



SHAWANAGA FIRST NATION GOVERNMENT

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| COUNCIL OF SHAWANAGA FIRST NATION |
| ROBINSON HURON TREATY 1850 |
| IN THE PROVINCE OF: ONTARIO |
| PLACE: COUNCIL CHAMBER |
| DATE: Day 30 Month 09 Year 2017 AD |

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| SHAWANAGA FIRST NATION RESOLUTION |
| CHRONOLOGICAL NO. 17-17-497 |
| A QUORUM FOR THIS GOVERNMENT |
| CONSISTS OF: (4) FOUR COUNCIL MEMBERS |

WAIVER OF SPECIES AT RISK CONSULTATION

WHEREAS:

1. Shawanaga First Nation is subject to the *First Nation Lands Management Act*. In particular, Shawanaga First Nation may approve the Project in accordance with an environmental assessment ("EA") process pursuant to Annex F to the Individual Agreement entered into between Canada and the First Nation under that Act.
2. The EA process under Annex F is being carried out by Shawanaga First Nation with respect to the proposed Henvey Inlet Wind transmission line on Shawanaga First Nation Reserve Lands ("Project").
3. Notice of the Project and the EA process was provided to members of the First Nation by website posting and a community information meeting about the Project and the EA Process was held on July 13, 2017.
4. Shawanaga First Nation has taken into account the Environmental Review Report prepared for Henvey Inlet Wind dated September 2015 and the Environmental Effects Determination Report prepared by Henvey Inlet Wind dated June 2017.
5. An independent, expert peer reviewer was retained by Shawanaga First Nation to review such reports.
6. Notice of the retainer of the peer reviewer and the EA process was provided to the members of the Shawanaga First Nation by posting on the First Nation's website.
7. The peer reviewer issued a preliminary report of its technical review (*Environmental Review of EA and Related Documents*, August 16, 2017). Such report was delivered to all occupants of the First Nation's Reserve Lands.
8. The peer reviewer has made inquiries, consultations and investigations as it has deemed appropriate to allow it to provide an opinion regarding the environmental assessment of the Project and advise the First Nation's Council.
9. In conjunction with its review, the peer reviewer conducted community consultations on August 30, 2017. As a result of such community consultations, the peer reviewer requested additional information from the proponent and considered such information in its review.
10. The peer reviewer has recently issued an Addendum report in which it provided the opinion that no significant adverse environmental effect would result from the Project being

constructed, operated and decommissioned on the First Nation's Reserve Lands subject to certain conditions being satisfied. Council will consider this opinion in conjunction with making its decision under the EA process.

11. The EA process, including the peer review, has included consideration of species at risk and potential environmental effects to such species.

12. Members of the Shawanaga First Nation have been and will be consulted in relation to an Environmental Protection and Permitting Land Law for the Project on its Reserve Lands. Such Land Law provides for the EA process and also establishes an environmental protection regime, including the obligation of the First Nation to retain an independent, expert Commissioner to act as regulatory authority over the construction, operation and decommissioning of the Project. The Commissioner and its representatives have inspection, investigation and enforcement powers similar to provincial and federal regulatory authorities.

13. A copy of the Land Law was mailed to each member of the First Nation, along with notice of the meeting of members to be held in advance of the vote on the Land Law.

14. An information meeting for members will take place on September 30, allowing members of the First Nation to discuss the EPP Land Law and the EA process as well as consult with the peer reviewer and receive information from representatives of the proponent's assessment team.

15. The EPP Land Law will be subject to a vote of the First Nation's members. Only after such vote will Council consider whether the EA process is complete and the EA for the Project can be approved.

16. Notwithstanding that the Government of Canada is undertaking its own permitting process with respect to the Project under the federal *Species at Risk Act*, the Shawanaga First Nation has ensured that any environmental protection regime for the Project (if enacted/approved) will impose prohibitions regarding species at risk consistent with that of the Canadian legislation.

BE IT RESOLVED THAT:

17. Shawanaga First Nation is satisfied that it has conducted a thorough review of issues with respect to environmental effects, including with respect to species at risk, in its EA process. If the EA is approved, the First Nation will implement a rigorous environmental protection regime that protects species at risk. Members of the community have been consulted in an appropriate manner.

18. On the basis of the foregoing, notice shall be provided to Environment Canada that Shawanaga First Nation does not require consultation by the Government of Canada with the First Nation with respect to its permitting process under the *Species at Risk Act*.

MOVED BY: Patricia Pawis
SECONDED BY: Alfred Stevens

SHAWANAGA FIRST NATION
By Its Council


Chief Wayne Pamajewon


Head Councillor Sherrill Judge


Councillor Dan Pawis


Councillor Alfred Stevens


Councillor Richard Jason


Councillor Patricia Pawis



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| IN THE PROVINCE OF: ONTARIO |
| PLACE: COUNCIL CHAMBER |
| DATE: Day 30 Month 09 Year 2017 AD |

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| SHAWANAGA FIRST NATION RESOLUTION |
| CHRONOLOGICAL NO. 17-17-498 |
| A QUORUM FOR THIS GOVERNMENT |
| CONSISTS OF: (4) FOUR COUNCIL MEMBERS |

LAND LAW ENACTMENT RESOLUTION:

- 2017/18-001 SHAWANAGA FIRST NATION LAND LAWS REGISTER**
- 2017/18-002 FIRST AMENDMENT TO THE SHAWANAGA FIRST NATION LAND CODE**
- 2017/18-003 ENVIRONMENTAL PERMITTING AND PROTECTION FOR THE HIWLP TRANSMISSION LINE**
- 2017/18-004 SPECIAL LEASE TERMS FOR THE HIWLP TRANSMISSION LINE LEASE**

BACKGROUND

- A. Shawanaga First Nation and Henvey Inlet Wind LP have reached agreement in relation to the granting of a lease of a parcel of Shawanaga First Nation Land Reserve No. 17 land to Henvey Inlet Wind GP and the operation and construction of a proposed 230kV transmission line within the leasehold parcel by Henvey Inlet Wind LP.
- B. Shawanaga First Nation wishes to enact the four draft Land Laws attached as Schedules to this Resolution, as listed below (the “four draft Land Laws”), to approve and implement the terms of the agreement:
 - Schedule “A” Shawanaga First Nation Land Laws Register
 - Schedule “B” First Amendment to the *Shawanaga First Nation Land Code*
 - Schedule “C” Environmental Permitting and Protection Land Law for the HIWLP Transmission Line
 - Schedule “D” Special Lease Terms for the HIWLP Transmission Line
- C. The four draft Land Laws were tabled for enactment by Shawanaga First Nation BCR 17-17-492 adopted in an open meeting of Council on 15 August 2015. In that resolution, Council decided, pursuant to subs. 16.14 of the *Shawanaga First Nation Land Code*, as revised, to submit all four draft Land Laws for ratification by a single ratification vote.
- D. Shawanaga First Nation BCR 17-17-492 appointed Scott Jacobs as Ratification Officer for the ratification vote, and appointed Gerry Duquette as Verifier for the First Amendment to the *Shawanaga First Nation Land Code*.

- E. Notice of (i) the tabling of the four draft Land Laws, (ii) a Meeting of Members to discuss the four draft Land Laws, (iii) the ratification vote on the four draft Land Laws, and (iv) the open Council meeting at which Council would consider the enactment of the four draft Land Laws was given to Members in the manner prescribed in the *Shawanaga First Nation Land Code*, as revised, including feedback forms to be used by Members unable to or in lieu of attending the Meeting of Members.
- F. The Meeting of Members was duly convened by the Shawanaga Lands Committee in the Recreation Centre on 30 September 2017, the date provided in the Notice, and was completed on that date.
- G. The ratification vote was conducted by on-line voting, mail-in ballots and by an in person poll held on 30 September 2017 in the Shawanaga First Nation Council Chamber, proper notice of a change of the location of the in-person poll having been given as provided in BCR 17-17-492.
- H. The Report of the Ratification Officer, attached as Schedule "E" hereto, confirmed that a quorum of Eligible Voters required by the Shawanaga First Nation Land Code cast ballots and a majority of the ballots cast, including those cast on-line, by mail and in person, were in favor of the enactment of the four draft Land Laws.
- I. The Report of the Verifier verified the ratification of the First Amendment to the Shawanaga First Nation Land Code attached as Schedule "B." hereto.
- J. Feedback forms received from Members were considered by the Lands Advisory Committee and by Council.
- K. Minor typographical errors in the drafts of the four draft Land Laws included in the Notice to Members have been corrected in the drafts attached as Schedules hereto.
- L. Schedule "G" hereto is a draft consolidation of the 2015 Shawanaga First Nation Land Code, the revisions enacted by Shawanaga First Nation BCR 17-17-491 on 15 August 2017, and the draft First Amendment to the Shawanaga First Nation Land Code attached as Schedule "B" hereto.
- M. The Lands Committee has reviewed the final revised drafts of the four draft Land Laws and the consolidated *Shawanaga First Nation Land Code, 2017* and has advised Council that, in the Committee's opinion, the Land Laws and the consolidation will benefit Shawanaga First Nation and should be adopted.

BE IT RESOLVED THAT:

- 1. The statements contained in the Background section of this Resolution are true and accurate.
- 2. The tabling, giving of notice, Meeting of Members the ratification vote and the process and recommendations of the Lands Committee in relation to the four draft Land Laws shall be deemed fully compliant with the *Shawanaga First Nation Land Code* and BCR 17-17-492.
- 3. The four draft Land Laws attached as Schedules hereto, in which minor typographical errors in the drafts including in the Notice to Members, have been corrected, are hereby enacted as Land Laws of Shawanaga First Nation numbered as follows:

Land Law 2017/18-001 SHAWANAGA FIRST NATION LAND LAWS REGISTER

**Land Law 2017/18-002 FIRST AMENDMENT TO THE SHAWANAGA FIRST NATION
LAND CODE**

**Land Law 2017/18-003 ENVIRONMENTAL PERMITTING AND PROTECTION FOR THE
HIWLP TRANSMISSION LINE**

**Land Law 2017/18-004 SPECIAL LEASE TERMS FOR THE HIWLP TRANSMISSION LINE
LEASE**

4. The Chief and Lands Councillor are authorized to execute the attached Land Laws in triplicate for delivery to the Band Manager.
5. The Band Manager shall certify the original copies of the attached Land Laws and deliver one original copy thereof to the Registrar of Land Laws for registration, and to the Lands Committee.
6. The Band Manager shall arrange for publication of a notice of the enactment of the four Land Laws in the Shawanaga First Nation Administration Offices, on the Shawanaga First Nation website, and in such locally-distributed newspapers as the Band Manager deems advisable.
7. Schedule "G" hereto, being a consolidation of the 2015 *Shawanaga First Nation Land Code*, the revisions enacted by Shawanaga First Nation BCR 17-17-491 on 15 August 2017, and the First Amendment to the *Shawanaga First Nation Land Code* enacted herein, is hereby adopted as the official consolidated *Shawanaga First Nation Land Code, 2017*.
8. This Resolution shall come into effect immediately upon adoption.

MOVED BY: Councillor Dan Pawis

SECONDED BY: Councillor Sherrill Judge

CARRIED.

SHAWANAGA FIRST NATION

By Its Council


Chief Wayne Pamajewon


Head Councillor Sherrill Judge


Councillor Dan Pawis


Councillor Alfred Stevens


Councillor Richard Jason


Councillor Patricia Pawis



SHAWANAGA FIRST NATION GOVERNMENT

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| COUNCIL OF SHAWANAGA FIRST NATION |
| ROBINSON HURON TREATY 1850 |
| IN THE PROVINCE OF: ONTARIO |
| PLACE: COUNCIL CHAMBER |
| DATE: Day 30 Month 09 Year 2017 AD |

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| SHAWANAGA FIRST NATION RESOLUTION |
| CHRONOLOGICAL NO. 17-17-499 |
| A QUORUM FOR THIS GOVERNMENT |
| CONSISTS OF: (4) FOUR COUNCIL MEMBERS |

ACCEPTANCE OF THE ENVIRONMENTAL ASSESSMENT AND ISSUANCE OF THE ENVIRONMENTAL PERMIT FOR THE HIWLP TRANSMISSION LINE

WHEREAS:

1. Shawanaga First Nation entered into an Individual Agreement with Canada which, among other things, brought the First Nation's Land Code into effect with respect to Reserve No. 17 and requires that Shawanaga conduct an environmental assessment ("EA") process in accordance with Annex F of the Individual Agreement for any project within reserve lands governed by the Land Code. In particular, Annex F requires that Shawanaga elect to use an assessment process consistent with the *Canadian Environmental Assessment Act, 2012* ("CEAA 2012") or the *Canadian Environmental Assessment Act, S.C. 1992, c. 37*.

2. Where Shawanaga elects to use an assessment process consistent with the CEAA 2012 and a project is not a "designated project" thereunder, Annex F imposes the following test:

The First Nation shall not carry out the project on First Nation Land, or exercise any power or perform any duty or function conferred on it under the Land Code or a First Nation law that would permit the project to be carried out, in whole or in part, on First Nation Land, unless the Council of the First Nation determines that the carrying out of the project:

- (i) is not likely to cause significant adverse environmental effects as defined in CEAA 2012; or
- (ii) is likely to cause significant adverse environmental effects and the Council decides that those effects are justified in the circumstances.

3. The First Nation has considered the Henvey Inlet Wind transmission line ("HIW T-Line") as proposed to be constructed, operated and decommissioned, in part, on Reserve No. 17. The First Nation has conducted an EA process with respect to the HIW T-Line as proposed on its Reserve Lands.

4. Notice of the HIW T-Line was provided to members of the First Nation by website posting and a community information meeting regarding the HIW T-Line and the EA process was held on July 13, 2017.

5. Council developed a draft Environmental Protection and Permitting Land Law for the purpose of assessing, approving and regulating the HIW T-Line on Reserve No. 17 ("EPP Land Law") which was submitted to a ratification vote in accordance with the Shawanaga Land Code. Among other things, the draft EPP Land Law established the EA process to be undertaken under Annex F.

6. Notice of a Meeting of Members and the ratification vote in respect of the draft EPP Land Law was provided to the members of Shawanaga First Nation, and the Meeting of Members and ratification vote were duly completed on September 30 in compliance with the Land Code.

7. The draft EPP Land Law was approved by a quorum of the Eligible Voters and duly enacted by this Council on September 30.

8. The EA process under Annex F carried out by Shawanaga First Nation included community consultation, as noted above, through a community information meeting.

9. An independent, expert peer reviewer, Shared Value Solutions Ltd, was retained by Shawanaga First Nation to review the proponent's EA application comprised of:

(i) *Henvey Inlet Wind Volume B: Henvey Inlet Wind - Transmission Line Environmental Review Report – Final Draft* dated September 2015 (the "Environmental Review Report"); and

(ii) *Environmental Effects Determination Report* dated June, 2017.

10. Notice of the retainer of the peer reviewer was provided to the members of the Shawanaga First Nation by posting on the First Nation's website.

11. The peer reviewer made inquiries, consultations and investigations as it deemed appropriate to conduct a technical review of the proponent's EA application and provide an opinion to the First Nation's Council as to whether the requirements under Annex F could be met.

12. The peer reviewer's preliminary report of August 16, 2017 (*Environmental Review of EA and Related Documents*) was delivered to all occupants of the First Nation's Reserve Lands.

13. Following the issuance of the preliminary report and in conjunction with its ongoing review, the peer reviewer conducted community consultations on August 30, 2017. As a result of such community consultations, the peer reviewer requested additional information from the proponent and considered such information in its review.

14. The peer reviewer issued an Addendum report dated September 28, 2017, in which it provided the opinion that no significant adverse environmental effect would result from the HIW T-Line being constructed, operated and decommissioned on the First Nation's Reserve Lands subject to the conditions set out in Appendix E to the Addendum being satisfied.

BE IT RESOLVED THAT:

15. Council has reviewed the proponent's EA application, being the Environmental Review Report, the Environmental Effects Determination Report and such other information submitted by the proponent to the peer reviewer and considered in its peer review.

16. Council received the Band Administrator's summary of comments from:

(i) the July 13, 2017 community meeting regarding the HIW T-Line and the EA process;

(ii) the August 30, 2017 community meeting with the peer reviewer

17. Council has received and reviewed the technical review and opinion of the peer reviewer as set out in its August 16, 2017 report and its Addendum report dated September 28, 2017.

18. In accordance with Part 2, Section 1.1(5)(a), (b), (c) and Part 2, Section 6 of the EPP Land Law, Council is satisfied:

(a) with opportunities provided for Community consultation on the EA process;

(b) with the technical review of the proponent's EA application by the peer reviewer;

(c) that the EA process and resulting report(s) conform to the EPP Land Law; and

(d) that the EA process is complete.

19. Council hereby waives any procedural or other irregularities in the HIW T-Line EA activities and deems the EA activities to have been conducted in compliance with the EPP Land Law.

20. In accordance with Annex F of the Individual Agreement and Part 2, Section I.1(5)(d) and Part 2 Section 6 of the EPP Land Law, Council has determined that, taking into account mitigation and other information before Council through the EA process, (select one of the options below):

- (a) the HIW T-Line is not likely to cause significant adverse environmental effects as defined in CEAA 2012; or
- (b) the significant adverse environmental effects likely to be caused by the HIW T-Line are justified in the circumstances; or
- (c) the HIW T-Line is likely to cause significant adverse environmental effects as defined in CEAA 2012 and such effects are not justified.

21. To the extent option 20(a) or 20(b) is selected, the Approved EA Report is deemed to be comprised of:

- (a) the September 2015 Environmental Review Report;
- (b) the June 2017 Environmental Effects Determination Report;
- (c) the August 16, 2017 peer review report (Environmental Review of EA and Related Documents); and
- (d) the September 28, 2018 peer review Addendum (including conditions to the peer reviewer's approval in Appendix E).

22. The Band Manager shall have authority to execute and deliver an environmental permit in proper form for the HIW T-Line to Henvey Inlet Wind LP, and shall cause this Land Law and the environmental permit to be registered in the Shawanaga First Nation Land Laws Register.

23. Subject to the successful negotiation of the terms of a retainer agreement, which shall be finalized by the Band Manager with the advice of the Lands Committee, Savanta Sustainability shall be retained as Commissioner.

MOVED BY: Alfred Stevens
SECONDED BY: Richard Jason


SHAWANAGA FIRST NATION
By Its Council


Chief Wayne Pamajewon


Head Councillor Sherrill Judge


Councillor Dan Pawis


Councillor Alfred Stevens


Councillor Richard Jason


Councillor Patricia Pawis



05 October 2017

Henvey Inlet Wind GP Inc.
Operating as general partner of and on behalf of Henvey Inlet Wind LP
355 Adelaide Street West, Suite 100
Toronto, Ontario M5V 1S2

Project: Proposed Henvey Inlet Wind Transmission Line
Location: Shawanaga First Nation Reserve Lands No. 17

In accordance with Part 2, Section J.1(a) of the Environmental Permitting and Protection Land Law, Land Law 2017/18-003, Council of the Shawanaga First Nation has decided to issue this environmental permit to prepare for, construct, install, operate and decommission the Henvey Inlet Wind transmission line physical works and activities on its Reserve Lands.

- 1) Henvey Inlet Wind shall only construct, install, use, operate, maintain and decommission the Transmission Line located on the Shawanaga Reserve Lands No. 17 in accordance with:
 - a) the Approved EA Report, as determined under Band Council Resolution 17-17-498, and comprised of:
 - i) the September 2015 Environmental Review Report;
 - ii) the June 2017 Environmental Effects Determination Report;
 - iii) the August 16, 2017 peer review report (Environmental Review of EA and Related Documents); and
 - iv) the peer review Addendum dated September 28, 2017 (including conditions set out in Appendix E); and
 - b) the Environmental Permitting and Protection Land Law, Land Law 2017/18-003.


Adam Good
Band Manager