

Government Services Building  
22 Winookeeda Street  
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045  
Fax: 705.657.8708  
www.curvelakefn.ca

January 22<sup>nd</sup>, 2015

Environment and Land Tribunals Ontario  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON M5G 1E5

Dear Members of the Board:

**RE: Chan Shan Temple v. Director, Ministry of the Environment**  
**Case Nos.: 13-140/13/141/13-142**

Curve Lake First Nation has not had adequate consultation in regards to the Sumac Ridge project with wpd. Since 2011, Curve Lake First Nation has only received three (3) notices, the first dated August 30, 2010; the second dated April 19, 2011 – Notice of Commencement; and the third one April 17, 2012 – Notice of Draft Site Plan and Notice of Final Public Meeting.

Curve Lake First Nation responded with a letter dated November 29<sup>th</sup>, 2010 requesting additional information on the project and stated that we would like to be kept apprised throughout all phases of the project.

As Curve Lake First Nation identified that archaeological resources were important to us, we were involved with the Archaeological Assessment and appreciate the opportunity to be involved. Although there was no archaeological evidence was found during the assessment, we are aware that this area is very rich in our history.

We were unaware that the project was moving ahead until we were notified by another First Nation and some of our citizens. There were no notices published within our local newspapers or contact with our First Nation since 2012, this is acknowledged within wpd's Consultation Report.<sup>i</sup>

Also acknowledged within the report, is that they did not notify Karry Sandy-McKenzie, Williams Treaties Claims Coordinator until August 2011 (although Curve Lake First Nation directed wpd to notify Ms. Sandy-McKenzie in November 2010) and state that wpd requested that Curve Lake First Nation carry out their consultation obligations by forwarding Ms. Sandy McKenzie the information: *"Explained wpd did not have Karry Sandy-MacKenzie's contact, but sent two hard copies to Chief Knott to be forwarded onward to her."*

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This does not meet the standards for the Duty to Consult with our First Nation as some of our First Nation citizens still have outstanding concerns with this project that will impact their ability to harvest within this territory.


Our Consultation Department currently consists of one full time employee who receives over 300 new Environmental Assessment and project notices per year, we count on the integrity of the proponent to keep Curve Lake First Nation up to date on projects as it is moving ahead.

Three notices, one telephone call and two emails over the period of September 2010 – April 2012 does not constitute meaningful, transparent or respectful consultation with Curve Lake First Nation.

Curve Lake First Nation Council is aware that two of our citizens also have presenter status in this matter and would also like to offer its ongoing support to our citizens, Brent Whetung and Ryerson Whetung as they also appeal this project.

Thank you for your time and consideration.

Sincerely,



Chief Phyllis Williams  
Curve Lake First Nation

Presented by Melissa Dokis, Intergovernmental Affairs Officer on behalf of Curve Lake First Nation Chief and Council

c.c. Curve Lake First Nation Council  
Mr. Brent Whetung and Mr. Ryerson Whetung  
M.P. Dean Del Mastro  
M.P.P. Jeff Leal  
Grand Chief Patrick Madahbee, Union of Ontario Indians  
Ontario Regional Chief Stan Beardy, Chiefs of Ontario  
National Chief Shawn Atleo, Assembly of First Nations

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<sup>i</sup> [http://canada.wpd.de/uploads/tx\\_projectdownloads/SUMA\\_13.7\\_CR\\_Appendix\\_G\\_20120601\\_Web.pdf](http://canada.wpd.de/uploads/tx_projectdownloads/SUMA_13.7_CR_Appendix_G_20120601_Web.pdf)