

3.0 Mi'kmaq of Nova Scotia

3.1 Overview

Indigenous engagement and consultation are important aspects of any project development. It is fundamental that Indigenous communities have a full understanding of proposed projects in order to meaningfully engage in the development process and assess potential impacts to Aboriginal and Treaty Rights. This requires strong, active communication that considers the varied needs of individual communities. The Proponent values the contributions that Indigenous Peoples make to improve upon their renewable resource projects across Canada. As such, the Proponent has developed an approach and initiated engagement with the 13 Mi'kmaq bands in Nova Scotia regarding the proposed Project.

Beyond sharing information and addressing Mi'kmaq concerns, Natural Forces aims to build lasting relationships and earn the support of the Mi'kmaq bands through open and accessible communication. Natural Forces makes it a priority to communicate all potential impacts of the Project, including benefits that renewable energy can bring through local economic growth, energy security through source diversity, and reducing air pollutants associated with carbon-based energy sources.

The sections below outline the approach and general methods of engagement and involvement proposed and implemented by Natural Forces to engage and consult with the Mi'kmaq bands in Nova Scotia for the Project, an essential component of the development process.

3.2 Regulatory Requirements and Guidelines for Consultation

The Province of Nova Scotia is required to consult with the Mi'kmaq bands prior to making decisions on approving developments that have the potential to adversely affect an Aboriginal or Treaty right. In this way, the Mi'kmaq are not stakeholders, they are Rightsholders. Recent case law states that the Province may delegate certain operational aspects of the duty to consult to project proponents, acknowledging that the proponents often have access to more detailed information on the planned phases and components of a given project, especially in early stages. In Nova Scotia, the actions taken by proponents in this respect are considered engagement, not consultation. Descriptions of the ongoing engagement with the Mi'kmaq that Natural Forces is undertaking for the Project are included in this section.

Natural Forces is actively engaging with the Mi'kmaq on behalf of the Province. Natural Forces strongly believes that engagement with Rightsholders is important even if the Mi'kmaq bands in Nova Scotia will collectively be majority owners of the Project. The appropriate engagement process has been undertaken to meet, and exceed, requirements of the Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia (the Proponents' Guide) (OAA 2012), the provincial guidance document that accompanies the EA regulation. This engagement will continue to occur along with other engagement efforts as described in this report.

Although not a regulatory requirement, the Canadian Wind Energy Association published a document titled Wind Energy Development Best Practices for Indigenous and Public Engagement (2017) to help facilitate the responsible development of wind energy projects throughout Canada. This document has

also been used as a guideline through the development of the Project and continues to be drawn upon for Mi'kmaq engagement.

3.3 Communities Engaged

Natural Forces contacted the Nova Scotia Office of L'nu Affairs (OLA, formerly the Office of Aboriginal Affairs) in January 2021 to initiate the process of properly identifying the Mi'kmaq bands whose Aboriginal and Treaty rights may be impacted by the Project. As part of this, Natural Forces sent a formal Project Description to OLA. Upon review and further discussions with Natural Forces, the OLA clarified that the Proponents' Guide would need to be followed and provided a list of the of the Mi'kmaq bands with which engagement is required, which includes Pictou Landing First Nation, Millbrook First Nation, and Sipekne'katik First Nation. The Project site is located approximately 80 km west of Pictou Landing First Nation, 40 km west of Millbrook First Nation and 50 km north of Sipekne'katik First Nation.

Though the OLA specified these three bands for engagement, Natural Forces broadened the engagement efforts to include all 13 Mi'kmaq bands in Nova Scotia, which are:

- Acadia First Nation
- Annapolis Valley First Nation
- Eskasoni First Nation
- Glooscap First Nation
- L'sitkuk (Bear River) First Nation
- Membertou First Nation
- Millbrook First Nation
- Paqtnkek Mi'kmaw Nation
- Pictou Landing First Nation
- Potlotek First Nation
- Sipekne'katik First Nation
- Wagmatcook First Nation
- We'koqma'q First Nation

Natural Forces has engaged with the 13 Mi'kmaq bands directly, as well as with Kwilmu'kw Maw-klusuaqn (KMKNO). KMKNO is the consultation organization that represents the Mi'kmaq bands in Nova Scotia, with the exception of Sipekne'katik First Nation and Millbrook First Nation.

3.4 Direct Engagement Activities

Natural Forces began engagement activities with the 13 Mi'kmaq bands in March 2021 with an initial letter to each of the Mi'kmaq Chiefs and either KMKNO or the bands' Consultation Coordinator (or equivalent), introducing them to the Project as a proposed development. A letter was also sent to the Native Council of Nova Scotia. This initial contact included a Project description, maps, information on the Proponent and the partnership with WMA, contact details for further comments or questions, and an offer to meet to further discuss the Project. The letters were sent both by email and mail, and follow up emails were sent in April. This initial contact was made early in Project development to ensure the

Mi'kmaq are informed and/or involved throughout all stages. No comments or follow up has been received based on this contact.

Following these letters, Natural Forces had two meetings with KMKNO to provide additional Project information and to discuss the communication protocol with the Mi'kmaq bands. During these meetings, Natural Forces provided a presentation introducing Natural Forces and the Project in more detail, and summarizing the ongoing development activities. KMKNO provided details on their preferred communication protocol both internally and for updates to each band.

In June 2021, Natural Forces met with the OLA to review the engagement activities that had taken place to date with the Mi'kmaq bands and the plans for future engagement. During this meeting, the OLA confirmed that engagement efforts had been appropriate and that Natural Forces should continue with the planned engagement.

In scoping the environmental surveys to occur at the Project site in 2021, Natural Forces worked with Dillon Consulting to hire a Mi'kmaq technician to complete a site walk-over to identify any culturally significant vegetation species that could be impacted. Natural Forces engaged with KMKNO and the Confederation of Mainland Mi'kmaq (CMM) to establish the best protocol in hiring a technician for this work. It was determined that the process should begin by reaching out to the nearest Mi'kmaq bands to the Project site. As no interest was identified from the nearest bands, the search was extended to include organizations such as the Mi'kmaw Conservation Group. A candidate was still not identified to fill this position with the expanded search. In lieu of having a Mi'kmaq monitor survey the site, Dillon Consulting engaged with Maqamigew Anqotumeg to compare the plant inventory from the site surveys to identify culturally significant vegetation species. It is noted that a site specific survey was unable to be carried out by Maqamigew Anqotumeg due to ongoing Covid-19 related travel restrictions during the appropriate growing seasons.

Natural Forces has met with Membertou Geomatics to scope a Mi'kmaq Ecological Knowledge (MEK) Study at the Project site. The MEK study for the Project will begin as soon as possible, which will depend on travel restrictions due to COVID-19.

Natural Forces has been engaging and will continue to engage with KMKNO and CMM, as well as with the bands directly, on an ongoing basis.

Natural Forces has contacted the CMM to understand current and proposed Mainland Moose recovery programs. Further discussions are required to understand the scope of work and funding required for such programs, however the Proponent commits to contributing to these programs in order to help the recovery of the Mainland Moose population as they are a species that are of particular significance to the Mi'kmaq and to the ecosystems within the area. Efforts such as these are important moving forward and lend well to the Mainland Moose Recovery Plan (NSDNRR 2021).

3.5 Indirect Engagement Activities

3.5.1 Webpage, Email, and Social Media

Project webpages are a great tool to share information and to receive comments from community members. The advantages of a website are that it can be updated frequently and it is continuously

available to stakeholders and Rightsholders. The webpage is primarily used to inform the general public, stakeholders, and the Mi'kmaq bands about various aspects of the Project, including, but not limited to:

- Current project information;
- Notices for open information sessions;
- Maps of the Project location;
- Site specific turbine information;
- Posting of technical reports, such as the EA document;
- Project activity schedules;
- Construction activity notices; and,
- Educational and media related material.

Additionally, the 'Frequently Asked Questions' section on the website allows Natural Forces to address questions and concerns brought forward through all engagement and consultation activities. A webpage for the Project was created in the winter of 2021. This has ensured that information has been available to community members should they wish to learn more about the Project. The Project webpage can be viewed at:

<https://www.naturalforces.ca/westchester-wind-project.html>.

This webpage is updated on an ongoing basis, which will continue through all phases of the Project.

Email has, and will be, used to contact Mi'kmaq bands, answer questions, plan engagement activities, distribute newsletters, and send Project updates. When deemed necessary to reach individuals more effectively, documents will also be sent in the mail. Natural Forces also remains open to meeting with the Mi'kmaq bands to discuss the Project as needed when requested.

3.5.2 Toll-free Line

Natural Forces has a toll-free phone line for those who wish to contact the company via telephone. This removes the burden of cost on community members who are subject to long distance calling fees.

3.5.3 Signage

At the entry points to operational wind energy projects, signage is often posted to identify the project, the primary contact, and the presence of hazards, such as ice throw during certain weather conditions. Natural Forces will use signage as an opportunity to provide additional information about the Project, including facts about the construction schedule, electricity generation, and wind energy statistics. At a minimum, signage will include contact information for Natural Forces.

3.5.4 Other Engagement Tools

There are many other engagement tools that Natural Forces remains open to implementing. Such activities are often determined in conversation with communities to determine which activities are best suited for a particular community. These include, but are not limited to:

- Participation in community events: BBQs, sporting events, and other gatherings can allow an opportunity for the Proponent to have informal discussions about the Project with community members.
- Presentations to schools and other community groups: Information sessions held in schools and to community groups can be completed if interest arises from any of the bands.
- Workshops: Workshops can be facilitated in many different formats and for several objectives based on community needs.
- Expert visits: If a key area of concern is identified, an expert can be integrated into the engagement process as opposed to working solely with the Proponent. Experts may attend a meeting, presentation or community workshop as most appropriate to the level of interest and the issue of concern.

All of these additional engagement tools are subject to the current policies and recommendations surrounding COVID-19. These additional engagement tools should be used when it is deemed safe to do so, and when a specific need is identified that would be of benefit to the concerned band.

3.6 Effects of the Undertaking on the Mi'kmaq in Nova Scotia

As previously mentioned, the rights of various Mi'kmaq bands in Nova Scotia may be impacted by the Project. Ultimately, the effects of an undertaking on the Mi'kmaq can only be determined by the Mi'kmaq. No comments or feedback have been received to date that indicate an assessment of any impacts. As such, Natural Forces will work with Membertou Geomatics to complete a MEK study for the Project site, and will continue engaging with the Mi'kmaq bands throughout the Project phases. During the registration and public review period of the EA, the Proponent will be available to answer questions and explain any context to community members.

3.7 Ongoing Engagement

This Section outlines Natural Forces' approach to facilitating an open, transparent, and comprehensive dialogue with the Mi'kmaq bands to fulfill and extend beyond the provincial duty to consult. Natural Forces will continue efforts to notify, inform, and engage with the Mi'kmaq in Nova Scotia about the Project.

Natural Forces has and will continue to address comments and concerns from all Mi'kmaq bands and community members, as well as Mi'kmaq organizations to the best of their ability. To date, Natural Forces has not received opposition to the Project. Generally, the Project has been very well received.

Natural Forces is committed to continuing consultation and engagement with the Mi'kmaq bands throughout the lifetime of the Project to ensure their concerns are properly addressed and that the bands have a full understanding of the Project, its schedule, construction activities, and work to be carried out.