



September 21, 2009

Mr. Michael Millar, Counsel
Ontario Energy Board
P.O. Box 2319
2300 Young Street, 27th Floor
Toronto, ON, M4P 1E4

Dear Mr. Millar

**Re: Yellow Falls Power Limited
Board File No. EB-2009-0120**

I am writing on behalf of the Taykwa Tagamou Nation and it has come to our attention that the Wabun Tribal Council has declared to the Ontario Energy Board an interest in certain lands in which families from Taykwa Tagamou Nation have maintained a historical link for generations. These families from Taykwa Tagamou Nation continue to use this land for traditional purposes, which include; hunting, trapping, camping and ceremonial uses.

In recent years Taykwa Tagamou Nation has settled an outstanding grievance with Ontario Power Generation in relation to the following generating stations; Lower Mattagami Complex, Abitibi Canyon, Otter Rapids, and the New Post Creek Diversion. The community also chose not to pursue an accommodation agreement with Ontario Power Generation in relation to the Upper Mattagami redevelopment which is in the southern reaches of territory historically used by the Taykwa Tagamou Nation.

Further, the community has entered into accommodation agreements with a number of companies operating within the traditional territory of the community. Taykwa Tagamou Nation has signed agreements with the following companies: Canadian Hydro Developments in relation to the proposed development at Yellow Falls; Algonquin Power in relation to the development at Long Sault; forestry agreements with Tembec and Abitibi Consolidated; and finally, a working relationship agreement with the Ministry of Natural Resources. Currently, the community is in discussions with Ontario Power Generation in regard to New Post Creek and the Lower Mattagami project; with Ontario in regard to the change in regulations in regard to sustainable forestry licenses; and we have signed a memorandum of understanding with Detour Gold in regard to the development of impact benefit agreement.

.../2



Planning
The **Future**

All of the above noted agreements and discussions are premised on the ongoing traditional use of the lands by members of the Taykwa Tagamou Nation and neither the Wabun Tribal Council nor any of its member communities have expressed an interest in such lands until recently with respect to Yellow Falls Power Limited. I have attached a map of the traditional lands based on interviews with elders from Taykwa Tagamou Nation.

Given this history and the recent interest in the same territory asserted by Wabun Tribal Council, we believe in order for the Ontario Energy Board to make a proper decision in regard to the claims put forward by Wabun Tribal Council, a more detailed written response from the Taykwa Tagamou Nation to the OEB is warranted. We are requesting a two week period in which to prepare such written response. Please advise the undersigned at your earliest convenience at (519)787 5119 or at mmcleod@mcleod-wood.com.

Yours truly,

A handwritten signature in black ink, appearing to read 'Merv McLeod', with a checkmark at the end of the signature.

Merv McLeod

- cc. Chief Dwight Sutherland, Taykwa Tagamou Nation
Scott Hossie, CHD Inc.
John B. Edmond, Barrister & Solicitor, Counsel for Wabun Council
Ms. Sharon Wong, Blake, Cassels & Graydon LLP, Counsel for CHD Inc.
- att. Map of Traditional Territory