

Final Environmental Study Report for the Phase 2 Connecting 17 Remote First Nation Communities Project

Appendix 2.3B: Aboriginal Engagement Plan



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ANNEXES

ANNEX A

Ministry of Energy Letter

ANNEX B

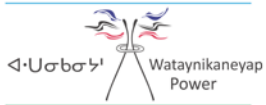
Memorandum of Understanding

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APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

LIST OF ACRONYMS

Acronym	Definition
AEP	Aboriginal Engagement Plan
CCEG	Central Corridor Energy Group
CEAA	<i>Canadian Environmental Assessment Act</i>
CoP	Code of Practice
DISC	Department of Indigenous Service Canada
DFO	Department of Fisheries and Oceans
DPA	Dedicated Protected Area
EA	Environmental Assessment
EAA	Ontario <i>Environmental Assessment Act</i>
EAB	Environmental Approvals Branch
ESR	Environmental Study Report
FIPPA	<i>Freedom of Information and Protection of Privacy Act</i>
FNLP	First Nation Limited Partnership
FOI	Freedom of Information
Golder	Golder Associates Ltd.
MOECC	Ontario Ministry of Environment and Climate Change
MNDM	Ontario Ministry of Northern Development and Mines
MNO	Métis Nation of Ontario
MNO R1CC	Métis Nation of Ontario Region 1 Consultation Committee
MNR	Ontario Ministry of Natural Resources
MNRf	Ontario Ministry of Natural Resources and Forestry
MOI	Ontario Ministry of Infrastructure
MOU	Memorandum of Understanding
MTCS	Ontario Ministry of Tourism, Culture and Sport
MTO	Ontario Ministry of Transportation
NAN	Nishnawbe Aski Nation
NoC	Notice of Commencement
PPCRA	Provincial Parks and Conservation Reserves Act
PIC	Public Information Centre
the Project	Phase 2 Connecting 17 Remote First Nation Communities Project
the Project Team	Wataynikaneyap Power Limited Partnership and Golder Associates Ltd.
ROE	Record of Engagement
SEP	Stakeholder Engagement Plan
TLRU	Traditional Land and Resource Use
Wataynikaneyap	Wataynikaneyap Power Limited Partnership



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LIST OF UNITS

Unit	Definition
km	Kilometre
kV	kilovolt

1.0 INTRODUCTION

1.1 Project Overview

A grouping of 22 First Nation communities have joined together (through the First Nation Limited Partnership [FNLP], formally known as the Central Corridor Energy Group [CCEG]), in partnership with Fortis Inc. (Fortis), to form a transmission company, the Wataynikaneyap Power Limited Partnership (Wataynikaneyap) to develop, construct, operate, and own the Wataynikaneyap Power Project. The Wataynikaneyap Power Project is being developed in two phases. Phase 1, the New Transmission Line to Pickle Lake Project, is an approximately 300-kilometre (km) long, 230 kilovolt (kV) transmission line from the Dryden/Ignace area to Pickle Lake in northwestern Ontario. Phase 2 Connecting 17 Remote First Communities Project (the Project) includes approximately 1,500 km of 115 kV, 44 kV, and 25-kV alternating current (AC) transmission lines for subsystems north of Pickle Lake and Red Lake that will connect 17 remote First Nation communities currently powered by diesel generation, to the provincial electrical grid. Figure 1 shows the location of the Phase 1 and 2 projects.

The communities currently proposed to be connected by the Project are:

- | | | |
|---------------------------------|------------------------------------|---------------------------------|
| ■ Bearskin Lake First Nation; | ■ McDowell Lake First Nation; | ■ Sachigo Lake First Nation; |
| ■ Deer Lake First Nation; | ■ Muskrat Dam First Nation; | ■ Sandy Lake First Nation; |
| ■ Kasabonika Lake First Nation; | ■ North Caribou Lake First Nation; | ■ Wapekeka First Nation; |
| ■ Keewaywin First Nation; | ■ North Spirit Lake First Nation; | ■ Wawakapewin First Nation; and |
| ■ Kingfisher Lake First Nation; | ■ Pikangikum First Nation | ■ Wunnumin Lake First Nation. |
| ■ Kitchenuhmaykoosib Inninuwug; | ■ Poplar Hill First Nation; | |

On June 1, 2016, the Ministry of Energy provided an interim consultation delegation letter to Wataynikaneyap. The letter provided a list of Aboriginal communities to be engaged by Wataynikaneyap. After Wataynikaneyap was selected as the transmitter for the Project on July 29, 2016, a Memorandum of Understanding (MOU) was signed on November 23, 2016 between Wataynikaneyap and the Ministry of Energy, as a representative of the Crown. The MOU delegates procedural aspects of consultation to Wataynikaneyap and its purpose is to clarify which rights-based Aboriginal consultation activities will be carried out respectively by the Crown and Wataynikaneyap. Consultation undertaken in the course of fulfilling environmental assessment (EA) requirements assists the Crown representatives in meeting their Duty to Consult with respect to rights and interests on the Project. The MOU lists the Aboriginal communities to be engaged and details the roles and responsibilities of the Crown and Wataynikaneyap in relation to rights-based consultation. Wataynikaneyap uses the term “engagement” to describe both its delegated procedural aspects and relationship-building activities. It is recognized that the ultimate responsibility for meeting any Duty to Consult rests with the Crown.

Meaningful and respectful Aboriginal engagement is being undertaken for this Project to build solid relationships with Aboriginal communities, and other Aboriginal groups, and to improve the Project through consideration of input from Aboriginal communities and Aboriginal groups. As well, Aboriginal engagement is a requirement under the provincial EA process. Golder Associates Ltd. (Golder) has been retained by Wataynikaneyap to provide consultancy services throughout the duration of the EA, including support throughout the Aboriginal engagement process. Wataynikaneyap and Golder together are referred to as the Project team.

Identifying and engaging with Aboriginal communities, other Aboriginal groups and traditional land-based rights holders early in the process and developing an Aboriginal Engagement Plan (AEP) to act as a guidance document for engagement activities is an important step in the process. Although not a requirement under the Class EA processes, this AEP has been prepared to provide the foundation for an effective Aboriginal engagement program. This AEP has been used to guide the Project team's Aboriginal engagement activities throughout the preparation of the EA. The AEP is considered a dynamic document that will be updated as necessary throughout the duration of the Project. This AEP is meant to be flexible and describe an overarching engagement approach for multiple Aboriginal communities, other Aboriginal groups and traditional land-based rights holders. Therefore, Wataynikaneyap has worked with individual communities to develop community-specific engagement strategies that address the issues and meet the needs of those communities. These strategies have included specific engagement methods, resources and protocols as requested by the community. A separate Stakeholder Engagement Plan (SEP) has been developed to describe the approach to communicating with government agencies, NGO's and interested parties (Appendix 2.4B).

1.2 Environmental Assessment Regulatory Requirements

There are a number of environmental assessment regulatory requirements that will need to be met in order for the Project to proceed, which are described below.

Provincial

The Project is subject to the *Ontario Environmental Assessment Act* (EAA) under the following Class EA processes:

I. Class Environmental Assessment for Minor Transmission Facilities

Portions of the transmission line are deemed a Category B project in accordance with the Guide to Environmental Assessment Requirements for Electricity Projects (the Guide) (MOE 2011) and Ontario Regulation (O. Reg.) 116/01 Electricity Projects Regulation (Government of Ontario 1990a) due to the voltage (115 kV) and length of the proposed transmission line (>2 km). As per Section A.5.2, Transmission Not Associated with Generation of the Guide, the Class Environmental Assessment for Minor Transmission Facilities (Ontario Hydro¹ 1992; Class EA for Minor Transmission Facilities), would apply to these portions of the transmission line.

II. A Class Environmental Assessment for MNR Resource Stewardship and Facility Development

The Project will also be subject to the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Ministry of Natural Resources [MNR]² 2003; Class EA for RSFD) Resource Stewardship and Facility Development (MNR 2003) (Class EA for RSFD) for the less than 115-kV line sections that require a disposition of resources. Separate portions of the 44-kV line have been identified as Category B and Category C projects by the MNRF. Wataynikaneyap is conservatively applying a Category C project process to all less than 115 kV line portions under this Class EA.

¹ At the time of publication of the Class EA for Minor Transmission Facilities, Hydro One was known as Ontario Hydro prior to its reorganization into five companies in 1999. The company responsible for hydroelectricity became Hydro One.

² The Ministry of Natural Resources and Forestry (MNRF) was formerly known as the Ministry of Natural Resources (MNR) prior to its name change in 2014.

III. A Class Environmental Assessment for Provincial Parks and Conservation Reserves

The Class Environmental Assessment for Provincial Parks and Conservation Reserves (Ministry of Natural Resources [MNR]² 2005; Class EA for PPCR) applies to the less than 115 kV portions of the line that cross Provincial Parks and Dedicated Protected Area's (DPA) regulated under the *Provincial Parks and Conservation Reserves Act*. These portions of line have been classified as a Category C project by the MNR. The 115 kV transmission line portions that cross provincial parks and protected areas (including regulated DPAs) are subject to the Class EA for Minor Transmission Facilities (MNR 2005).

Federal

According to the Regulations Designating Physical Activities *under the Canadian Environmental Assessment Act* (CEAA 2012), a federal EA is to be undertaken for transmission projects that:

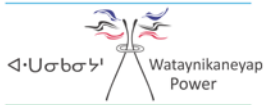
- include construction, operation, decommissioning and abandonment of a transmission line in a wildlife area (as defined under the *Wildlife Area Regulations*) or migratory bird sanctuary (as designated under the *Migratory Bird Sanctuary Regulations*) (Section 1); or
- include construction, operation, decommissioning and abandonment of a transmission line with a voltage of 345 kV or more that is 75 km or more in length on a new ROW (Section 5).

The Project is not captured by the Regulations Designating Physical Activities as the voltage of the transmission line is below 345 kV; and the Project is not located within a wildlife area, as defined under the *Wildlife Area Regulations*, or migratory bird sanctuary, as designated under the *Migratory Bird Sanctuary Regulations*.

Portions of the Project are located on First Nation Reserve land and, therefore, the Project is subject to Section 67 of the CEAA 2012, which states:

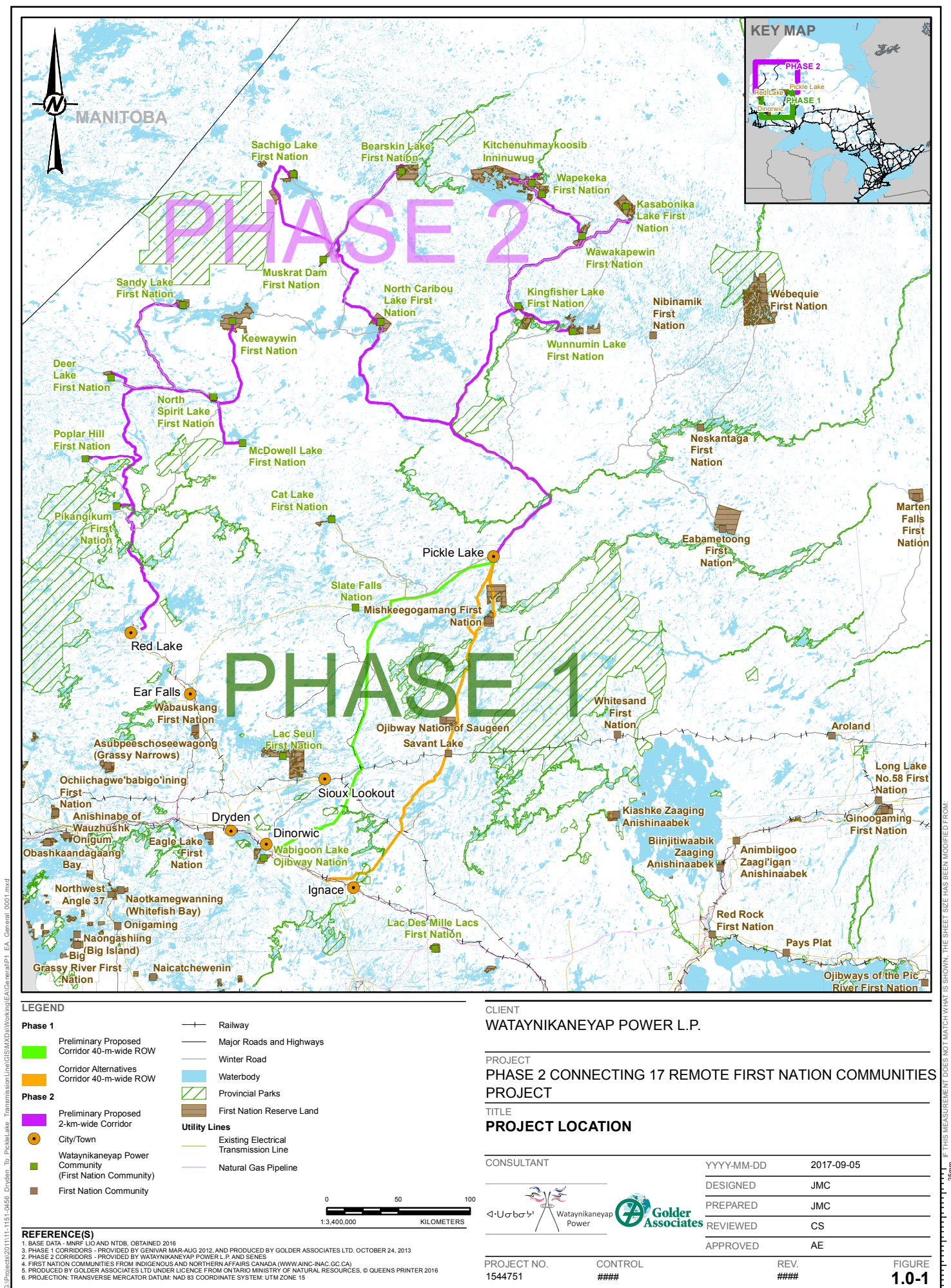
"An authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that would permit a project to be carried out, in whole or in part, on federal lands, unless:

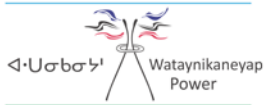
- *the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or*
- *the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances under subsection 69(3)."*



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1.3 Project Timeline and Approach

1.3.1 Project Timeline

The estimated schedule for the Project is summarized in Table 1. The Draft Environmental Study Report (ESR) submission is scheduled to occur in June 2018, with the final submitted in September 2018. Required permitting will be developed in parallel with the final stages of the EA, realizing final permit approval will not be granted until the completion of the Class EAs. Construction will begin upon approval of the EA and applicable permits.

Table 1: Estimated Project Schedule

Milestone or Key Activity	Date or Duration
Engagement Rounds in support of Preliminary Routing Study (SENES 2014)	March and April 2013
	February, March and April 2014
Round 1 pre-notification engagement	January to October 2016
Initiate baseline field studies	May 2016
Issue Notice of Commencement	September 2016
Complete baseline studies	October 2016
Round 2 engagement	October 2016 to February 2018
Submit Draft ESR for Round 3 engagement	July 2018
Round 3 engagement on Draft ESR (Opportunity to Inspect Draft ESR)	Engagement Meetings – March to July 2018 ³
	Formal Review Period – August to September 2018.
Submit Final ESR	October 2018
Round 3 review of Final ESR (Opportunity to Inspect Final ESR)	October to November 2018
Statement of Completion	December 2018
Leave to construct	Q2 2018 application; Q1 2019 receipt of approval
Construction	Q1 2019 to Q3 2023
Operation and Maintenance	2021 to 2023 and beyond

Notes:

ESR = Environmental Study Report; MNRF = Ministry of Natural Resources and Forestry; MOECC = Ontario Ministry of the Environment and Climate Change.

³ Engagement on the results of the EA are planned to commence ahead of formal release of Draft ESR for review.

1.3.2 Proposed Environmental Assessment Approach

Wataynikaneyap will implement a comprehensive engagement plan and effects assessment method and process as part of an integrated federal/provincial comprehensive EA process. Figure 2 illustrates the proposed approach to complete the Class EA process.

Aboriginal engagement requirements, under the Class EA process, are identified in Section 2.0: Provincial Regulatory Requirements for Engagement. These engagement activities are intended to satisfy engagement requirements under the applicable provincial EA processes as well as to satisfy federal interest.

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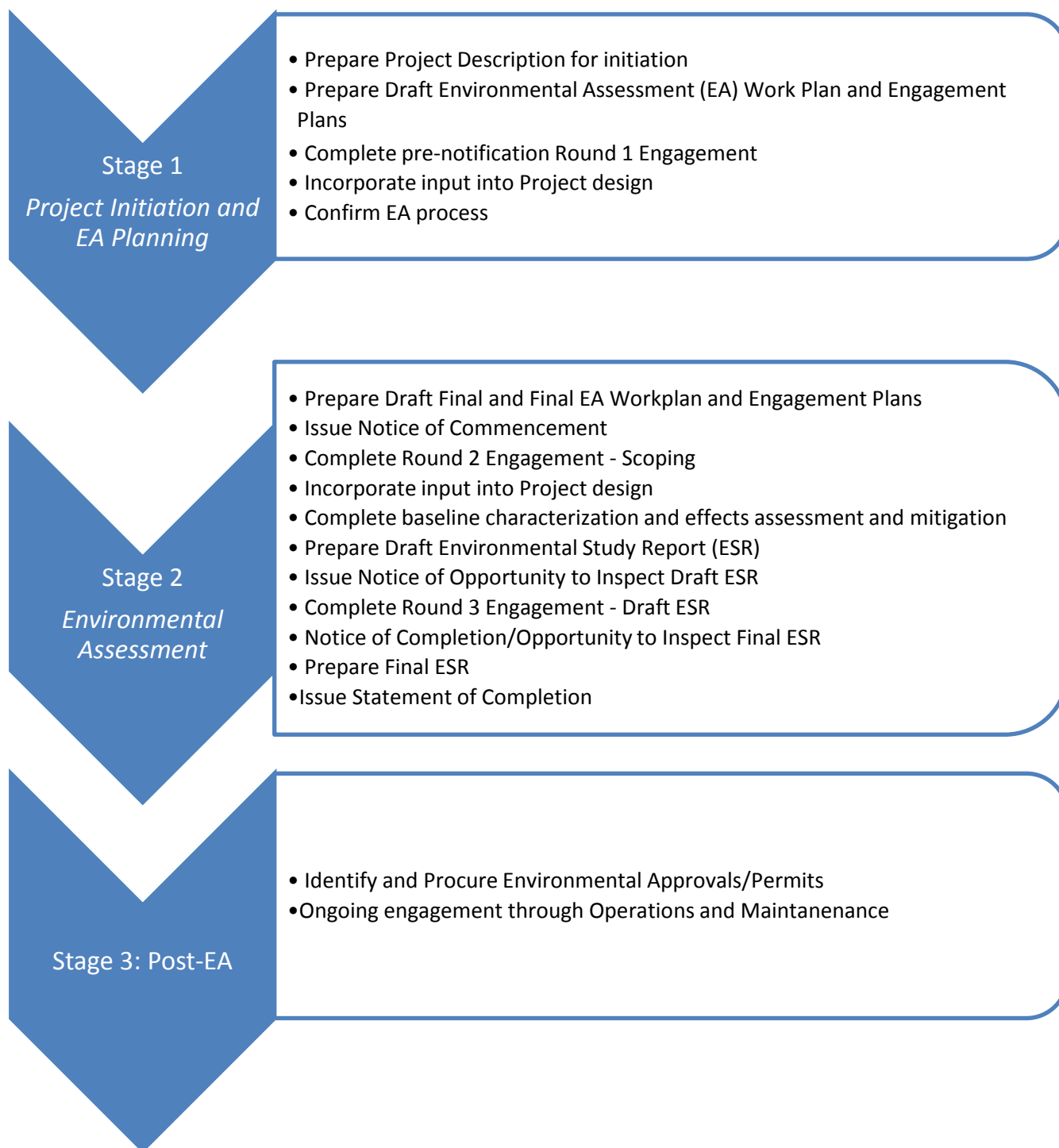


Figure 2: Proposed Class EA Approach

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2.0 PROVINCIAL REGULATORY REQUIREMENTS FOR CONSULTATION

Ontario, as the Crown, has a legal obligation to consult with Aboriginal peoples where it contemplates decisions or actions that may negatively affect asserted or established Aboriginal or Treaty Rights. The Duty to Consult, and where appropriate accommodate, is rooted in:

- the Honour of the Crown (a legal principle that commits government to act with integrity); and
- the protection of Aboriginal and Treaty Rights under Section 35 of the Constitution Act, 1982.

The Crown may delegate procedural aspects of consultation to a proponent, but the ultimate legal responsibility to meet the Duty to Consult lies with the Crown.

On June 1, 2016, the Ministry of Energy provided an interim consultation delegation letter to Wataynikaneyap. A MOU was signed on November 23, 2016 between Wataynikaneyap and the Ministry of Energy, as a representative of the Crown (Annex B). The MOU is an instrument for the government of Ontario's delegation of procedural aspects of consultation to Wataynikaneyap with the intent of clarifying which rights-based consultation activities will be carried out by each of the Crown and Wataynikaneyap. The letter from the Ministry of Energy that accompanied the signed MOU can be found in Annex A. The executed MOU can be found in Annex B.

In addition to fulfilling its obligations under the MOU, Wataynikaneyap also proposes to carry out relationship-building activities that extend beyond the procedural requirements of consultation. Wataynikaneyap will use the term "engagement" to describe both its delegated procedural aspects and relationship-building activities. It is recognized that the ultimate responsibility for meeting any Duty to Consult rests with the Crown.

2.1 Environmental Assessment

The MOECC has prepared a Code of Practice (CoP) for Consultation in Ontario's Environmental Assessment Process (MOECC 2014a) that outlines expectations with respect to appropriate consultation. Proponents are encouraged to use this CoP as a resource tool to develop and implement engagement plans.

Section 1.3 of the CoP defines consultation as "a two-way communication process that involves affected and interested persons in the planning, implementation and monitoring of an undertaking." According to the CoP, the purpose of consultation is:

- to provide information to the public;
- to identify persons who may be affected by or have an interest in the undertaking;
- to ensure that government agencies and ministries are notified and consulted early in the environmental assessment process;
- to identify concerns that might arise from the undertaking;
- to create an opportunity to develop proponent commitments in response to local input;
- to focus on and address real public concerns rather than regulatory procedures and administration; and
- to provide appropriate information to enable a fair and balanced decision; and
- to expedite decision-making" (MOECC 2014a).

Section 3.2 Streamlined Environmental Assessments in the CoP identifies minimum consultation requirements for the Class EAs, which are also identified in the aforementioned Class EA documents.

Wataynikaneyap has prepared this AEP to consider the requirements of a consultation plan in the CoP. The CoP states that a consultation plan must:

- indicate how potentially interested and affected persons, including Aboriginal peoples and communities, will be identified, notified and consulted;
- indicate how government agencies will be identified, notified and consulted;
- identify the points in the EA process when interested persons will be consulted;
- Identify methods that will be used to consult;
- identify the decisions that interested persons can provide input to and what role they can play when the proponent makes choices;
- acknowledge and attempt to address concerns raised during the EA process.

This AEP and the engagement activities, including Notices, described in Section 5.0: Engagement Methods have been developed to integrate the engagement requirements defined by the following Class EA processes:

- Class Environmental Assessment for Minor Transmission Facilities (Ontario Hydro 1992);
- Class Environmental Assessment for MNRF Resource Stewardship and Facility Development (MNR 2003); and
- Class Environmental Assessment for Provincial Parks and Conservation Reserves (MNR 2005).

The regulatory notices required for this integrated Class EA process are summarized in **Table 2** below.

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Table 2: Summary of Applicable Class Environmental Assessment Regulatory Notices

Planned Notices	Class EA for Minor Transmission (Hydro One 1992)	Class EA for MNRF Resource Stewardship and Facility Development (MNR 2003) Category C Process	Class EA for Provincial Parks and Conservation Reserves (MNR 2005) Category C Process
Notice of Commencement/ Public Information Centre Invitation	✓ Initial Notification	n/a	
Notice of Opportunity to Inspect Draft ESR/Public Information Centre Invitation	n/a	✓ Notice of Opportunity to Inspect Draft ESR followed by 30-day review period	
Notice of Completion/ Opportunity to Inspect Final ESR	✓ Final Notification followed by minimum 30-day public review	✓ Notice of Completion/Opportunity to Inspect Final ESR followed by 30-day review period	
Statement of Completion	If no bump-up requests are received during the review period or they are resolved without elevation of the Project to an Individual EA, the Project will be considered acceptable.	If no Part II Order requests are received during the review period or they are resolved without elevation of the Project to Category D, the responsible MNRF manager will prepare a Statement of Completion	

EA = environmental assessment; ESR = Environmental Study Report; MNR = Ontario Ministry of Natural Resources; MNRF = Ontario Ministry of Natural Resources and Forestry; MOECC = Ontario Ministry of the Environment and Climate Change.

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3.0 PRINCIPLES, THEMES AND OBJECTIVES OF ENGAGEMENT

Early and meaningful engagement with all interested persons who may be affected by or have an interest in the Project is an integral component of the EA process. To facilitate meaningful engagement and relationship-building, the AEP is based on a well-established set of engagement concepts and principles. Clear, explicit objectives have been defined to guide the implementation of the AEP, and will also assist the Project team to communicate their engagement approach to all interested parties.

The recommended engagement approach follows guidance from the International Association for Public Participation (IAP2), an organization that has developed an approach to engagement based on best practice and that provides certification on this approach to practitioners.

3.1.1 Principles

The following principles have been identified by Wataynikaneyap as fundamental for the successful development of the Wataynikaneyap Power Project (Phase 1 and Phase 2) (Wataynikaneyap 2014).

Respect

Respect for the Traditional Knowledge of the Peoples. There must be an understanding that Traditional Knowledge is based on thousands of years of empirical experience on the lands, traditional laws, and thanksgiving to the Creator and Spirits. Without this depth of Traditional Knowledge, First Nations Peoples would not have survived so successfully, creating society and culture in these vast northern lands. In addition, Wataynikaneyap will respect Tribal sovereignty.

Protocols

Aboriginal communities have their own traditional cultural and social practices, which include laws and governance protocols. They are usually delivered orally. Aboriginal Laws have been in place for generations and cannot be diminished by Treaties. Wataynikaneyap will work with communities to understand and adhere to their preferred methods of engagement respecting both written and cultural protocols when identified. These protocols will be implemented by Wataynikaneyap through the engagement process, as requested by the community.

Some Aboriginal communities and other Aboriginal groups listed in Table 3 have developed publicly-available documentation that presents their perspectives on community engagement, project development, and/or resource management (Table 3).

Table 3: Identified Written Community Protocols and Documentation related to Engagement of Identified Communities

Community	Written Community Protocol
Kasabonika Lake First Nation	Community Understanding & Support: The Kasabonika First Nation Process (n.d.)
Kitchenuhmaykoosib Inninuwug	Kitchenuhmaykoosib Inninuwug Consultation Protocol
Keewatinook Okimakanak	Keewatinook Okimakanak Research Institute (KORI) Guidelines
Lac Seul First Nation	Experiences in Building Industry Partnerships (2014)
Wabauskang First Nation	Draft Consultation and Accommodation Protocol
Neskantaga First Nation	Neskantaga First Nation Development Protocol

Treaties

The Project is located in Treaty 9 and Adhesions, Treaty 3 and Adhesions and Treaty 5. The terms of these treaties, the implications on First Nation people and the interpretation of these documents by the First Nation peoples will need to be considered with respect to engagement and the Project. The First Nations interpretation of land use and rights may differ from the Crown's interpretation. Engagement will reflect First Nation perspectives on the land and Treaty Rights.

Preferred Language(s) and Dialects

Wherever possible, written and oral communication with First Nations, will be in their preferred language and dialect as identified by each community.

3.1.2 Themes

Based on an understanding of the communities and Wataynikaneyap's relationship with them, the following themes are integral to the AEP:

- Wataynikaneyap understands that their People have Aboriginal, Treaty and Inherent Rights, as well as Aboriginal Laws, customs and conventions;
- with respect to the Duty to Consult and the delegation of procedural aspects by the Crown, Wataynikaneyap will exercise due diligence in its delegated aspects. It is recognized that ultimate responsibility for meeting any Duty to Consult rests with the Crown;
- community engagement must respect community protocols, principles, community autonomy and Traditional Knowledge;
- the communities must be involved at an early stage;
- "ground-up" community engagement from start to finish must be open and inclusive;
- both parties need to take responsibility in community engagement and exercise due diligence;
- Wataynikaneyap will follow joint engagement driven by First Nations designed to incorporate community needs and meet Class EA regulatory requirements;

- engagement of First Nations with traditional lands affected by the Project must continue through construction and operation; and
- benefits to communities, including skills development and employment, must be meaningful.

3.2 Objectives

Clear, explicit objectives help proponents, participants and reviewers to have a clear and defined role in the process. They can also assist the proponent in communicating what they intend to do and why, and help the engagement plan move forward in a clear direction.

The overall objectives of the AEP are to communicate with Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders to:

- facilitate dialogue between the Project team and Aboriginal communities, Aboriginal groups, regulatory agencies and stakeholders;
- deliver up-to-date Project and EA information to persons likely to be affected by the Project;
- improve Aboriginal community, Aboriginal groups and stakeholder understanding of technical issues and technical documentation (e.g., technical and scientific reports on Project effects);
- encourage early information sharing by participants;
- provide opportunities for Aboriginal community, Aboriginal groups and stakeholders to identify and document their comments, concerns, questions and issues, including the anticipated affects, if any, of the proposed activities on the exercise of their Aboriginal and Treaty Rights;
- improve the EA process and the Project by incorporating Aboriginal knowledge, ideas and opinions;
- demonstrate how issues and concerns raised during the EA process were taken into consideration and influenced decision making; and
- explain the results of the EA in a clear and direct manner to make the issues comprehensible to as wide an audience as possible.

In addition to the above objectives, the Project team has identified a series of objectives specific to the Aboriginal engagement program. These objectives are based on the concepts and themes defined above, and most importantly an understanding of the needs, values and expectations of potentially affected communities and rights holders:

- engage all identified Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders early in the Phase 2 process and continue engagement throughout the Class EA regulatory processes, as well as during construction and operation and maintenance;
- seek input from Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders on how they would like to participate in the engagement process;
- seek input from Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders on the potential effects of Phase 2 on their Aboriginal or Treaty Rights;
- facilitate an understanding of the Class EA processes and how Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders' input will influence the Project and the EA process;

- provide Aboriginal communities, other Aboriginal groups and traditional land-based rights holders with transparent and easy-to-understand Project information in a timely and culturally sensitive manner;
- provide opportunities for Aboriginal participants to communicate with the Project team on any issues or concerns regarding the Project;
- provide opportunities for the Project team to respond coherently and appropriately to issues and concerns, reduce or mitigate effects of the Project on Aboriginal interests; and increase benefits to Aboriginal communities and traditional land-based rights holders, where appropriate;
- identify and pursue Aboriginal community involvement in Phase 2 through community readiness and employment initiatives, where possible; and
- develop genuine relationships, built upon mutual respect and trust, with Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders throughout the Project.

The objectives of the AEP may change over time and will be reviewed periodically and revised as necessary to confirm that they continue to be appropriate.

The purpose of this AEP and the Aboriginal Record of Engagement (ROE) Summary Report is to satisfy regulatory consultation and engagement requirements. Wataynikaneyap is working cooperatively with Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders on any issues that arise throughout the EA process.

4.0 IDENTIFICATION OF PARTICIPANTS

4.1 Aboriginal Communities and Groups

Aboriginal communities to be engaged by Wataynikaneyap for the Project were identified in the signed MOU between Wataynikaneyap and the Crown (Ministry of Energy). Wataynikaneyap has also been engaging on an expanded list, which includes Aboriginal communities and groups other than those identified in the MOU. These communities and groups are identified below and grouped by Wataynikaneyap into the following three groups:

Group 1 – The twenty-seven (27) Aboriginal communities identified in the MOU whose Aboriginal and Treaty Rights may be affected by the Project.

Group 2 – Group 2 includes Aboriginal communities and Aboriginal groups responsible for representing traditional lands and land use plans that may be affected by the Project.

Group 3 – Group 3 includes Aboriginal communities and groups who were engaged in Phase 1 and/or are owners of Wataynikaneyap.

A summary of the Aboriginal communities and groups to be engaged is provided in Table 4. This is the most current list as of February 2018.

Table 4: Aboriginal Communities and Groups Engaged

Group 1	Group 2	Group 3
Keewaytinook Okimakanak communities of: <ul style="list-style-type: none"> ■ Deer Lake First Nation ■ Keewaywin First Nation ■ McDowell Lake First Nation ■ North Spirit Lake First Nation ■ Poplar Hill First Nation Windigo First Nations Council communities of: <ul style="list-style-type: none"> ■ Bearskin Lake First Nation ■ Cat Lake First Nation ■ North Caribou Lake First Nation ■ Sachigo Lake First Nation ■ Slate Falls Nation Shibogama First Nations Council communities of: <ul style="list-style-type: none"> ■ Kasabonika Lake First Nation ■ Kingfisher Lake First Nation ■ Wapekeka First Nation ■ Wawakapewin First Nation ■ Wunnumin Lake First Nation 	<ul style="list-style-type: none"> ■ Nishnawbe Aski Nation ■ Grand Council of Treaty #3 ■ Taashikaywin Land Use Planning Group^(a) ■ Cat Lake and Slate Falls Community Based Land Use Planning Implementation Team ■ Whitefeather Forest Community Resource Management Authority^(b) ■ Deer Lake First Nation Land Use Planning Group ■ McDowell Lake First Nation Land Use Planning Group ■ Wawakapewin First Nation Land Use Planning Group ■ North Spirit Lake Land Use Planning Group 	Independent First Nation community of: <ul style="list-style-type: none"> ■ Ojibway Nation of Saugeen Bimose Tribal Council communities of: <ul style="list-style-type: none"> ■ Asubpeeschoseewagong Netum Anishinabek ■ Eagle Lake First Nation ■ Lac des Mille Lacs First Nation ■ Wabigoon Lake Ojibway Nation Other: <ul style="list-style-type: none"> ■ Métis Nation of Ontario Region 1 Consultation Committee (MNO R1CC)

Table 4: Aboriginal Communities and Groups Engaged

Group 1	Group 2	Group 3
<p>Independent First Nations Alliance communities of:</p> <ul style="list-style-type: none"> ■ Kitchenuhmaykoosib Inninuwug ■ Muskrat Dam First Nation ■ Pikangikum First Nation ■ Lac Seul First Nation <p>Matawa First Nations Management communities of:</p> <ul style="list-style-type: none"> ■ Eabametoong First Nation ■ Marten Falls First Nation ■ Neskantaga First Nation ■ Nibinamik First Nation ■ Webequie First Nation <p>Independent First Nation communities of:</p> <ul style="list-style-type: none"> ■ Sandy Lake First Nation ■ Mishkeegogamang First Nation <p>Bimose First Nations Council communities of:</p> <ul style="list-style-type: none"> ■ Wabauskang First Nation 		

a) The Taashikaywin Land Use Planning Group (Taashikaywin) is a joint community-based land use planning team with representation from Mishkeegogamang First Nation, Eabametoong First Nation and Ontario. Taashikaywin is developing a community-based land use plan under the Far North Act, 2010. Engagement with Taashikaywin is occurring throughout the engagement process.

b) Whitefeather Forest Community Resource Management Authority (WFCRMA) is a non-profit corporation responsible for land use planning decisions on the Whitefeather Forest, under the guidance and direction of the Whitefeather Forest Initiative Steering Group which includes the Elders from Pikangikum First Nation. Engagement with WFCRMA is occurring throughout the engagement process.

4.2 Traditional Land-Based Rights Holders

Traditional land-based rights holders include persons who practice resource harvesting and cultural activities in the area potentially affected by the Project. These activities may include hunting, fishing, trapping, and/or harvesting plants for medicinal or sustenance purposes. Traditional land-based rights holders were identified as a group that may be affected by the Project, and as such were engaged appropriately to determine possible effects and mitigation measures. As a starting point to identify all Aboriginal traditional land-based rights holders, individual Aboriginal communities and Tribal Council representatives were engaged to identify trappers that may be affected by the Project. Once identified, traditional land-based rights holders were invited to attend community engagement activities. Where requested, one-on-one meetings were scheduled with traditional land-based rights holders.

4.3 Government Agencies

The federal and provincial government agencies that may have an interest in the Aboriginal engagement activities associated with the Project include:

- Department of Indigenous Service Canada (DISC);
- Department of Fisheries and Oceans (DFO);
- Health Canada;
- Ontario Ministry of Indigenous Relations and Reconciliation;
- Ontario Ministry of Energy;
- Ontario Ministry of the Environment and Climate Change (MOECC);
- Ontario Ministry of Natural Resources and Forestry (MNR);
- Ontario Ministry of Northern Development and Mines (MNDM);
- Ontario Ministry of Tourism, Culture and Sport (MTC);
- Ontario Ministry of Economic Development and Growth;
- Ontario Ministry of Municipal Affairs; and
- Ontario Ministry of Transportation (MTO).

Department of Indigenous Service Canada (DISC) is a federal agency whose interest in engagement activities is associated with Project being subject to Section 67 of the CEAA (Section 1.0: Introduction). The Ministry of Indigenous Relations and Reconciliation, Ministry of Energy, MOECC, MNR, MNDM, MTC, MOI, Ministry of Economic Development and Growth, Ministry of Municipal Affairs and MTO are all provincial agencies. The Ministry of Energy has assumed a coordinating role within government in relation to Aboriginal engagement for the Project. A separate SEP and corresponding Stakeholder Record of Engagement (RoE) Summary Report provide a record of all engagement activities that take place with these agencies and issues that arise.

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5.0 ENGAGEMENT METHODS

Wataynikaneyap began relationship building through engagement activities prior to the start of the EA process and Round 1 Pre-Notification. The focus of these activities was to communicate details of the Project and overall EA process, and determine how Aboriginal communities, other Aboriginal groups and traditional land-based rights holders would like to be engaged throughout the EA. A record of activities completed during this stage is provided in the Aboriginal RoE Summary Report (Appendix 2.3A).

In the weeks of March 18th and April 2nd, 2013, community engagement sessions were held to present preliminary corridor options to Wataynikaneyap member communities and solicit feedback. An open house format was used with Chief and Council and community members in attendance. Open houses were held with the First Nation communities of Kingfisher Lake, Wunnumin Lake, Wapekeka, Muskrat Dam, Kasabonika Lake, Kitchenuhmaykoosib Inninuwug, North Caribou Lake, Wawakapewin, and Sachigo Lake. Community members were supportive of the overall Project concept and identified potential revisions to the corridor options that could better avoid sensitive community areas. An additional community-based corridor option (Option 4) was generated by adjusting the model corridors to incorporate information and feedback from the communities.

In February, March and April of 2014, Wataynikaneyap and SENES consultants visited an additional six Wataynikaneyap communities (one north of Pickle Lake and five north of Red Lake) and conducted a second round of engagement in the nine communities visited in 2013. The communities north of Red Lake were supportive of Red Lake Option 2. The primary purpose of the second round of engagement in the communities north of Pickle Lake was to present the new Option 4. The communities were supportive of the adjustments and no further adjustments to the corridors were proposed at that time (SENES,2014).

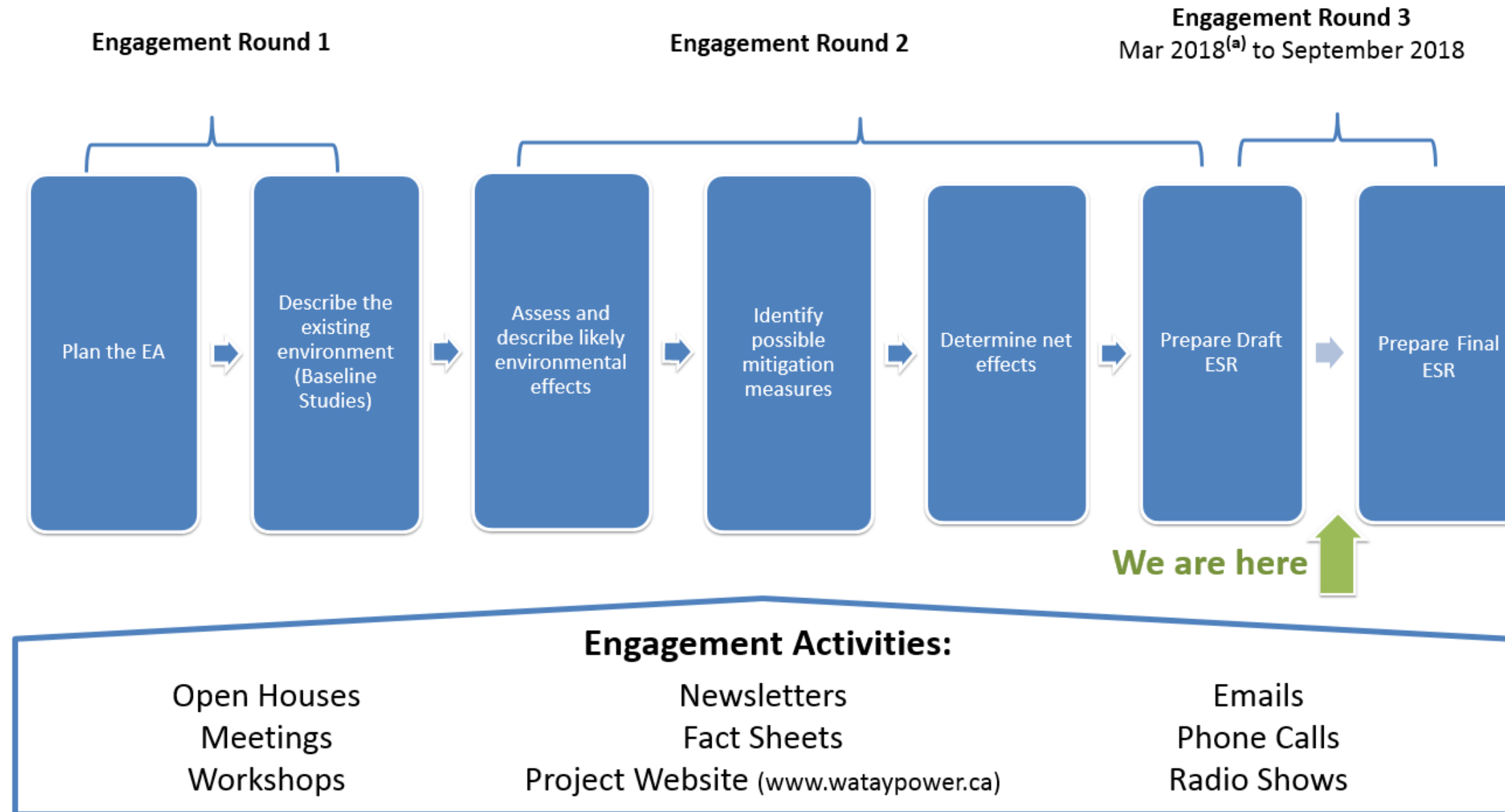
Sandy Lake First Nation and Pikangikum First Nation were not included in the corridor routing analysis study in 2013 and 2014. Wataynikaneyap discussed routing options with the Sandy Lake board member in March of 2015. It was determined that a proposed road system be used for the proposed transmission corridor to Sandy Lake. Further discussion with Sandy Lake First Nation community members occurred in the spring of 2016 and the proposed route was confirmed. The Whitefeather Forest Land Use Plan and Forest Management Plan were considered when mapping the proposed route through Pikangikum's traditional territory. The proposed transmission route in this area predominantly follows the planned forest access roads described in the Whitefeather Forest Management Plan.

Three engagement rounds have been identified to allow for Aboriginal communities and other Aboriginal groups views and concerns to be considered in Project design and the EA process. The timings for Rounds 1, 2 and 3 activities are shown on [Figure 3](#). Engagement activities have been planned to coincide with key milestones in the EA process, as described below:

- Round 1 Pre-notification;
- Round 2 Scoping; and
- Round 3 Preparation and Review of Environmental Study Report.

The sections that follow summarize the proposed activities to engage with (or inform) affected and/or interested Aboriginal communities and groups throughout Round 3.

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Note:

a) Engagement on the results of the EA are planned to commence ahead of formal release of Draft ESR for review.

Figure 3: Engagement Program Schedule

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FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

A matrix linking the various engagement activities to each round of engagement is provided in Table 5. Activities will be scheduled based on interest and preferences of Aboriginal communities and organizations. Meetings for Round 3 Draft ESR are generally scheduled as best practice and are not a requirement under the Class EAs.

Table 5: Engagement Activities Completed in Rounds 1, 2 and 3

Activities	Round 1: Pre-Notification	Round 2: Scoping	Round 3: Draft Environmental Study Report	Round 3: Final Environmental Study Report
Community Meetings (Group 1 and Taashikaywin Land Use Planning Group only)	X	X	X	X
Public Information Centres	n/a	X	X	X
Project Website	X	X	X	X
Email	X	X	X	X
Notifications/Letters	n/a	X	X	X

n/a = not applicable.

5.1 Engagement Materials

Plain-language written materials will be developed and translated as appropriate for engagement. This material will be made available at community meetings and on the Project website. The Project team acknowledges that the technical details relating to the proposed Project may be unfamiliar to some people, and in order for communication to be effective and transparent, the Project team will provide information that clearly describes the proposed Project and its implications without the use of technical jargon. Care will be taken so that materials are provided at an appropriate level of detail. Select members of the Project team, including EA and/or environmental specialists and engagement facilitators, will also be available at all meetings and Public Information Centres (PICs) to further explain technical matters relating to the Project and respond to questions and concerns.

5.2 Round 1 Pre-Notification

Round 1 Pre-notification was completed between January 2016 and September 2016 with Group 1 Aboriginal communities. The objectives of this engagement round were as follows:

- provide Project update;
- present the integrated, comprehensive Class EA process;
- collect traditional land and resource use data and information from Group 1 Aboriginal communities at community meetings;
- Discuss methods to complete more focussed TLRU studies with the communities;
- input to Project design:
 - revise 5-km-wide corridors to 2-km-wide corridors;
 - identify corridor alternatives;

- identify issues and concerns; and
- evaluation of engagement efforts through comment and evaluation forms.

5.2.1 Engagement Activities

The following engagement activities were completed with Group 1 communities:

- **Invitations** were sent to Group 1 communities to attend community meetings. Community meeting notices were sent to and posted in communities.
- **Community Meetings** were held in Group 1 communities focusing on the Round 1 topics listed above. The meetings provided attendees an opportunity to interact with the Project team, voice their concerns or issues, provide input into Project design and ask questions about the Project and EA process. Traditional land and resource use data was collected when shared by members at the community meetings. All meetings closed with an evaluation (verbal or written) of the information presented and the meeting format. Translation into local languages and dialects was provided when requested.
- **Wataynikaneyap Website (www.wataypower.ca)** a summary of questions asked throughout the EA process was updated, as required. These questions had corresponding answers and illustrated how the Project team has addressed key issues that were raised. Mapping of the Project was also provided on the Wataynikaneyap website.
- **Detailed tile mapping** was provided Group 1 communities that will be connected to the transmission line. The detailed tile mapping identified the initial 5-km-wide corridors.

5.3 Round 2 Scoping

Round 2 Scoping was completed between October 2016 and February 2018. The objectives of Round 2 engagement were:

- Present the integrated, comprehensive Class EA process;
- Review of the second draft EA Workplan
- Review of Draft AEP;
- Collect traditional land and resource use data and information with Group 1 communities;
- Input to Project design:
 - confirm 2 km-wide corridors;
 - identify corridor alternatives; and
 - identify and review Project component locations (e.g., temporary construction camps, temporary laydown areas, access roads).
- review of preliminary baseline field study findings;
- identify issues and concerns; and
- evaluation of engagement efforts through comment and evaluation forms.

5.3.1 Engagement Activities

Round 2 included multiple engagement activities so that interested and/or potentially affected persons are provided with ample engagement opportunities.

Groups 1, 2 and 3:

- **Invitation Letters and Notice of Commencement** were emailed, faxed, mailed or hand delivered to representatives⁴. The Notice of Commencement (NoC) provided information on the Project and the Class EA processes, as well as Project and EA contact information (see below for further detail). The NoC also included details on community meetings. The Project team identified local newspapers and radio stations to serve as hosts for these announcements. Where required, the Project team arranged to publish the NoC and announcements in community-specific newsletters. The Project team issued a meeting notice prior to each face-to-face activity. The NoC specified locations where draft documents were made available for review and comment (for example, on the Wataynikaneyap website at www.wataypower.ca).
- **Meetings** were held in Group 1 communities that will be connected to the transmission line. The meetings were open to all community members and focussed on the topics identified above. Meetings provided attendees an opportunity to interact with the Project team, voice their concerns or issues, provide input into Project design and ask questions about the Project and Class EA processes. Focussed meetings to collect traditional land and resources use data and information were also completed with some of the Group 1 communities. All meetings closed with an evaluation (verbal or written) of the information presented and the meeting format. Translation into local languages and dialects was provided when requested.
- **Draft Environmental Assessment Workplan and Draft Aboriginal Engagement Plan** were provided to Group 1 communities for review and were also provided hard copies at Group 1 community meetings.
- **Detailed tile mapping** was provided to Group 1 communities that will be connected to the transmission line. The detailed tile mapping identified 2-km-wide corridors and corridor alternatives; and preliminary proposed locations showing the 40-m-wide transmission line alignment ROW, access roads, construction camps, laydown areas and substations. Detailed tile mapping was provided to the Group 1 communities on April 28, 2017 to review the preliminary Project locations (e.g., transmission line alignment ROW).
- **Newsletter** was used to provide results of engagement and any identified adjustments to the Project design, draft engagement plan and EA Work Plan. This newsletter was distributed to Group 1, 2 and 3 communities in May 2017 in English, Oji-Cree and Ojibway.
- **Wataynikaneyap Website (www.wataypower.ca)** was updated to provide Project information and announcements including:
 - Current Project 2-km-wide corridors
 - Phase 2 Notice of Commencement (in English, Oji-Cree and Ojibway);

⁴ The Taashikaywin Land Use Planning Group (Taashikaywin) is a joint community based land use planning team with representation from Mishkeegogamang First Nation, Eabametoong First Nation and Ontario. Engagement correspondence was provided to Chief and Council representatives from Mishkeegogamang First Nation and Eabametoong First Nation, as well as government agency contacts rather than the Taashikaywin Land Use Planning Group directly.

- Draft AEP;
- Draft SEP;
- Second Draft EA Workplan;
- copies of display boards for the community meetings;
- Draft Environmental Criteria and Indicators Summary;
- April 2017 Newsletter (in English, Oji-Cree and Ojibway).

5.3.2 Notifications and Announcements

A **Notice of Commencement (NoC)** under the Class EA for Minor Transmission (termed Initial Notification), MNR PPCR Class EA for Category C projects (termed Initial Public Notice) and Public Work Class EA for Category C projects⁵ (termed Project Notification) is a requirement. The NoC included the following information:

- name and brief description of the proposed Class EA project;
- need for the proposed project;
- geographical location of the study area with a map;
- name of the proponent of the project;
- name of the approved Class EA Documents under which the project is being planned, including a link to where the Class EA Document may be obtained;
- an invitation to provide comments on the proposed project;
- the name and address, telephone and fax number, and/or e-mail address of a contact person to whom questions or requests for additional information should be directed, and to whom comments must be sent; and
- a statement of the authority under which information is being collected from the public, and of that information's availability and confidentiality under the *Freedom of Information and Protection of Privacy Act (FIPPA)*⁶.

The NoC also included information on PICs, including dates, times and locations.

⁵ The Public Work Class EA was included at the Notice of Commencement stage. Subsequent to the issuance of the NoC, Wataynikaneyap confirmed through engagement with Infrastructure Ontario and the Ministry of Infrastructure that this Class EA did not apply based on the defined Project Footprint.

⁶ As stated in the MOE Code of Practice (section 6, pp. 47), to comply with *Freedom of Information and Protection of Privacy Act* requirements, Notices of Completion must contain the following statement: "All personal information included in a submission – such as name, address, telephone number and property location – is collected, maintained and disclosed by the Ministry of the Environment and Climate Change for the purpose of transparency and consultation. The information is collected under the authority of the *Environmental Assessment Act* or is collected and maintained for the purpose of creating a record that is available to the general public as described in s.37 of the *Freedom of Information and Protection of Privacy Act*. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, please contact the Project Officer or the Ministry of the Environment and Climate Change's Freedom of Information and Privacy Coordinator at 416-327-1434."

5.4 Round 3: Preparation and Review of Draft and Final Environmental Study Report

The objectives of Round 3 will be as follows:

- review results of baseline studies;
- input on Project design;
- review results of the effects assessment, including the opportunity to review the Draft and Final ESR;
- review recommended mitigation measures; and
- evaluation of engagement efforts through comment and evaluation forms.

5.4.1 Engagement Activities

Draft Environmental Study Report

The following engagement activities will be carried out during preparation and review of the Draft ESR:

Groups 1, 2, and 3:

- **Notice of Opportunity to Inspect Draft ESR** will be emailed, mailed or hand delivered. The Notice and covering letter will contain an update on the Project and the Draft ESR, and will request the opportunity to meet and discuss the Class EA results and recommended mitigation measures following the engagement methods specified by the community (for example, this could include a community meetings or PICs). The Notice will identify that community meetings are being held and also include details on the PICs. The Draft ESR will be made available for a minimum 30-day review period. Where possible, the Project team will issue the Notice of Opportunity to Inspect Draft ESR two weeks (10 business days) prior to the PICs. In addition to email, mail and hand delivery, notification methods will also include newspapers, community newsletters, radio and postings at community centres. Notices will be translated into local Aboriginal languages as needed. Published notifications will specify locations where the Draft ESR will be made available for review and comment (for example, on the Wataynikaneyap website at www.wataypower.ca).
- **Public Information Centres** will be held in the Municipality of Red Lake and Township of Pickle Lake to present the findings of the Draft ESR and receive feedback on the assessment results. The PIC will also provide attendees an opportunity to interact with the Project team, voice their concerns or issues and ask questions about the Project and EA process. The PIC will follow a drop-in format allowing attendees to participate and gather information on their own schedule.
- **Wataynikaneyap Website (www.wataypower.ca)** announcements will be posted providing notice of engagement activities. Copies of the Draft ESR will be posted on the website.

Group 1:

- **Community Meetings** will be focussed on presenting the findings of the Draft ESR and gathering feedback on the assessment results. All meetings will close with an evaluation (verbal or written) of the information presented and the meeting format. Translation into local languages and dialects will be provided when requested.
- **Draft ESR (hard copy and electronic copy)** will be distributed to this group for review.

Notifications and Announcements

A Notice of Opportunity to Inspect the Draft ESR is a requirement under the MNR Class EAs and will include:

- a) a title indicating the project name and location;
- b) a summary description of the project and alternatives, and any proposed mitigation measures;
- c) a map or description of the location of the project and alternatives and the study area, if appropriate;
- d) a summary description of previous planning activities leading to the identification of the project;
- e) an invitation to provide comments on the Draft ESR, specifying the deadline;
- f) an invitation to any additional engagement event(s) associated with the project (if planned), giving date, time and location;
- g) the name and address, telephone and fax number, and/or e-mail address of a contact person to whom questions and requests for information should be directed, and comments or requests to be added to the mailing list must be sent; and
- h) a statement of the authority under which information is being collected from the public, and of that information's availability and confidentiality under the *FIPPA*.

The Draft ESR Notice will also include information of PICs, including dates, times and locations.

Final Environmental Study Report

The following engagement activities will be carried out during preparation and review of the Final ESR:

Group 1, 2 and 3:

- **Notification Letters and Notice of Completion / Opportunity to Inspect Final ESR** will be emailed, mailed or hand delivered and will contain an update on the Project and the Final ESR. The Final ESR will be available for a 30-day review period. In addition to email, mail and hand delivery, notification methods will include newspapers, community newsletters, radio and postings at community centres. The notice will be translated into local Aboriginal languages as needed. Published notifications will specify locations where the Final ESR will be made available for review and comment
- **Final ESR (hard copy and electronic copy)** will be distributed to Group 1 communities.

Notifications and Announcements

A **Notice of Completion / Opportunity to Inspect of Final ESR** is a requirement under the MNR Class EAs and the Class EA for Minor Transmission (termed Final Notification) and will include the following:

- a) name and description of the proposed project;
- b) name of the proponent for the project;
- c) a description of the need (justification) for the proposed project;
- d) geographical location of the study area, with a map showing the project location and boundaries and extent of the study area;
- e) description of this Class EA Document under which the project has been planned and a link to the Document;

- f) name, telephone, fax number, and address of contact people within the proponent's organization who can provide further details on the project;
- g) advice that comments on the proposed project should be received within the specified time frame by a specified person (i.e., proponent and agency representatives) in order to receive consideration;
- h) advice that the ESR is available for review at specific locations;
- i) the start and end dates of the review period;
- j) the rights given to the public under applicable Class EAs, including the Part II Order requests;
- k) a brief description of the opportunity for a Part II Order request;
- l) the mailing and email address of the MOECC where any Part II Order requests may be sent;
- m) a statement that the proponent can legally proceed with the project under the EA Act if no Part II Order requests are submitted during the review period;
- n) the date of publication of the Notice of Completion; and
- o) a Freedom of Information (FOI) statement advising how written submissions will be handled for the purposes of freedom of information will also be included.

5.5 Consideration of Community Concerns

The engagement activities described above will be responsive to community concerns and issues. Participants who have provided feedback to the Project team will receive a response to their comments in one of the following two ways:

- 1) Participants who comment at scheduled community meetings or PICs will either:
 - receive a response at these engagement activities; or
 - will be informed that a response to their comment/question will become part of the public record in the Aboriginal and Stakeholder ROE Summary Reports (Draft ESR submission).
- 2) Participants who provide comments in writing will receive a written response to their question.

All comments will be considered in the development of the Class EAs. These communications will also become part of the public record in the Aboriginal and Stakeholder ROE Summary Reports.

In the Draft ESR, key comments will be identified at the beginning of each relevant chapter, so as to appropriately and clearly link comments to the relevant section of the Draft ESR (e.g., key comments related to the natural environment will be found in both the terrestrial environment section of the Draft ESR as well as the Aboriginal RoE Summary Report.

In order to build a lasting working relationship with Aboriginal communities, other Aboriginal groups, and traditional land-based rights holders, communication is one of the most important building blocks. If the Project team and Aboriginal peoples identify that specific issues warrant further attention, additional engagement activities/events that meet the expectations of the people will be scheduled, as required.

The current Wataynikaneyap comment and response feedback process is provided in **Figure 4**.

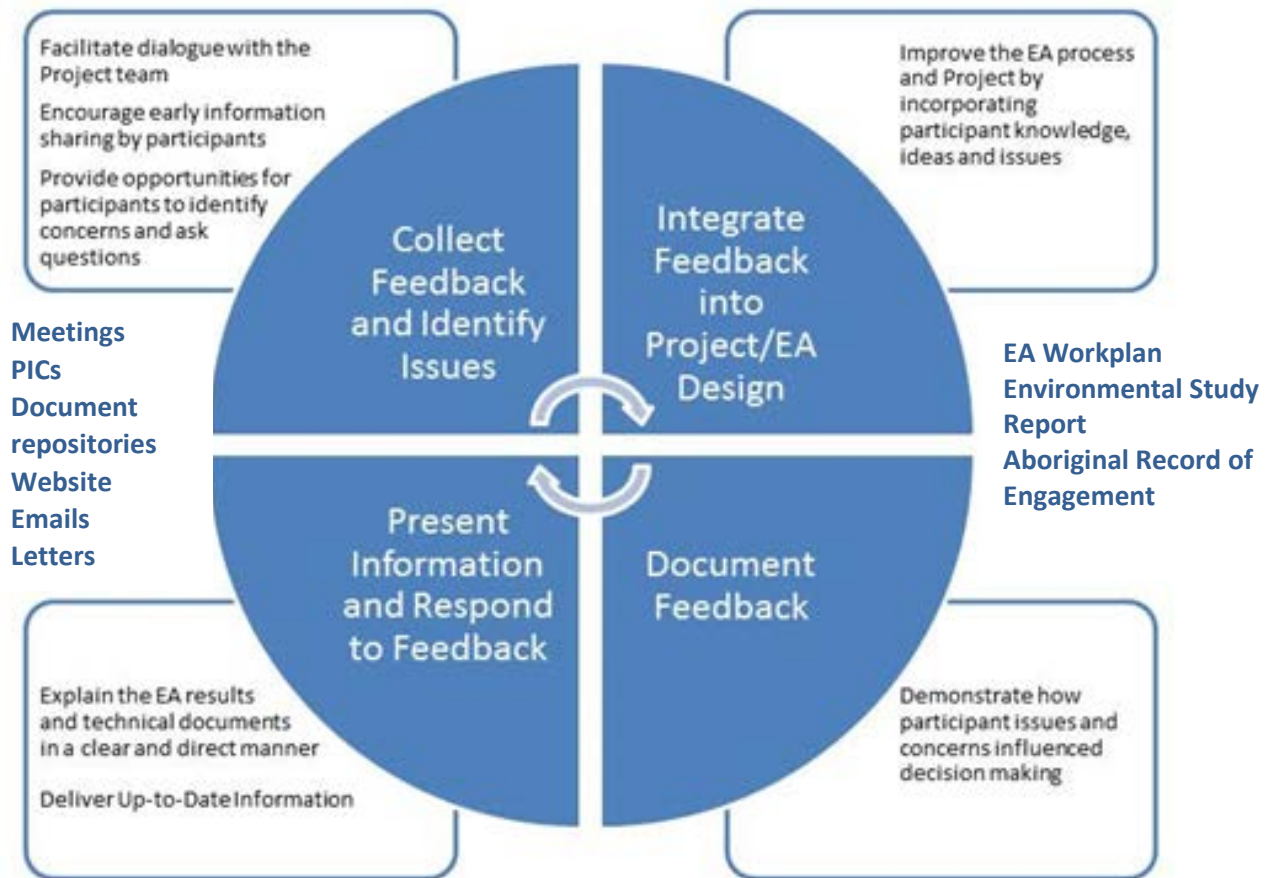


Figure 4: Comment and Response Feedback Process, Rounds 1 to 3

5.6 Potential Permits and Approvals

Table 6 provides a summary of potential federal, provincial and municipal permits and approvals required for construction and operation of the Project. The Project team will continue to identify and discuss these potential permits and approvals along with their potential applicability to the Project throughout engagement. Particular notifications associated with the potential permits and approvals will also be discussed. Engagement on potential permits and approvals will include handouts of the potential permits and approvals and display boards. Engagement through the EA on the identified potential permits and approvals is being considered to meet permit engagement requirements for some permits.

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ministry of the Environment and Climate Change (MOECC)	<i>Ontario Water Resources Act (1990) – Water Taking and Transfer Regulation - O. Reg. 387/04</i>	<ul style="list-style-type: none"> ■ Permit to Take Water (PTTW) ■ Registered on the Environmental Activity and Sector Registry (EASR) 	Required depending on Project water taking and dewatering per activity.
	<i>Ontario Water Resources Act – Section 53 (Sewage Works)</i>	Environmental Compliance Approval (ECA)	An ECA may be required for the wastewater treatment systems (leaching beds) at the temporary camps.
	<i>Environmental Protection Act (1990)</i>	ECA	An ECA may be required for the storage, transportation and disposal of domestic and industrial wastes, including sewage, from the temporary construction camps.
	<i>Environmental Protection Act (1990)</i>	ECA	Approval for noise generation in relation to the transformer station in Pickle Lake to step down 230 kV to 115 kV.
	<ul style="list-style-type: none"> ■ Environmental Protection Act (1990) ■ O. Reg. 347 	Generator Registration Number	Required in the event hazardous and liquid industrial wastes are generated during Project construction.

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ministry of Natural Resources and Forestry (MNR)	<i>Endangered Species Act (2007) Section 17</i>	Letter of Advice / Permit	Required if Project activities during construction and operation affect a species designated as endangered or threatened on the Species At Risk in Ontario [SARO] list or its habitat (aquatic or terrestrial, vegetation or wildlife).
	<i>Fish and Wildlife Conservation Act (1997)</i>	<ul style="list-style-type: none"> ■ Fish Scientific Collectors Permit ■ Wildlife Scientific Collection Permit 	Allows for the taking and transferring of fish or wildlife during construction
	<i>Fish and Wildlife Conservation Act (1997)</i>	Authorization	Required in the event Project construction/operation is anticipated to destroy the nests or eggs of birds, a beaver dam, or the den of a black bear or some furbearing mammals, or interfere with a black bear in its den.
	<ul style="list-style-type: none"> ■ Provincial Parks and Conservation Reserves Act, 2006 ■ Subsection 2(2) of Ontario Regulations 347/07 and 319/07 ■ Research Authorization Procedure for Provincial Parks and Conservation Reserves (Procedure PAM 13.01.01) 	Authorization to Conduct Research	Allows proponent to conduct research in Ontario Protected Areas
	<i>Crown Forest Sustainability Act (1994)</i>	Forest Resource Licence (Cutting Permit)	Required to harvest and/or cut timber on Crown land
	<i>Forest Fires Prevention Act (1990)</i>	Burn Permit	Required to burn materials from forest clearing

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ministry of Natural Resources and Forestry (MNR)	<ul style="list-style-type: none"> Public Lands Act (1990) O. Reg. 239/13: Activities on Public Lands and Shore Lands – Work Permits and Exemptions 	<ul style="list-style-type: none"> Land Use Permit Work Permit 	A land use permit gives the right to conduct a specified activity on the land for up to 10 years, but does not give ownership of the land or interest in the land. The land use permit and work permits would be required to authorize construction stage activities including geotechnical investigations, construction/upgrade of access roads, culverts/bridges, temporary construction camps and transmission lines.
	<i>Public Lands Act (1990)</i>	Crown Easement	Easement required to locate transmission line and access roads (to and within the Project site) in Crown land.
	<i>Crown Forest Sustainability Act (1994)</i>	Overlapping Agreement	Required for work permit operations not approved in forest management plans

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ministry of Natural Resources and Forestry (MNR)	<i>Far North Act (2010)</i>	Certain projects must demonstrate conformity with applicable community-based land use plans, and/or receive an exception from the Act by Minister's order, or an exemption from the Act by order of the Lieutenant Governor in Council. ⁷	The <i>Far North Act</i> (2010) ⁸ applies to those portions of the Project located in the Far North of Ontario. Approaches will vary depending on the type of development, and the stage of completion of community based land use plans. Engagement and consultation may be required.
	<i>Aggregate Resources Act (1990)</i>	Aggregate Permit	Required to extract aggregate on all Crown Land and also on private land in areas of the province designated (identified) in the regulations.
	<i>Provincial Parks and Conservation Reserves Act</i> , section 14 and section 22	<ul style="list-style-type: none"> ■ Work Permit ■ Land Use Management Plan amendment 	The Project crosses provincial parks and conservation reserves. Within the protected areas where utility corridors are permitted uses in the land use management plans, a work permit will be required to authorize required clearing, construction and other related activities. Within the protected areas where utility corridors are not permitted uses, amendments to the land use management plans will also be required before work can proceed.

⁷ The FNA is included in the 'Permits/Approvals/Authorizations' Tables for convenience and on a without prejudice basis. The FNA sets up a system wherein certain projects must demonstrate conformity with applicable community-based land use plans according to a process set out in those plans, and/or receive an exception from the Act by Minister's order, or an exemption from the Act by order of the Lieutenant Governor in Council.

⁸ Please note that a number of the First Nation member communities that comprise First Nations Limited Partnership (FNLP) do not recognize the *Far North Act* legislation.

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ontario Ministry of Transportation (MTO)	<i>Public Transportation and Highway Improvement Act</i>	Land Use and Building Permit	Land Use and Building Permit for construction within MTO's permit control area.
		Entrance Permit	Entrance Permit for proposed entrances, including temporary entrances to construct or service a proposed development, onto provincial highways.
		Encroachment Permit	Encroachment Permit to place, alter or erect any power line, pole line, or other transmission line within 400 m of any limit of a controlled access highway.
		Sign Permit	Sign Permit for all signage within 400 m of any limit of a provincial highway.
Ontario Ministry of Labour	<i>Occupational Health and Safety Act</i>	Notice of Project	File a notice of Project under Section 23(2) of the <i>Occupational Health and Safety Act</i> (1990) prior to construction.
Ontario Ministry of Tourism, Culture and Sport (MTCS)	<ul style="list-style-type: none"> Ontario Heritage Act Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest (O. Reg. 9/06) 	<p>Compliance Letter to licensee under <i>Ontario Heritage Act</i></p> <p>Letter of Satisfaction for heritage report under S23 of O.Reg. 359/09</p>	<p>Archaeological assessment, to be conducted as part of the EA under the <i>Ontario Heritage Act</i> (1990) and submitted to the Ontario Public Register of Archeological Reports. An Archaeology License issued under the <i>Ontario Heritage Act</i> is required to conduct archaeological assessments and to alter archaeological sites in Ontario.</p> <p>Built heritage and cultural heritage landscape screening and, where required, heritage impact assessments (HIAs) submitted to the MTCS for review under Ontario's <i>Environmental Assessment Act</i> and in compliance with the <i>Standards and Guidelines for Conservation of Provincial Heritage Properties</i>.</p>

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Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Provincial			
Ontario Energy Board (OEB)	<i>Ontario Energy Board Act, 1998</i>	Leave to Construct	The Project requires leave to construct approval under section 92 of the <i>Ontario Energy Board Act, 1998</i> . This application provides the OEB with an opportunity to review the Project's technical and other components.
Ministry of Northern Development and Mines	<i>Mining Act</i>	Withdrawal request	Withdrawal of lands from prospecting and withdrawal of staking rights under the <i>Mining Act</i> .
Technical Standards and Safety Authority	<i>Technical Standards and Safety Act, 2000</i>	License	Licenses for the transport, storage and handling of fuels under the <i>Technical Standards and Safety Act, 2000</i> .
Federal			
Environment and Climate Change Canada and Canadian Wildlife Service (CWS)	<i>Species at Risk Act (SARA)</i>	Permit	<ul style="list-style-type: none"> ■ Required if Project activities during construction and operations affect species listed under Schedule 1 of the <i>Species at Risk Act (SARA)</i> or its habitat, and which contravene the Act's general or critical habitat prohibitions (includes intrusive methods for sampling) on Reserve lands. ■ Permit under Section 73 of the <i>Species at Risk Act (SARA)</i> if Project activities during construction and operations affect terrestrial species listed under Schedule 1 of the SARA or its habitat, and which contravene the Act's general or critical habitat prohibitions (includes intrusive methods for sampling) on Reserve lands..

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Table 6: Summary of Potential Permits, Approvals, and Authorizations

Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Federal			
Department of Fisheries and Oceans Canada (DFO)	<i>Fisheries Act</i>	Authorization	Authorization may be required for construction activities if the activity is determined to cause serious harm to fish. This applies to work being conducted in or near waterbodies that support fish that are part of a commercial, recreational, or Aboriginal (CRA) fishery.
	<i>Species at Risk Act (SARA)</i>	Permit	Required if Project activities during construction and/or operations affect a fish species listed under Schedule 1 of SARA, or its habitat, as extirpated, endangered, or threatened and which contravene the Act's general or critical habitat prohibitions (includes intrusive methods for sampling, e.g., electrofishing).
Transport Canada	<i>Navigation Protection Act (NPA)</i>	Notice and/or approval	Required for work on navigable waters listed on the schedule to the <i>Navigation Protection Act</i> .
	Canadian Aviation Regulations (CARs) Standard 621 – Obstruction Marking and Lighting	Approval	<ul style="list-style-type: none"> ■ In the event the transmission line is located in the vicinity of an airport and could interfere with air navigation, the Project will require specific lighting and marking requirement to be determined by Transport Canada. ■ Aeronautical Assessment Form for Obstruction and Lighting.
	<i>Railway Safety Act</i> , Notice of Work Railway Works Regulations	Notice of Work	Required if the transmission line crosses a federally regulated railway.
	<i>Federal Real Property and Federal Immovables Act</i>	Leases or crossing agreements	Leases or crossing agreements for roads, railways or canals under the <i>Federal Real Property and Federal Immovables Act</i> .

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

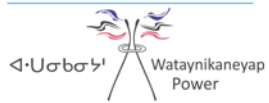
Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Federal			
Department of Indigenous Service Canada (DISC)	Section 28(2) of the <i>Indian Act</i>	Authorization	Department of Indigenous Service Canada (DISC) must authorize activities on First Nations Reserve lands by means of Section 28(2) of the <i>Indian Act</i> whereby: <ul style="list-style-type: none"> ■ “The Minister may by permit in writing authorize any person for a period not exceeding one year, or with the consent of the council of the band for any longer period, to occupy or use a reserve or to reside or otherwise exercise rights on a reserve.”
Natural Resources Canada	<i>Explosives Act</i>	Permit	Permit under the <i>Explosives Act</i> for the use, storage or transportation of explosives
Other			
Canadian National Railway (CNR)	n/a	Agreement letter	Required if crossing a CNR rail line.
Canadian Pacific Railway Limited (CPR)	n/a	Clearance letter	Required if crossing a CPR rail line.
Hydro One Networks Inc.	Transmission System Code	Agreement	Required to cross existing Hydro One transmission and distribution lines.
Mining Claim Holders	n/a	Consent	Consent from existing claim holders.
Private land	n/a	Consent	Easement from private land owners.
Other Utility Companies	n/a	Consent	Required if crossing other utilities (i.e., existing pipelines, fiber optics).

FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2 CONNECTING 17 REMOTE FIRST NATION COMMUNITIES PROJECT APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN

Table 6: Summary of Potential Permits, Approvals, and Authorizations

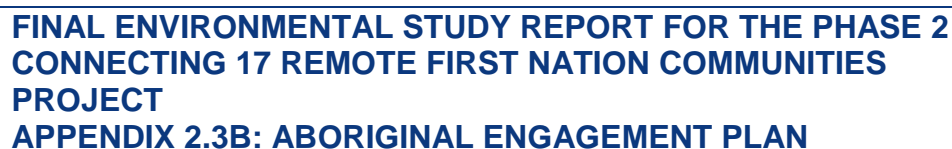
Agency	Act or Regulation	Approval/Permit/ Authorization	Applicability to the Project
Other			
Local Municipality	n/a	Local permits	<ul style="list-style-type: none"> ■ Building Permit per the <i>Building Code Act</i>, 1992. ■ Permit to Injure or Remove Trees (woodlands/woodlots), as applicable based on municipal by-laws. ■ Conformance with local land use policy and zoning (e.g., road use agreements). ■ Permits for open-air burning and fires, as applicable. ■ Official Plan amendments in accordance with the <i>Planning Act</i>. <ul style="list-style-type: none"> ■ Site Plan Control Approval in accordance with the <i>Planning Act</i>.

n/a = not applicable



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The Project team understands that Aboriginal engagement and communication does not end when the EA process is completed. Should the EA be approved, ongoing discussions with Aboriginal communities, other Aboriginal Groups and identified traditional land-based rights holders will continue following the completion of the EA and through Project construction and operation and maintenance stages.

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6.0 ISSUES RESOLUTION

The Project team recognizes the value of implementing and maintaining an open and transparent Aboriginal engagement process to sustain effective relationships with potentially affected and/or interested Aboriginal communities, other Aboriginal groups and traditional land-based rights holders throughout the EA process.

The Project team acknowledges that in some cases it may not be possible to address comments to the satisfaction of an individual or group, due to differences in opinion or values. In such instances, the Project team will work collaboratively with that individual or group by scheduling and convening a face-to-face meeting to resolve the issue, alleviate concern(s) or formulate a compromise solution.

In the event that the Project team and the individual or group are not able to come to an agreement on how to resolve the issue/concern or formulate a compromise solution, the Project team will work to resolve the issue through a neutral third party (i.e., mediator) acceptable to all parties. This is called *Self-directed Mediation*. Under Part II.1 Section (6) of the EAA (i.e., regarding the Class EA process), the Minister may refer a matter to mediation. The MNR Class EA processes also identify mediation as a recommended course of action should this situation arise. Any mediation that occurs as a result of a referral by the Minister of the Environment or Director of the Environmental Approvals Branch (EAB) is called *Referred Mediation*. Referred Mediation is considered to be an appropriate option only in very specific circumstances. For example, Referred Mediation may be appropriate if the parties have reached an impasse that is preventing Self-directed Mediation from occurring, or if the parties prefer to have a third party, who is removed from the issues in dispute, set up the mediation process.

Should Self-directed Mediation be required, an appropriate mediation protocol will be developed on a case-by-case basis using the *Code of Practice: Using Mediation in Ontario's Environmental Assessment Process* (MOECC 2014b). The *Code of Practice* (MOECC 2014b) outlines the roles and responsibilities for all parties involved, summarizes the preparatory steps required for mediation (e.g., identification of issues and parties, development of a cost-sharing agreement and confidentiality agreement, selection of a mediator), and provides a description of the mediation process itself.

Benefits of successful mediation efforts include the following:

- facilitates mutual exchange of information;
- facilitates greater understanding of each party's perspective and concerns;
- builds increased trust and cooperation between the parties;
- assists in the development of an improved proposal for the environment, the community and the proponent; and
- decreases the likelihood that a hearing will be needed to resolve disputes later in the process.

If the Project team and the interested person(s), or where applicable to sections of the Project assessed under the MNRF Class EA processes, the Project team, interested person(s) and the MNRF, cannot mutually resolve the identified concern(s) through mediation, interested person(s) may choose to express in writing to the EAB what their outstanding concerns are. Where necessary, the Project team may be asked to provide further information so that the MOECC can determine the appropriate course of action and/or provide an appropriate response. Any correspondence and associated documentation the MOECC receives in relation to an outstanding concern will be considered during the MOECC's decision making process.

6.1 Issue Tracking and Reporting

- identify all persons engaged;
- describe the engagement activities that took place (methods, schedule of events, notification that was given about the activity and materials used);
- clearly and accurately summarize the comments made by all interested persons;
- describe the Project team's response and how concerns were considered in the development of the ESR;
- describe any outstanding concerns;
- include minutes of any meetings held with interested persons; and
- include copies of written comments received from interested persons.

Typically, comments received will be addressed on an individual basis, but may also be grouped into categories for efficiency and to allow the Project team to identify trends (or themes). Addressing and responding to comments will depend on the nature of the comments and the manner in which they were received. It is anticipated that a variety of responses will be required, including but not limited to providing detailed technical responses, clarifying misconceptions and responding to questions and concerns, modifying field programs and/or environmental management plans/protocols, augmenting and updating Aboriginal participant lists, and responding to requests for additional information and engagement opportunities (e.g., PICs or community meetings).

7.0 INTEGRATING ENGAGEMENT INPUT WITH TECHNICAL WORK

Integrating the results of Aboriginal engagement with the overall Class EAs is very important for achieving the goals of the EA (e.g., designing a Project that is acceptable to the proponent and interested and/or affected persons).

The purpose of integrating the results of engagement into Project technical work is threefold:

- to reassure participants that their input is valued and has influenced the analysis and choices made by the Project team;
- to determine that relevant legislation and policies administered by government agencies are considered; and
- to demonstrate to participants the value of the Class EA process.

Key issues, questions and comments will be collected using comment forms, written notes, and email throughout all engagement activities, and documented in an issues tracking database. The Golder Project team will be responsible for documenting all engagement activities. A two-way internal communication process will be followed (Figure 5), in which the Wataynikaneyap engagement team (Opiikapawiin) supported by Golder, will work as the liaison between Aboriginal communities and other Aboriginal groups and EA Discipline Leads. This two-way communication process will facilitate the integration of engagement input into technical work and the integration of technical input into engagement materials and activities.

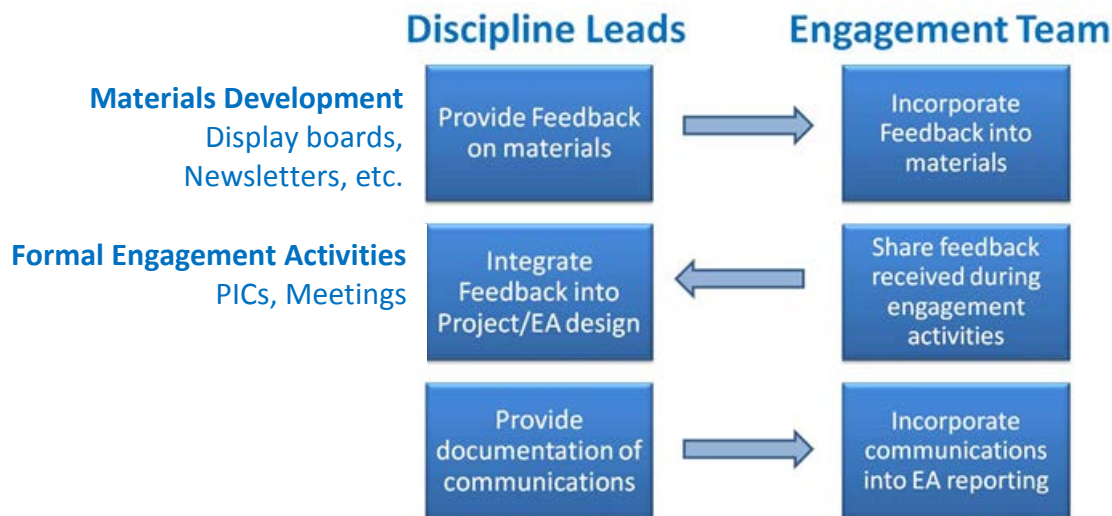


Figure 5: Integration of Participant Feedback into the Class Environmental Assessment

The Draft ESR includes a description of how Aboriginal input, including Aboriginal traditional knowledge and current land and resource use information received during engagement activities, was incorporated into the Project planning and design and the EA process itself, including the resultant changes.

Potential effects to Aboriginal and Treaty Rights identified during engagement will be considered in the Project design to avoid the potential effect, where possible. If avoidance is not possible, potential effects to Aboriginal and Treaty Rights will be assessed, and mitigation measures will be identified to reduce or eliminate effects. These will be documented in the Draft ESR. If significant net effects are identified subsequent to mitigation measures, accommodation will be considered through engagement with the Crown.

8.0 ROLES AND RESPONSIBILITIES

8.1 Government Agency Roles

Aboriginal people have constitutional Rights and must be consulted by the Crown⁹ about their Rights and interests. Consultation is the Duty of the Crown; however, Wataynikaneyap as the proponent of the Project is committed to undertaking engagement with Aboriginal communities and other Aboriginal groups to fulfil procedural aspects of this duty. Wataynikaneyap, as a First Nation owned company understands, acknowledges and respects the inherent Rights of Aboriginal communities. Wataynikaneyap is open to discussing the potential effects of the Project on Aboriginal and Treaty Rights, as identified by the Aboriginal communities.

The Project team and agencies responsible for the respective Class EAs (e.g., MOECC and MNRF) and the Ministry of Energy, who is responsible for the MOU on behalf of the Crown, will continue to communicate regularly to ensure that all engagement activities are coordinated to the greatest extent possible, and issues and comments arising from these activities are discussed and shared accordingly.

Section 35 of the *Constitution Act*, 1982 recognizes and affirms the Aboriginal Rights of the Aboriginal peoples of Canada. The application and interpretation of Section 35 has led to the development of the common law Duty to Consult (Duty) doctrine. Pursuant to the Duty, the Crown has a Duty to Consult with Aboriginal peoples when it has knowledge, real or constructive, of the potential existence of an Aboriginal Right and contemplates conduct that might adversely affect such potential Rights (Government of Ontario 2006). While the Duty rests with the Crown, the Supreme Court of Canada has held that procedural aspects of the Duty can be delegated. As such, the proponent for the Project recognizes and accepts a responsibility to identify Aboriginal communities that may have an interest in the Project and engage them in the planning process. The Project team's activities are intended to provide information and develop an understanding of Aboriginal peoples' interests, issues and concerns regarding the Project. At no time are the Project teams' activities intended to replace the Crown's Duty to consult.

As noted, the Duty arises when the Crown has knowledge, real or constructive, of the potential existence of Aboriginal and Treaty Rights and contemplates conduct that might adversely affect such Rights. The Crown is responsible for ensuring the Duty is fulfilled, as the foundation of the Duty is premised on the honour of the Crown in its dealings with Aboriginal peoples.

In *Haida v. British Columbia* (2004), the Supreme Court of Canada determined that the scope of the Crown's Duty is proportionate to the strength of an Aboriginal peoples' claim regarding the existence of Aboriginal Rights and the seriousness of the potentially adverse effects of the proposed activity on the claimed Aboriginal Rights. This Report attempts to identify the extent of the engagement to be carried out by the Project team with affected Aboriginal communities. The basis for determining the extent/depth of engagement is the potential presence of Aboriginal and Treaty Rights and the potential for the Project to have an effect on those Rights.

As the proponent of the Project, Wataynikaneyap acknowledges a responsibility to engage the appropriate Aboriginal communities and to assist the Crown in discharging the procedural aspects of the Crown's Duty to Consult. During engagement activities, Wataynikaneyap will collect information that communities are

⁹ "Crown" means Her Majesty the Queen in right of Ontario.

willing to share regarding their Aboriginal or Treaty Rights. This information will be incorporated in the EA and provided to government as part of the proponent's commitment to fulfil procedural aspects of this duty.

8.2 Wataynikaneyap Roles

Consultation is the Duty of the Crown; however, the Crown may delegate procedural aspects of consultation to third parties in respect of the duty. Wataynikaneyap, as the proponent of the Project, is committed to undertaking engagement with Aboriginal communities identified in the MoU and in Group 1 (Table 4) to fulfil procedural aspects of this duty. As a First Nation-majority owned company, Wataynikaneyap understands, acknowledges and respects both the Aboriginal and inherent Rights of Aboriginal communities. Wataynikaneyap is open to discussing the potential effects of the Project on Aboriginal and Treaty Rights, as identified by the Aboriginal communities.

As the proponent, Wataynikaneyap undertakes the engagement plan. As outlined in Section 3.1 of the November 23, 2016 MOU, Wataynikaneyap will be responsible for the following:

- preparing and executing a Consultation Plan for the Project in accordance with Section 5 of the MOU;
- providing the Aboriginal Communities with timely notice of the Project for the purposes of considering possible impacts on their Rights Under Section 35 of the Constitution Act (Section 35);
- providing Aboriginal Communities with information about the Project and the role that Wataynikaneyap will play in Crown consultation on the Project;
- following up on the notice and provision of information, if Wataynikaneyap has not received a timely response or acknowledgement from an Aboriginal Community;
- explaining to the Aboriginal Communities the regulatory and approval processes that apply to the Project;
- taking reasonable steps to foster positive relationships with the Aboriginal Communities;
- offering Aboriginal Communities reasonable assistance, including financial assistance where appropriate as determined by Wataynikaneyap, for the purpose of participating in consultation on the Project;
- meeting with, and receiving and considering correspondence or other written materials from the Aboriginal Communities in order to identify any concerns they may have regarding the potential impact of the Project on their Rights Under Section 35;
- where appropriate, discussing with the Aboriginal Communities accommodation, including mitigation measures and other measures to address potential adverse effects of the Project on Rights Under Section 35;
- where appropriate, developing and discussing with the Crown appropriate accommodation measures;
- maintaining records and providing information to the Crown in accordance with Section 4 of the MOU; and
- filing documents, attending regulatory hearings, presenting records and other appropriate evidence of activities undertaken by the Crown and Wataynikaneyap to fulfill any Duty in relation to the Project, and making both written and oral submissions, as appropriate, to the regulatory entity regarding the fulfillment of any Duty.

The Project team will keep the provincial government informed of all engagement activities and any issues that arise, and regularly seek feedback from the agencies to assess whether the level of engagement is appropriate.

9.0 EVALUATION

The effectiveness of the engagement process is evaluated by the Project team internally to allow for continuous improvement as a best practice measure. Given that the Project team is committed to continual improvement of the AEP, all engagement activities will be monitored and evaluated to assess the effectiveness of the program and to improve ongoing activities. The evaluation will include an assessment of the following areas:

- whether objectives have been achieved;
- how effective the planning and implementation was;
- how effective the methods used were;
- how efforts were made to answer questions and resolve concerns;
- whether risks were identified and well managed;
- feedback by participants (positive and negative); and
- how the information gained impacted on decisions made.

Evaluations will be conducted as the engagement program is taking place, so that changes can be made if necessary, and at the end of the engagement program in order to assess the results.

Ongoing evaluation throughout the process will enable the Project team to determine how well the AEP is being implemented (i.e., whether the tools used are effective) and determine whether adjustments should be made to advance the engagement objectives. Ongoing evaluation also allows participants to suggest next steps and helps to identify the elements of a troubled process (e.g., lack of interest).

An evaluation at the end of the process will enable the Project team to gauge the success, affect, and results of the engagement program, allowing the identification of what worked best and whether there were any unanticipated outcomes. The evaluation should determine (i) the quality of the information and advice collected from participants; (ii) the extent to which the results have been integrated into the EA process; and (iii) the degree to which the engagement process itself was successful. The end-of-process evaluation will also enable the Project team to document lessons learned so that these can be shared internally and with Class EA reviewers.

Both Aboriginal participants and the Project team will participate in components of the evaluation process. Feedback from interested and/or affected Aboriginal communities and other Aboriginal groups will be collected throughout the Class EA processes using evaluation surveys or feedback questionnaires, in either verbal or written format as appropriate. Feedback will be collected from the Project team on an ongoing basis in the form of internal discussions and by documenting engagement successes and shortcomings.

Where warranted, the AEP will be modified or refined to improve ongoing and future engagement activities. A summary of engagement activities and issues raised to-date can be found in the Aboriginal and Stakeholder ROE Summary Reports (Appendix 2.3A and 2.4A, respectively).

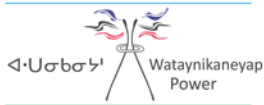
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10.0 REFERENCES

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ANNEX A

Ministry of Energy Letter

Ministry of Energy

77 Grenville Street
6th Floor
Toronto ON M7A 1C2

Tel: (416) 325-6544

Ministère de l'Énergie

77, rue Grenville
6^e étage
Toronto ON M7A 2C1

Tél: (416) 325-6544



Strategic, Network and Agency Policy Division

June 1, 2016

Margaret Kenequanash
Chair, Wataynikaneyap Power LP
margaretk@shibogama.on.ca

Dear Margaret,

This is further to recent conversations between representatives of the Ministry of Energy (the Ministry) and Wataynikaneyap Power regarding the delegation of procedural aspects of Indigenous consultation for the portion of the remotes connection project north of Pickle Lake, known as Watay Phase 2.

As you are aware, the Crown has a constitutional duty to consult and accommodate Aboriginal communities when Crown project approvals or other actions may lead to an appreciable adverse impact on established or asserted constitutionally protected rights. While the legal duty to consult falls on the Crown, the Crown may delegate the day-to-day, procedural aspects of consultation to project proponents.

By this letter, on behalf of the Ontario Crown, the Ministry is providing time-limited delegation of consultation responsibilities to Wataynikaneyap Power in respect of the proposed Watay Phase 2 transmission line. The Crown will be relying, in part, on the steps undertaken and information obtained by Wataynikaneyap Power to fulfill any Crown duty to consult and accommodate that arises from the project. The Crown will fulfill the substantive aspects of consultation and retain oversight over all aspects of the process for fulfilling the Crown duty. Attached hereto is a draft list of communities to consult (Appendix A). The delegation will have effect until a transmitter is selected for the project. We expect Wataynikaneyap Power to meet with and explain to the listed communities the regulatory steps and potential impacts of the project, seek and record community input, particularly including concerns about adverse impacts on constitutionally protected rights, and report regularly to the Ministry on the consultations undertaken and feedback provided. Communities should be made aware that Wataynikaneyap Power is consulting on behalf of the Crown as part of the duty to consult process. Please see Appendix B for more detail on the delegated responsibilities of Wataynikaneyap Power.

The present delegation will be effective in relation to the fulfillment of any duty to consult which may be triggered by government processes, authorizations, permits or any other Ontario Crown decisions or actions relating to the project, including strategic project planning, up to the point of transmitter selection. This potentially includes, for example, environmental assessment and Orders in Council designating the project as a priority or selecting a transmitter.

In addition to the constitutional duty to consult Indigenous communities, the environmental assessment process requires proponents to consult with interested persons and government agencies, including those potentially affected by the proposed project. Direction about how to consult with interested persons/communities is provided in the Code of Practice: Consultation in Ontario's Environmental Assessment Process available on the website of the Ministry of the Environment and Climate Change (MOECC). For additional information on the environmental assessment process for the Project, please contact the appropriate MOECC office.

At such time as when the Province finalizes its plans for transmitter selection, it will be necessary that the selected transmitter execute forthwith, as a condition of selection, the Ministry's Memorandum of Understanding (MOU) delegating procedural aspects of consultation for the subsequent phases of the project. This is the government practice for all major transmission projects. The MOU will be based on previous MOUs executed by the Ministry and will include the Crown's list of communities.

Should you have any questions please contact Michelle Schlag, Senior Advisor, Indigenous Energy Policy, Ministry of Energy at (416) 327-7158 or michelle.schlag@ontario.ca.

Sincerely,



Michael Reid
Assistant Deputy Minister
Strategic, Network and Agency Policy Division

C. Ellen Cramm, Ministry of the Environment and Climate Change
Emily Hawkins, Ministry of Natural Resources and Forestry

APPENDIX A: INDIGENOUS COMMUNITIES TO BE CONSULTED

Based on the Crown's preliminary assessment of Indigenous community rights and project impacts, the following Indigenous communities should be consulted on the basis that they have or may have constitutionally protected Aboriginal or treaty rights that may be adversely affected by the project. This list is provided on behalf of the Crown:

Community	Mailing Address
Bearskin Lake First Nation	PO Box 25 Bearskin Lake, ON P0V 1E0
Cat Lake First Nation	PO Box 81 Cat Lake, ON P0V 1J0
Deer Lake First Nation	PO Box 39 Deer Lake, ON P0V 1N0
Eabametoong First Nation	PO Box 298 Eabamet Lake, ON P0T 1L0
Kasabonika Lake First Nation	PO Box 124 Kasabonika Lake, ON P0V 1Y0
Keewaywin First Nation	PO Box 90 Keewaywin, ON P0V 3G0
Kingfisher Lake First Nation	PO Box 57 Kingfisher Lake, ON P0V 1Z0
Kitchenhmaykoosib Inninuwig	PO Box 329 Big Trout Lake, ON P0V 1G0
Lac Seul First Nation	PO Box 100 Hudson, ON P0V 1X0
Marten Falls First Nation	General Delivery Ogoki Post, ON P0T 2L0
McDowell Lake First Nation	PO Box 321 Red Lake, ON P0V 2M0
Mishkeegogamang First Nation	General Delivery New Osnaburgh, ON P0V 2H0

Community	Mailing Address
Muskrat Dam First Nation	PO Box 140 Muskrat Dam, ON P0V 3B0
Neskantaga First Nation	PO Box 105 Lansdowne House, ON P0T 1Z0
Nibinamik First Nation	General Delivery Summer Beaver, ON P0T 3B0
North Caribou (Weagamow) Lake First Nation	General Delivery Weagamow Lake, ON P0V 2Y0
North Spirit Lake First Nation	General Delivery North Spirit Lake, ON P0V 2G0
Pikangikum First Nation	PO Box 323 Pikangikum, ON P0V 1L0
Poplar Hill First Nation	PO Box 1 Poplar Hill, ON P0V 3E0
Sachigo Lake First Nation	PO Box 51 Sachigo Lake, ON P0V 2P0
Sandy Lake First Nation	PO Box 12 Sandy Lake, ON P0V 1V0
Slate Falls First Nation	48 Lakeview Drive Slate Falls, ON P0V 3C0
Wabauskang First Nation	PO Box 339 Ear Falls, ON P0V1T0
Wapekeka First Nation	PO Box 2 Angling Lake, ON P0V 1B0
Wawakapewin First Nation	c/o Shibogama First Nation Council PO Box 449 Sioux Lookout, ON P8T 1A8
Webequie First Nation	PO Box 268 Webequie, ON P0T 3A0

Community	Mailing Address
Wunnumin Lake First Nation	PO Box 105 Wunnumin Lake, ON P0V 2Z0

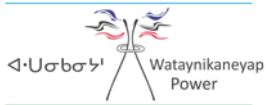
This rights-based consultation list is based on information that is subject to change. Indigenous communities may make new rights assertions at any time, and other developments (e.g. the discovery of Indigenous archaeological sites) can occur that may require additional Indigenous communities to be notified and/or consulted. If you become aware of potential rights impacts on communities that are not listed above at any stage of the consultation and approval process, kindly bring this to the attention of the Crown with any supporting information regarding the claim. The Crown will then assess whether it is necessary to include the community on the rights-based consultation list above.

APPENDIX B: ROLES AND RESPONSIBILITIES DELEGATED TO THE PROPONENT

The delegated responsibilities include:

- providing Indigenous communities with timely notice of the project so that they can consider possible impacts on their rights;
- providing Indigenous communities with information about the project and the role that Wataynikaneyap Power will play in Crown consultation on the project;
- following up on the notice and provision of information if Wataynikaneyap Power has not received a timely response or acknowledgement from an Indigenous community;
- explaining to Indigenous communities the regulatory and approval processes that apply to the project, including the environmental assessment process;
- taking reasonable steps to foster positive relationships with Indigenous communities in relation to fulfilling any duty to consult in respect of the project;
- offering Indigenous communities assistance, including financial assistance where appropriate as determined by Wataynikaneyap Power for the purpose of participating in consultation on the project;
- meeting with, receiving and considering correspondence or other written materials from Indigenous communities in order to identify any concerns they may have regarding the potential impact of the project on their rights;
- where appropriate, discussing with an Indigenous community measures to address potential adverse impacts of the project on its rights;
- where appropriate, developing and proposing to the Crown appropriate accommodation measures;
- keeping records of all its activities in relation to fulfilling any duty to consult and share said records with the Crown upon request.

Wataynikaneyap Power can seek guidance from the Crown at any time during the consultation process. It is recommended that you contact the Crown if you are unsure about how to deal with a concern raised by an Indigenous community, particularly if the concern relates to a potential adverse impact on established or asserted rights.



**FINAL ENVIRONMENTAL STUDY REPORT FOR THE PHASE 2
CONNECTING 17 REMOTE FIRST NATION COMMUNITIES
PROJECT
APPENDIX 2.3B: ABORIGINAL ENGAGEMENT PLAN**

ANNEX B

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

between

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY
THE MINISTER OF ENERGY

and

WATAYNIKANEYAP POWER LIMITED PARTNERSHIP

(Each a “**Party**” and together, the “**Parties**”)

WHEREAS the Ministry of Energy and Wataynikaneyap wish to clarify their roles and responsibilities regarding Aboriginal Community consultation on the Project, as defined;

NOW THEREFORE the Parties agree as follows:

1. DEFINITIONS

1.1. In this MOU, the following terms have the respective meanings set out below:

- (a) “**Aboriginal Communities**” means the First Nations and Métis communities identified by the Ministry for consultation on the Project pursuant to Section 2 of this MOU;
- (b) “**Consultation Plan**” means Wataynikaneyap’s plan as may be amended from time to time, respecting the conduct of the procedural aspects of consultation that are delegated under this MOU;
- (c) “**Crown**” means Her Majesty the Queen in right of Ontario;
- (d) “**Duty**” means the constitutional duty to consult and, where required, accommodate that the Crown may owe to the Aboriginal Communities with respect to the Project;
- (e) “**Ministry**” means the Ministry of Energy or any successor thereof;
- (f) “**MOU**” means this memorandum of understanding;
- (g) “**Project**” means
 - i. the construction of a new electricity transmission line originating

at a point between Ignace and Dryden and terminating at a point near Pickle Lake, and

- ii. the construction of electricity transmission lines extending north from Pickle Lake and Red Lake to connect remote First Nation communities, and
 - iii. the construction of a new electricity line extending north from Red Lake to connect the First Nation community of Pikangikum.
- (h) **“Rights Under Section 35”** means, for the purposes of this MOU, an established or credibly asserted aboriginal or treaty right; and
- (i) **“Wataynikaneyap”** means Wataynikaneyap Power Limited Partnership and any successor or authorized designate of Wataynikaneyap Power Limited Partnership.

2. RESPONSIBILITIES OF THE CROWN

2.1. The Crown is responsible for:

- (a) determining whether the Duty arises in relation to the Project and advising Wataynikaneyap of its determination;
- (b) advising Wataynikaneyap of the Aboriginal Communities to be consulted, being those communities identified in Appendix “A”, Appendix “B” and Appendix “C” and any other communities subsequently identified to Wataynikaneyap by the Ministry;
- (c) providing Wataynikaneyap the results of any Crown assessment of the appropriate depth of consultation with the Aboriginal Communities;
- (d) notifying the Aboriginal Communities that it has delegated procedural aspects of consultation on the Project to Wataynikaneyap;
- (e) reviewing and approving the Consultation Plan;
- (f) receiving reports and information from Wataynikaneyap and reviewing consultation of the Aboriginal Communities on the Project;
- (g) satisfying itself that the consultation process in relation to the Project is adequate, which may include contacting the Aboriginal Communities directly to discuss the adequacy of the consultations; and
- (h) determining whether accommodation of any adverse impacts of the Project on Rights Under Section 35 of the Aboriginal Communities is

required, and if so, its adequacy.

- 2.2. Notwithstanding sub-Sections 2.1 and 3.1 of this MOU, neither the Crown nor Wataynikaneyap shall be taken as having agreed, or conceded, that any matter set out therein is a mandatory aspect or requirement of the Duty, nor that any particular aspect of consultation is an aspect of the Duty that cannot be carried out by Wataynikaneyap.

3. RESPONSIBILITIES OF WATAYNIKANEYAP

3.1. Wataynikaneyap is responsible for:

- (a) preparing and executing a Consultation Plan for the Project in accordance with Section 5 of this MOU;
- (b) providing the Aboriginal Communities with timely notice of the Project for the purposes of considering possible impacts on their Rights Under Section 35;
- (c) providing Aboriginal Communities with information about the Project and the role that Wataynikaneyap will play in Crown consultation on the Project;
- (d) following up on the notice and provision of information in paragraphs (b) and (c) immediately above if Wataynikaneyap has not received a timely response or acknowledgement from an Aboriginal Community;
- (e) explaining to the Aboriginal Communities the regulatory and approval processes that apply to the Project;
- (f) taking reasonable steps to foster positive relationships with the Aboriginal Communities;
- (g) offering Aboriginal Communities reasonable assistance, including financial assistance where appropriate as determined by Wataynikaneyap, for the purpose of participating in consultation on the Project;
- (h) meeting with, and receiving and considering correspondence or other written materials from the Aboriginal Communities in order to identify any concerns they may have regarding the potential impact of the Project on their Rights Under Section 35;
- (i) where appropriate, discussing with the Aboriginal Communities accommodation, including mitigation and other measures to address potential adverse effects of the Project on Rights Under Section 35;

- (j) where appropriate, developing and discussing with the Crown appropriate accommodation measures;
 - (k) maintaining records and providing information to the Crown in accordance with Section 4 of this MOU; and
 - (l) filing documents, attending regulatory hearings, presenting records and other appropriate evidence of activities undertaken by the Crown and Wataynikaneyap to fulfill any Duty in relation to the Project, and making both written and oral submissions, as appropriate, to the regulatory entity regarding the fulfillment of any Duty.
- 3.2. Notwithstanding Section 3.1 of this MOU, a ministry with an approval role for the Project, or any responsible official, agent, decision-maker or regulatory body of the Crown, may participate in the matters enumerated in Section 3.1 to the extent deemed necessary by the responsible entity, which participation may include formal communications by letter or other means with Aboriginal Communities, and may also include other participation provided that such responsible entity makes reasonable efforts to advise Wataynikaneyap of such intended participation.

4. RECORD KEEPING AND INFORMATION SHARING

- 4.1. Wataynikaneyap will keep records of all of its activities in relation to carrying out the procedural aspects of consultation that are delegated to it under this MOU.
- 4.2. Wataynikaneyap will provide the Ministry with monthly updates, summary reports or briefings on its consultation activities related to the Project, and with any additional summary reports or briefings on its consultation activities as may be reasonably requested by the Ministry.
- 4.3. Wataynikaneyap will share its Consultation Plans, reports or other documentation compiled in respect of any Duty relating to the Projects, with the Ministry upon reasonable request, subject to applicable confidentiality restrictions consistent with sub-Sections 4.7 and 4.8 of this MOU.
- 4.4. Wataynikaneyap will advise the Ministry in a timely manner of:
- (a) any actual, potential or alleged adverse impact of the Project on established or asserted Rights Under Section 35, whether Wataynikaneyap becomes aware of such impact or assertion through its consultation activities or otherwise; and

- (b) any notice or statement or agreement by an Aboriginal Community that some or all of its concerns regarding Rights Under Section 35 in connection with the Project have been resolved, or that the Duty has been fulfilled.
- 4.5. Wataynikaneyap will notify the Ministry before providing significant funding to Aboriginal Communities for reports or studies that may relate to the Rights Under Section 35 of the Aboriginal Communities.
- 4.6. Wataynikaneyap will provide the Ministry with timely notice before taking positions or making appearances before judicial, quasi-judicial or regulatory tribunals or boards, or other decision-makers, or before filing or making written submissions to any tribunal, board, agency, official or other decision-maker, in relation to matters relevant to the fulfillment of the Duty.
- 4.7. Wataynikaneyap will use commercially reasonable efforts to share with the Ministry the provisions of any commercial or other agreements between Wataynikaneyap and the Aboriginal Communities that:
 - (a) indicate that the Aboriginal Communities will not oppose the Project on the basis of Rights Under Section 35 or that otherwise secure the support of the Aboriginal Communities for the Project;
 - (b) are directed at accommodating possible adverse effects of the Project on Rights Under Section 35; or
 - (c) otherwise potentially affect the obligations of the Crown to the Aboriginal Communities,but Wataynikaneyap is not otherwise required to share details of its commercial arrangements.
- 4.8. In any agreements Wataynikaneyap enters into with Aboriginal Communities relating to the Project, Wataynikaneyap will seek to include provisions requiring the said Aboriginal Communities to advise the Ministry directly, in writing, of any resolution of their Rights Under Section 35 pursuant to Section 4.7 of this MOU, and to avoid including any confidentiality provisions that prevent Wataynikaneyap from fulfilling its obligations to share information with the Ministry in accordance with this MOU.
- 4.9. The Ministry will share information received from Wataynikaneyap under this MOU with other Ontario ministries and regulatory agencies, where necessary. Commercially sensitive Wataynikaneyap information will be protected in accordance with applicable laws.
- 4.10. The Ministry will share with Wataynikaneyap records of Crown activities in

relation to fulfilling any Duty, as required to ensure that Wataynikaneyap can fulfill its obligations pursuant to this MOU.

5. CONSULTATION PLAN

- 5.1. Wataynikaneyap will prepare a Consultation Plan for the Project and present it to the Ministry for its review and approval within a reasonable time of the Ministry's request.
- 5.2. The Consultation Plan shall set out the manner in which Wataynikaneyap proposes to carry out its responsibilities under this MOU, including the identification of significant steps and a timetable for their completion.
- 5.3. For greater certainty, the Parties acknowledge that where there is a statutory process requiring Crown decisions pertaining to the Project, the requirements for satisfying any Duty in the context of such process are within the jurisdiction of the ministry, board, agency or decision-maker having responsibility to administer that statute, and therefore:
 - (a) it is for the responsible ministry, board, agency or decision-maker to satisfy itself in relation to fulfilment of the Crown's duty within the context of its approval, permit or authorization powers; and
 - (b) the content of the Consultation Plan shall reflect, and is subordinate to, the procedures and decisions of the responsible ministry, board, agency or decision-maker;
 - (c) to avoid duplication, the Consultation Plan may, where feasible, fulfill both the requirements of Section 5 of this MOU and any similar Crown requirements such as the consultation planning in the context of the environmental assessment.

6. COORDINATION

- 6.1. The responsibilities outlined in this MOU shall be carried out, to the extent possible, in a coordinated manner so as to avoid duplication of effort by Aboriginal Communities, Wataynikaneyap, the Ministry, and provincial ministries, boards and agencies.

7. GENERAL

- 7.1. Nothing in this MOU, or of any related agreement(s) made thereunder, shall be construed so as to abrogate or derogate from the protection provided for the


Aboriginal and Treaty rights of the Aboriginal peoples of Canada, including those of any First Nation, as recognized and affirmed by section 35 of the *Constitution Act*, 1982 and the related jurisprudence thereunder.

7.2. This MOU may be amended in writing at any time by agreement of the Parties.

7.3. This MOU may be terminated at any time by the Minister of Energy by providing notice in writing, or upon the agreement of the Parties.

[Remainder of this page left intentionally blank.]

Dated this 23rd day of November, 2016


WATAYNIKANEYAP POWER LIMITED PARTNERSHIP by its general partner 2472883 ONTARIO LIMITED	HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, as represented by the Minister of Energy
Per: 	Per: _____ Serge Imbrogno Deputy Minister

Dated this 23Rd day of November, 2016

**WATAYNIKANEYAP POWER
LIMITED PARTNERSHIP by its general
partner 2472883 ONTARIO LIMITED**

Per: _____

**HER MAJESTY THE QUEEN IN
RIGHT OF ONTARIO, as represented by
the Minister of Energy**

Per: 
Serge Imbregno
Deputy Minister

Appendix “A”

Phase 1: Line to Pickle Lake Consultation List

Description:

The construction of a new electricity transmission line originating at a point between Ignace and Dryden and terminating at a point near Pickle Lake.

List of Aboriginal Communities to be consulted:

1. Eagle Lake First Nation
2. Lac Seul First Nation
3. Mishkeegogamang First Nation
4. Ojibway Nation of Saugeen
5. Slate Falls Nation
6. Wabigoon Lake Ojibway Nation
7. MNO Region 1 Consultation Committee

Appendix “B”

Phase 2: Remote Off-Grid Connections Consultation List

Description:

The construction of electricity transmission lines extending north from Pickle Lake and Red Lake to connect remote First Nation communities.

List of Aboriginal Communities to be consulted:

1. Bearskin Lake First Nation
2. Cat Lake First Nation
3. Deer Lake First Nation
4. Eabametoong First Nation
5. Kasabonika Lake First Nation
6. Keewaywin First Nation
7. Kingfisher Lake First Nation
8. Kitchenuhmaykoosib Inninuwug
9. Lac Seul First Nation
10. Marten Falls First Nation
11. McDowell Lake First Nation
12. Mishkeegogamang First Nation
13. Muskrat Dam First Nation
14. Neskantaga First Nation
15. Nibinamik First Nation
16. North Caribou Lake First Nation
17. North Spirit Lake First Nation
18. Pikangikum First Nation
19. Poplar Hill First Nation

20. Sachigo Lake First Nation
21. Sandy Lake First Nation
22. Slate Falls Nation
23. Wabauskang First Nation
24. Wapekeka First Nation
25. Wawakapewin First Nation
26. Webequie First Nation
27. Wunnumin Lake First Nation

Appendix “C”

Red Lake to Pikangikum Consultation List

Description:

The construction of a new electricity line extending north from Red Lake to connect the First Nation community of Pikangikum.

List of Aboriginal Communities to be consulted:

1. Lac Seul First Nation
2. Pikangikum First Nation
3. Wabauskang First Nation