

Serpent River First Nation

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April 23, 2008

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 YongeSt., Suite 2700
Toronto, ON
M4P 1E4

Dear Ms. Walli,

**IN THE MATTER OF Approval of the Integrated Power System Plan and
Procurement Processes - Board File number EB-2007-0707 – Serpent River First Nation
Application for Intervenor Status**

I am writing on behalf of the Serpent River First Nation to obtain Intervenor Status for Serpent River First Nation during phase 2 of the Application and Hearing for approval of the Integrated Power System Plan and Procurement Processes.

Description of Intervenor

Serpent River First Nation is a signatory to and beneficiary under the Robinson Huron Treaty of 1850. Our First Nation is located midway between Sault Ste. Marie and Sudbury in the North Channel of Lake Huron. The First Nation's traditional territory extends from the waters of the North Channel of Lake Huron, Serpent River Basin; north beyond the city of Elliot Lake. Serpent River First Nation has a membership of 786 people.

Nature and Scope of Intervenor's Participation

As signatory to the Robinson Huron Treaty of 1850, Serpent River First Nation's membership are the holders of treaty rights, protected under section 35 of the *Constitution Act, 1982*. The Robinson Huron Treaty of 1850 encompasses approximately 6,319,284 ha in Northern Ontario. Our Treaty rights within this area include, but are not limited to hunting, fishing, and trapping. Further, Serpent River First Nation has land claims within the treaty area that are potentially impacted by the issues raised in the proceeding. In addition, Serpent River First Nation has existing and potential power generation activities and opportunities that will be of interest to all parties.

It is respectfully submitted that the extensive scope of the issues raised in the Integrated Power System Plan and Procurement Processes, the potential adverse impact on treaty rights and the recent case law

Our Vision Serpent River First Nation will have self-sufficient people within a community of caring and compassionate families.

Our Mission Serpent River First Nation will use all available financial, human, natural, technological and cultural resources to achieve self-sufficiency through the efforts of all Community Members. Our strong and unique cultural and spiritual identity will drive us to ensure a healthy community that is safe and secure for all generations.

concerning the Crown's duty to consult requires acceptance of Serpent River First Nation's intervention status in the above referenced proceedings.

Serpent River First Nation intends to participate in the hearings to the fullest extent possible. At this early stage, Serpent River First Nation would like to reserve the right to address issues that arise that it deems to be material to its interest regarding the application. Serpent River First Nation prefers an oral hearing on issues and wishes to advise the Board that it will be seeking an award of costs for its participation in all stages of the Ontario Energy Board's consideration of the Plan.

Representatives of the Intervenor

Serpent River First Nation shall be represented at this hearing by:

(Chief Isadore Day / Nadjiwon Law Office)

201, 48 Village Road, Cutler, ON
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If there are any questions concerning the above please contact James Owl, Director of Operations or Lynne Moreau, Lands and Resource Planner at Serpent River First Nation if you require any additional information.

Sincerely,



Chief Isadore Day, *Wiindawtegowinini*
Serpent River First Nation

c.c. Ontario Premiere Dalton McGuinty
Hon. Gerry Phillips; Minister of Energy
Hon. Michael Bryant; Ministry of Aboriginal Affairs
Hon. Donna Cansfield; Ministry of Natural Resources

Hon. Chuck Strahl; Minister of Indian and Northern Affairs Canada

Serpent River First Nation Council
Ontario Regional Chief, Angus Toulouse
Anishnabek Nation Grand Council Chief, John Beaucage
Lake Huron Regional Chief, Patrick Madahbee