) 314-8442 should you have any questions or require additional information.

Sincerely,



Doris Dumais  
Director  
Environmental Assessment Approvals Branch  
Ministry of Environment

cc: Mansoor Mahmood, Renewable Energy Team, Ministry of the Environment  
Joe de Laronde, Aboriginal Affairs Branch, Ministry of the Environment

**From:** McKinnon, Don  
**Sent:** Wednesday, November 17, 2010 3:08 PM  
**To:** psboreham@401energy.com; mbinnington@401energy.com  
**Cc:** Myrans, Katharine  
**Subject:** FW: RE: Farm Owned Power (Melancthon) Wind Farm - Aboriginal Community List

**Categories:** 2 Boss  
Paul/Mark - MOE response is below re: FN consultation

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**From:** Santos, Narren (ENE) [mailto:Narren.Santos@ontario.ca]  
**Sent:** Monday, November 15, 2010 9:14 AM  
**To:** McKinnon, Don  
**Cc:** Schofield, Carine (ENE)  
**Subject:** FW: RE: Farm Owned Power (Melancthon) Wind Farm - Aboriginal Community List

Hi Don,

Please find below a summary for the rational of why or why not the aboriginal communities you identified were included in the s.14 list:

**The Haldimand Tract and the 6 Nations of the Grand - Rights**

Depending on the image used depicting the Haldimand Tract, this project is well out of...or well in the boundaries of the Tract. The Treaty narrative describing the area and historic image of the tract are not conclusive as they also suggest either boundary lines. While the list was generated using the less inclusive historic image of the Tract boundaries, the asserted area found on the 6 Nations of the Grand website shows the expanded boundary, and as such, the Ministry has identified the following two additional aboriginal communities who, in the opinion of the Director have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project (s.14(b)(i)):

Six Nations of the Grand River Six Nations (Part) 40 PO BOX 5000 OHSWEKEN, ON Postal code N0A 1M0 Phone (519) 445-2201 Fax (519) 445-4208
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Six Nations of the Grand River Haudenosaunee Confederacy Council RR2 Oshwken, ON, NOA 1MO PH: (519) 755-2769
--

An amendment will be made to include these 2 additional communities to the aboriginal communities identified in our letter dated October 5, 2010, and sent to Mr. Henderson.

**Chippewas of Georgina Island - Rights**

- Project area located in lands included in Treaty 18, 1818; Chippewas (*The Nottawasaga Purchase*)
  - Modern communities of Treaty 18, 1818 include: Chippewas of Georgina Island, Chippewas of Mnjikaning First Nation and Beausoleil

Chippewas of Georgina Island Chippewas of Georgina Islands First Nation RR 2, PO BOX 13 SUTTON WEST, ON Postal code L0E 1R0 Phone (705) 437-1337 Fax (705) 437-4597	<ul style="list-style-type: none"> <li>- Communities located ~77km east of the project area</li> <li>- Includes Chippewas of Georgina Island 33A</li> <li>- Signatory to Treaty 18, 1818</li> <li>- Signatory to the Williams Treaty, 1923</li> <li>- May have an affected <u>aboriginal or treaty right</u> or be otherwise interested in any negative environmental effects of the project</li> </ul>
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#### Kawartha Nishnawbe - Interests

- Project area in lands included in the Kawartha Nishnawbe *Traditional Rights Area* assertions

Kawartha Nishnawbe Kawartha Nishnawbe First Nation P.O. Box 1432 Lakefield, ON Postal code K0L 2H0	<ul style="list-style-type: none"> <li>- Original signatory to the Treaty 20, 1818; Chippewas and Mississaugas</li> <li>- Rights to hunt and fish not extinguished by the Williams Treaties as determined in 2002 court decision</li> <li>- Project area within the boundary of the "<i>traditional rights</i>" assertions made by the Kawartha Nishnawbe First Nations</li> <li>- As the project area is within watersheds of Lake Huron/Georgian Bay, it is likely the Kawartha Nishnawbe would have weak rights assertion but may be otherwise <u>interested</u> in any negative environmental effects of the project</li> </ul>
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Should you have any questions or require additional information, please let us know.

Thanks,  
Narren

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**From:** McKinnon, Don [mailto:dpmckinnon@dillon.ca]  
**Sent:** October 21, 2010 4:55 PM  
**To:** Schofield, Carine (ENE)  
**Cc:** Santos, Narren (ENE); Myrans, Katharine  
**Subject:** FW: Farm Owned Power (Melancthon) Wind Farm - Aboriginal Community List

Carine - as we discussed, attached is the MOE aboriginal community list we received for this project. We are concerned about the accuracy of this list given that Six Nations is not included (the project is within the Haldimand Tract and the developer has been in discussions with them) and the inclusion of First Nation communities that are well removed from the project area (e.g. Kawarthas & Georgina Island)

I would appreciate someone looking into the provided list to confirm the accuracy of it

thanks

Don



**Don McKinnon**  
**Dillon Consulting Limited**  
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 Toronto, Ontario, M2J 4Y8  
 T - 416.229.4647 ext. 2355  
 M - 416.721.1235  
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**From:** Santos, Narren (ENE) [mailto:Narren.Santos@ontario.ca]  
**Sent:** Tuesday, October 05, 2010 5:01 PM  
**To:** Ian Henderson (401 Energy); McKinnon, Don  
**Cc:** de Laronde, Joe (ENE); Mahmood, Mansoor (ENE)  
**Subject:** Farm Owned Power (Melancthon) Wind Farm - Aboriginal Community List

Good afternoon Mr. Henderson:

Please see the attached letter regarding the list of Aboriginal Communities for the Farm Owned Power (Melancthon) Wind Farm being proposed by 401 Energy Ltd. The original copy will follow shortly in the mail.

Regards,  
Narren Santos  
Senior Program Support Coordinator (A)  
Renewable Energy Team  
Environmental Assessment & Approvals Branch, Ministry of the Environment  
2 St. Clair Avenue West, 12a Floor Toronto, ON M4V 1L5  
Phone: 416.314.8442 | Fax: 416.314.6810 | Email: [narren.santos@ontario.ca](mailto:narren.santos@ontario.ca)



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