

## Long Lake #58 First Nation

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September 14, 2018

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attn: Ms. Kirsten Walli  
Board Secretary

Dear Ms. Walli:

**Re: Upper Canada Transmission, Inc. ("NextBridge") and Hydro One Networks Inc. ("Hydro One")  
East West Tie Line Project and Lake Superior Link Project Combined Hearing  
EB-2017 0182/EB-2017 0194/EB-2017-0364**

**Long Lake #58 Intervenor Evidence**

In accordance with Procedural Order No. 4 on Combined Hearing dated September 7, 2018, please find attached the intervenor evidence of Long Lake #58 First Nation for the above-noted proceedings.

Yours truly,

A handwritten signature in cursive script that reads "Chief Veronica Waboose".

Chief Veronica Waboose

cc: Henry Waboose, LL#58FN, [henry.waboose@longlake58fn.ca](mailto:henry.waboose@longlake58fn.ca)  
Wayne Greer, ABN, [wayne@abnetwork.ca](mailto:wayne@abnetwork.ca)  
Andrea St. Bernard, ABN, [andrea@abnetwork.ca](mailto:andrea@abnetwork.ca)  
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**ONTARIO ENERGY BOARD**

Upper Canada Transmission Inc. (on behalf of NextBridge Infrastructure) Application for leave  
to construct an electricity  
transmission line between Thunder Bay and Wawa, Ontario

-and-

Hydro One Networks Inc.  
Application to upgrade existing transmission station facilities in the Districts of Thunder Bay and  
Algoma, Ontario

-and-

Hydro One Networks Inc.  
Application for leave to construct an electricity transmission line between Thunder Bay and  
Wawa, Ontario

**EVIDENCE OF THE INTERVENOR  
LONG LAKE #58 FIRST NATION**

**Introduction**

1. Pursuant to Procedural Order No.4 dated September 7, 2018 issued by the Ontario Energy Board ("OEB"), Long Lake #58 First Nation ("LL#58FN") was recognized as an intervenor in the Upper Canada Transmission Inc. ("NextBridge") and Hydro One Networks Inc. ("Hydro One") leave to construct applications and the Hydro One Station Upgrade Application (the "Combined Hearing").

2. LL#58FN has intervened in the Combined Hearing to provide the OEB with information about its history and its Traditional Territory. LL#58FN will also provide information on the relationship between LL#58FN and NextBridge as well as LL#58FN and Hydro One.

#### **LL#58FN Traditional Territory**

3. LL#58FN is a band pursuant to the *Indian Act* comprised of over 1400 members, 450 of which live on reserve along the northeast shore of Long Lake adjacent to the town of Longlac, Ontario.
4. LL#58FN holds rights conferred by section 35 of the *Constitution Act*, 1982 (“Section 35 Rights”) including the right to harvest, hunt, trap, fish and practice other cultural pursuits within its home lands (“Traditional Territory”) a map of which is attached as Appendix “A”.
5. LL#58FN has made continuous use of the lands and resources within its Traditional Territory. LL#58FN has never ceded, surrendered or in any way relinquished title or rights to its Traditional Territory and continues to hold title and to exercise rights and jurisdiction.
6. LL#58FN has never entered into a treaty with the Crown and is not a signatory to either Treaty 9 or the Robinson-Superior Treaty.
7. LL#58FN possesses inherent rights and interests in the protection of its Traditional Territory, including its Section 35 Rights. Any activity proposed by a proponent within

and adjacent to the Traditional Territory, that may impact LL#58FN's Section 35 Rights, must include engagement and accommodation of LL#58FN.

8. Both NextBridge's East West Tie ("EWT") and Hydro One's Lake Superior Link ("LSL") projects would traverse the south-east portion of LL#58FN's Traditional Territory. LL#58FN members have historically used the south-east portion of their Traditional Territory for hunting and fishing camps, travel routes, social events and practicing other cultural pursuits.
9. The area was used extensively for travel between LL#58FN and the Pic Mobert First Nation due to strong familial bonds between the groups. The south-east portion of the Traditional Territory was also used historically for fur trade, which the members of LL#58FN relied upon as their primary source of income until well into the 1950's. Many families utilized the area to the south of Long Lake and along the Mobert River to pursue this line of work and would still be actively engaged in that occupational pursuit to this date were it not for the interference of the Ontario government over the past four decades.
10. Several reports provide additional detail about LL#58FN's use of the Traditional Territory and specifically the area potentially impacted by the EWT and LSL:
  - a. *A Cultural Atlas of the Homeland of the Long Lake #58 First Nation, Prepared for The E.A.G.L.E. Project, November 1997.* This report was commissioned to study the traditional practices of LL#58FN. It identified where traditional practices took place

and provided additional information about how LL#58FN maintained those traditional practices;

- b. *Long Lake No. 58 First Nation: Membership, Territory and Treaty, May 2000.* This report was prepared for LL#58FN and the Claims and Historical Research Centre as the basis for on-going treaty litigation between Ontario, Canada and LL#58FN. The report was used to establish the various linkages between the families who travelled along the river system and how they were interrelated to other First Nations that are participating in the on-going litigation;
- c. *Long Lake #58 First Nation Cultural Impact Assessment, October 2013.* This report was completed with the assistance of the Ontario Ministry of Northern Development and Mines (now the Ontario Ministry of Energy Northern Development and Mines) with a specific focus on the impact of the Hardrock Project, a gold mine being pursued by Premier Gold Mines; and
- d. *Traditional Knowledge Assessments ("TKA"), 2012-present.* LL#58FN has been working on capturing all the historic and current attributes related to its use and occupation of the Traditional Territory using a Geographic Information System platform. LL#58FN has been using this information to inform various proponents including Ontario Power Generation, TransCanada Pipeline Limited, Greenstone Gold Mines and NextBridge, of its use and occupation of its Traditional Territory.

The mapping produced includes information about hunting, fishing, trapping and cultural pursuits. While information has been shared with the aforementioned proponents, LL#58FN Elders still have some information that they wish to keep confidential and proponents must sign a confidentiality agreement to gain access to the non-public information.

11. LL#58FN will consider providing redacted copies of these reports on request to interested parties.
12. LL#58FN members continue to engage in traditional practices throughout the Traditional Territory, including the south-east portion.

#### **Relationship Between LL#58FN and NextBridge**

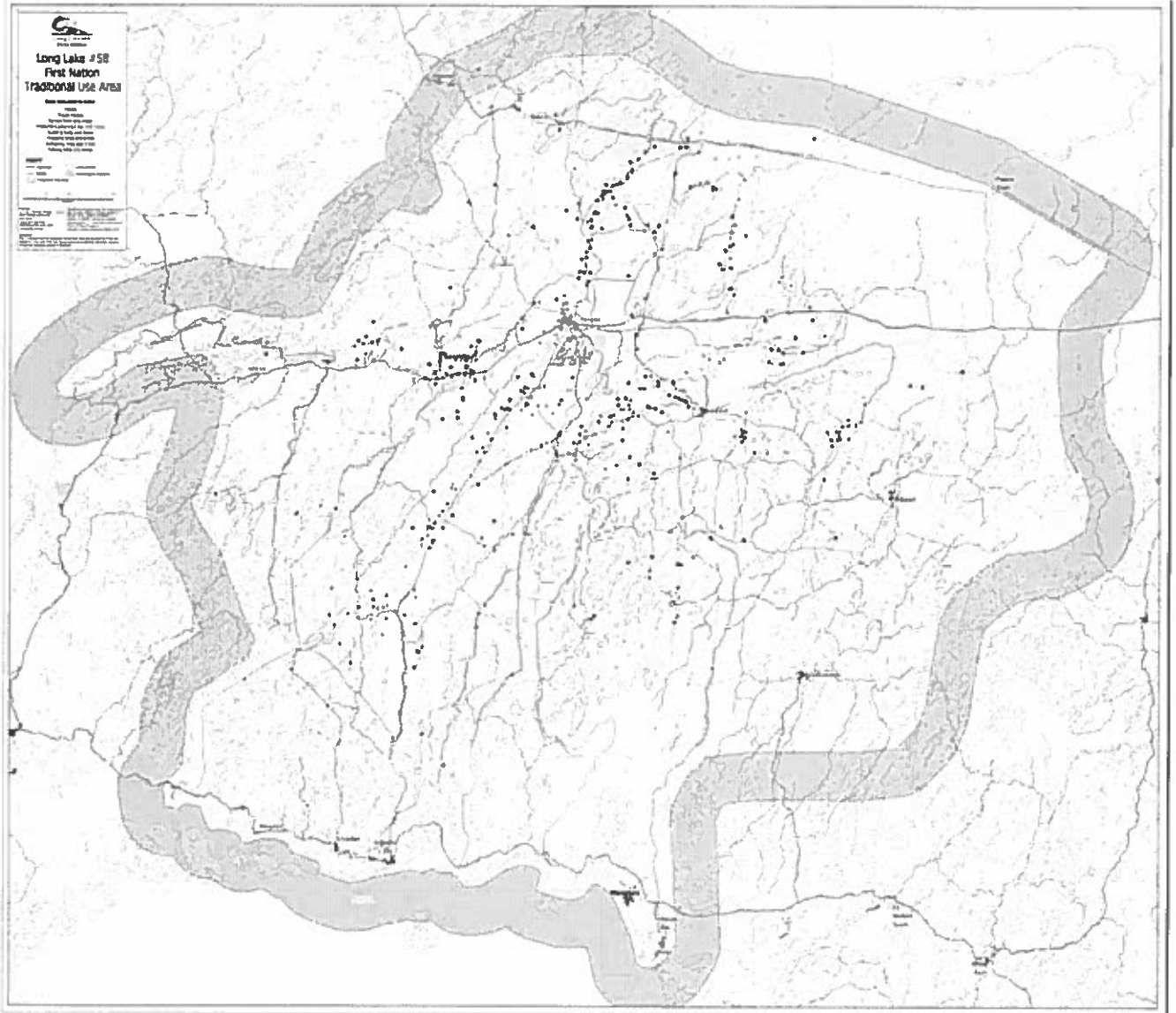
13. LL#58FN entered into a capacity funding agreement with NextBridge related to the EWT after it met with and convinced the proponent that it had Section 35 Rights and interests in the project area. The agreement was signed on May 20 2014.
14. The capacity funding agreement supported the following activities:
  - a. LL#58FN's TKA work;
  - b. Meetings for the proponent to present the EWT project to the LL#58FN membership at the community as well as in the City of Thunder Bay; and
  - c. *Long Lake #58 First Nation Final Report NextBridge Infrastructure East-West Tie Engagement*, issued to NextBridge in November, 2014.

15. As of today's date, there are additional discussions planned between LL#58FN and NextBridge to ensure that NextBridge understands LL#58FN's interests and will have the proper protocols in place to deal with those interests as construction activities approach.

**Relationship Between LL#58FN and Hydro One**

16. As of today's date, there has been on-going correspondence, including letters, environmental and archaeological information releases and phone calls, from Hydro One to LL#58FN regarding the LSL. The parties have yet to meet face to face but are scheduled to meet later in September to discuss the LSL project. LL#58FN expects meaningful consultation with Hydro One in order for them to fully comprehend the nature and extent of its Section 35 Rights within its Traditional Territory. Meaningful consultation implies the building of relationships which is not a process that can be rushed. LL#58FN expects Hydro One to adhere to a realistic consultation schedule. LL#58FN contends that consultation and accommodation must be completed prior to any project development that could impact its rights in its Traditional Territory.
17. LL#58FN expects to be engaged by both parties throughout the regulatory approvals process.

**Map of LL#58FN Traditional Territory\***



\*Map created July 2015. Further information gathered by LL#58FN has not yet been added.