

APPENDIX 2-I-A

Terms of Reference Consultation Plan (Section 9.0)

9. CONSULTATION

The consultation plan for the EA is provided in this section. All records of consultation undertaken during the ToR development are provided in the Record of Consultation which is an accompanying document to this ToR.

9.1. Purpose of the Consultation Plan for the EA

NextBridge is committed to consulting with interested community members, First Nation and Métis communities, elected officials and municipal staff, government agencies, landowners and the general public in a clear and mutually respectful manner throughout the life of the Project. This consultation plan provides a framework for the consultation activities that will take place during the EA.

Consultation is a required element of an Individual EA under the *EA Act*. The MOE’s “Code of Practice: Consultation in Ontario’s Environmental Assessment Process (MOE, 2014b),” states the purpose of consultation is:

- *“to provide information to the public;*
- *to identify persons and Aboriginal peoples 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 EA 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;*
- *to provide appropriate information to the ministry to enable a fair and balanced decision; and,*
- *to expedite decision-making.”*

NextBridge will engage interested individuals/groups, governments, First Nation and Métis communities, regulators, and landowners through honest, regular and open communication, seeking and respecting each party’s input. NextBridge is committed to timely and meaningful dialogue, and believes that input received will be critical to a successful project that seeks to address the needs of those involved.

NextBridge’s consultation principles are to be:

- open and honest;
- proactive;
- accessible (i.e., provide information that is easy to understand and access); and,
- respectful.

The proposed consultation plan involves a Stakeholder Consultation Plan (**Section 9.3**) and an Aboriginal Engagement and Consultation Plan (**Section 9.4**). This consultation plan may be updated to reflect community concerns and issues as they emerge.

9.2. Consultation on the Terms of Reference

During the development of the ToR, stakeholders and First Nation and Métis communities were engaged to obtain input on the ToR and the Project.

The MOE's "Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MOE, 2014b)" states that a consultation plan should outline the following:

- *“the general consultation methods proposed;*
- *how input from interested persons will be obtained;*
- *a description of key decision-making milestones during the preparation of the EA when consultation will occur; and,*
- *an issue resolution strategy.”*

An accompanying document to this ToR is the Record of Consultation. The Record of Consultation documents the consultation activities undertaken during the ToR and includes a summary of the issues and concerns received, the Project proponent's response to the issues, and how concerns were addressed in the development of the ToR. The Record of Consultation will be updated following the public review of the ToR document to reflect additional input received. Should the ToR be approved by the MOE and the Project progress to the EA, a separate Record of Consultation will document consultation activities and input received during the EA.

9.3. EA Stakeholder Consultation Plan

NextBridge will use a proactive, plain language, public communication and consultation plan to support two-way communication with potentially affected parties. NextBridge's philosophy is to be as transparent as possible with individuals, communities, and groups.

NextBridge knows that its neighbours during construction will also be its neighbours for the many years that the Project will be in operation. Therefore, NextBridge welcomes the opportunity to invest in long-term collaborative consultation relationships.

The Stakeholder Consultation Plan is a core component of consultation strategies and activities to engage landowners, municipalities, communities, and agencies. The objectives of the Consultation Plan are to:

- build public awareness and understanding;
- gather interested individual and group input;
- answer questions;
- learn about community interests and perspectives; and,
- implement changes to Project design or scope to minimize adverse impacts where feasible.

This Consultation Plan is designed to integrate with the steps of the EA process as shown in **Figure 5**. It is expected that the plan will be updated and refined based on feedback obtained as the EA process evolves.

Should significant unforeseen changes to the Project occur (i.e., changes to the study area, overall design), NextBridge will notify stakeholders using the appropriate method identified in **Sections 9.3.1** through **9.3.10**.

**Figure 5:
 Consultation Program**

	Regulatory Process	Ongoing Consultation Activities	Specific Consultation Activities
ENVIRONMENTAL ASSESSMENT	Environmental Assessment Initiated	Meetings – Newsletters – Land Agents – Website – Hot Line	<ul style="list-style-type: none"> • Notice of Commencement of Environmental Assessment published, mailed, and posted
	Environmental Assessment Prepared		<ul style="list-style-type: none"> • Municipal, key stakeholder, agency, and landowner meetings continue • Open House Round 2 – present route selection process, the results of background studies, preferred alternative routes, local route refinement decisions, and criteria and indicators • Open House Round 3 – route selection and evaluation, preferred route, effects assessment and mitigation measures for the preferred route, construction activities and commitments and monitoring
	Draft Environmental Assessment Review (Revisions if Necessary)		<ul style="list-style-type: none"> • Notice of Review published, mailed, and posted • Draft document distributed to review agencies and identified Aboriginal communities and posted on website • Discussions with review agencies, municipalities, landowners, and stakeholders to resolve issues if necessary
	Environmental Assessment Submission and Review		<ul style="list-style-type: none"> • Notice of Intent to Submit to the Ministry of the Environment • Notice of Submission of Environmental Assessment • Documents distributed to review agencies, municipalities, public viewing locations and posted on website • Notice of Submission published and posted as required • Minimum seven-week public comment period
	MOE Review		<ul style="list-style-type: none"> • MOE review taking into account public comments received during public comment period
	Notice of Completion and Inspection of Ministry Review		<ul style="list-style-type: none"> • Notice of Completion published, mailed, and posted • Five-Week MOE inspection and public comment and hearing request period
	Final MOE Evaluation and Minister’s Decision and Lieutenant Governor in Council Approval and Decision Notification		<ul style="list-style-type: none"> • Notice of Approval issued and posted on the Ministry of Environment’s EA webpage.

NextBridge will consult the Aboriginal communities, general public, interest groups and agencies during the EA process. In addition to meetings, newsletters and activities that have taken place during the ToR phase, a second round of Open House meetings will be held to consult on the route selection process, the results of background studies, preferred Alternative Routes, local route refinement decisions and criteria and indicators. A third set of Open House meetings, in addition to further individual discussions, will be used to display the route selection and evaluation, preferred route, effects assessment and mitigation measures for the preferred route, construction activities and commitments and monitoring.

9.3.1. Stakeholder Identification

NextBridge has identified stakeholders who may be affected by, or may be interested in the Project. NextBridge will consult with potentially affected stakeholders in a manner that is respectful of their needs and expected levels of interest. The following stakeholders will be consulted during the EA:

- the general public that may have an interest in the study area and/or the Project;
- landowners and residents that could be affected along the Reference Route, Alternative Routes and local route refinements to be considered in the EA;
- townships, towns and municipalities that the Reference Route, Alternatives Routes and local route refinements pass through;
- government agencies with an interest in the Project; and,
- other stakeholders and interest groups with a potential interest in the Project.

A stakeholder contact list for the Project has been developed as part of the ToR stage consultation activities. This stakeholder list will be updated throughout the course of the EA. **Table 8** shows the interaction between these stakeholders and the consultation and engagement activities included in **Section 9.3.2**.

Table 8:
Stakeholder and Consultation Activity Interaction

	Project Notices	Project Website	Newsletters	Project Hotline	Project Email	Land Agents	Meetings and Presentations	Open Houses	Review of EA Report
Landowners	√	√	√	√	√	√	√	√	√
Municipalities	√	√	√	√	√		√	√	√
Agencies	√	√	√	√	√		√	√	√
Other stakeholders	√	√	√	√	√		√	√	√

Activities and interaction with First Nation and Métis communities is described in **Section 9.4**.

9.3.2. Consultation and Engagement Activities

The following suite of activities is proposed to facilitate a two-way exchange of information throughout the EA. These activities provide information to stakeholders as well as opportunities for stakeholders to become involved and provide input to project development.

9.3.3. Project Notices

Public notices will be published in local newspapers throughout the regional study area. Notices will meet the requirements established by the MOE in their Code of Practice (MOE, 2014b).

Four notices are anticipated during the EA: Notice of Commencement of the EA and Open Houses (Round 2); Notice of Open Houses (Round 3); Notice of Draft EA Review; and Notice of Submission of the EA.

Newspapers identified for publication include:

- Algoma News;
- Marathon Mercury;
- Nipigon Red Rock Gazette;
- Ontario News North;
- Thunder Bay Chronicle Journal;
- Thunder Bay's Source;
- Terrace Bay Schreiber News; and,
- Wawa-News.com.

Other local print and/or electronic media in northwestern Ontario identified during the EA may also be used. Notices will also be distributed via Canada Post and e-mailed to the stakeholder contact list. French language notices will also be available.

9.3.4. Project Website

A dedicated website, www.nextbridge.ca, has been established for the Project. Project information, notices, newsletters, updates, and other documents will be posted on the website to provide a means for stakeholders to access project information at their convenience. Project proponent contact information is provided on the website to facilitate an exchange of information and question/responses.

9.3.5. Newsletters

Newsletters will be developed and distributed to the stakeholder mailing list, be available at public events, and posted on the Project website release of newsletters are proposed to correspond with the Project commencement and key milestone events to provide additional information and invitation to events. The following summarizes the anticipated Newsletters. Additional newsletters may be prepared if necessary.

- Newsletter 1 – Introduce the Project, provide background information, describe the EA process, and let recipients know how they can participate in the EA. (Newsletter 1 was issued during the development of the ToR and will continue to be available during the EA).
- Newsletter 2 – Invite participation in the second round of Open Houses and provide information on the background study results (anticipated time frame – spring/summer 2014).
- Newsletter 3 – Invite participation in the third round of Open Houses and provide information on the preferred route, potential effects and proposed mitigation (anticipated time frame – fall 2014).

9.3.6. Project Hotline

A dedicated toll free telephone number, 1-888-767-3006, has been established for the Project. Messages left on the hotline will be reviewed regularly and forwarded to relevant proponent/study team members for appropriate action. Project related comments and inquiries made through the hotline will be documented. French language service is also available through the hotline.

9.3.7. Project Email

A dedicated email address, info@nextbridge.ca, has been established for the Project. Messages and comments sent to the email address will be reviewed regularly and forwarded to relevant Project team members for appropriate action. Project related comments and inquiries made via email will be documented. French language service is also available.

9.3.8. Land Agents

A team of land agents will be available to provide personal, one-window contact with potentially affected landowners and tenants to be as responsive as possible to landowner and tenant needs. It is expected that land agents will help landowners understand the Project approval process and address property-specific questions. This relationship will continue through post-EA, Leave to Construct, construction, and reclamation Project phases. A dedicated French language land agent will respond to inquiries and work with French speaking landowners and tenants.

9.3.9. Meetings and Presentations

Meetings with municipal staff and elected officials, as well as federal and provincial agencies and authorities will be held throughout the EA as required for Project planning purposes. Requests for meetings and presentations from other stakeholders will also be entertained.

9.3.10. Open Houses

Open House meetings will be held in communities along the Project route to provide community members a forum to understand more about the Project, speak directly with NextBridge subject-matter experts, and for NextBridge representatives to gather community input on the Project. Display panels and maps will describe and illustrate Project elements and the planning process. Information presented at the Open Houses will be made available on the Project website.

One round of public Open Houses was held during the ToR stage (in early December 2013). A summary of this round of Open Houses is provided in the Record of Consultation. Two additional rounds of public Open Houses are planned for the EA stage of the Project. Anticipated timeframe and discussion topics are as follows:

- Open House Round 2 – Present the results of background studies, preferred alternative routes, and local route refinement decisions (spring/summer 2014); and,
- Open House Round 3 – Preferred route, effects and mitigation, and construction activities (fall 2014).

The first round of Open Houses during the ToR phase was held in six locations: Thunder Bay, Nipigon, Marathon, Wawa, White River, and Terrace Bay. The number and location of venues for the rounds of Open Houses to be held during the EA may be revisited based on the level of participation and feedback received during the study.

Attendees at the Open Houses will have the opportunity to submit comment forms at the event and comments can also be made directly to NextBridge via email, mail, fax, and telephone hotline. Attempts will be made to document comments provided verbally to Project staff during one-on-one conversations at Open Houses; however, given the nature of these conversations, it is not possible to guarantee comments provided in this manner will be comprehensively captured. As such, parties are always advised to submit written feedback wherever possible.

9.3.11. Review of the Draft EA Report

Interested stakeholders will have the opportunity to review the draft EA Report. Notice that the draft EA Report is available for review will be advertised and distributed to those on the stakeholder contact list at the commencement of the review period. Copies of the draft document will be made available for review on the Project website. Agencies and identified Aboriginal communities will be provided with required copies of the draft document for circulation and review. Comments will be accepted via email, letter, fax, and phone call to the Project hotline.

Following incorporation of comments received, a final EA will be prepared. Notice of Submission will be advertised and distributed to those on the stakeholder contact list when the final EA is submitted to the MOE. A formal review period of the EA Report will commence at that time providing stakeholders with an opportunity to submit comments on the EA Report to MOE. Copies of the EA will be available for review locally, sent to key stakeholders and posted on the Project website as with the draft.

9.4. Aboriginal Engagement and Consultation Plan

On behalf of the province, the Ontario Ministry of Energy has provided NextBridge a list of fourteen First Nations and four Métis communities to be consulted for the purposes of the Crown's constitutional duty to consult and accommodate (see the Aboriginal Consultation Plan included as supporting documentation to the ToR). The Crown has delegated certain procedural aspects of the consultation and accommodation through a Memorandum of Understanding (MOU) between the Crown (represented by the Ministry of Energy) and NextBridge dated November 4th, 2013. This includes discussions regarding the transmission development process with the communities from the MOU and any expected or potential impact on Aboriginal or treaty rights. NextBridge and the Crown have committed to carry out their respective consultation obligations under the MOU. NextBridge has also engaged external Aboriginal relations consultants to provide advice and recommendations concerning consultation and potential accommodation strategies for the Project. NextBridge's approach for engaging these communities and entering into consultations is based on the following guiding principles:

- Understanding the Communities
 - NextBridge will collaborate with First Nation and Métis communities to better understand their rights and asserted rights as well as their concerns for the people affected by our work in the areas where we will operate. We will show respect for traditional ways and land, cultural heritage resources, the environment, and traditional knowledge.
- Commitment to Effective Policies and Procedures
 - We have strong, established and effective policies and procedures;

- NextEra’s First Nation and Métis Relationship Policy; and
- Enbridge’s Aboriginal and Native American Policy.
- Communication and Transparency
 - We form good working relationships through:
 - Open dialogue;
 - Communicating key project information and updates; and,
 - Being attentive to the communities’ concerns about Project impacts or questions about Project benefits.

NextBridge recognizes that First Nations and Métis communities have specific rights that are constitutionally protected, and that the Project development may adversely affect these rights. The duty to consult and, if necessary, accommodate First Nations in Canada flows from the acknowledgement of Aboriginal and Treaty rights under Section 35 of the *Constitution Act, 1982*⁴ and has been further defined by various Supreme Court of Canada decisions. While the duty to consult and accommodate rests with the Crown, in some cases procedural aspects of the duty to consult have been delegated to proponents. This is the case with this Project.

This Aboriginal Consultation Plan sets out a process that will be continually enhanced, with the benefit of community input. NextBridge proposes to carry out a dual stream consultation/participation process, where one of the streams will focus on consulting with the communities as to whether there are any expected or potential impacts on their rights, and what strategies may be undertaken to mitigate and/or avoid these impacts. This work stream is being named the “consultation” stream, and will be carried out by NextBridge staff and external consultants with input from the communities through a series of individual meetings with the eighteen identified communities. A second commercial ‘participation’ stream is being developed in parallel to the ‘consultation’ stream and is described below.

NextBridge will give full and fair consideration to the views and concerns expressed by the communities, about the perceived potential impacts of the Project on Aboriginal and treaty rights and will seek workable ways to substantially address the concerns raised by the communities. NextBridge will also give consideration to any information otherwise available to NextBridge about the rights and interests of the communities that may be impacted by the Project.

Should significant unforeseen changes to the Project arise (i.e., changes to the study area, overall design), NextBridge will notify Aboriginal communities using the appropriate method identified in **Section 9.4.5**, as applicable.

The Relationship of “Participation” to “Consultation”

NextBridge proposes to carry out two parallel streams of consultation and participation discussions with the identified First Nation and Métis communities, in accordance with its Consultation Plan and Participation Plan, both of which are filed with the OEB. Due to the broad definition of “participation” NextBridge expects there

⁴ Aboriginal Consultation Guide for preparing a Renewable Energy Act Application, Ministry of the Environment Fall 2013 PIBS 9909e © Queen’s Printer for Ontario, 2011

to be some overlap between the two streams given that participation opportunities are frequently provided to Aboriginal communities as the consultation process unfolds. Participation may arise as a result of various consultation activities including securing host community support, taking mutual advantage of local labour, good corporate citizenship, assisting with EA work, compensating for project impacts, where appropriate, and ensuring responsible stewardship (e.g. hiring environmental monitors, training archeological assessors, etc.) because all of these activities fall within the definition of “participation” articulated by the OEB. In other words, these participation opportunities are also community benefits. However, it is not necessarily the case that each community with whom NextBridge is required to consult will also economically participate in the Project.

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

9.4.1. Community Identification

In a May 31, 2011 letter to the OPA, the Ministry of Energy identified eighteen Aboriginal communities to be consulted by the OPA in early consultation on the Project. These same communities have been identified in the consultation MOU between NextBridge and the Crown of November 2013. The eighteen communities identified are provided in **Table 9**.

Table 9:
Aboriginal Communities

First Nation/Métis	Name	Treaty Area
First Nation	Michipicoten First Nation	Robinson Superior Treaty
First Nation	Pic Mobert First Nation	Robinson Superior Treaty
First Nation	Ojibways of Pic River	Robinson Superior Treaty
First Nation	Pays Plat First Nation	Robinson Superior Treaty
First Nation	Red Rock Indian Band	Robinson Superior Treaty
First Nation	Fort William First Nation	Robinson Superior Treaty
First Nation	Ojibways of Garden River	Robinson Huron Treaty
First Nation	Ojibways of Batchewana	Robinson Huron Treaty
First Nation	Missanabie Cree First Nation	Treaty 9
First Nation	Animbiigoo Zaagi’igan Anishinaabek (Lake Nipigon First Nation)	Robinson Superior Treaty
First Nation	Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation)	Robinson Superior Treaty
First Nation	Bingwi Neyaashi Anishinaabek (Sand Point First Nation)	Robinson Superior Treaty
First Nation	Ginoogaming First Nation	Treaty 9
First Nation	Long Lake #58 First Nation	Treaty 9
Métis	Red Sky Métis Independent Nation	-
Métis	Superior North Shore Métis Council	-
Métis	Greenstone Métis Council	-
Métis	Thunder Bay Métis Council	-

All eighteen communities will be consulted, in accordance with the “Proposed Approach to Consultation” outlined in the following section. All eighteen will be provided with information, and will be engaged in a direct dialogue, in order to allow both NextBridge and each Aboriginal community to understand the potential impacts (if any) of the Project on any Aboriginal or treaty rights or interests. This will become part of the Record of Consultation.

As consultation unfolds, NextBridge expects that some Aboriginal communities will take greater interest in the Project than others, and seek deeper consultation or potentially accommodation. Often, the extent of consultation sought by a community will depend upon a number of factors, including:

- Proximity to the Project: This can be especially true of long linear projects which are expected to have minimal, if any, impacts to air, water or migratory species beyond the very narrow Project footprint. NextBridge notes that Pays Plat and Michipicoten First Nations may have the Project run through their respective Reserves.
- Rights Claims of Aboriginal Community: NextBridge would expect those communities with outstanding claims related to the Project area to seek deeper consultation.
- Stated Interests of the Aboriginal community: This may be expressed in meetings or in writing by an Aboriginal community during the consultation process, or it may be a factor taken into account in a community’s Consultation Protocol or similar type of document.
- Environmental Assessment Work: During the work on the environmental assessment and participation by Aboriginal communities in that work (e.g., traditional knowledge), further information will be gained about both the Aboriginal rights, interests and traditional uses in the Project area, as well as the potential impacts of the Project.

The above list of factors is not exhaustive. Moreover, it is NextBridge’s intention to engage in good faith consultation with Aboriginal communities seeking to understand the Project, convey their views and concerns about the Project, and discuss appropriate mitigation or accommodation. At law (and as per the Consultation MOU between NextBridge and the Crown), it is ultimately the Crown’s responsibility to assess the adequacy of consultation on rights-based impacts as well as any necessary accommodation. Insofar as NextBridge consults on an interests basis during the EA process, it is for the MOE to determine the adequacy of consultation in accordance with the *EA Act*.

First Nation Organizations

Many of the fourteen First Nations are represented by tribal councils and/or Provincial Territorial Organizations (PTOs), which provide services to their affiliated First Nations, but do not themselves possess any Aboriginal or treaty rights. NextBridge will carry out consultation directly with the First Nation leadership (Chief and Council or their delegated representatives), but will keep a number of regional tribal councils and PTOs copied on notification letters to their member First Nations.

Métis Nation of Ontario (MNO)

Three of the four identified Métis community representatives are members of the MNO. The MNO will be copied on notification letters to its members.

9.4.2. Proposed Approach to Aboriginal Consultation and Participation

A transmission line is a long-term asset that can continue to operate upwards of fifty years or more. NextBridge is approaching consultation on the same long-term basis, and wants to build a long term, mutually beneficial relationship with impacted Aboriginal communities that is built on trust. NextBridge recognizes that trust takes time to build, and consultation and continuing dialogue with the communities will be ongoing throughout the Project development process and into the operations and maintenance phase, not just during the environmental assessment and permitting processes during Project development.

NextBridge plans to engage with the identified First Nation and Métis communities based on the foundations of respect, open communication and cooperation. NextBridge will meet with the eighteen identified communities to jointly discuss the potential impacts that the Project may have on the communities, and their Aboriginal and treaty rights and interests.

This will include dialogue about the traditional practices and traditional land and resource uses in which the communities currently engage and any traditional knowledge that has been mapped or collected by the community that may contribute to both the environmental assessment process, and a greater understanding of the potential EWT Project impacts. The EA will also include various field studies to identify and possibly mitigate/avoid identified potential impacts, which will feed into planning the Project and determining the optimal routing for the transmission line.

Many Aboriginal communities have established internal consultation protocols or procedures to ensure that the elders, youth and other holders of traditional knowledge each have an opportunity to hear and consider potential impacts of new project development. NextBridge will work with the communities to follow their individual internal protocols and procedures to the extent reasonably possible, provide capacity funding if appropriate and will respect the confidentiality aspects of any information provided to NextBridge in a manner consistent with the MOU.

The consultation work will focus on communicating the issues and options for route selection that are under consideration by the Project development team to the community members and receiving any feedback.

Consultation by NextBridge will be guided by the MOU and the Consultation Principles set out in the Aboriginal Consultation Plan provided as a supporting document to this ToR.

Section 28(2) Permits

A separate series of meetings will be required with the Pays Plat and Michipicoten First Nations, as the proposed route for the Project passes through each of their Reserve lands. Meetings to discuss the proposed routing, as well as negotiations regarding compensation to the two communities for the land taken out of use by the communities, will be necessary. Some communities require a community referendum to approve Section 28(2) permits.

9.4.3. Information Exchange

NextBridge recognizes that each of the eighteen identified communities has its own unique history, set of protocols, and traditional ways of getting things done. In addition to what meets each community's needs, NextBridge is also willing to provide support, where appropriate, in the form of:

- disseminating project information to Chiefs and Councils, and Métis leadership;
- arranging for project information sessions for Chiefs and Councils, Métis leadership, youth, elders and/or Aboriginal communities at large, by hosting forums; and,
- facilitating Aboriginal engagement in archeological assessments.

NextBridge will work with each of the communities to develop an appropriate process to make sure that each Aboriginal community and its members will have access to all of the information concerning the Project in a form that is understandable to them.

9.4.4. Use of Traditional Ecological Knowledge and Traditional Land Use Information

NextBridge believes that the development of the Project will not be successful without the active engagement of those Aboriginal communities that hold traditional ecological knowledge (TEK) and traditional land use information (TLU) about the Project area. This information will be essential to completing the environmental assessment process for the Project in a timely, appropriate, and cost effective manner. NextBridge will work with the communities to identify TEK/TLU information and to mitigate and/or avoid potential impacts that arise from routing, construction and operations.

TEK is based upon the experience of many generations of community members, is geographically specific, and is usually transmitted orally. It is defined by an Aboriginal community's traditional land base, environment, region, culture and language. All members of a community hold TEK collectively, although some members may have been given the responsibility for its communication. TLU is based on who is using the land today, and for what purpose. It is the intent of the NextBridge to actively involve relevant Aboriginal staff and TEK/TLU holders in developing the content of the required regulatory reports and submissions, as well the plan on how to collect this information.

NextBridge will work with First Nation and Métis communities to help define the process to identify, collect and evaluate existing TEK/TLU information and potentially develop additional TEK/TLU information relating to the Project area.

Other information to be considered includes but is not limited to:

- historical land use in the area;
- treaties signed by the Crown (in this case the Robinson Superior Treaty and Treaty #9);
- unresolved claims;
- published maps of traditional territories; and,
- cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes.

9.4.5. Aboriginal Engagement Tools

The following tools will be used to engage with Aboriginal communities during the EA for the Project.

Staff and Community Meetings

The Aboriginal consultation process for the Project will involve timely, honest and open dialogue between NextBridge representatives and community members, leadership and staff. It is critical that all parties participate in the consultations in good faith. The objective of the consultation work stream is to provide easily understandable information about the Project to the communities so that they can participate in determining what, if any impacts the Project will have on their community. At the same time, NextBridge representatives will be listening to and collecting input from the communities that will assist in Project planning.

A series of meetings with the identified Aboriginal communities will be held to discuss the issues of concern, and to facilitate discussion and understanding of whether, and if so, to what extent, the Project may potentially cause impacts to rights and interests, including traditional land uses, harvesting patterns, customs, practices and traditions (e.g., food harvesting, trapping, medicinal plant gathering, cultural activities) of the community members.

The information shared by the communities will be collected and incorporated where appropriate in the planning for the Project, and any required regulatory processes. The materials and data that are gathered will also be used to establish the extent of potential impacts of the Project on the community (if any). NextBridge will provide a written summary of meetings to the community leadership, and will provide copies of relevant documents requested. The communities will be provided with a reasonable opportunity to review and provide input into written summaries of meetings and other relevant documents. These materials will be included in the consultation record, subject to any information identified by the communities as sensitive TEK/TLU-related information.

Project Announcements and Notifications to Interested Parties

The following routine Project announcements/notifications will be provided to the Aboriginal communities through the Stakeholder Consultation Plan as noted in **Section 9.3.**, and will include the following information:

- project title;
- name of the proponent;
- brief description of the Project;
- map showing proposed Project location;
- statement that the Project is subject to the requirements of the *EA Act*;
- an invitation to participate in the Project;
- contact information for the person to whom requests for additional information can be addressed, as well as comments;
- an indication that there will be additional opportunities to be informed and involved in the Project; and,
- notices about public Open Houses, with their dates, times and locations noted.

The Project has a website, located at www.nextbridge.ca, and Project information will be routinely posted to the website for distribution. The Project website, email and hotline will be available to provide access to information and opportunity to provide comment throughout the EA. First Nations and Métis organizations will also receive notification of the opportunity to review and provide comment on the Draft and Final EA, see **Section 9.3** for details.

NextBridge will also publish a series of newsletters about the Project, which will be distributed to the communities. Specific information materials and communication processes and activities will be designed to reach out to Aboriginal communities over and above the Project announcements and notifications to all interested parties.

Open Houses for all Interested Parties

The initial Open House notices were published in local newspapers in an attempt to reach as many people as possible within the local area, and are also posted on the Project website, located at www.nextbridge.ca. First Nations and Métis community members and leadership have been invited to attend any or all the public Open Houses and meetings geared toward the general public. The Open Houses allow anyone to seek any information needed about the Project, to ask questions, and express their concerns. First Nation and Métis community members have been invited to attend these sessions as we work with these communities to develop individual engagement plans. NextBridge understands that in order to appropriately consult with communities and assess potential impacts, there needs to be a forum tailored to each individual community's needs.

At the Open Houses, the following information will be provided on large poster boards in easily understandable language:

- introduction to NextBridge and its consultants;
- overview of the Project including detailed maps of the proposed Project routing;
- outline of the EA process;
- next steps for the EA process;
- outline of the transmission development process including Leave to Construct; and,
- how to provide information such as a question or a comment.

9.4.6. Consultation and Capacity Funding Agreements for Aboriginal Communities

Consultation Agreements

NextBridge respects the relationship that First Nations and Métis have with the land, and also recognizes that First Nations and Métis communities have unique perspectives on a variety of environmental issues and the use of land and resources. The ongoing resource and capacity constraints that currently face many First Nations and Métis communities will require NextBridge to take steps to ensure that the communities are able to fully participate in consultation, including providing meaningful and timely input that can be integrated into the Project planning and EA process. NextBridge is willing to provide a reasonable amount of funding to provide for these needs.

After an introductory meeting with each community to introduce the Project, the next step in the consultation process is negotiating and signing Consultation or Capacity Funding Agreements with each of the

communities, which may set out such matters as work plans, information sharing protocols, and potential capacity funding that will allow the communities to more meaningfully participate in the consultation process.

A Consultation Agreement lays out the framework within which consultation with a community will be conducted on the basis of community preferences and protocols. Normally such an agreement would be of limited duration and could include identifiable objectives such as funding for community communication efforts, education for the community on the Project, and training for community members to assist in Project development (i.e., to become archeological and environmental monitors). The nature of these activities would be based on the specific needs of the community.

Funding is provided on a fair and equitable basis, according to the size of the community and the proposed use of funds.

The initial engagement phase of consultation started in November 2013, and consultation will proceed throughout the Project planning and development process, and through the construction phase. As Project development proceeds, the focus of discussions will change from introductions to the Project to input into the EA and Leave to Construct processes, to monitoring of construction.

NextBridge will utilize Consultation Agreements to formulate a work-plan that ensures the engagement of Aboriginal communities during the Project. Work-plans will be designed to support both internal and external community discussions with a goal to creating awareness and developing an understanding of the Project. As the Project moves into construction, NextBridge will continue to build upon its relationship with the communities, meeting formally on a regular basis.

Capacity Funding Agreements

If a Consultation Agreement cannot be completed with a community, NextBridge will seek to consult with the community on the basis of the guiding Principles of Consultation noted in the Aboriginal Consultation Plan provided as a supporting document to this ToR, as appropriate. In this circumstance, NextBridge may also seek to enter into a Capacity Funding Agreement, which would normally cover the capacity funding aspects found in a Consultation Agreement.

Consultation Record Keeping and Data Management

Data from community meetings, Open Houses and correspondence will be logged into the PRAXIS data management system. The requirements of the MOU with the Ministry of Energy will be fulfilled, including submission of a monthly report to the Ontario government reporting on the ongoing consultation. A monthly Project report will be submitted to the OEB that will be available to the public on the OEB website.

Benefits Agreements

The Crown bears responsibility for assessing the adequacy of consultation and accommodation. If accommodation (beyond mitigation) is required, NextBridge may enter into Benefits Agreements with adversely impacted aboriginal communities. Benefits provided may take a variety of forms (e.g., training, employment, business opportunities, etc.).

9.4.7. Aboriginal Advisory Board

NextBridge has formed an Aboriginal Advisory Board (AAB) to advise the company on its proposed approach to First Nation and Métis engagement. This Board meets four times per year, and includes former Senator Gerry Bedford, Judith Moses from Six Nations and John Beaucage, the former Grand Council Chief of the Union of Ontario Indians (Robinson Superior and Robinson Huron Treaty members). Each of the AAB members has an excellent understanding of the issues faced by First Nations and Métis communities, and is able to provide strong guidance to the NextBridge Aboriginal Engagement team. Representatives from provincial government ministries may be invited to Aboriginal Advisory Board meetings to support discussions, where appropriate.

The role of the AAB is to act as a sounding board, however it does not purport to offer specific local knowledge of the Project or the Project area; this knowledge can only be gained by direct consultation with the relevant communities.

Consideration is being given to forming an Elders/Traditional Knowledge Holder advisory committee comprised of holders of Traditional Knowledge in the directly impacted communities.

9.5. Documentation and Issues Resolution Strategy

There can be a number of issues which must be carefully addressed as with any consultation process. The previous experience of NextBridge with such consultations has allowed NextBridge to define various issues and effective mitigation strategies which could apply to the Project. Issue identification will continue through consultation with interested community members, First Nation and Métis communities, elected officials and municipal staff, government agencies, landowners and other stakeholders throughout the EA process as outlined in this plan.

A stakeholder tracking database will be employed to record stakeholder contact information create mailing lists for notification activities. Input obtained from stakeholder consultation and Aboriginal community engagement activities and submitted through the Project hotline and email will also be documented and tracked through this database.

Comments and input received throughout the EA will be documented in a summary table and included in the Record of Consultation for the EA. Issues will be considered by NextBridge and responses developed. Where appropriate, prevention and mitigation strategies will also be developed. Issues, responses, and required prevention and mitigation strategies will be documented as part of the EA and will be available for public and agency review through the EA process. If issues persist after these efforts, the next step in the issues resolution strategy will be to initiate or continue discussions, including face-to-face meetings, to further explore potential solutions. If resolution cannot be reached, mediation by a neutral, mutually acceptable third party will be considered. Issues that could not be resolved will be noted along with documentation of attempts to resolve the issues.