

EB-2017-0182  
EB-2017-0194  
EB-2017-0364

Upper Canada Transmission Inc. (on behalf of  
Nextbridge Infrastructure)  
Application for leave to construct an electricity  
transmission line between Thunder Bay and Wawa, Ontario

-and-

Hydro One Networks Inc.  
Application to upgrade existing transmission station facilities  
in the Districts of Thunder Bay and Algoma, Ontario

-and-

Hydro One Networks Inc.  
Application for leave to construct an electricity transmission line  
between Thunder Bay and Wawa, Ontario

**BOOK OF REFERENCES OF  
BIINJITWAABIK ZAAGING ANISHINAABEK  
for CROSS-EXAMINATION OF NEXTBRIDGE PANEL**

**DATED: October 10 2018**

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- one lookout site near Stewart Lake, approximately 2 km north of the preferred route ROW; and
- one birdwatching site located near the municipality of Wawa, this location is approximately 600 m from an existing road that will be used for access and approximately 1.2 km from a temporary access road. This location is also approximately 5 km from the preferred route ROW and approximately 2.7 km from a storage yard and worker camp.

### 17.5.3.1 First Nations Current Land and Resource Use

The following section presents baseline information by the criteria identified in Section 17.3, specific to First Nations communities, where possible.

#### 17.5.3.1.1 Traditional Wildlife Harvesting

Traditional wildlife harvesting is considered to be represented by hunting and trapping. Trapping in Ontario is limited to specific assigned areas, called trapping areas or trapline areas (refer to Figure 17-1).

Wildlife species that have been identified through Project engagement and the literature reviewed as species traditionally trapped or harvested in the larger region surrounding the Project are summarized in Table 17-7. These species may also occur in the Indigenous current land and resource study areas. These species may be harvested for sustenance, utility (e.g., fur), cultural, medicinal, or spiritual purposes. A summary of current hunting and trapping activities in the Indigenous current land and resource study areas specific to each First Nation is included in the subsections below.

**Table 17-7: Traditionally Important Wildlife Species in the Region**

Common Name	Scientific Name	Common Name	Scientific Name
Beaver	<i>Castor canadensis</i>	Muskrat	<i>Ondatra zibethicus</i>
Black bear	<i>Ursus americanus</i>	Moose	<i>Alces</i>
Blackbird (common)	<i>Trudus merula</i>	Osprey	<i>Pandion haliaetus</i>
Bobcat	<i>Lynx rufus</i>	Otter	[multiple genera identified]
Caribou	<i>Rangifer tarandus</i>	Owl (species unidentified)	[multiple genera identified]
Coyote	<i>Canis latrans</i>	Partridge (ruffed grouse)	<i>Bonasa umbellus</i>
Crow (American)	<i>Corvus brachyrhynchos</i>	Papasay (woodpecker)	[multiple genera identified]
Deer (white-tailed)	<i>Odocoileus virginianus</i>	Porcupine	<i>Erethizon dorsatum</i>
Duck (species unidentified)	[multiple genera identified]	Rabbit (snowshoe hare)	<i>Lepus americanus</i>
Eagle	[multiple genera identified]	Red fox	<i>Vulpes</i>
Fisher	<i>Martes pennanti</i>	Sandpiper	[multiple genera identified]
Geese (species unidentified)	[multiple genera identified]	Spruce grouse	<i>Falci pennis canadensis</i>
Gulls (species unidentified)	[multiple genera identified]	Squirrel (red)	<i>Sciurus vulgaris</i>
Killdeer	<i>Charadrius bociferus</i>	Waterfowl (species unidentified)	[multiple genera identified]
Lynx (Canada)	<i>Lynx canadensis</i>	Weasel	<i>Mustela</i> spp.
Marten (American)	<i>Martes americana</i>	Wolf (grey)	<i>Canis lupus</i>
Mink	<i>Mustela vison</i>		

Sources: Woodland Heritage Services Ltd. (1999); Greenmantle Forest Inc. (2007a); Stillwater Canada Inc. (2012); Energy East Pipeline Ltd. (2016a); PPFN (2016, pers. comm.); RRIB (2016); Lake Nipigon Forest Management Inc. (no date).

Note: Common name in brackets represents probable species where specific species was not indicated. Scientific names include names of probable species.

### **Animbiigoo Zaagi'igan Anishinaabek First Nation (Lake Nipigon Ojibway)**

Members of Animbiigoo Zaagi'igan Anishinaabek First Nation use the Indigenous current land and resource use RSA, including the Kenogami Forest and Lake Nipigon Forest Management units, to undertake various land use activities, including hunting and trapping (Lake Nipigon Forest Management Inc. no date.; Terrace Bay

Pulp no date.). The Project footprint crosses the southern edge of these two forest management units. The Animbiigoo Zaagi'igan Anishinaabek First Nation community's traditional land use area was identified as north and northeast of Lake Nipigon, where members have harvested resources since time immemorial (Lake Nipigon Forest Management Inc. no date). The northeastern shores of Lake Nipigon were noted as important for community members. Areas north and northeast of Lake Nipigon, including the northeastern shores of Lake Nipigon, are outside the Project footprint and Indigenous current and resource use LSA, but are in the Indigenous current and resource use RSA. Additional areas of current or expected use include the Greenstone area, Highway 11, and southeast of Lake Nipigon moving towards areas east of the incorporated town of Geraldton. These areas are in the Indigenous current land and resource use RSA but do not intersect with the Project footprint.

Trapping plays an important cultural role for Animbiigoo Zaagi'igan Anishinaabek First Nation members and provides a source of income for some elders. Community members hold traplines in the Lake Nipigon Forest Management Unit and Kenogami Forest Management Unit (Lake Nipigon Forest Management Inc. no date). Portions of the Project footprint and Indigenous current land and resource use study areas are in these forest management units.

### ***Biigtigong Nishnaabeg***

Biigtigong Nishnaabeg have identified their traditional territory in terms of an "exclusive claim area" and a "shared claim area." Portions of both are in the Project footprint and Indigenous current land and resource use study areas in a large region surrounding the Pic River 50 reserve. The literature review identified that Biigtigong Nishnaabeg members continue to hunt and trap in their traditional areas (MNRF 2015).

Biigtigong Nishnaabeg indicated that they have mapped thousands of land use sites during mapping exercises with their members (Little 2008). Biigtigong Nishnaabeg provided maps that included use and occupancy features within 300 m of a portion of the Project footprint<sup>2</sup> (extending from Goose Lake, adjacent to the Project footprint, north of Schrieber, to where the preferred route ROW crosses the Pukaskwa River Provincial Park, south of White River) for consideration (PlanLab Ltd. 2017). Supporting digital data were not provided by Biigtigong Nishnaabeg, but the maps show that portions of the Project footprint are used intensively by Biigtigong Nishnaabeg land users. Mapped features were concentrated in the vicinity of Prairie River, along Dead Horse Creek, around Neys, along an existing road between Angler Creek and Hare Creek, Meglund Lake, Botham Lake and Cedar Lake.

The map indicated that 206 big game, 234 bird, and 173 small game use points were recorded within 300 m of the Project footprint<sup>2</sup>, but the type of use points were not differentiated on the maps.

### ***Biinjitiwaabik Zaaging Anishinaabek First Nation (Rocky Bay)***

The literature review noted that Biinjitiwaabik Zaaging Anishinaabek First Nation members continue to undertake traditional activities such as hunting and trapping in the Indigenous current land and resource use study areas (AbiBow Canada Inc. no date; Lake Nipigon Forest Management Inc. no date). These areas include the Black Spruce Forest Management Unit and the area surrounding the Namewaminikan River (AbiBow Canada Inc. no date; Namewaminikan Hydro 2011 in Energy East Pipeline Ltd. 2016b). The preferred route ROW crosses southern portions of the Black Spruce Forest Management Unit and portions of the Indigenous current land and resource use LSA and RSA are in this management area. Namewaminikan River is located east of Lake Nipigon, north of the Project footprint and the Indigenous current land and resource use LSA but within the Indigenous current land and resource use RSA.

<sup>2</sup> Project footprint version date October 19, 2016.

**Table 17-33: Summary of Harvesting and Cultural Use Locations in the Indigenous Current Land and Resource Use Study Areas**

<b>Indigenous Group</b>	<b>Wildlife Harvesting</b>	<b>Fishing</b>	<b>Plant and Material Harvesting</b>	<b>Cultural Use</b>
Animbiigoo Zaagi'igan Anishinaabek First Nation (Lake Nipigon Ojibway)	Hunting and trapping occurs in the RSA and may occur in the LSA and Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint	Harvesting occurs in the RSA and may occur in the LSA and Project footprint	Cultural sites in the RSA
Biigtigong Nishnaabeg	Hunting and trapping occurs in the RSA and LSA and in or adjacent to the Project footprint	Fishing occurs in the RSA and LSA and in or adjacent to the Project footprint	Harvesting occurs in the RSA and LSA and in or adjacent to the Project footprint	Cultural sites in the RSA and LSA and in or adjacent to the Project footprint. A canoe route crosses the Project footprint.
Biinjitiwaabik Zaaging Anishinaabek First Nation (Rocky Bay)	Hunting and trapping occurs in the RSA and may occur in the LSA and Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint	Harvesting occurs in the RSA and may occur in the LSA and Project footprint	Cultural sites in the RSA
Bingwi Neyaashi Anishinaabek (Sand Point First Nation)	Hunting and trapping occurs in the RSA and may occur in the LSA and Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint	Harvesting occurs in the RSA and may occur in the LSA and Project footprint	Cultural sites and travel routes in the RSA
Fort William First Nation	Wildlife harvesting occurs in the RSA, LSA and Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint; however, no fishing features were reported in the Project footprint	Harvesting occurs in the RSA, LSA and Project footprint	Cultural sites and travel routes in the RSA
Ginoogaming First Nation	Hunting and trapping occurs in the RSA and may occur in the LSA and Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint	Harvesting occurs in the RSA and may occur in the LSA and Project footprint	No information identified
Long Lake No. 58 First Nation	Hunting and trapping occurs in the RSA and LSA and may occur in the Project footprint	Fishing occurs in the RSA and may occur in the LSA and Project footprint	Harvesting occurs in the RSA and may occur in the LSA and Project footprint	Travel route potentially crossed by the Project. Cultural sites in the RSA and potentially in the LSA
Michipicoten First Nation	Hunting and trapping occurs in the RSA and LSA. Hunting and trapping features occur in the Project footprint	Fishing occurs in the RSA and LSA. A fish harvesting feature occurs in the Project footprint	Harvesting occurs in the RSA and LSA. No plant harvesting features were reported in the Project footprint	Cultural and spiritual sites in the LSA and RSA. A trail crosses the Project footprint.
Missanabie Cree First Nation	Wildlife harvesting occurs in the RSA and LSA. No harvesting features were reported in the Project footprint.	Fishing occurs in the RSA and LSA. No fishing features were reported in the Project footprint	Harvesting occurs in the RSA and LSA. No harvesting features were reported in the Project footprint.	Cultural sites in the RSA. No features reported in the LSA or Project footprint
Ojibways of Batchewana (Batchewana First Nation)	Hunting may occur in the RSA, LSA and Project footprint	No information identified	No information identified	No information identified
Ojibways of Garden River (Garden River First Nation)	Hunting may occur in the RSA, LSA and Project footprint	No information identified	No information identified	No information identified
Pays Plat First Nation	Hunting and trapping occurs in the RSA and LSA. Hunting features occur in the Project footprint	Fishing occurs in the RSA and LSA. Fish harvesting features occur in the Project footprint	Harvesting occurs in the RSA and LSA. A plant harvesting feature occurs in the Project footprint	Canoe routes and trails cross the Project footprint. Cultural sites in the LSA and RSA
Pic Mobert First Nation	Hunting and trapping occur in the RSA and LSA. Land use features occur in the Project footprint	Fishing occurs in the RSA and LSA. Land use features occur in the Project footprint	Harvesting occurs in the RSA and LSA. Land use features occur in the Project footprint	Cultural areas in the RSA and potentially in the LSA. Land use features occur in the Project footprint

**Table 17-33: Summary of Harvesting and Cultural Use Locations in the Indigenous Current Land and Resource Use Study Areas**

<b>Indigenous Group</b>	<b>Wildlife Harvesting</b>	<b>Fishing</b>	<b>Plant and Material Harvesting</b>	<b>Cultural Use</b>
Red Rock Indian Band	Hunting and trapping occurs in the RSA, LSA and may occur in the Project footprint; however, no wildlife harvesting features were reported in the Project footprint	Fishing occurs in the RSA, LSA and may occur in the Project footprint; however, no fish harvesting features were reported in the Project footprint	Harvesting occurs in the RSA, LSA and may occur in the Project footprint; however, no harvesting features were reported in the Project footprint	Cultural sites in the RSA and LSA, including Ouimet Canyon. No cultural sites or areas in the Project footprint
MNO	Hunting and trapping occur in the RSA and LSA. Hunting and trapping features occur in the Project footprint	Fishing occurs in the RSA and LSA. Fishing features occur in the Project footprint	Harvesting occurs in the RSA and LSA. Harvesting features occur in the Project footprint	Cultural use sites, land and water routes and locations of traditional ecological knowledge are in the RSA, LSA and Project footprint
Red Sky Métis Independent Nation	No information identified	No information identified	No information identified	Ouimet Canyon is culturally important and located in the LSA

Note: Specific spatial features were only available for Michipicoten First Nation, Missanabie Cree First Nation, Pays Plat First Nation, Pic Moberg First Nation, Red Rock Indian Band and Métis Nation of Ontario.

LSA = local study area; MNO = Métis Nation of Ontario; RSA = regional study area.

## **Meeting Summary**

### **Biinjitiwaabik Zaaging Anishinaabek (BZA) – NextBridge – East-West Tie Transmission Project**

May 4, 2018 - Chelsea Hotel, Toronto, ON

#### **Attendees:**

BZA: Chief Melvin Hardy and Councillor Lorraine Cook

NextBridge: Project Director Jennifer Tidmarsh, Joe Donio – mPower North

#### **Notes:**

Chief Hardy opened the meeting by indicating that he has reviewed the record of consultation for BZA and sees that there has been a fair amount of contact between NextBridge and BZA. He also mentioned that BZA has had a fair amount of turnover in leadership and staff in the last several years and this has impacted their ability to stay up-to-date with the project and to review materials. Chief Hardy indicated that the EWT project is in BZA's traditional territory and he is wondering why BZA is not a part of Supercom.

Jennifer Tidmarsh responded that Supercom was formed by the 6 EWT route First Nations.

Chief Hardy stated that BZA is not part of Supercom, but they have consultation on the project – why? Was this a Provincial directive?

Jennifer Tidmarsh indicated that the Crown identified First Nations to be consulted with on the project and that there was also participation identified. There is a Consultation stream and a Participation stream.

Chief Hardy acknowledged that Supercom is already formed and fears that the door is closed for BZA to participate in the project. Chief Hardy also acknowledged that BZA has registered to be an intervenor in the Hydro One LTC process because of his concerns raised. He indicated that he needed a process to address his concerns. Also, Chief Hardy was not certain if he needed to support the Hydro One application because all of the First Nations in Ontario are now shareholders in that company.

Jennifer indicated that she wants to help and is willing to speak with Supercom to ensure they connect with the other non-proximate First Nations beyond the 6 proximate First Nations. Jennifer pointed out that Supercom has hired Hoss Pelletier and his role is to develop a procurement plan that is to be shared with all identified First Nations. The plan is not yet developed but he is mandated to reach out to all. Jennifer's response to HONI comment-intervenor remarks was that the case that BZA intervened in was for a Motion to dismiss Hydro One's new competing transmission line. There is another case that is occurring at the same

time which is NextBridge's Leave to Construct approval, which BZA does not have registered intervenor status in.

Councillor Lorraine Cook commented that often in BZA, materials or information is not passed on after Chief and Council or staff members leave their positions. This affects continuity and makes it difficult for the community as a whole to stay informed.

Chief Hardy stated that there needs to be more engagement with the entire community. There needs to be more discussion on ways to encourage more members to come out and participate and this can include providing a meal, draws or other incentives. Chief Hardy also suggested that mailouts and surveys be used to connect with members, especially those off-reserve. Chief Hardy indicated that he would like to see a communication strategy developed between BZA and NextBridge to ensure everyone is on the same page. Chief Hardy also indicated that there has been a lot of information made available and that it can be too much to read or too technical. The community needs help to break the information down so it is easier to understand.

Jennifer acknowledged this concern and pointed out that NextBridge has provided capacity support to BZA and others to have a First Nation-chosen consultant complete a technical review of the Environmental Assessment and to have the consultant break down the information in easy to understand terms for the communities while providing their advice. The First Nations have selected Shared Value Solutions (SVS) as the consultants and perhaps there is a need to have them come into the community to provide another explanation to members.

Chief Hardy agreed with this idea but indicated that in the meantime, Supercom may say no to engaging or working with BZA.

Jennifer indicated that she will work with Supercom to ensure BZA is aware of opportunities becoming available from the project and to determine where they can participate. It would also be helpful if NextBridge/Supercom knew what skills or assets are available in BZA to apply to the project. Perhaps work can be completed to identify these in the community? Jennifer also explained some of the project opportunities on a high level.

Lorraine indicated that BZA had catering experience and others that may be applicable to the project. Chief Hardy indicated that BZA is also interested in upgrading and training and so far, Supercom has not involved many BZA members but he wants more opportunities in this area.

Jennifer again confirmed that she would connect with Supercom to inform them and to have them work with BZA and other non-proximate First Nations. Jennifer also mentioned that she remembered BZA's capacity with Archaeology and that there may be opportunities to include this in the project this season (along with other monitoring opportunities).

Jennifer confirmed that engagement hasn't stopped and that more is being planned. NextBridge is currently working on a Permitting Workshop for later this Spring and NextBridge

is reaching out to communities to plan these events. NextBridge will also connect directly with BZA to arrange a session to continue to share project information as well as to have Shared Value (SVS) come into the community to better explain their recommendations on the technical EA review that they conducted for the First Nations. NextBridge has provided capacity funding to BZA for consultation work and for the SVS EA reviews and more capacity funding can be made available to support another workshop for BZA as required. Jennifer indicated that Joe Donio will work with BZA to determine their capacity needs and to support more engagement work moving forward.

Next Steps:

- Jennifer to connect with Supercom to let them know of BZA's interest to participate in the EWT project – Connect Hoss Pelletier, Supercom with BZA
- Joe to work with BZA to discuss a communication strategy
- Joe to work with BZA to determine capacity funding needs and to conduct another engagement meeting(s) on the project, the EA and upcoming permitting processes. BZA will provide ideas to encourage more member participation and Joe will ensure SVS attends to better explain the EA review and advice they provided
- BZA to consider skills and assets inventory to identify members and equipment that may be available to be applied to the project
- NextBridge to connect with BZA on Archaeology/monitoring for upcoming season

## **Meeting Summary**

### **Biinjitiwaabik Zaaging Anishinaabek (BZA) – NextBridge – East-West Tie Transmission Project**

September 19, 2018 – Valhalla Inn (Boardroom 2), Thunder Bay, ON

#### **Attendees:**

BZA: Chief Melvin Hardy and Councillor Edward King

NextBridge: Jennifer Tidmarsh, Isabel Mathieson, Joe Donio (mPower North)

Valard: Steven Jeffery

SuperCom: Hoss (Sylvio) Pelletier

#### **Notes:**

Jennifer Tidmarsh opened the meeting by thanking Chief Hardy and Councillor Edward King for making themselves available to meet with NextBridge to follow-up on the May 4<sup>th</sup> meeting. Jennifer mentioned that Joe Donio had prepared an agenda and circulated it to all by email. The Agenda was also handed out at the meeting. Jennifer asked Chief Hardy and Councillor King if they wanted any additions to the agenda. They replied no.

Chief Hardy asked for introductions to be made. Participants went around the table and introduced themselves.

Jennifer proceeded to provide a project update. The Environmental Assessment (EA) process is coming to a completion. NextBridge has worked for several years on the EA including one amendment. NextBridge has worked with the public and First Nations to share information on the EA and to seek comments as the EA progressed. NextBridge is working towards the Notice of Completion by September 28<sup>th</sup> with the Ministry of Environment, Conservation and Parks (MOECP). The plan is to submit the EA to the Minister to move forward with approvals.

Chief Hardy asked whether Archeology was part of the EA.

Jennifer responded that it was and that also, BZA had Edward Panamick working on the Stage II Archeological Assessment with Stantec.

Chief Hardy mentioned that Edward Panamick was no longer on the Archeology work and because he had issues (with Stantec). The Chief said that Edward had talked to Herb Shields and Herb was aware of the issues. The Chief said the NextBridge Letter of Agreement was never received and Edward was never accommodated with an ATV by Stantec.

Jennifer was aware of some of the early coordination issues with the field work but understood that each was addressed by Herb with the contractors and the participants, so she was not aware that Edward Panamick had left the Archeology work. It was mentioned that Herb Shields

communicated regularly with participants and contractors and he emailed schedules to all weekly. Jennifer indicated that she would need to talk with Herb to find out more details.

Chief Hardy requested a transcript of the discussion that Jennifer will have with Herb. He also wanted to see reconciliation between Edward and Herb. The Chief recommended that a follow-up call be arranged where Edward could talk to Herb about the issues he faced. The Chief also requested that other participants should join that call. Councillor Edward King would join Edward Panamick and NextBridge could select another to join Herb.

Jennifer continued with the project update indicating that Stage I Archeology was completed a few years back and that Stage II Archeology was wrapping up with minimal finds. A tea cup and coke bottle were found next to the CP Rail tracks.

Jennifer also spoke about the permitting work that needed to be completed with the various government departments. It was noted that NextBridge would continue to share information and consult on and during the permitting process. NextBridge wants to conclude another Capacity Funding Agreement (CFA) with BZA to provide resources for community workshops on permitting soon.

Jennifer provided an update on the Leave to Construct (LTC) process. NextBridge's LTC application was submitted in July 2017. Hydro One submitted an LTC in February 2018. The Ontario Energy Board (OEB) has scheduled a hearing to consider these LTC applications on October 2<sup>nd</sup> to the 12<sup>th</sup>. Because of regulatory delays, NextBridge has revised its project schedule to start construction in June 2019 with a 2020 in service date, but for this to happen, they will need a favourable OEB decision by December 31, 2018.

There were no further questions on the Project Updates.

Jennifer proceeded to move on to the next agenda item of capacity support and ongoing consultation.

Chief Hardy mentioned that his community had contact and meetings with NextBridge, but he requested that more consultation take place. Chief Hardy does not want "checkbox style consultation" as he said consultation needs to be First Nation driven, must include plain language and must encourage participation.

Jennifer agreed and indicated that NextBridge has worked to do this. NextBridge worked with the First Nation in 2014 to design a consultation plan that was put forward by the Chief and staff at that time. NextBridge has plain language poster boards, maps and other handouts that are used at the open houses. NextBridge also supported First Nation-led peer reviews of the EA by First Nation consultants.

Next, Jennifer focussed on how NextBridge is eager to seek input from BZA on permitting and wants to work on an engagement plan around this activity. Permitting workshops will allow communities to see more details on such things as water crossings, herbicide management, etc.

Chief Hardy spoke about the importance of traditional medicines.

Jennifer indicated that NextBridge is planning for ceremonies and the potential for plant harvesting prior to construction.

Chief Hardy mentioned that with all this work, BZA would require a liaison person to handle the communication and consultation work on behalf of the community.

Jennifer mentioned there isn't a project yet and that everyone needs to manage expectations. She acknowledged that some work needs to be done in this area and would like to see a workplan and budget from the community that could at least help with supporting on and off Reserve workshops (as originally proposed by BZA). The budget could also include some coordination support to the community. Jennifer stressed that NextBridge would like to see these workshops (on project updates and permitting) happen as soon as possible.

Jennifer mentioned that Joe Donio is available to support the community on their workplan and budget so we can focus on the consultation requirements now.

Chief Hardy directed Joe Donio to work with Councillor Edward King on the workplan and budget.

There were no further questions or comments on capacity funding and ongoing consultation.

Jennifer moved on to the next agenda item – OEB process (BZA Intervenor status). She mentioned that BZA has applied for intervenor status in both the NextBridge and Hydro Once processes.

Chief Hardy stated that NextBridge has confirmed equity participation in the project for BLP (Bamkushwada LP) but they have not included BZA in equity participation.

Jennifer indicated that the equity portion of the project is closed.

Chief Hardy told Jennifer that she committed to BZA equity at the May 4<sup>th</sup> meeting in Toronto and that she is now a liar. Chief Hardy indicated that he was going to leave the meeting and that he would take another process to deal with this.

Jennifer stressed that she did not agree to or confirm equity participation for BZA at the meeting in Toronto and that the discussion was leading to a follow-up on project benefits through SuperCom and Valard. Jennifer asked the Chief to stay and to take some time to listen to Steve from Valard and Hoss from SuperCom.

Chief Hardy agreed to stay to listen.

Hoss Pelletier provided an overview of the SuperCom training initiative. The initiative was open not only to the 6 route First Nation but all 18 indigenous communities identified for the project. It was noted that BZA had 5 members complete training in the initiative. SuperCom is also working on business and contracting opportunities. Some of these opportunities are set asides for the 6 route First Nations and Hoss provided a handout of potential opportunities available to all within the group of 18. Hoss indicated that there are opportunities for BZA to participate in this area and that more work needs be done between BZA and SuperCom to see where this can happen. This would include capacity discussions, etc.

Chief Hardy asked the group if they knew what Aboriginal Procurement was. He said his definition included contract opportunities for communities with close proximity to a project. Chief Hardy said that as a result, he felt that SuperCom is extinguishing BZA's rights.

Chief Hardy stood up and indicated that he was leaving the meeting. He told the group that they could continue the meeting with Councillor Edward King and that Edward would be the one to work on the budget and workplan and to discuss the contract opportunities. The Chief left the meeting at this time.

Hoss turned to the potential opportunities handout that are available to the group 18. He ran through the list and there was back and forth dialogue with Councillor King on them.

Councillor King talked about some of the interests that his community may have and that he is interested to follow-up with SuperCom and Valard to talk more on the opportunities.

Hoss and Steve Jeffery indicated that they could go to BZA to provide more information to members on the opportunities. A tentative date of October 10<sup>th</sup> was selected between Hoss, Steve and Councillor King to hold a community workshop in BZA to share information on the list of opportunities. Steve also mentioned that this date could be used as a job fair opportunity as well.

Steve indicated that Valard would welcome the opportunity to meet with BZA and discuss all the opportunities.

Jennifer stressed that NextBridge and Valard want to hire local and this means working will all 18 identified communities.

Councillor King had no further questions about the opportunities list at this time and he welcomes SuperCom and Valard to come to the community on October 10<sup>th</sup> to continue the discussion. He also mentioned that he would continue to work with Joe Donio on the capacity funding budget and workplan so that workshops could be arranged in the community in the near future.

End of meeting – 3 pm

## BZA INTERROGATORY #9

### INTERROGATORY

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1, page 9 (Filed July 31, 2017); and Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, page 131 (July 5, 2018).

Please provide an explanation of why economic partnership or equity agreements have not been negotiated with BZA but have been negotiated with the BLP First Nations and MNO.

Please provide a detailed explanation of why the Biinjitiwaabik Zaaging Anishinaabek has been treated differently from the BLP First Nations and MNO. Please provide all correspondence, notes, internal memo's, decisions or other documentation discussing the which Indigenous groups were to be consulted, to what degree and any justification. Please provide any evaluation criteria that Nextbridge uses internally for making determinations on the degree of consultation or accommodation owing to any affected Indigenous community.

### RESPONSE

As stated in NextBridge's response to BZA Interrogatory #8, found at Exhibit I.NextBridge.BZA.8, both Bamkushwada LP and the Métis Nation of Ontario self-identified as being interested in negotiating with NextBridge when NextBridge was designated in 2013 to complete development work for the EWT Line Project. To date, Biinjitiwaabik Zaaging Anishinaabek has not identified to what extent the community is interested in economic participation beyond the employment and contracting opportunities NextBridge has offered through Supercom.

As part of the Aboriginal Participation Plan submitted to the Ontario Energy Board in January 2014<sup>1</sup>, NextBridge committed to providing economic opportunities to Indigenous businesses and persons in all of the 18 communities identified by the Crown in its delegation of certain aspects of the Duty to Consult memorandum of understanding

1

[http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/423518/view/NextBridge\\_EWT\\_Monthly%20Report\\_20140122.PDF](http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/423518/view/NextBridge_EWT_Monthly%20Report_20140122.PDF)

(MOU). This MOU does not provide direction to NextBridge on the degree of consultation or economic participation that NextBridge should provide the communities and, as such, NextBridge has not made any determinations or distinctions in its consultation or participation efforts. As a project proponent, NextBridge believes that the measure of economic participation provided to a community is not indicative of the amount of consultation or potential traditional rights a community possesses.

**Table 2-21: Biinjitiwaabik Zaaging Anishinaabek First Nation Key Issues or Concerns**

Concern/Issue Expressed	Communication Date	Where/How Addressed
Need for community to receive economic and employment opportunities from the Project	December 19, 2013 February 18, 2014	NextBridge will implement the following measures to support economic opportunities for Indigenous communities and individuals (refer to Section 18): <ul style="list-style-type: none"> <li>■ Support local hiring of qualified personnel where appropriate.</li> <li>■ Support local and regional procurement where practicable.</li> <li>■ NextBridge intends to prioritize employment opportunities for local qualified Indigenous candidates.</li> <li>■ NextBridge will communicate employment requirements to Indigenous communities in the labour market and economic development LSA.</li> </ul>
What monitoring will be done on the Project commences?	April 30, 2014	NextBridge will implement a comprehensive and effective monitoring program to indicate if the assumptions used in the amended EA Report were correct and if mitigation measures were effect. Additional information regarding proposed monitoring plans is available in Section 23 of the amended EA Report.
Concerns regarding Stage 1 archaeological survey methodology and interest in participation in Stage 2 archaeological survey	January 28, 2016	NextBridge responded to Biinjitiwaabik Zaaging Anishinaabek First Nation's concern in a letter dated February 5, 2016. This letter confirmed that NextBridge shares Biinjitiwaabik Zaaging Anishinaabek First Nation's view that future archaeological studies on the route should include a culturally-respectful approach and offered to have their archaeology consultants meet to discuss the results of the Stage 1 archaeological assessment.

EA = Environmental Assessment; LSA = Local Study Area.

# Aboriginal Participation Plan for the East-West Tie Transmission Project

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*NextBridge Infrastructure*

*January 2, 2014*



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## Executive Summary

NextBridge Infrastructure LP (“NextBridge”), through its general partner Upper Canada Transmission, Inc., has been designated by the Ontario Energy Board (“OEB”) as the transmitter that will develop a new high voltage transmission line known as the East-West Tie (“EWT” or the “Project”). The EWT will be an approximately 400 km long, double-circuit 230 kilovolt electric power transmission line from the Lakehead Transformer Station (“TS”) near Thunder Bay to the Wawa TS near Wawa, Ontario.

NextBridge is a limited partnership between affiliates of NextEra Energy Canada, ULC (“NextEra”), Enbridge Inc. (“Enbridge”), and Borealis Infrastructure (“Borealis”).

In its Long Term Energy Plan (“LTEP”), the Province of Ontario recognized that Aboriginal communities have an interest in participating in the economic benefits from future transmission projects crossing through their traditional territories and that there are a number of ways in which such communities could participate in such projects including via opportunities in training and skills upgrading, local material supply, provision of services, employment, community investment and potential commercial investment.

NextBridge recognizes that Aboriginal participation in the Project is important to the Project’s success. Participation will promote an alignment of interests among interested constituencies and provide an opportunity to tap into commercial and social resources that can benefit both the Project key Aboriginal communities in northwestern Ontario, and Ontario’s Northwest region more broadly.

NextBridge believes that the first step to encouraging Aboriginal participation is an initial investment of time and engagement to help build strong relationships and promote a productive reciprocal exchange of information with Aboriginal communities about the opportunities presented by the Project. Some of this relationship building will occur in conjunction with the consultation activities that have been delegated by the Crown to NextBridge in accordance with the Memorandum of Understanding (“Consultation MOU”) dated November 4, 2013 (previously filed with the OEB). Separate from these consultation activities (which are ultimately grounded in the Crown’s constitutional duty to consult) and as further described in this Aboriginal Participation Plan (this “Plan”) NextBridge is also working on a parallel path to further the provincial policy objective of enabling Aboriginal communities to participate in transmission projects. Because “Aboriginal participation” is broadly defined to include a variety of economic benefits, there is some necessary overlap between the consultation and participation processes. As such, some Aboriginal communities will participate primarily through opportunities that arise in the consultation process as further described in NextBridge’s Aboriginal Consultation Plan (“Consultation Plan”).

It is NextBridge’s expectation that the eighteen First Nation and Métis communities previously identified by the Ministry of Energy (“ENERGY”) for consultation purposes will participate relative to their

respective proximity and contribution to, and interest in, the Project. This Plan was created to guide NextBridge's approach to participation with these communities. NextBridge's approach to Aboriginal participation is based on providing a broad spectrum of participation options including opportunities to enhance each participating Aboriginal community's economy, employment opportunities, education and skills base, and community programs.

This Plan sets out a process that will be continually enhanced, with the benefit of community input. As our participation engagement process unfolds, we will work with Aboriginal communities to determine their capacity for, and interest in, different types of participation.

## Introduction and Project Background

Transmission development activities can assist in generating socio-economic growth in Aboriginal communities through partnerships, employment, skills development, business and spin-off opportunities, as well as via participation in activities undertaken during project development (e.g., traditional land use study enhancement, etc.) and activities undertaken to protect the environment during construction and operation (e.g., environmental monitoring). A major infrastructure development project can also assist with skills and capacity development for community members that will outlive the project itself, and bring skills to community members that can be applied to other endeavours that the community may wish to undertake.

In November 2010, the LTEP identified the upgrading of the EWT as a priority project. The OPA subsequently confirmed the need to ensure long-term system reliability in northwestern Ontario by bringing the system into compliance with the Independent Electricity System Operator's ("IESO") reliability criteria. In response to an August 22, 2011 invitation from the OEB, seven transmitters registered an interest in seeking the designation to construct and operate the Project. On July 12, 2012, the OEB issued its Phase 1 Decision and Order, which set out the specifics for the designation proceeding and the schedule for the filing of applications for designation. On August 7, 2013, the OEB issued EB-2011-0140, its Phase 2 Decision and Order, selecting Upper Canada Transmission Inc., NextBridge's General Partner, as the transmitter to complete development work for the Project.

## NextBridge Infrastructure

NextBridge is a partnership between affiliates of NextEra, Enbridge and Borealis. Together the NextBridge partners are well-positioned to deliver transmission projects on-time and on-budget, bring additional resources and innovative ideas to transmission project development, construction and operations in Ontario and support competition in transmission to drive economic efficiency in Ontario's transmission sector for the benefit of the Ontario electricity ratepayer. NextBridge is committed to working with Aboriginal communities in Ontario to provide sustainable benefits to those communities, and draws on the experiences of its partners to drive project success. This is particularly true in the area of Aboriginal relations, where each of NextEra, Enbridge, and Borealis brings significant expertise and experience to the table.

NextBridge believes that Aboriginal participation in the Project makes good sense, both commercially and socially. NextBridge's approach to participation is based on providing Aboriginal communities with opportunities to enhance their economies, employment options, education and skills base, and community programs in proportion to their proximity and contribution to, and interest in, the Project. As our engagement process unfolds, we will work with Aboriginal communities to determine their capacity for, and interest in, different forms of participation.

## Identified Aboriginal Communities

In a May 31, 2011 letter to the OPA, ENERGY identified eighteen Aboriginal communities to be consulted by the OPA in early consultation with respect to the Project. These communities are also referred to in the Consultation MOU. They are as follows:

<u>TYPE</u>	<u>TRIBAL COUNCIL</u>	<u>ORGANIZATION</u>	<u>TREATY AREA</u>
First Nation		Michipicoten First Nation	Robinson Superior Treaty
First Nation		Pic Moberg First Nation	Robinson Superior Treaty
First Nation		Ojibways of Pic River	Robinson Superior Treaty
First Nation		Pays Plat First Nation	Robinson Superior Treaty
First Nation		Red Rock Indian Band	Robinson Superior Treaty
First Nation	Nokiiwin	Fort William First Nation	Robinson Superior Treaty
First Nation	The North Shore Tribal Council	Ojibways of Garden River	Robinson Huron Treaty
First Nation	The North Shore Tribal Council	Ojibways of Batchewana	Robinson Huron Treaty
First Nation	Mushkegowuk Tribal Council	Missanabie Cree First Nation	Treaty 9
First Nation	Nokiiwin	Animbiigoo Zaagi'igan Anishinaabek (Lake Nipigon First Nation)	Robinson Superior Treaty
First Nation	Nokiiwin	Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation)	Robinson Superior Treaty
First Nation	Nokiiwin	Bingwi Neyaashi Anishinaabek (Sand Point First Nation)	Robinson Superior Treaty
First Nation	Matawa	Ginoogaming First Nation	Treaty 9
First Nation	Matawa	Long Lake #58 First Nation	Treaty 9
Métis	Independent	Red Sky Métis	
Métis	Métis Nation of Ontario	Superior North Shore Métis Council	
Métis	Métis Nation of Ontario	Greenstone Métis Council	
Métis	Métis Nation of Ontario	Thunder Bay Métis Council	

Some of the identified communities are a considerable distance from the proposed routing for the Project, and it is anticipated some communities will indicate that they are not interested in the Project. Conversely, it is also anticipated that Aboriginal communities located closest to the proposed transmission right of way will also be the communities that will make the most significant contributions to, and show the most interest in, the Project. NextBridge therefore expects that these more proximate

communities will participate to a greater extent than those Aboriginal communities whose traditional territories are less proximate to the Project. Indeed, the most proximate communities may be offered an investment stake in the Project.

## Identified First Nation Route Communities

NextBridge understands that the traditional territories of the following six First Nations are situated along the proposed Project route between the Wawa and Thunder Bay TS:

- Michipicoten First Nation
- Pic Moberg First Nation
- Ojibways of Pic River
- Pays Plat First Nation
- Red Rock Indian Band
- Fort William First Nation

In addition, the proposed Project route currently traverses the Reserve lands of two Aboriginal communities (Michipicoten and Pays Plat). The Reserve lands of the other four Aboriginal communities lie within approximately 40 kms of the proposed Project. NextBridge has met with these Aboriginal communities in order to develop the relationships necessary for a strong business relationship, and to jointly explore mutually acceptable approaches to commercial participation in the Project.

## Identified Métis Communities

NextBridge will also engage in participation discussions with, the following four Métis communities:

- Red Sky Métis
- Superior North Shore Métis Council
- Greenstone Métis Council
- Thunder Bay Métis Council

The Métis Nation of Ontario (“MNO”) represents the latter three communities and discussions have been initiated with the MNO regarding participation by these three Métis communities. In addition, NextBridge has made initial contact with the Red Sky Métis.

## Proposed Project Schedule – Environmental Assessment and Leave to Construct

NextBridge is planning to bring the Project into service in the first half of 2018. The most important initial steps in development of the Project will be the Environmental Assessment (“EA”) and the Leave to Construct (“LTC”) processes. The proposed schedule for these two regulatory processes is as follows:

<u>ACTIVITY</u>	<u>PROPOSED TIMING</u>
Notice of Commencement	November 2013
File Terms of Reference (“TOR”) for EA	February 2014
Continued input into TOR process as the Aboriginal consultation process unfolds	February 2014 – July 2014
Approval of TOR for EA	July 2014
Submit Environmental Assessment	January 2015
LTC filed with the OEB	January 2015
EA Approved	December 2015
LTC Granted	December 2015
Construction of Line	January 2016 – March 2018
In service date	First Half 2018

NextBridge’s consultation schedule (please see the Consultation Plan for further detail) is designed to ensure input from potentially affected Aboriginal communities in connection with the EA and LTC processes. In addition, NextBridge had developed a participation schedule designed to ensure timely participation by Aboriginal communities depending on their respective proximity and contribution to and interest in the Project. While separate processes, NextBridge anticipates that the schedules for consultation and participation activities will necessarily overlap at times. The participation schedule is as follows:

<u>ACTIVITY</u>	<u>PROPOSED TIMING</u>	<u>NATURE OF ACTIVITY</u>
Initial introductory letters to communities	August, October and November 2013	Consultation/Participation
Initial community leadership meetings	December 2013 To be completed by early Q1 2014	Consultation/Participation
Refined design of First Nation and Métis consultation and participation process with community input	January 2014	Consultation/Participation
Work with communities to identify capacity to enable them to more fully participate in jobs, business opportunities and capacity development	March 2014 to January 2016	Participation
Negotiate and conclude participation agreements (as applicable)	January 2015	Participation

Ongoing community meetings to discuss Project; employment of archeological and environmental monitors, as appropriate	January 2016 – Early 2018	Participation
Monitoring of Project	January 2016 - In service in 2018 and ongoing	Participation

**First Nation and Métis Participation Opportunities**

NextBridge believes “participation” may encompass some or all of the following elements:

- Project Specific Training
- Education
- Employment opportunities
- Service and material supply opportunities
- Community investment
- Investment opportunities

As noted above, the most proximate communities may be offered an investment stake in the Project.

In addition, as the engagement process unfolds, NextBridge’s Aboriginal Engagement Team members will work with the identified Aboriginal communities to determine their capacity for, and interest in, different types of participation. As a precursor to being able to maximize employment and business opportunity benefits in certain Aboriginal communities, NextBridge plans to collect relevant information from those communities regarding jobs skills and businesses. NextBridge understands that due to a lack of capacity in some Aboriginal communities, there is sometimes a need for advance preparation in order to optimize the number of employment opportunities made available to Aboriginal individuals throughout the Project lifecycle. Once discussions have been held to better understand the available Aboriginal services and the needs of the Project, NextBridge can work with the Aboriginal communities to measure and identify the potential labour force, material procurement and support services for construction of the Project that can be considered for advanced preparation.

From this, NextBridge will work with the Aboriginal communities to assess the existing capacity to meet the projected needs, and will also identify areas where some targeted project specific training could increase the opportunities for future employment on the Project. NextBridge will look to local educational and training institutions to explore opportunities for integration between the training provided to Aboriginal people and the potential apprenticeship and other opportunities offered by the Project. In addition, NextBridge will also look at opportunities to provide scholarships and other financial support for such training. NextBridge will seek to work with local institutions, such as Confederation College, Cambrian College, Canadore College and Algoma College.

During operations, NextBridge will continue to notify affected Aboriginal communities and organizations of potential contracting and employment opportunities. NextBridge will track and report as possible the number of Aboriginal individuals employed on the Project. NextBridge will also ensure that there is sufficient support for Aboriginal individuals employed, such as sensitivity to cultural traditions, to help ensure retention and development of these individuals.

### ***The Relationship of “Participation” to “Consultation”***

NextBridge proposes to carry out two parallel streams of consultation and participation discussions with the identified First Nation and Métis communities, in accordance with its Consultation Plan and this Plan. As discussed above and illustrated below, due to the broad definition of “participation” NextBridge expects there to be some overlap between the two streams given that participation opportunities are frequently provided to aboriginal communities as the consultation process unfolds. Participation may arise as a result of various consultation activities including securing host community support, taking mutual advantage of local labour, good corporate citizenship, assisting with EA work, compensating for project impacts, ensuring responsible stewardship (e.g. hiring environmental monitors, etc.) because all of these activities fall within the definition of “participation” articulated by the OEB. In other words, these participation opportunities are also community benefits. However, it is not necessarily the case that each community with whom NextBridge is required to consult will also participate in the Project.

Like the consultation process, NextBridge anticipates that the participation process will be a fluid and collaborative process requiring both parties to engage in honesty and in good faith with a view to achieving an optimal outcome for both sides while conforming to the OEB’s requirements and preserving the interests of Ontario’s electricity ratepayers.

## **Participation Agreements**

Set forth below is a general description of the types of agreements that may be used by NextBridge in connection with the participation process. NextBridge does not expect to enter into some or all of these agreements with each of the identified Aboriginal communities. Rather, each Aboriginal community’s ability to participate will be independently assessed based on its proximity and contribution to, and interest in, the Project.

### ***Capacity Funding Agreements (“CFA”)***

In connection with its delegated consultation responsibilities, NextBridge may enter into one or more CFAs with various Aboriginal communities. CFAs typically contemplate the provision of financial resources by developers to facilitate Aboriginal communities’ meaningful participation in the consultation process (including the EA and other regulatory processes) and may contemplate other development activities including enhancement of traditional knowledge studies and/or project specific

skills development. To the extent that a CFA includes these latter elements, it may provide participation benefits to an Aboriginal community.

### ***Enabling Agreements***

NextBridge may enter into one or more Enabling Agreements with Aboriginal communities which would enable such communities to engage in more significant participation. Enabling Agreements are similar to CFAs but are exclusively related to the facilitation of participation. These agreements may cover possible funding for recruitment, skills training, community program funding and business preparedness.

### ***Commercial Funding Agreements***

As described above, certain Aboriginal communities may be offered an investment stake in the Project and much of the initial participation work will be focused on negotiating the terms of their investment. The goal of these negotiations will be to achieve a mutually satisfactory alignment of economic interests in the Project that takes into account provincial policy with respect to Aboriginal participation, and the OEB's mandate with respect to rate regulation. To facilitate these negotiations, NextBridge may enter into one or more Commercial Funding Agreements with the potential investor communities to reimburse them for expenses such as legal costs and financial due diligence work that necessarily precede commercial investment. Commercial Funding Agreements may also provide financial resources for certain Aboriginal community business expansion that will allow such businesses to more meaningfully participate in the Project.

### ***Procurement and Contracting Agreements***

NextBridge will include criteria in its request for proposals for a general contractor that will require the chosen contractor to ensure identified Aboriginal community businesses are given the opportunity to competitively provide labour, material, equipment and services to the Project. Such criteria may request that the general contractor provide their plan for Aboriginal contracting and training after reviewing the information provided by the Aboriginal communities. NextBridge will proactively work with its general contractor to identify opportunities to offer service, materials and equipment contracts to local Aboriginal businesses or joint ventures including, where applicable and appropriate, set aside contracts. These opportunities will be made available to any primary third-party contractors engaged by NextBridge during the construction of the Project. In addition, construction personnel working on the Project will participate in cultural sensitivity training.

### ***Community Benefit Agreements ("CBA")***

The Crown bears responsibility for assessing the adequacy of consultation and, if necessary, accommodation. If accommodation (beyond mitigation) is sought from the Crown, NextBridge may enter into CBAs as a means of offsetting concerns about potential impacts, and providing benefits to the community. CBAs may also be used to provide benefits to communities unrelated to accommodation or the mitigation of Project impacts. These are, nevertheless, benefits that both NextBridge and an

aboriginal community have identified during the course of consultation as in the interests of both parties. NextBridge believes in fostering strong relationships with communities and making strategic community investments that result in long-term, sustainable benefits. In connection with the negotiation of any CBA, NextBridge will engage with Aboriginal communities to identify meaningful, strategic investment opportunities – in sectors such as education, environment, health and safety, and culture.

A CBA is a project-specific agreement between a developer and a community that details the project's long term economic contributions to the community and ensures community support for the project. CBAs serve two primary purposes: the first is to acknowledge aboriginal interests by ensuring that benefits and opportunities flow to the community and the second is to address social risk factors within the community such as adverse socio-economic and biophysical effects of development. Benefits provided may take a variety of forms including training, employment, business opportunities, etc. To the extent that a CBA includes such elements, it may result in participation by an Aboriginal community.

### ***Investment Agreements***

In the event that one or more Aboriginal communities takes an investment stake in the Project, NextBridge and the applicable Aboriginal community (or its chosen investment vehicle) will enter into an Investment Agreement in respect of the Project. The Investment Agreement will set forth the economic and legal terms of the community's investment in the Project.



states that where a new transmission line crosses the traditional territories of Aboriginal communities, Ontario will presume that the proponent will explore opportunities to:

- Provide job training and skills upgrading to encourage employment on the transmission project development and construction;
- Further Aboriginal employment on the project; and
- Enable Aboriginal participation in the procurement of supplies and contractor services.

While the LTEP does not presume that transmission companies will provide commercial participation in transmission projects, NextBridge believes this can be an important element to meaningful Aboriginal participation in the Project.

## **Supporting Programs for Participation by Aboriginal Communities**

Both the Federal and Provincial governments have created multiple programs that are able to support Aboriginal participation in the transmission sector. NextBridge will work with identified Aboriginal communities to seek access to available sources of regional, provincial, federal and community financing programs and other business management and advisory services including, but not limited to, the following:

- Ontario Power Authority – Aboriginal Energy Partnership Program,
- Ontario Power Authority – Aboriginal Transmission Fund,
- Ontario Financing Authority (OFA) – Aboriginal Loan Guarantee Program,
- Ministry of Northern Development and Mines (MNDM) – Infrastructure and Community Development Program,
- FedNor, Aboriginal Affairs and Northern Development Canada (AANDC) – Aboriginal Business Canada,
- Ministry of Aboriginal Affairs (MAA) – New Relationship Fund,
- Indian and Northern Affairs Canada (INAC) – First Nation Infrastructure Fund,
- Canadian Council for Aboriginal Business,
- Ontario First Nation Technical Services Corp.,
- Canadian Executive Services Overseas (Aboriginal section), and
- Aboriginal Human Resource Council.

In addition, in the event that negotiations with respect to direct financial investment are successful, Aboriginal communities that are offered investment stakes in the Project may choose to use their own funds to make the necessary financial contribution to the Project and/or access funds available to them

pursuant to programs designed to support Aboriginal investment such as the Aboriginal Loan Guarantee Program.

## **Aboriginal Advisory Board**

NextBridge has formed an Aboriginal Advisory Board (“AAB”) to advise the partnership on its proposed approach to First Nation and Métis engagement. This Board meets four times per year, and includes Senator Gerry Bedford, Judith Moses from Six Nations and John Beaucage, the former Grand Council Chief of the Union of Ontario Indians (Robinson Superior and Robinson Huron Treaty members). Each of the AAB members has an excellent understanding of the issues faced by First Nation and Métis communities, and is able to provide strong guidance to the NextBridge Aboriginal Engagement team. The role of the AAB is to act as a sounding board, however it does not purport to offer specific local knowledge of the Project or the Project area; this knowledge can only be gained by direct dialogue with the relevant Aboriginal communities.

## **Aboriginal Engagement Team Members**

### Cindy Tindell

Cindy Tindell is vice president of transmission development for NextEra Energy Transmission, and a Director on the Board of Directors of NextBridge. She leads corporate efforts to develop, construct, operate and acquire regulated and contracted power transmission and related assets in the U.S. and Canada.

Prior to joining NextEra Energy Transmission, she served as the Regional Vice President for NextEra Energy Resources, responsible for overall profitability, operating performance, and strategic planning for two regions, including the “Midwest US, Canada and Spain”, a \$1 billion business consisting of 35 nuclear, wind, and solar power generation facilities. Cindy also led Florida Power & Light utility’s development and construction planning for five natural gas fired plants totaling over \$4 billion investment and the 75 MW solar thermal facility; the first ever to be integrated into an existing natural gas fired plant. She has extensive experience in project and acquisition finance, contract and regulatory negotiations, and project development. Cindy has served as an official at the U.S. State Department and is a member of the Council on Foreign Relations.

Cindy received a BS from Georgetown University, an MA from Columbia University and a MBA from the Harvard Business School.

### D. Brian Hay

D. Brian Hay is the Director of Aboriginal Relations for NextEra Energy, and will head up the Aboriginal Engagement Team for NextBridge.

Prior to joining NextEra, Brian was Director and Special Advisor, First Nation and Métis Relations, with the Ontario Power Authority (OPA), responsible for developing and implementing OPA's Aboriginal engagement and consultation program. He was previously OPA's founding Director of Communications and Public Affairs, responsible for media, community, government and stakeholder relations as well as issues management and editorial services.

Mr. Hay has more than 35 years' management experience in strategic planning, project management, crisis management, risk communications, and public affairs with major Canadian and international retail, financial, mining, petroleum and government organizations. Working with Preston Manning, Brian helped found the Economic Development Discussion Group in Edmonton in 1976 to encourage participation of Alberta First Nation and Métis people in the orderly and responsible development of the oil sands.

He is also a retired Major with the Canadian Army (Reserve), having served in the public affairs, civil/military and intelligence sections. Major Hay initiated the first Land Force Central Area multi-cultural family dinner for serving members and their families from more than 40 different national communities.

He holds an Honours B.A. in Philosophy and Political Science and an M.A. in Behavioural Political Science from McMaster University.

#### Jennifer Tidmarsh

Jennifer Tidmarsh is the Project Director, Community Engagement for NextBridge Infrastructure.

Before joining NextBridge, Jennifer was the Director of First Nation and Métis Relations at the Ontario Power Authority (OPA). She was responsible for facilitating and integrating all aspects of Aboriginal involvement into the work of the organization. Prior to that position, Jennifer was the Senior Advisor to the CEO and has also been involved designing and managing the Aboriginal Renewable Energy Fund (AREF) and the Community Energy Partnerships Program (CEPP) for the OPA.

She has also worked in the industrial/commercial sector promoting energy efficient and environmentally sustainable programs. Her work has included a short appointment in Bangladesh working for the Canadian International Development Agency.

#### Teresa Homik

Teresa Homik is the Manager, Aboriginal Affairs, National Policies and Programs for

Enbridge Pipelines Inc.

Teresa has been responsible for Enbridge's National Policies and Programs management since 2007. She has also been responsible for strategic Aboriginal relationship building at the National level, and has provided Aboriginal Affairs risk management support for Enbridge's renewable and alternate energy project acquisitions, including Gas Midstream, and has provided ongoing Aboriginal Affairs support for Enbridge-owned renewable energy projects during construction, particularly in Ontario and Quebec.

Prior to joining Enbridge Teresa's legal practice focused exclusively on Treaty and Aboriginal Rights and land claims issues for First Nations, Government (INAC and the Indian Claims Commission), and Industry clients. Teresa has held leadership roles within the Aboriginal Law Section of the Canadian Bar Association, and was editor of the national newsletter of the Aboriginal Law Section of the Canadian Bar Association from 2000 to 2007. Teresa served on the Board of Directors of the Association of Women Lawyers (Calgary) between 2000 to 2010.

Teresa holds an undergraduate Degree in Political Studies and French Literature, and earned her law degree from the University of Manitoba.

#### Kath Hammond

Kath Hammond is the Vice President of Legal at Borealis. Ms. Hammond joined Borealis in April 2012 and is based in the Toronto office in the Legal group. Prior to joining Borealis, Ms. Hammond was at Ontario Power Generation Inc. for 11 years where she held a number of legal and business roles, including Assistant General Counsel; Director, Business Development for Hydroelectric; and Director, Commercial Strategy for the Darlington Nuclear Refurbishment Project. While at OPG, she gained valuable experience working with Aboriginal communities on the development of various hydroelectric projects. Prior to joining OPG, Ms. Hammond was a member of the corporate group at Torys LLP in Toronto. Ms. Hammond holds a B.A., Economics from Huron College, and University of Western Ontario and an LL.B. from the University of Toronto.

#### Oliver Romaniuk

Oliver Romaniuk is a Project Manager at NextEra Energy Transmission LLC. He is responsible for managing the development process for new competitive transmission projects in North America and is a registered Professional Engineer in Ontario.

Oliver Romaniuk's academic background focused on power system analysis, economics and control. Since entering the power industry in 2002, he has participated in alternative energy system design and project management for smart metering, residential demand response and cogeneration pilot projects for a number of Ontario's largest distribution utilities. He returned to the University of Waterloo in September 2006 to pursue a Master's Degree in Electrical Engineering with Toronto Hydro Energy

Services Inc. as the sponsoring corporation. After graduating Oliver has been with NextEra Energy in transmission development, focusing on competitive transmission procurement processes and supporting NextEra's Canadian wind generation group with transmission interconnection support. The team was recently awarded over 600MW of Ontario Feed-in-Tariff contracts. Oliver is a Registered Professional Engineer in the Province of Ontario.

#### Ryan Farquhar

Ryan Farquhar is Director, Green Power & Transmission at Enbridge Inc., responsible for developing Enbridge's power transmission business platform. Ryan serves as Enbridge's commercial lead on the Project and as its representative on the Operations Committee.

Prior to joining Enbridge, Ryan was Vice-President & General Counsel of publicly-traded Tonbridge Power Inc. Ryan held a management role with respect to the Montana-Alberta Tie-Line (MATL) line, the first cross-border merchant electric transmission line in North America. Tonbridge was acquired by Enbridge in 2011.

Ryan has experience in private equity and venture capital investing, having been a Partner at one of Canada's leading independent fund managers. Ryan is a lawyer by training with a Bachelor of Laws from The University of Western Ontario, having practiced corporate law at a leading national law firm, with a focus on transactions. Ryan has been a member of the Law Society of Upper Canada since 2000.

#### Dan Mayers

Dan is the Director of Transmission at NextEra Energy Resources, LLC. As the Director of Transmission, his role is to coordinate or provide support for the development of new transmission systems, including right-of-way identification and selection, land acquisition, permit acquisition, system engineering, specification and standards development, material and services procurement, construction management, system integration, and compliance and project close-out in heavily regulated, environmentally sensitive, multi-system operational environments.

Dan has over 29 years of experience in transmission system planning, substation and transmission design and engineering, transmission line siting and permitting, project management and construction at Florida Power & Light Company and NextEra Energy Resources, LLC. He holds a Bachelor of Science Degree in Electrical Engineering from the University of Pittsburgh and a Master of Science Degree in Engineering Management from the University of South Florida.

#### Joseph Marchese Jr

Joe is a degreed engineer (BSEE) and a registered Professional Engineer (FL) with over 40 years of construction and construction management experience in the energy field. Joe was employed for 27 years in NextEra's nuclear division where he served in various positions in new and existing (operating)

nuclear facilities. During this period he also served as the Maintenance Manager on 2-900 MW operating nuclear facilities where he was responsible for all phases of maintenance and oversaw a staff of 300. The last 15 years, he served in renewable energy and high voltage transmission line construction fields. During this period, he has been responsible for the management of construction and commissioning of over 7,500 MW of wind energy (over 60 wind farms), PV solar facilities and numerous transmission lines of various voltage levels and lengths (several being more than a hundred miles in length). He is currently in charge of NextEra's Wind, PV Solar and HV Transmission line construction programs as the Sr. Director of Construction.