

File 4

WABUN TRIBAL COUNCIL  
313 RAILWAY STREET  
TIMMINS, ON  
P4N 2P4



BUS. (705) 268-9066  
FAX (705) 268-8554  
WEBSITE:  
WWW.WABUN.ON.CA

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OEB BOARD SECRETARY	
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*23/09*  
Ms. Kirsten Walli  
Board Secretary, Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Young Street  
Toronto ON, MP4 1E4

Dear Ms. Walli:

**RE: Yellow Falls Power Limited Partnership Application File No. EB-2009-0120**

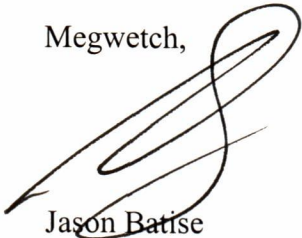
The Wabun Tribal Council has received notice of the Application filed by the Yellow Falls Limited Partnership to the Ontario Energy Board (OEB) to construct a transmission line for its hydroelectric project on the Mattagami River. At this time the Wabun Tribal Council, on behalf of the three member First Nations who's Traditional Territories this transmission line will impact, are filing for Intervenor Status.

As a collective the First Nations of Mattagami, Flying Post and Wahgoshig have not been consulted and accommodated regarding the transmission line as is our constitutional and legal right. As you are aware the Ontario Government and its agencies retain the duty to meaningfully consult and accommodate First Nations especially in regard to projects that will impact their Aboriginal and Treaty Rights. This project is a prime example of the failure in that duty as at no time have the three First Nations mentioned above been meaning fully consulted and accommodated.

You have on file letters submitted by the Wabun Tribal Council to the Ministry of the Environment (MOE) expressing our concern with regard to the Environmental Assessment (EA) that has been submitted on behalf of this project. Our issues with the transmission lines mirror those explained in our Bump-Up request to MOE in regard to the final EA. This Transmission Line Project will impact the Traditional Territories of three First Nations. It is even more disconcerting to the Wabun First Nations that OEB is taking into evidence an EA on the Project that has not been approved, and furthermore, an EA whose content is being disputed by the First Nations.

In closing the First Nations are prepared to present orally to the OEB their issues in regard to the Yellow Falls initiative. Please contact Jason Batise at the Wabun Tribal Council should you have any questions in regard to the Wabun request for Intervenor status.

Megwetch,

A handwritten signature in black ink, appearing to be 'Jason Batise', written over a horizontal line.

Jason Batise  
Technical Services Advisor  
Wabun Tribal Council

P.C. Chief Walter Naveau, Mattagami First Nation  
Chief Murray Ray, Flying Post First Nation  
Chief David Babin, Wahgoshig First Nation  
Scott Hossie, Yellow Falls Power Limited Partnership