

# TEMAGAMI FIRST NATION



BEAR ISLAND  
LAKE TEMAGAMI, ONTARIO P0H 1C0  
TEL 705.237.8943  
FAX 705.237.8959



June 29, 2010

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

To: Howard I Wetston, Q.C. Chair/CEO OEB

**Re: Northgate Minerals *Leave to Construct* Transmission Facilities application,  
Young-Davidson Power Project: Transmission line from Matachewan Junction to  
the Young-Davison Project Site, Cairo township, District of Temiskaming,  
*Traditional Territory of the Teme-Augama Anishnabai.***

The Temagami First Nation (TFN) and Teme-Augama Anishnabai (TAA) were aware that Northgate Minerals would eventually need to apply for this *Leave to Construct Transmission Facilities* as a part of their proposed mining project.

However, it came to our attention only yesterday (due to a citizen's search of your website), that Northgate had assembled and submitted an application to the Ontario Energy Board. In this submission, it is implied in section 28 of their application (below) that the TFN/TAA is on board with the commencement of this project, it should be clear that at present, this is ***not*** the case.

## **\* First Nations Consultation**

28. As part of this proceeding Northgate provided notice of this Application to the Matachewan First Nation ("**MFN**"), the Temagami First Nation and the Metis Nation of Ontario. Northgate indicated that it had commenced discussions with the MFN in 2006 and had negotiated an agreement with the MFN.

\* From Application titled: "NORTHGATE MINERALS CORPORATION LEAVE TO CONSTRUCT JUNE 11, 2010"

After reviewing of our files, it is clear that we have no evidence that a notice of this application to the Ontario Energy Board was ever received by the TFN or the TAA, notwithstanding our

current involvement in direct discussions with the company regarding the Young-Davison Project.

While our internal dialogue has identified significant and material concerns about the Northgate Application, until quite recently, due to capacity considerations, our ability to engage appropriate environmental and technical consultants so that we may more fully appreciate certain aspects of the proposed project did not exist. Such engagement is vital and necessary to ensure that we are able to exercise due diligence on the matter, in relation to our aboriginal and treaty rights, and to enable us offer an informed and reasonable comment.

The OEB, as the representative agency of the Crown regarding these applicable impacts on our Traditional Territory (N'Daki Menan), is obligated to ensure that we have been consulted on this matter in a respectful and meaningful way. We have not been contacted by your department regarding this matter, so plainly, this duty has not even begun to be fulfilled.

We must insist that the board not take any steps with this Application until we have had a reasonable period to present informed comments regarding the application. In addition, we require that we be engaged and consulted directly by the OEB in advance of us making a written submission.

Therefore, it is imperative that the OEB provide a 30 day extension before rendering a decision on this application. We will complete a comprehensive submission for the Board's consideration by July 30, 2010.

The Supreme Court of Canada has recognized N'Daki Menan (Our Homeland) as the Traditional Territory of the Teme-Augama Anishnabai. This project is within our Traditional Territory and as such, we **must** be consulted in a reasonable and meaningful way.

We await your response.

Miigwetch.

Chief Roxane Ayotte, Temagami First Nation

Chief John McKenzie, Teme-Augama Anishnabai

cc Northgate Minerals

cc Chris Bentley: Minister of Aboriginal Affairs

cc Doug Carr: Assistant Deputy Minister and Secretary for Aboriginal Affairs