

JANES FREEDMAN KYLE LAW CORPORATION

Suite 816 – 1175 Douglas Street
Victoria, BC V8W 2E1
Phone: 250.405.3460 Fax: 250.381.8567
www.jfklaw.ca

Robert J.M. Janes
Direct Line: 250.405.3466
E-mail: rjanes@jfklaw.ca

File No. 1018-009

May 5, 2011

Delivered by: Email
Boardsec@ontarioenergyboard.ca

Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms Walli:

Re: Union Gas – Red Lake Pipeline Project (“the Project”) File Numbers: EB-2011-0040, EB-2011-0041 and EB-2011-0042

We represent the Grand Council of Treaty 3 (“The Grand Council”) in respect of the above project and are writing to you on their behalf.

The Grand Council is the political and legal representative of 28 Anishinaabe communities that are signatories of Treaty 3. Red Lake and the Project proposed by Union Gas are situated on lands within the territory subject to Treaty 3. Therefore, the Project may significantly impact our clients’ ability to meaningfully exercise their harvesting rights guaranteed by Treaty 3, as well as the Aboriginal title the Anishinaabe assert in the area. These impacts include (but are not limited to) the additional lands being used by the pipeline, the disruption of fish and wildlife habitat in the area, the further fragmentation of the land caused by the pipeline and the increased development that the pipeline will facilitate and encourage throughout the territory.

The Grand Council was made aware of the written hearing the Ontario Energy Board (OEB) is currently conducting for this Project during a discussion with a representative of Union Gas on May 2, 2011. Though notices were directed to be published in local newspapers, they did not come to the Grand Council’s attention. We also understand that the Grand Council was not directly served with a notice of the hearing.

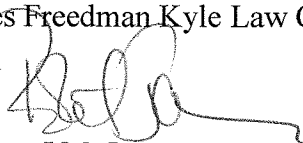
Given the Projects' potential to adversely impact our clients' Aboriginal and treaty rights and title, we are surprised that there has been no Crown consultation with respect to this project to date.

The Grand Council was not advised that the OEB hearing was part of the Crown consultation process and therefore expects to be dealing with the Crown directly. However, we wish to inform the OEB that there are outstanding concerns regarding the Project's impacts and whether those impacts have been subject to the appropriate levels of Crown consultation and, if necessary, accommodation.

Yours truly,

Janes Freedman Kyle Law Corporation

Per:



Robert J.M. Janes
RJMJ/et

CC:

Union Gas: John Bonin, Manager, Government and Aboriginal Affairs
Email: jbonin@uniongas.com

Grand Council of Treaty 3: Grand Chief Diane Kelly
grand.chief@treaty3.ca