

HYDRO ONE NETWORKS

Waasigan Transmission Line Project

Indigenous Consultation Plan | February 2022





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Contents

1.0 Introduction	4
1.1 Project Overview	4
2.0 Duty to Consult with Indigenous Peoples	5
3.0 Consultation Process	6
3.1 Consultation Principles	6
3.2 Consultation Objectives	6
3.3 Consultation Methodology	7
3.4 Consultation Activities	8
3.5 Project Development Process	9
4.0 Record of Consultation	10
5.0 Indigenous Traditional Knowledge	11
6.0 Environmental Approvals	12
7.0 Appendix A: Project Area Map	13
8.0 Appendix B: Proposed Project Schedule	15

1.0

Introduction

1.1 Project Overview

Hydro One received a letter from the Independent Electricity System Operator (IESO) on October 24, 2018, requesting Hydro One begin development work for the Northwest Bulk Transmission Line.

The IESO assessed the scope and schedule of the Northwest Bulk Transmission Line and confirmed the need anywhere from the mid-2020s to mid-2030s, to support growth and maintain reliable electricity supply in northwestern Ontario and indicated that the Project will proceed in phases. The phases are as follows:

- ▶ Phase 1 - a line from Thunder Bay to Atikokan;
- ▶ Phase 2 - a line from Atikokan to Dryden; and
- ▶ Phase 3 - a line from Dryden to the Manitoba border. A Project area map is contained in Appendix A.

The IESO directed Hydro One to begin development work on Phase 1 and Phase 2 of the Project as soon as possible to shorten the lead time required should the need for the line materialize. The scope of the development work is to include preliminary design/engineering, cost estimation, public and Indigenous engagement/consultation, routing and siting, and an Environmental Assessment (EA).

Hydro One is placing great importance on consultation with all affected Indigenous communities during the life cycle of the Waasigan Transmission Line Project (Project), and is committed to engaging respectfully with all Indigenous communities in order to understand potential concerns, and where appropriate, identify, record, prevent, mitigate and otherwise determine how to address concerns and issues raised.

This consultation plan is for Phase 1 and Phase 2 only. The consultation plan is a requirement of the Memorandum of Understanding (MOU) between Ontario and Hydro One, and provides the overarching plan for all Indigenous consultation throughout the life cycle of the Project. It is intended to provide the foundation necessary to meet Hydro One's consultation obligations and responsibilities, as well as support its relationship commitments to Indigenous communities.

Commitments made in this consultation plan apply to Hydro One as well as any contractors or advisors working on behalf of Hydro One. This consultation plan will be updated periodically as the Project evolves, as new information becomes available, and as Project milestones are reached. A more detailed consultation plan for the EA is included as part of the amended Terms of Reference (ToR) approved by the Ministry of the Environment, Conservation and Parks (MECP), but all further iterations and detailed insertions will follow this consultation plan as a foundation.

Hydro One has named the Project the Waasigan Transmission Line. "Waasigan" is an Anishinaabemowin (Ojibwe) word that means "bringing power."

2.0

Duty to Consult with Indigenous Peoples

The Ministry of Energy, (ENERGY) delegated procedural aspects of the Crown's duty to consult to Hydro One via a letter dated October 25, 2018. ENERGY determined Hydro One's proposed Waasigan Transmission Line may have the potential to affect First Nation and Métis communities who hold, or claim protected Aboriginal or treaty rights.

The Crown has advised that the following First Nation communities should be consulted on the basis they have or may have constitutionally protected Aboriginal or treaty rights that may be adversely affected by the Project:

First Nation Communities:

- ▶ Couchiching First Nation*
- ▶ Eagle Lake First Nation
- ▶ Fort William First Nation
- ▶ Nigigoonsiminikaaning First Nation
- ▶ Ojibway Nation of Saugeen
- ▶ Lac des Mille Lacs First Nation
- ▶ Lac La Croix First Nation
- ▶ Lac Seul First Nation
- ▶ Mitaanigamiing First Nation*
- ▶ Seine River First Nation
- ▶ Wabigoon Lake Ojibway Nation

*Note: Added by way of amendment to the consultation list received from Energy on April 15, 2020.

The Crown has also advised that the Project may have adverse impacts on Aboriginal or treaty rights asserted by present day Métis communities affiliated with the Métis Nation of Ontario (MNO) that claim to be connected to historic Métis communities in the vicinity of Rainy River/Lake of the Woods and Northern Lake Superior. MNO's Lands, Resources and Consultations Branch will be the

primary point of contact for consultation about the Project with the present-day communities as represented by the MNO. MNO's Region 1 and Region 2 Consultation Committees will be copied on any Project-related information shared by Hydro One with the MNO's Lands, Resources and Consultations Branch.

Métis Communities:

- ▶ MNO Lands, Resources and Consultation Branch (with carbon copy to the Chairs of MNO Region 1 and 2 Consultation Committees)
- ▶ Red Sky Métis Independent Nation

In addition, ENERGY recommended that Hydro One copy Grand Council Treaty # 3 and the Métis Nation of Ontario head office on correspondence.

The procedural aspects of consultation, including the roles and responsibilities of the Crown and Hydro One, and communication and coordination mechanisms are formalized through a Memorandum of Understanding (MOU) between the Crown (represented by ENERGY) and Hydro One dated September 8th, 2016.

Hydro One is also engaging with the Gwayakocchigewin Limited Partnership (GLP), a partnership of eight First Nations communities that was formed to facilitate engagement and participation related to, and, where appropriate, accommodation for the Project. The GLP is made up of the following First Nation communities: Eagle Lake First Nation, Fort William First Nation, Lac La Croix First Nation, Lac Seul First Nation, Nigigoonsiminikaaning First Nation, Ojibway Nation of Saugeen, Seine River First Nation, and Wabigoon Lake Ojibway Nation.

Hydro One will also work with Métis communities in the Project area, including through their preferred community representatives and governments, to understand their concerns for the purposes of informing the Crown's duty to consult.

Hydro One recognizes that potential impacts of the Project to some Indigenous communities' asserted and/or recognized Aboriginal and treaty rights may be greater than impacts on other communities.

3.0

Consultation Process

3.1 Consultation Principles

Hydro One will engage and consult meaningfully with identified Indigenous communities, and seek to address concerns raised during the consultation process, according to the following principles:

- ▶ Thoroughness of the consultation process, starting as early as the feasibility stage and continuing throughout the life cycle of the Project;
- ▶ Consideration and application of Indigenous Knowledge and Traditional Land and Resource Use information throughout all stages of the consultation process and throughout the life cycle of the Project;
- ▶ Effective mechanisms to provide an organized and sustained system for consulting Indigenous peoples;
- ▶ Sufficient funding to allow Indigenous peoples to meaningfully participate in consultation and the development of mitigation and accommodation measures, where appropriate, including through technical and legal review and engagement, internal engagement with community members and knowledge holders, and the regulatory process;
- ▶ Indigenous consultation will occur in an open and transparent manner;
- ▶ Engaging in good faith with Indigenous communities to better understand Indigenous views on the Project as they relate to accommodation and providing this information to the Crown to help inform the Crown's duty to consult and, where appropriate, accommodate;
- ▶ Engaging, where requested by Indigenous communities, in discussions on economic matters and interests of such communities regardless of whether the interests are raised within the context of the Crown's duty to consult or more generally;
- ▶ Ensuring the consultation process is culturally appropriate and developed and implemented in collaboration with the Indigenous communities, and where reasonable, in accordance with specific community protocols;

- ▶ Ensuring potentially affected Indigenous communities are provided with relevant, understandable and accessible Project-related information in a timely and culturally appropriate manner;
- ▶ Ensuring potentially affected Indigenous communities have reasonable time and opportunity to identify, formulate and express their views on the potential adverse impacts of the Project upon their asserted and known section 35 rights and on how such impacts may be addressed; and
- ▶ Ensuring Hydro One takes every reasonable step to avoid or mitigate, as appropriate, the adverse effects of the Project upon section 35 rights.

3.2 Consultation Objectives

The key objectives to be carried out by Hydro One in the development and implementation of the Project's Consultation Plan are:

- ▶ To provide opportunities for information sharing between Hydro One and potentially affected Indigenous communities as identified by the Crown, including information about the Project and associated review and regulatory processes;
- ▶ To identify the potential adverse impacts of the Project upon known and asserted section 35 rights;
- ▶ To identify the potential adverse impacts of the Project upon other interests including social, environmental, economic, health and culture;
- ▶ To work with potentially affected Indigenous communities as identified by the Crown to identify measures to mitigate or avoid those potential adverse effects, and to compensate for such adverse effects where and as appropriate; and
- ▶ To fulfill the delegated aspects of the Crown's duty to consult and, where appropriate, accommodate.

3.3 Consultation Methodology

To achieve the consultation objectives, Hydro One will:

- ▶ Provide Indigenous communities with timely notice of major Project milestones throughout its life cycle so that they may consider potential impacts on their known and asserted section 35 rights and interests;
- ▶ Provide Indigenous communities with clear, understandable information about the Project and the applicable regulatory and approval processes on an ongoing basis;
- ▶ Seek input from Indigenous communities on the consultation plan and the approach to consultation, such as consultation protocols;
- ▶ Where appropriate, offer reasonable participation or capacity funding agreements to enable Indigenous communities to engage with Hydro One in the consultation process;
- ▶ Meet with and take into consideration any communications from Indigenous communities in order to identify any concerns the communities may have regarding the potential adverse impacts of the Project upon known and asserted section 35 rights;
- ▶ As appropriate, discuss with each Indigenous community, the measures to address potential adverse impacts of the Project upon its asserted and known section 35 rights;
- ▶ Consider and adopt, as appropriate and reasonable, input from Indigenous communities on maximizing the effectiveness and efficiency of the engagement process;
- ▶ Maintain a timely, open and transparent dialogue with potentially affected Indigenous communities through phone calls, face to face meetings, e-mails, correspondence and other means, as appropriate, to ensure understanding throughout the life cycle of the Project;
- ▶ Offer Indigenous communities assistance, including financial capacity, for the purpose of participating in consultation, and where appropriate, accommodation for the Project;
- ▶ Accurately document and respond throughout the life cycle of the Project, and on a reasonably timely basis, to the issues and concerns which have been expressed by Indigenous communities to Hydro One during consultation, the EA and other regulatory processes;

- ▶ Provide notice to inform Indigenous communities prior to accessing their traditional lands for Project-specific studies or information gathering; and
- ▶ Update this consultation plan on an annual basis based on feedback received through engagement during the previous 12 months of Project consultation. Updates to the consultation plan will be communicated to Indigenous communities. Timelines for responses will be provided and updates will be made, as required.

Prior to commencing engagement with an Indigenous community, Hydro One will produce a summary table which will include the following items:

- ▶ Primary point of contact;
- ▶ Contact for setting up meetings or providing information;
- ▶ Advance notice for meeting planning;
- ▶ Requirements for notice to affiliated organizations;
- ▶ Meeting format/requirements;
- ▶ Ceremony expectations;
- ▶ Translation requirements; and
- ▶ Other Protocols or expectations.

Many of the Indigenous communities participating in the Project have developed protocols and restrictions to reduce and/or prevent the transmission of COVID-19. It is with the utmost support and respect that Hydro One will comply with all community COVID-19 protocols and restrictions to help protect the safety and well-being of the Indigenous communities throughout the study area, and in coordination with the Crown, as appropriate, to consider any implications for key Project milestones.

Hydro One acknowledges that the realities of COVID-19 may require flexibility in consultation methods to factor engagement limitations and other community safety concerns. Hydro One will work with the Indigenous communities to determine the most appropriate methods for engagement in such circumstances and will seek to use methods that are consistent with those that local Indigenous leaders, Councils, staff and their advisors are currently using for meetings, conferences, forums, and that their advisors are using for engagement during pandemic circumstances.

3.4 Consultation Activities

Hydro One's primary goal in undertaking consultation with the identified Indigenous communities is to engage in a respectful, transparent, meaningful manner to provide the communities with sufficient information and enable them to identify concerns and issues and to work together with Hydro One to avoid, eliminate or mitigate any adverse effects of the Project upon known and asserted section 35 rights.

Hydro One will establish, in consultation with Indigenous communities, a process for disseminating Project information to Leaders, Councils, Elders and youth.

Accordingly, Hydro One is prepared to undertake a suite of activities which, depending on the required level of consultation, may include, as appropriate:

- ▶ Notification and initial provision of information – mailouts, print media and announcements, newsletters, social media, correspondence by phone, fax email, letter, public service announcements, e-mail and text messaging and any other methods that will successfully disseminate Project-related information;
- ▶ Dedicated toll-free Project phone line;
- ▶ Meetings with Leadership and staff and advisors;
- ▶ Public Meetings, Community Information Centres and Open Houses;
- ▶ Technical Workshops and technical meetings;
- ▶ Site Visits and Field Trips;
- ▶ Incorporating Traditional Use Studies/Traditional Knowledge Reports;
- ▶ Providing assistance and reasonable funding for the engagement; and
- ▶ Providing support for human resources and related assessments and inventories, to help identify members and businesses of Indigenous communities who can participate on the Project.

The Project schedule is subject to change as the Project progresses. The current proposed Project Development schedule is provided in Appendix B.

3.5 Project Development Process

The following diagram provides an illustration of the proposed consultation process for the Project development phase activities:

Stage 1: Notice of Project

- ▶ Notification letter, follow-up calls and offers to meet

Stage 2: Notice of Commencement of Terms of Reference

- ▶ Information package, follow-up calls and offers to meet
- ▶ Meeting with Leadership and Community Open Houses
- ▶ Designation of community contact and Community Engagement Coordinators
- ▶ Discussion of EA Process
- ▶ Corridor Workshop sessions to receive input into development of route alternatives
- ▶ Offer to enter into formal Capacity Funding Agreements
- ▶ Development of EA workplan for inclusion in ToR
- ▶ Provision of input -- timelines and deliverables

Stage 3: Submission of ToR

- ▶ Information package, follow-up calls and offers to meet
- ▶ Meeting with leadership and Community Open Houses
- ▶ Training and skills development program offered to each community Discussion of ToR
- ▶ Preliminary identification of issues and concerns

Stage 4: Notice of Commencement of EA

- ▶ Information package, follow-up calls and offers to meet
- ▶ Amendment of Capacity Funding Agreements
- ▶ Offer to meet with leadership and Community Open Houses
- ▶ Discussion of EA process and Indigenous community participation in EA
- ▶ Opportunities to provide input - timelines and deliverables
- ▶ Supporting Collection of Traditional Knowledge/Traditional Land Use Studies
- ▶ Training and skills development program continued implementation
- ▶ Technical workshops, including routing workshops, and completion of technical studies, with Indigenous field technicians
- ▶ Monitoring, Archaeological studies and other activities as described in the ToR

Stage 5: Submission of EA and Next Steps

- ▶ Information package, follow-up calls and offers to meet
 - ▶ Amendment of Capacity Funding Agreements
 - ▶ Offer to meet with leadership and Community Open Houses
 - ▶ Discussion of EA process and Indigenous community participation in EA
 - ▶ Opportunities to provide input - timelines and deliverables
 - ▶ Supporting Collection of Traditional Knowledge/Traditional Land Use Studies
 - ▶ Training and skills development program continued implementation
 - ▶ Technical workshops, including routing workshops, and completion of technical studies, with Indigenous field technicians
 - ▶ Monitoring, Archaeological studies and other activities as described in the ToR
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4.0

Record of Consultation

Hydro One will maintain a comprehensive Record of Consultation (RoC) which will consist of the following elements:

- ▶ Meeting agendas/minutes/records;
- ▶ Consultation events/activities with each community;
- ▶ Notes to file;
- ▶ Information provided to and received from each Indigenous community;
- ▶ Presentations;
- ▶ Conversation logs;
- ▶ Correspondence, such as emails and letters, and phone calls; and
- ▶ Identified concerns associated with asserted and/ or recognized Aboriginal and treaty rights under section 35, and actions by Hydro One to address or resolve concerns.
- ▶ Hydro One will use a stakeholder engagement software to support the RoC, including to track issues. The software will be used to document all Indigenous engagement activities, including:
 - ▶ Document Indigenous concerns, follow-up actions and responses;
 - ▶ Document and track mitigation, or where appropriate, accommodation measures developed by Hydro One to prevent, mitigate or otherwise address potential effects of the Project upon asserted and/ or recognized Aboriginal and treaty rights under section 35;
- ▶ Maintain a current record of staff and community representatives; and
- ▶ Maintain a record of all communications.

The RoC will be maintained throughout the life cycle of the Project from planning through implementation. In fulfillment of its delegated duty to consult requirements, Hydro One will make the RoC available to the Crown upon request to assist the Crown with fulfilling the substantive aspects of its duty to consult, and to support Project approvals in accordance with the direction provided by the relevant regulatory or permitting ministry. Consultation summaries and records of consultation for the ToR and EA will follow the requirements outlined in the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario, and the Code of Practice for Preparing and Reviewing Environmental Assessments in Ontario.

Hydro One will provide each Indigenous community reasonable time and opportunity to review the RoC as it pertains to their community prior to it being shared publicly. Also, Hydro One will maintain an action/issues tracker throughout the Project to ensure that all comments from Indigenous communities are included in the RoC.

Hydro One understands the distinction between information sharing and community consultation, but all interactions with Indigenous communities will be documented in the RoC. The Crown will ultimately assess the adequacy of consultation activities and determine if the requirements of the Duty to Consult have been fulfilled by Hydro One.

Monthly RoC updates will be provided by Hydro One to ENERGY in the form of an update chart and verbal update during monthly conference calls.

5.0

Indigenous Traditional Knowledge

Traditional Knowledge is a holistic body of knowledge containing information and records held by Indigenous communities that is considered to be of cultural, spiritual, historical and community significance to its members. Much of this knowledge may have been passed on from generation to generation. Each community will have its own approach to collecting, recording, sharing and using this knowledge. Hydro One is willing to enter into Indigenous Knowledge (IK) Sharing Agreements with Indigenous communities that acknowledge and respect the sensitive and confidential nature of Indigenous Knowledge collection and its use.

Effective and meaningful communication/engagement requires continuing to build and establish working relationships between the Project team and Indigenous communities and organizations; enhancing awareness of the Project; receiving and incorporating input and information from Indigenous communities; providing flexible consultation opportunities; and, where appropriate, opportunities for joint decision making and issues resolution. Hydro One will provide opportunities for Indigenous communities to provide IK, other information and input at each critical decision-making point during the EA process, including about how the Project and its alternatives may impact their rights and interests.

Hydro One will gather from Indigenous communities the following information:

- ▶ Historical and current land use in the Project area;
- ▶ Treaties signed by the Crown;
- ▶ Land claims;
- ▶ Aboriginal title claims;
- ▶ Published maps of traditional territories;
- ▶ How IK/Traditional Land and Resource Use (TLRU) will be used to inform Project design throughout the lifecycle of the Project;
- ▶ Community protocols for resolving issues that impact IK/TLRU; and
- ▶ How Indigenous communities will use IK/TLRU to inform archaeological assessments.
- ▶ Hydro One will ensure that Indigenous communities are consulted and have the opportunity to share IK, and that Hydro One will incorporate it into each EA and other permitting decision-making milestones as appropriate including, but not limited to, the following:
 - ▶ The development of community-specific Indigenous engagement and communication plans, if requested by interested communities for activities during the Project;
 - ▶ The development of the methodology of and documentation of results from EA baseline data collection, including the natural heritage field studies and the Stage 1 Archaeological Assessment;
 - ▶ The development of the approach to the evaluation of alternatives, including confirmation of alternative routes, study areas, and evaluation criteria and indicators;
 - ▶ Results of the comparative evaluation of alternatives and identification of a preferred route;
 - ▶ Preliminary design of the preferred route and supporting infrastructure, such as access roads, construction camps and lay-down areas; and
 - ▶ The effects assessment of the preferred route and other Project components, including the development of design refinements, mitigation measures and monitoring to address any potential effects and conclusions of the assessment.

6.0

Environmental Approvals

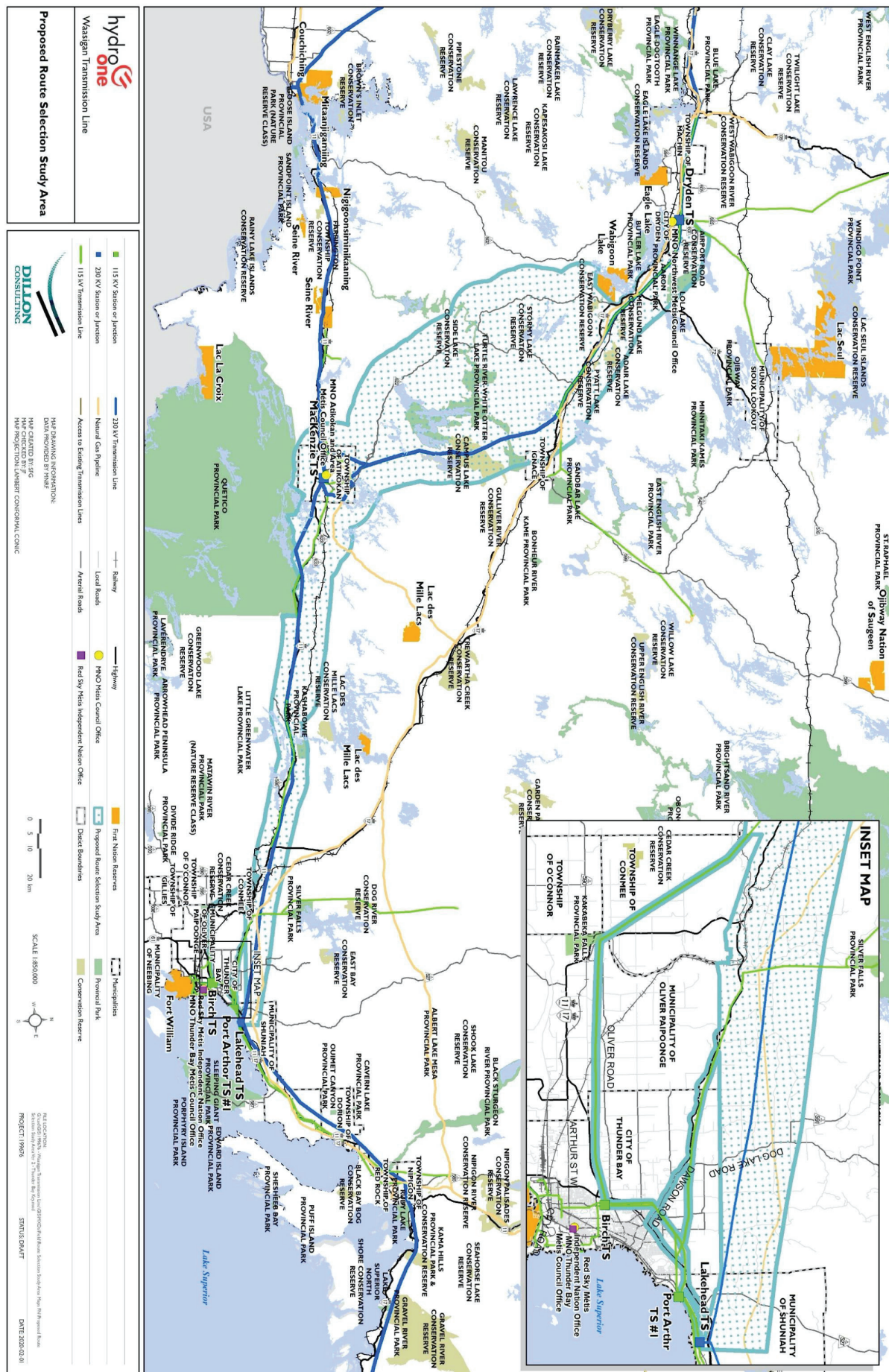
The Project is subject to a Comprehensive (formerly called “Individual”) EA under the Ontario Environmental Assessment Act as well as other regulatory requirements, such as Section 92 Leave to Construct of the Ontario Energy Board Act.

Hydro One issued a Notice of Commencement of ToR in April 2019. The ToR describes how Hydro One plans to address the requirements of the Environmental Assessment Act. The ToR includes a detailed consultation plan that outlines the consultation and engagement activities that, at a minimum, will take place during the preparation of the EA. The amended ToR was approved by the MECP in February 2022 and will provide the framework for the preparation of the EA.

Activities carried out during the preparation of the EA may be subject to additional EA and associated consultation requirements, such as the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) Class EA for Resource Stewardship and Facility Development Projects, MECP Class EA for Provincial Parks and Conservation Reserves, and Ministry of Infrastructure’s Public Work Class EA. Consultation related to regulatory approvals and permits may also be required. A list of potential permits and approvals for implementing the Project will be included in the ToR, and a final list will be provided in the EA. Engagement and consultation with Indigenous communities will continue through the permits and approvals processes. The level of engagement will be determined through consultation during the EA.

7.0

Appendix A: Project Area Map



8.0

Appendix B: Proposed Project Schedule

Activity	Timeline
Notice of Commencement of Terms of Reference	April 24, 2019
Consultation, data collection, and development of corridor alternatives	Spring 2019 – Spring 2020
Draft Terms of Reference for review	June 2020
Proposed Terms of Reference Submitted to the Ministry of the Environment, Conservation and Parks	October 2020
Terms of Reference Approved by Ministry of the Environment, Conservation and Parks	February 2022
Notice of Commencement of Environmental Assessment	March 2022
Consultation and data collection on Environmental Assessment study areas	2022
Draft Environmental Assessment review	2022
Leave to Construct (Section 92) application submission	2023
Decision on Environmental Assessment by Ministry of the Environment, Conservation and Parks	2023/2024
Leave to Construct (Section 92) application approval	2023/2024
Complete development work	By end of 2024

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