

# ABORIGINAL CONSULTATION PLAN FOR THE LENNOX SOLAR PROJECT

Submitted to:  
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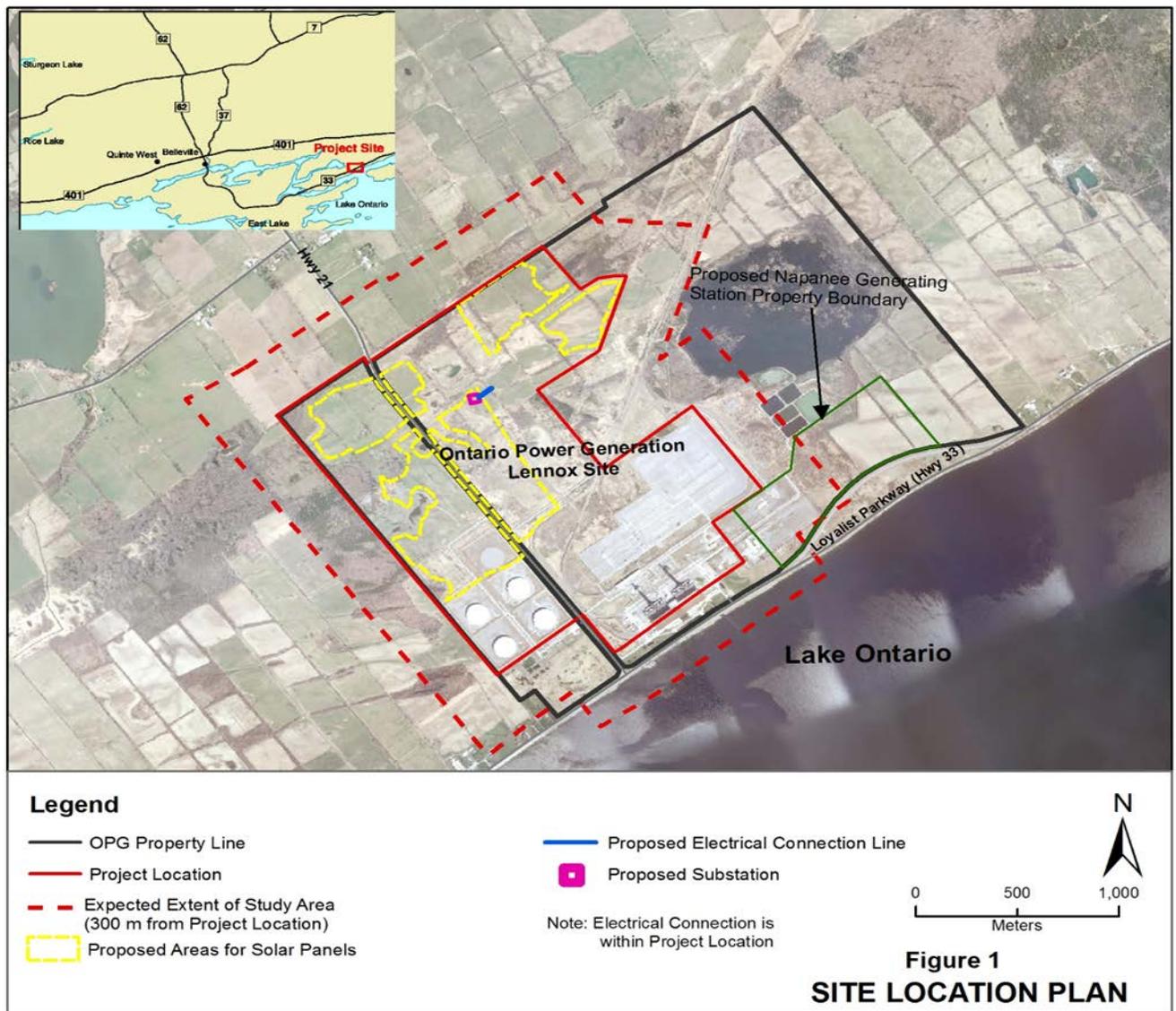
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## 1.0 INTRODUCTION

SunEdison Canadian Construction LP (the "Qualified Applicant") and Ontario Power Generation Inc. ("OPG"), in a joint venture as Lennox Solar LP (the "proponent"), are proposing to design, build and operate up to a 40 MW (megawatts of alternating current) Solar Energy Project (the "Project") at the existing OPG Lennox Generating Station (GS) site, and additional lands in the Town of Greater Napanee, Ontario (see Figure 1 – Site Location Plan). This Project will be submitted into the Independent Electricity System Operator (IESO) Large Renewable Procurement (LRP) I Request for Proposal (RFP), with IESO awarding contracts to successful projects in the summer of 2015. The proposed Project is classified under O.Reg. 359/09 Renewable Energy Approval (REA) process as a Class 3 Solar Facility and will generate up to 40 MW AC if successful in IESO LRP I program.

Figure 1 Site Location Plan



The overall goal of the Aboriginal Consultation Plan for the Lennox Solar Project is to ensure compliance with with respect to Aboriginal Consultation as required in the environmental assessment process, and to inform and assist the Crown in discharging its “duty to consult” with Aboriginal peoples. More specific objectives are outlined below:

- To provide a consultation program that will meet the procedural aspects of the “duty to consult” as may be delegated by the Crown. While consultation with Aboriginal peoples remains the responsibility of the Crown, the Supreme Court of Canada has ruled that the environmental assessment process is the appropriate vehicle for proponents to undertake the procedural aspects of the “duty to consult”, as part and parcel of the Aboriginal Consultation requirements of the environmental assessment.
- To provide Aboriginal Communities/Peoples in the region with an opportunity to express any concerns with respect to potential impacts the Project may have on their ability to exercise Aboriginal and treaty rights, to have meaningful input on the Project and address pertinent Aboriginal Communities/Peoples concerns wherever feasible through a process that is fair and reasonable with respect to the Project and consistent with the principles of consultation and accommodation.

## 2.0 APPROACH AND CONTEXT

This Aboriginal Consultation Plan is intended to provide an overview of the consultation process that Lennox Solar LP will undertake with the Aboriginal Communities/Peoples that may be impacted by the Lennox Solar Project proposed at the existing Lennox GS site.

The key assumptions of the Aboriginal Consultation Plan are as follows:

Assumption 1:

- Lennox Solar LP understands that it will be delegated the “procedural” aspects of consultation.

Assumption 2:

- Lennox Solar LP understands that the environmental assessment process is an acceptable process to assess the impacts of the Project on the rights and interests of Aboriginal Peoples.

Assumption 3:

- Lennox Solar LP wants to avoid, minimize and/or accommodate any potential impacts of the Project, for example, on the traditional territories or traditional activities of Aboriginal peoples in the Project area.

The approach to the consultation has been developed and informed based on the following considerations.

Lennox Solar LP understands that the Supreme Court of Canada has interpreted the “duty to consult” as being an obligation of the Crown to meaningfully consult and, where appropriate, accommodate potential impacts on Aboriginal and treaty rights protected under Section 35 of the Constitution Act, 1982. The Crown’s<sup>1</sup> “duty to consult” and accommodate is to be proportionate to the preliminary assessment of the strength supporting the existence of

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<sup>1</sup> It is recognized that OPG is not the Crown. This complexity with respect to the role of the Crown is discussed later in this Plan.

the Aboriginal right or title and the significance of the potential effect upon the right or title identified. While it is the sole legal obligation of the Crown, Lennox Solar LP's consultation efforts will inform the Crown's efforts in identifying where the Project may have potential impacts on Aboriginal and treaty rights as expressed and identified throughout the environmental assessment process. Lennox Solar LP also acknowledges that it may, through the assessment process and in consultation with the Aboriginal communities, identify measures that may accommodate and address any potential impacts on the current exercise of Aboriginal and treaty rights.

### **3.0 OVERVIEW OF THE PROJECT**

As noted above, the project involves the design, construction and operation of up to a 40 MW Solar Energy Project at the existing OPG Lennox GS site. The Lennox GS is located on land located on Lake Ontario adjacent to the corner of Loyalist Parkway (Hwy 33) and Hwy 21. The Lennox GS land parcel represents the Project Site (the "Site"). Within the Project Site the "Project Location" represents the physical footprint of the Project, including the proposed facility components and temporary areas used during construction. The Project Location may be refined and narrowed down as the detailed design evolves, but will not be greater than the Project Location described and illustrated in this Project Description Report (PDR). Solar panels are proposed to be located within six areas (which are approximately 81 ha / 200 acres in total size) as outlined in Figure 1.

The Project Location will be used to install and accommodate all components of the proposed facility, including all temporary areas that will be used throughout the life of the Project (i.e. construction, operation and decommissioning), including construction laydown areas and access roads. All Project activities will be conducted on the land owned by OPG. The exact limits of the Project Location have yet to be determined, and will be refined and narrowed depending on the point of interconnection to the provincial grid, which will be established during on discussions with Hydro One and IESO.

Additional information about the Project and the anticipated environmental effects can be found in the Draft Project Description Report available on the website [www.lennoxsolar.com](http://www.lennoxsolar.com) or upon request.

### **4.0 OVERVIEW OF REA AND LRP PROCESSES**

The Lennox Solar project is subject to the REA process and is being bid under the IESO LRP process, both of which have consultation requirements which must be met.

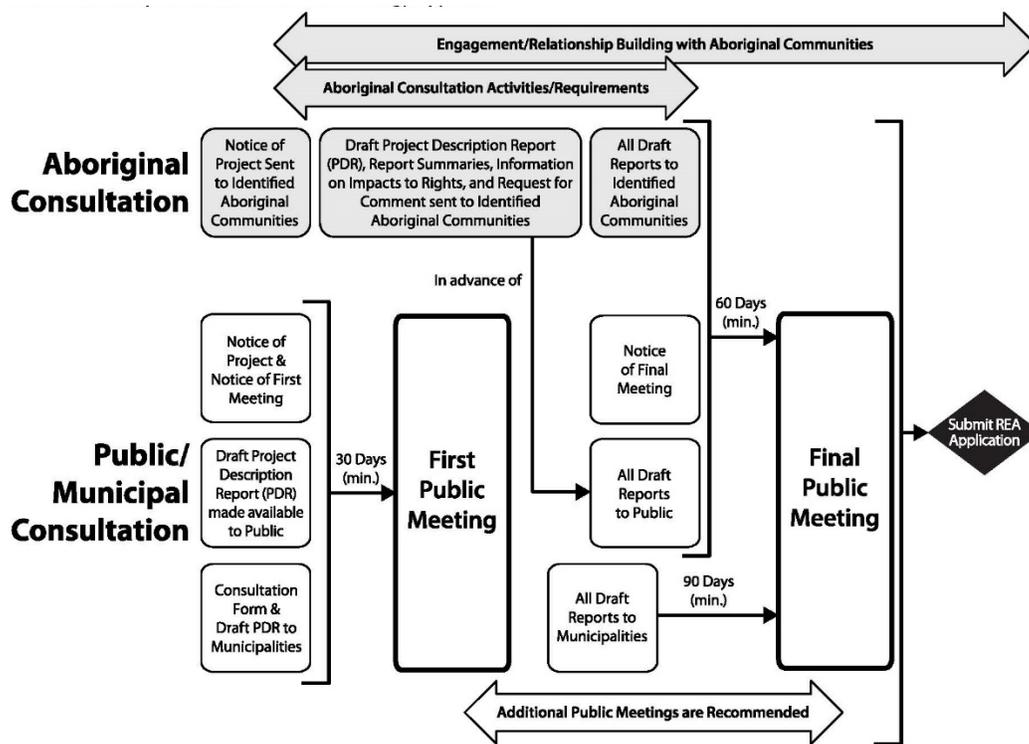
The REA consultation requirements are depicted in Figure 2 below. The REA process includes regulated minimum consultation requirements to ensure that the public, municipalities, Aboriginal communities and other stakeholders are notified about a project and are given sufficient opportunities to provide feedback and information to the proponent as outlined in O. Reg. 359/09. These minimum requirements include rules for notification and consultation with Aboriginal communities, public notification, holding public meetings, making reports available, and engaging municipalities. Of particular importance is the timing of the release of reports prior to public community meetings.

Mandatory consultation requirements with respect to the REA process include the following:

- Notices of the Project and of Aboriginal Consultation meetings;
- 2 Rounds of Aboriginal Consultation meetings; and,
- Provision of reports in a timely manner in accordance with the REA process requirements prior to consultation meetings.

The LRP process sets out similar consultation requirements and requires the proponents to provide 'certain proofs' of consultation and support from adjacent communities, neighbours and Aboriginal communities as required. With respect to the Lennox Solar Project, the LRP requirements relate to posting of this Aboriginal Consultation Plan in a manner which is publicly accessible in addition to submission of required documentation for notifications, meetings, and other consultation activities. For example, all community consultation materials including this plan, meeting reports, Site Considerations Information and notices must be sent to the clerk of the relevant municipalities in addition to any other contact as designated by the Municipality. The LRP process is asking for the documentation of consultation activities undertaken pursuant to the REA process such that community and other stakeholder support and consultation efforts for the Project can be gauged and proof provided that the appropriate consultation has occurred in the appropriate manner.

Figure 2 REA Process and Consultation Requirements



## 5.0 APPROACH AND REA GUIDE REQUIREMENTS

The design and implementation of an appropriately directed and effective Aboriginal consultation program will play a key role in ensuring that the Project receives all requisite environmental approvals. Consultation undertaken for this Project must meet both the consultation requirements for the REA and for the IESO LRP processes and the consultation requirements of the Aboriginal communities themselves. Consultation is a critical component of the REA and LRP processes. This consultation plan acknowledges the requirements set out by the REA process, the IESO LRP process and the community consultation protocols and seeks to build on them to ensure these requirements, along with Lennox Solar LP standards, are met or bettered. This Plan and past practices with respect to consultation are consistent with best practices, approaches and techniques.

The objectives of Aboriginal consultation are to:

- improve the Project by incorporating community knowledge, Aboriginal traditional knowledge and ideas and opinions where appropriate;
- respect the consultation requirements of the Aboriginal communities potentially affected;
- encourage early information sharing by Aboriginal Communities;
- identify support or concerns in regard to the Project;
- meet the objectives and assumptions of 'Duty to Consult' as outlined above in Section 1.0;
- identify and share various viewpoints on the Project; and
- contribute to the conservation and enhancement of the environment by supporting development that is environmentally and economically sustainable.

Based on the above requirements, the following are the core elements of the Aboriginal consultation program:

- ***Informal meetings with key Aboriginal community representatives*** (those communities with an existing relationship with on-going site operations) as appropriate and if available prior to commencement of the REA process.
- ***Notice of Proposal to Engage in a Project*** will be published in local newspapers a minimum of 30 days in advance of the first public community meeting and put on the Project website. The Notice will also be published within each community in a manner consistent with the community's best practice. The Notice must be published on at least two separate days in a newspaper, or similar publication if applicable, with general circulation in the communities.
- ***Two mandatory rounds of consultation*** will be convened. The first will be held early in the process (prior to the bid submission date) to introduce the Project and consultation plan, provide a description of the Project, and identify/confirm issues and opportunities. The second will occur later on in the project planning process (after the bid results are available) and will present the recommended approach to development, predicted environmental effects, mitigative measures, and address outstanding concerns. Lennox Solar LP will discuss with each community how best to undertake this consultation. This may include meetings with community representatives, community open houses or other consultation activities. Notices must be within the community and to interested community members prior to the consultation activity in accordance with the community requirements. The Notice must follow the REA requirements and be distributed at least 30 days before the first meeting and at least 60 days before the second meeting.
- ***A Project website*** will be developed prior to issuing the Notice of Proposal and will provide information on the Project. Information posted on the website would include project information, notices, REA documents,

consultation materials, maps and contact information. A website address has been registered for the project: [www.lennoxsolar.com](http://www.lennoxsolar.com).

- **Ongoing Inquiries** will be received via phone, letter or e-mail. These inquiries and comments will be responded to and recorded by Lennox Solar LP. Contact information for the Project is as follows:

Name: Svetlana Helc  
Title: Project Manager, Corporate Business Development  
Address: 700 University Avenue H18 E22  
Toronto, ON M5G 1X6  
Telephone: (416) 592-6658  
Fax: (416) 592-3489

Name: Gillian MacLeod  
Title: Senior Environmental Advisor  
Address: 700 University Avenue H18 D16  
Toronto, ON M5G 1X6  
Telephone: (416) 592-3481  
Fax: (416) 592-3489

Project Email: [info@lennoxsolar.com](mailto:info@lennoxsolar.com)

Lennox Solar LP will discuss with each Aboriginal community the best mechanisms for notification of members. For some communities this may include use of websites, newsletters, radio ads, local newspapers or placement of advertisements in community gathering places.

## 6.0 ABORIGINAL COMMUNITIES/PEOPLE'S TO BE CONSULTED

As a first step, Lennox Solar LP has undertaken an assessment of which First Nations and Aboriginal organizations will need to be consulted with as part of the Project. This assessment was based on the local knowledge of both entities about traditional territories, communities and users in the area. The assessment also considered other planning exercises having occurred in the area and previous consultations. Based on the experience of other solar developers in the area and the list of Aboriginal communities to be consulted provided by the MOECC the communities and groups to be consulted as part of this REA are as follows:

- Alderville First Nation;
- Hiawatha First Nation;
- Curve Lake First Nation;
- Mississaugas of Scugog Island First Nation;
- Williams Treaty First Nations Coordinator;
- Mohawks of the Bay of Quinte;
- Huron Wendat;
- Kawartha Nishnawbe First Nation;

- Peterborough and District Wapiti Métis Council; and,
- High Lands and Waters Métis Council.

Lennox Solar LP will follow the communities direction with respect to whom within the community is to be consulted with and when. Lennox Solar LP maintains a strong relationship with the neighbouring First Nations. To date Lennox Solar LP has contacted First Nation communities and Métis to request meetings to discuss the project.

As per the direction provided in the Technical Guide to Renewable Energy Approvals, the Draft Project Description Report was submitted to MOECC and the MOECC contacted other ministries and agencies to generate the list of Aboriginal communities to be consulted. The communities listed above were the communities identified by MOECC to be consulted.

## **7.0 CONSULTATION PLAN**

OPG has existing relationships with these key Aboriginal communities as a result of historic and/or existing operations. The engagement strategy will build on OPG's existing relationship with each Aboriginal community and will be consistent with its overall First Nations and Aboriginal policy. All information provided will be accessible (i.e. non-technical/plain language documents).

### **Task #1 – Build the Contact List**

An Aboriginal community list will be developed in Microsoft Excel format and continually updated. This list will be initiated with the contacts Lennox Solar LP has already in hand for the Lennox GS site. In addition, the Draft Project Description Report must be sent to the Director of Environmental Assessment and Approvals at MOECC to identify additional communities to be consulted. It is our understanding that the MOECC coordinated across the Provincial government to generate the list of Aboriginal communities to be consulted. This list is the basis for Lennox Solar LP's Aboriginal consultation throughout the REA process.

### **Task #2 – Informal Meetings**

Informal meetings will be held with identified communities as appropriate in advance of commencement of the REA process. The purpose of these meetings will be to establish contact with the right community members and seek to understand any concerns the community may have with Lennox Solar LP pursuing the Project at this location.

### **Task #3 – Notice of Proposal/Website**

The Notice of Proposal to Engage in a Project must be created using the REA template and published in local newspapers serving the Aboriginal communities of interest at least 30 days prior to the first Public Community Meeting. A second Notice of Public Community Meeting pursuant to the LRP requirements and consistent with the LRP template will be published at least 15 days prior to the Public Community Meeting.

The website should be fully operational at this stage in the process and include the following information:

- Project Information;
- Notices;
- REA Documents;
- Consultation Materials;
- Maps; and,
- Contact Information.

#### **Task #4 – First Round of Consultation Activities**

Lennox Solar LP will contact Aboriginal communities identified by MOECC to determine their interest in the Project and how they wish to be consulted. Information gathering meetings will be held with Aboriginal communities and people desiring this consultation following publication of the Notice of Project. During these consultation activities information about the project and anticipated effects will be presented and information with respect to community concerns and issues and potentially affected rights will be gathered from community members. Other communities may wish only to receive Project information or may wish meetings between Lennox Solar LP and Council. The exact nature of consultation activities will be determined in consultation with each community. Aboriginal communities will also be invited to all public consultation activities that occur during this time. Comments received as a result of these consultation activities will be recorded and circulated for information and response.

#### **Task #5 – Second Round of Consultation Activities**

Prior to all draft reports being made available for review by the public, the Draft Project Description Report, Report Summaries, Information on Impacts to Rights and Request for Comments must be sent to Identified Aboriginal communities. At the same time or immediately following, Lennox Solar LP will visit the communities requesting meetings to present the information contained in the studies and solicit comments. All draft reports will be submitted to identify Aboriginal communities at the same time they are made available to the public for review. Comments received as a result of these consultation activities will be recorded and circulated for information and response. Should Aboriginal communities wish to have additional meetings Lennox Solar LP will accommodate these requests.

#### **Task #6 – Preparation of Consultation Report**

A consultation report must be prepared as part of the REA submission and will include a section on Aboriginal consultation which must address the requirements laid out in the Technical Guide to Renewable Energy Approvals. The report will document how Aboriginal consultation activities were undertaken and provide a record of the comments and information received through consultation and how the comments were considered. Ideally, the consultation report will record whether and how the Project was modified as a result of comments received.

#### **Ongoing Tasks**

Along with the above noted tasks, on-going consultation opportunities will be provided to the Aboriginal community members. Specifically, contact information will be provided on the website and on the notifications. Inquires will be responded to and documented. Additional meetings will be held with Aboriginal communities if required.

## **8.0 REPORTING**

As noted above, drafts of all technical reports will be provided for review and comment at least 60 days prior to the second public open house. These reports will be finalized following public, Aboriginal and agency consultation.

Throughout Project planning, a comprehensive record of consultation activities and comments received will be kept for incorporation into a consultation report to be provided to the MOECC with all other reports as part of the final submission. The Project website will be updated with available information and consultation summaries. At any time, members of Aboriginal communities are welcome to ask questions of the Project team by sending an email, letter or by phone, or they are welcome to provide comments on the information provided. Lennox Solar LP will respond to questions and comments as required, and make changes to Project planning based on the feedback received.