



BATCHEWANA FIRST NATION OF OJIBWAYS

RANKIN RESERVE 15D
GOULAIS BAY RESERVE 15A
OBADJIWAN RESERVE 15E
WHITEFISH ISLAND 15

Administration Office 236 Frontenac Street
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Batchewana First Nation, Ontario P6A 6Z1
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April 18 2018

(amended file number)

Via email: boardsec@oeb.ca
Ms. Kristen Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Re: EB-2017-0364 Application for Intervenor Status by Batchewana First Nation

Dear Ms. Walli

Please accept this letter as application for Intervenor Status pursuant to Rule 22.05 of the Ontario Energy Board's *Rules of Practice and Procedure* by Batchewana First Nation.

About Batchewana First Nation

Batchewana First Nation is an Indian Band pursuant to the *Indian Act* and party to the *Robinson-Huron Treaty* of 1850. The Treaty description of lands set aside for Batchewana First Nation's use is as follows:

FIFTEENTH – For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay; and also the small island at Sault Ste. Marie used by them as a fishing station.

Batchewana First Nation maintains a commercial fishery that uses the waters of Lake Superior from Whitefish Island and stretching all along the shoreline of Lake Superior to the boundary of Pukaskwa National Park. The inherent right to fish, hunt and make use of the lands throughout our Original Reserve remains a part of the way of life for Batchewana First Nation.

These rights also trigger the Crown's Duty to Consult and the expectation that the Batchewana First Nation will have full participation in the development of projects that can impact those rights and interests.



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Batchewana's Intended Participation

Batchewana First Nation intends to participate to address several key issues raised in the Ontario Energy Board's notice including:

1. Can NextBridge's environmental assessment work for the East-West Tie line project be used by Hydro One for the purpose of complying with *Environmental Assessment Act* requirements?
2. What are the implications for Hydro One's proposed project if no exemption is forthcoming or it cannot avail itself of the environmental assessment work performed by Nextbridge?
3. What indigenous consultation obligations arise from Hydro One's proposal to build the Lake Superior Link, and specifically, from the proposed reinforcement of transmission towers in Pukwaskwa National Park? How will such obligations be satisfied within the proposed project timelines?

In our proposed written submission, Batchewana First Nation will provide additional information about the Original Reserve and the history of the Batchewana First Nation including our assertion with respect to the Original Reserve and we will also address the relationship between Batchewana First Nation and Nextbridge Infrastructure and the on-going work that is contemplated by those Parties.

Failure to Consult

Batchewana First Nation wishes to remind the Ontario Energy Board that there has been a failure to consult on the part of Hydro One Inc. on the Lake Superior Link. Information provided to Batchewana First Nation to date has only dealt with proposed work by Hydro One Inc. at the Wawa Transmission facility and in that regard, there has been no direct contact /communications between Hydro One Inc. and Batchewana First Nation.

Batchewana First Nation would also like to address Hydro One Inc.'s claim that consultation with indigenous groups can be completed within 45 days.

Letter of Support

Batchewana First Nation Chief and Council has been engaged with Nextbridge Infrastructure on their project as currently before the Ontario Energy Board under files EB-2011-0140 and EB-2015-0216. Attached you will find a letter of support for this project and the current proponent.



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Award of Costs

Batchewana First Nation seeks an award of costs in its intervention in these proceedings pursuant to Section 3.03 of the OEB's Practice Direction on Cost Awards. Batchewana First Nation is a party that primarily represents an interest or policy perspective relevant to the Board's mandate and to these proceedings. Specifically, Batchewana has an interest in the land affected by this process but is not a person as defined within the *Practice Direction on Cost Awards*.

Authorized Representatives

Batchewana First Nation requests copies of written evidence and all correspondence related to this matter be directed to:

Batchewana First Nation:

Chief Dean Sayers
236 Frontenac Street
Batchewana First Nation, ON
P6A 6Z1

Aboriginal Business Network:

Wayne Greer, President
1340 Terrace Ridge Drive
Carp, ON
K0A 1L0

Email:

chiefdeansayers@batchewana.ca
councilsecretary@batchewana.ca

Email: wayne@abnetwork.ca

Lateness of Application

Batchewana First Nation recognizes that this letter for intervenor status is outside of the April 16 2018 timeline, however, we do not believe that any of the Parties to the oral hearing would have any objection to the participation of Batchewana First Nation.

We therefore ask for consideration in granting Batchewana First Nation standing at the oral hearing on May 24 2018.

Yours very truly

Chief Dean Sayers

Cc: Sandra Kenny, BFN, councilsecretary@batchewana.ca
Wayne Greer, ABN, wayne@abnetwork.ca
Andrea St. Bernard, ABN, andrea@abnetwork.ca
Virginia Greer, ABN, virginia@abnetwork.ca