



Michipicoten First Nation

029-18

June 20, 2018

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto Ontario M4P 1E4

Sent by email to Registrar@oeb.ca

Dear Ms. Walli,

**Re: Hydro One's Application for Leave to Construct Lake Superior Link Project
(EB-2017-0364)**

I am writing this Letter of Comment as Chief of Michipicoten First Nation, a signatory of the 1850 Robinson-Superior Treaty and an elected leader of Aboriginal People within the meaning of s. 35 of the *Constitution Act, 1982*. On February 15, 2018, Hydro One filed an application for leave to construct the Lake Superior Link Project. Hydro One intends to construct part of the Lake Superior Link project by traversing MFN's Reserve.

MFN wishes to go on record as informing the regulator that the prospect of having yet another Hydro One line on its Reserve is deeply troubling for the community. There is currently a Hydro One transmission line traversing our Reserve; but, there is no section 28(2) *Indian Act* permit authorizing this use and occupation by Hydro One. This has just been confirmed to us by Aboriginal Affairs and Northern Development Canada; hence, the timing of this letter of comment.

In 2001, MFN was a party to a written agreement by which Hydro One, as the successor company of the legislatively re-organized Ontario Hydro, purported to significantly occupy our Reserve for an almost 30-year term, at a nominal, token consideration. This agreement is void according to section 28(1) of the *Indian Act*.

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And it is a good thing that this agreement is void, as it was a horrible deal for us. Due to a non-level playing field and inequality of bargaining power, it has, historically, been difficult for us to hold our own when negotiating with major industry proponents. But times are changing, and so are we. When you know better, you do better.

Our Reserve is our home. It is not a fungible asset.

We want the regulator to know that even discussing routing Lake Superior Link through our Reserve is a non-starter until the use and occupation of the current Hydro One line is properly effectuated. With regard to the existing line, we were not protected by our fiduciary, and we don't believe the occupier of our Reserve acted in good faith. We now know that we must be vigilant and protect ourselves.

Sincerely,

Gimaa Kwe Patricia Tangie
Chief Michipicoten First Nation

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