

WABUN TRIBAL COUNCIL
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RECEIVED

JUN 25 2009

ONTARIO ENERGY BOARD

June 23, 2009

23/09
Ms. Kirsten Walli
Board Secretary, Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Young Street
Toronto ON, MP4 1E4

JS
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MH

Dear Ms. Walli:

RE: Yellow Falls Power Limited Partnership Application File No. EB-2009-0120

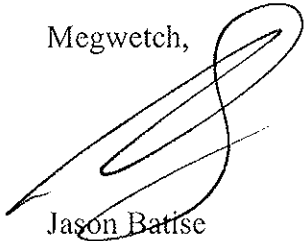
The Wabun Tribal Council has received notice of the Application filed by the Yellow Falls Limited Partnership to the Ontario Energy Board (OEB) to construct a transmission line for its hydroelectric project on the Mattagami River. At this time the Wabun Tribal Council, on behalf of the three member First Nations who's Traditional Territories this transmission line will impact, are filing for Intervenor Status.

As a collective the First Nations of Mattagami, Flying Post and Wahgoshig have not been consulted and accommodated regarding the transmission line as is our constitutional and legal right. As you are aware the Ontario Government and its agencies retain the duty to meaningfully consult and accommodate First Nations especially in regard to projects that will impact their Aboriginal and Treaty Rights. This project is a prime example of the failure in that duty as at no time have the three First Nations mentioned above been meaningfully consulted and accommodated.

You have on file letters submitted by the Wabun Tribal Council to the Ministry of the Environment (MOE) expressing our concern with regard to the Environmental Assessment (EA) that has been submitted on behalf of this project. Our issues with the transmission lines mirror those explained in our Bump-Up request to MOE in regard to the final EA. This Transmission Line Project will impact the Traditional Territories of three First Nations. It is even more disconcerting to the Wabun First Nations that OEB is taking into evidence an EA on the Project that has not been approved, and furthermore, an EA whose content is being disputed by the First Nations.

In closing the First Nations are prepared to present orally to the OEB their issues in regard to the Yellow Falls initiative. Please contact Jason Batise at the Wabun Tribal Council should you have any questions in regard to the Wabun request for Intervenor status.

Megwetch,

A handwritten signature in black ink, appearing to read 'Jason Batise', with a large, stylized flourish extending upwards and to the right.

Jason Batise
Technical Services Advisor
Wabun Tribal Council

P.C. Chief Walter Naveau, Mattagami First Nation
Chief Murray Ray, Flying Post First Nation
Chief David Babin, Wahgoshig First Nation
Scott Hossie, Yellow Falls Power Limited Partnership