

January 16, 2008

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

RE: EB-2007-0050 - REQUEST FOR INTERVENOR STATUS

I am counsel for the Métis Nation of Ontario (MNO). Please accept the following as the MNO's request to the Ontario Energy Board (OEB) for intervenor status in EB-2007-0050.

I recognize this intervention letter request is after the period set for intervention letters following Hydro One's initial application. However, I understand that Hydro One has more recently re-filed an amended application in EB-2007-0050 and would ask that this intervention letter be considered at this time. If this is unacceptable, please inform me and the MNO will file a notice of motion and intervention letter pursuant to the OEB's Rules of Practice and Procedure.

Overview of Intervenor

The MNO represents the citizens of the Métis Nation living in Ontario as well as rights-bearing Métis communities throughout Ontario. The Métis are one of the three Aboriginal peoples in Canada recognized within s. 35 of the *Constitution Act, 1982*. The MNO obtains its mandate to represent the Métis people in this province through a democratic Métis-specific governance structure which includes a centralized citizenship Registry based in Ottawa, over 30 Chartered Community Councils across the province and a Provisional Council that includes regional and provincial representation elected by ballot box every three years. Currently, the MNO has over 13,000 registered citizens (over the age of 16 years) with an additional 5,000 citizenship applications pending. A map outlining the locations of the MNO's current Chartered Community Councils throughout the province is attached to this letter.

/...2

In September 2003, the Supreme Court of Canada, in *R. v. Powley*, [2003] 2 S.C.R. 207, confirmed that the Métis are a full fledged rights-bearing people and that the Métis community in the Sault Ste. Marie region have a constitutionally protected food harvesting right that is grounded in the Métis people's special relationship to the land. In July 2004, based on credible Métis harvesting rights claims throughout the province, the Government of Ontario entered into a province-wide harvesting accommodation agreement with the MNO. This agreement was recently upheld by the Ontario Court of Justice in *R. v. Laurin, Lemieux and Lemieux*, [2007] O.J. No. 2344 (O.C.J.), and remains in place today. For your information, I am attaching a copy of a map that identifies the traditional Métis harvesting areas that have been recognized as a part of the MNO-Ontario accommodation agreement based on credible Métis rights claims.

Interest in Proceeding

The proposed route for Hydro One's transmission line passes through the traditional Métis harvesting area of the Georgian Bay regional rights-bearing community, which is roughly outlined in the attached map that is the basis for the MNO-Ontario harvesting accommodation agreement reference above. Presently, the MNO has over 3,300 rights-bearing Métis citizens living in this region. This regional community is collectively represented by the following MNO Chartered Community Councils: Grey Owen Sound; Saguingue, Georgian Bay and Moon River. As well, the MNO represents Métis members of this regional rights-bearing Métis community who live throughout the region, but who are not within the geographic scope of a specific MNO Community Council. Moreover, the MNO has over 188 identified Métis citizens who harvest for food, social and ceremonial purposes throughout the Georgian Bay traditional Métis harvesting area in order to support their families, community and distinct Métis way of life. As such, the MNO has a significant and substantial interest in this proceeding.

Reason for Delay

The delay in the MNO's request for intervenor status in this proceeding has been due to a lack of financial support from both levels of government to assess proposed developments across Ontario and their potential impacts on Métis rights and interests. Unlike First Nation Band Councils under the *Indian Act* regime, MNO Community Councils receive no directed funding from either level of government to maintain any level of capacity or structure at the local level and are largely reliant on volunteers. It is only recently that the MNO has been provided any resources from the Ontario Government and the Government of Canada to begin work on the duty to consult and accommodate and to begin working collaboratively with our Community Councils on issues relating to the duty to consult and accommodate. Through this recently initiated work, the MNO's Community Councils have made the MNO aware that they have been unable to participate fully assess the type of impacts the proposed transmission line will have on Métis rights, interests and traditional harvesting practices in the region. As such, they have requested the MNO move forward on coordinating the regional Métis community's participation in this hearing as well as other ongoing processes in the region. In addition, the MNO has also become aware of this proposed transmission line, as it relates to the Métis in the Georgian Bay region, through its recent participation in the OEB's review of the Integrated Power Supply System.

Scope of Intervention

Specifically, if granted intervenor status, the MNO intends to intervene on the following issue adopted by the Ontario Energy Board in its September 26, 2007 decision in EB-2007-0050:

Have all Aboriginal Peoples whose existing or asserted Aboriginal or treaty rights are affected by this project been identified, have appropriate consultations been conducted with these groups and if necessary, have appropriate accommodations been made with these groups?

Request on Costs

The MNO is seeking costs in order to participate as an intervenor. As outlined above, the MNO has more than just a “public interest” in these proceedings, as a representative of an Aboriginal people with constitutionally protected rights who would be affected by the proposed transmission. As well, based on the OEB’s consultation obligations to Aboriginal peoples, the MNO believes it should be eligible for costs based on s. 3.04 of the OEB’s *Practice Direction on Cost Awards*.

Contact Information

Below is the relevant contact information for correspondence and service of the MNO in this proceeding:

JTM LAW
546 Euclid Avenue
Toronto, Ontario, M6G 2T2

Ph: 416-945-7958
Fax: 416-981-3162
Email: jason@jtmlaw.ca

I look forward to hearing from the OEB. If you have any further questions please feel free to contact me at (416) 945-7958.

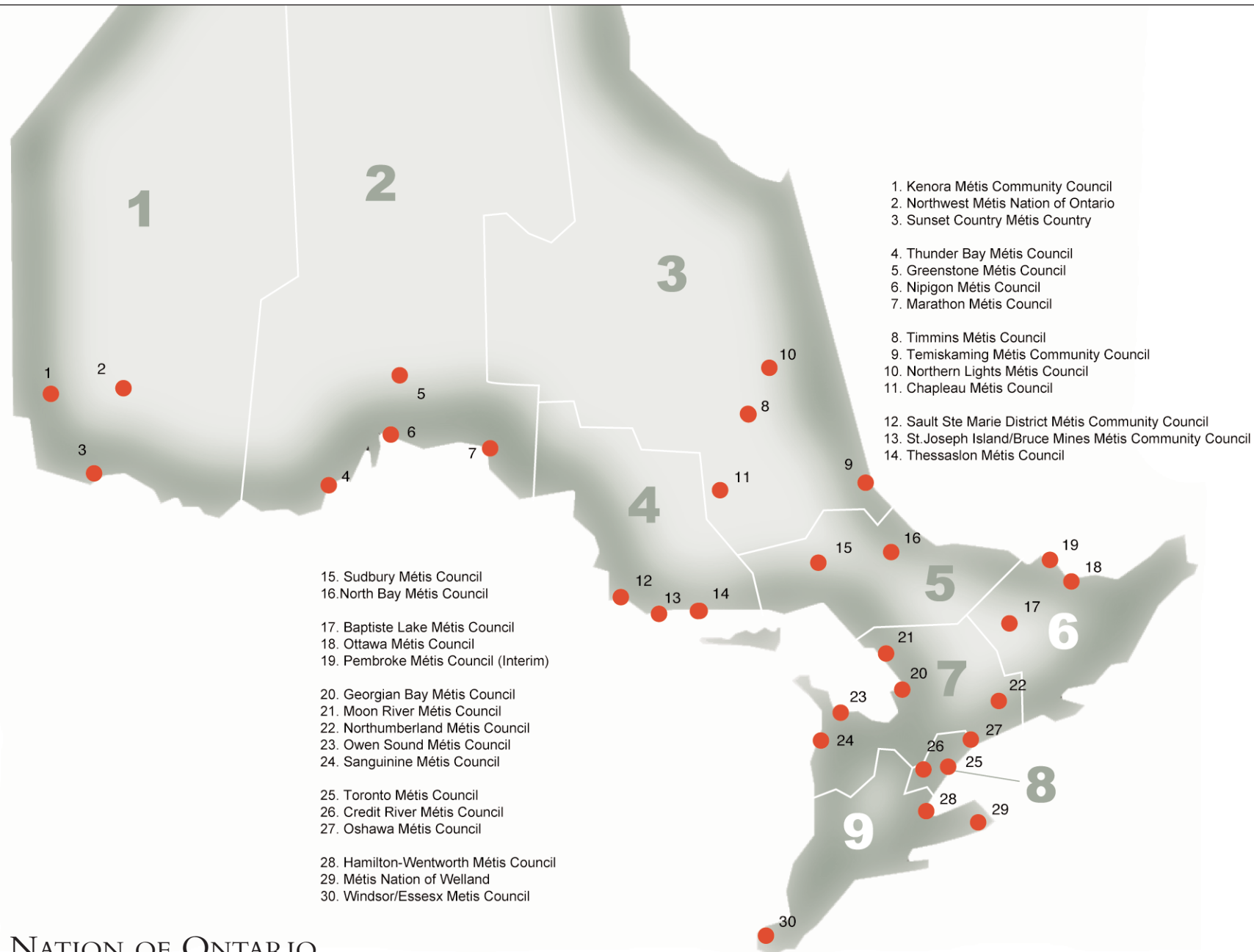
Yours very truly,



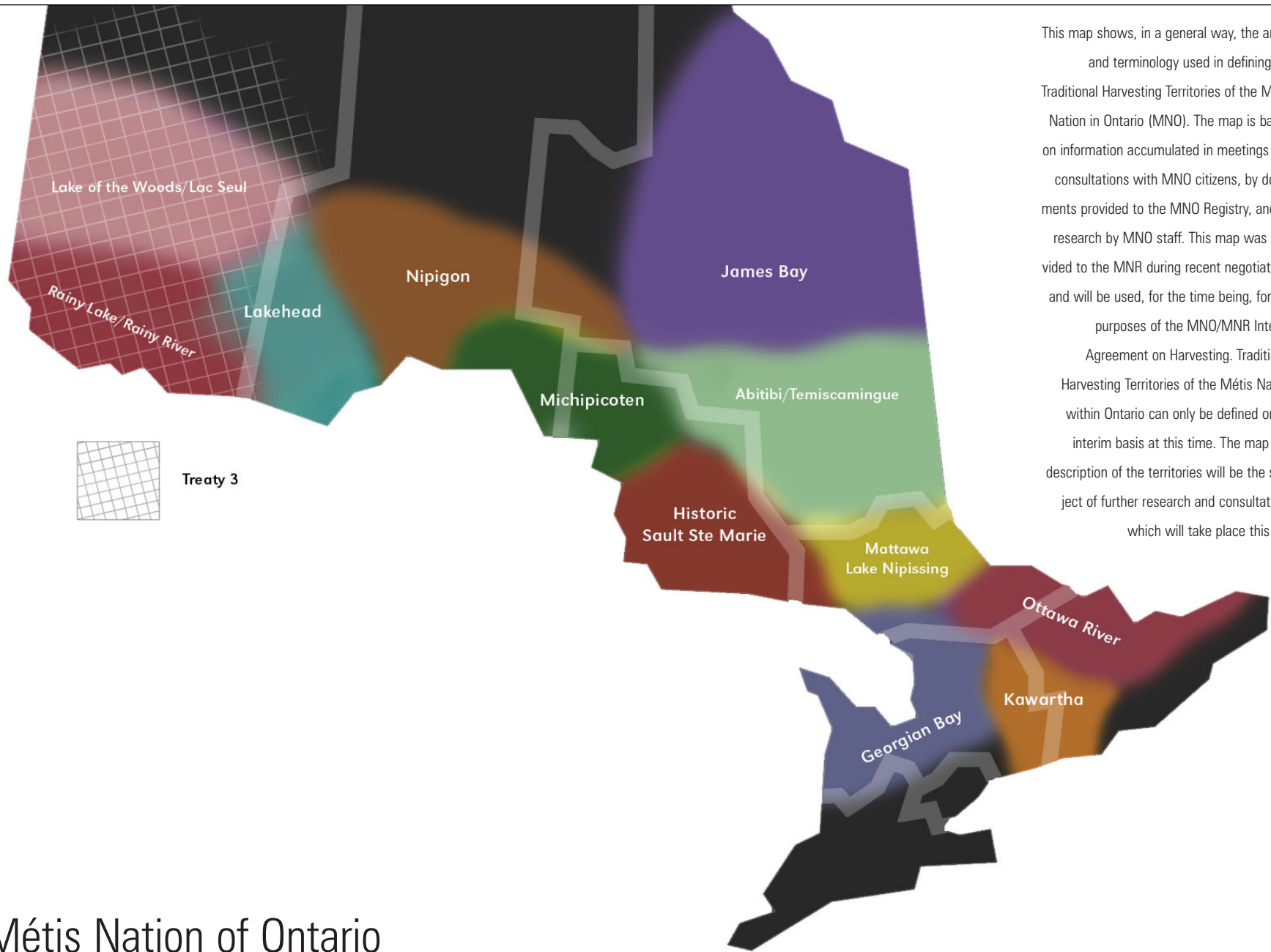
Jason Madden

c.c. Mr. Glen MacDonald, Hydro One Networks Inc. (via email)
Mr. James Smellie, Osler, Hoskin and Harcourt LLP (via email)

Enclosures (2): MNO Community Council Map
MNO Traditional Harvesting Area Map



MÉTIS NATION OF ONTARIO COMMUNITY COUNCILS



This map shows, in a general way, the areas and terminology used in defining the Traditional Harvesting Territories of the Métis Nation in Ontario (MNO). The map is based on information accumulated in meetings and consultations with MNO citizens, by documents provided to the MNO Registry, and by research by MNO staff. This map was provided to the MNR during recent negotiations and will be used, for the time being, for the purposes of the MNO/MNR Interim Agreement on Harvesting. Traditional Harvesting Territories of the Métis Nation within Ontario can only be defined on an interim basis at this time. The map and description of the territories will be the subject of further research and consultations which will take place this fall.

Métis Nation of Ontario

Traditional Harvesting Territories