



June 9, 2011

ONTARIO ENERGY BOARD
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OUR FILE NO. 02226

VIA EMAIL

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**RE: Union Gas Limited – Red Lake Project
OEB File Nos. EB-2011-0040, EB-2011-0041, EB-2011-0041
Lac Seul First Nation Request for Intervenor Status**

Our firm is legal counsel for the Lac Seul First Nation (LSFN). On behalf of the First Nation, we have been instructed to request intervenor status for the above proceeding, in response to the Board's Procedural Order No.2. LSFN would like to make submissions and participate in the oral hearing, as this proceeding will deal with issues surrounding the duty to consult that will affect LSFN directly.

LSFN takes the position that the Crown has not met its duty to consult and accommodate with respect to this project. The letter from Union Gas to the Board, dated May 11, 2011, includes the consultation efforts undertaken by the company. By Union Gas' account, the consultation with LSFN consists of a letter to the First Nation dated November 8, 2010, notice of a public meeting on November 25, 2010, and a meeting with three other First Nations on April 29, 2011. LSFN was neither advised of the OEB hearing directly, nor informed that the Board was hearing submissions on the scope of LSFN's substantive rights. Given the significance of the issues being raised, this is not sufficient consultation.

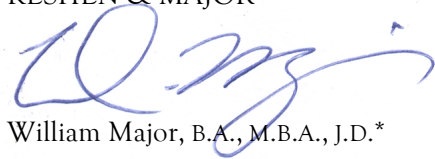
This project is of particular interest to LSFN. The First Nation is a beneficiary under Treaty 3 and has occupied and utilized its traditional territory since time immemorial. Union Gas' proposed project is located within Lac Seul's traditional territory. Currently, LSFN is working on resolving a land claim at and around Bruce Lake, Ontario. LSFN will be directly impacted and affected by the outcome of this proceeding and the approval of the Union Gas pipeline, because the construction area for the proposed project lies squarely within the LSFN claim area.

LSFN supports the Board's decision to grant Grand Council Treaty 3 intervenor status in these proceedings. However, LSFN has distinct legal interests that cannot be delegated, and which it

asserts independently. As a result, LSFN requests intervenor status for this proceeding so that it may make its own submissions respecting the Crown's outstanding consultation obligations under the *Constitution Act, 1982*. This is a reasonable request in light of the impacts to Lac Seul's unique treaty and Aboriginal rights that will follow from any approval of this project.

In the Board's consideration of this request, we would like to point out that Mr. Blue has, in his letter of today's date, requested an extension of the applicable dates and highlighted the importance of these issues to all concerned. LSFN supports Goldcorp's request for an extension of the hearing, and takes the position that neither this extension, nor LSFN's participation in this hearing, would prejudice any of the parties.

Sincerely,
KESHEN & MAJOR



William Major, B.A., M.B.A., J.D.*

cc *Mark Murray, Union Gas Ltd.*
 Dan Jones, Assistant General Counsel, Union Gas Ltd.
 Ian Blue, counsel for Goldcorp
 Robert Janes, counsel for Grand Council Treaty 3

*Practising through William J. Major Professional Corporation.