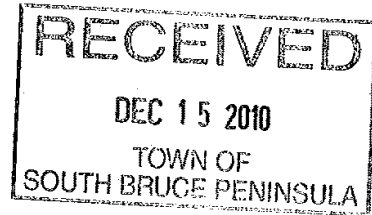


JAN 11 2011 - Item #6



CHIEFS AND COUNCILS
SAUGEEN OJIBWAY NATION



December 10, 2010

Mayor John Close
Town of South Bruce Peninsula
PO Box 310
315 George Street
Warton, ON N0H 2T0

Dear Mayor Close:

We are writing to congratulate you on your election as mayor. The Town of South Bruce Peninsula (the "Town") lies within the traditional territory of the Saugeen Ojibway Nation (SON), and therefore maintaining a healthy working relationship with the Town is a priority for SON.

Our identity as an Aboriginal people grows out of our relationship and connection to our territory. We continue to use and occupy our traditional territory, as our ancestors did, for a variety of purposes including hunting, fishing and gathering for sustenance, healing, cultural, and trade purposes. We have and continue to exercise Aboriginal and Treaty rights throughout our territory.

We are taking the opportunity to provide you with detailed information about the nature of SON's rights and interests in the area of the Town, including an map showing the approximate treaty areas and traditional territory of SON (on the enclosed CD).

As the enclosed documents indicate, SON has a number of rights and interests in the area of the Town of South Bruce Peninsula:

- SON has two lands claims, one for the bed of Lake Huron, and the second for a number of lands within the Treaty 72 area, including a number of unopened road allowances, shore road allowances, and inland bodies of water. The Schedules to the Treaty 72 claim (which are enclosed on CD) detail the location of all lands claimed in that court action. For this reason, we monitor projects which could affect these claimed lands.

- SON has hunting, fishing, and other harvesting rights throughout our traditional territory. We are also concerned about the regional ecosystem, generally, as we have a cultural and social interest in maintaining the healthy waterways and ecosystems upon which our people have relied for thousands of years, and which we wish to protect these for the use of those who come after us. A healthy ecosystem is necessary for us to be able to exercise our hunting, fishing, and harvesting rights. For this reason, we monitor projects which could affect our hunting, fishing and harvesting rights, or the ecosystem on which they rely.
- SON's commercial fishing rights were affirmed as a protected treaty and Aboriginal right by the Ontario court in the *R. v. Jones and Nadjiwon* decision in 1993. For this reason, we monitor projects which could affect our Aboriginal commercial fishery.
- There are also a number of SON sacred sites (such as burial sites) and sites with cultural artefacts located in the area, which must be protected (some of the exact locations of which are known and some are not). For this reason, we monitor archaeological investigations, particularly in areas known to have high potential for cultural sites.
- Saugeen First Nation also has a land claim ("the Eastern Boundary Claim", regarding issues arising from improper surveys of the boundaries of the Saugeen Reserve) which includes lands in the Sauble Beach area which may be affected by Sauble Beach area projects.

Where the municipality plans to take an action or make a decision that might impact SON's rights, there is a legal obligation to consult with SON and accommodate SON's interests. Enclosed is a copy of SON's Consultation Process Flowchart, which has been of assistance to other proponents seeking to engage in consultation and accommodation with SON.


Over the past few months, SON has communicated with the Town on a number of projects. This engagement should be continued and strengthened. Early and thorough disclosure about contemplated projects is vital to successful consultation. **For projects with a significant impact on our Aboriginal rights and interests, the law requires consultation early on in the planning stages for a project.** We strongly encourage timely consultation, as the costs of consultation can be much more substantial when the process (including mitigation measures) is being dealt with after projects have been substantially planned.

We would like to propose a political level meeting with you early in the new year to discuss several issues of mutual concern, including:

- **The proposed Sauble Beach sewer treatment plant project**
- Impacts on SON's fishing rights, including the moving and repair of the Howdenvale Dock

- The Oliphant Beach shoreline protection plan and issues related to Oliphant Island access
- Recapture of SON's consultation costs on several 2010 projects (Wiarnton Arena; Sideroad 15 Bridge; Howdenvale Road Reconstruction; Bluewater Park Redevelopment) for which the Town is legally obligated to cover SON's costs
- Various quarry projects planned or operating in the municipality.

We invite you to identify issues which you would like to add to this list of issues of mutual concern.

We look forward to meeting with you in the near future to discuss how we can work together constructively on these issues and others. Please contact Jake Linklater at our Environment Office  to let us know your availability.

Miigwetch



Chief Ralph Akiwenzie

Chippewas of Nawash Unceded First Nation



Chief Randall Kahgee

Chippewas of Saugeen First Nation

Attachments: CD containing electronic version of:

- a) SON Consultation Process Flowchart
- b) Copy of Statement of Claim in *Chippewas of Saugeen First Nation and Chippewas of Nawash First Nation v. Canada, Ontario et. al* (Ontario Superior Court of Justice action #94-CQ-50872CM), with the attached Schedules of all claimed lands.
- c) Copy of the Statement of Claim in *Chippewas of Nawash Unceded First Nation and Saugeen First Nation v. Canada et al.* (Ontario Superior Court of Justice, Court File 03-CV-261134CM1)
- d) Map of SON Traditional Territory and Claim Areas

cc: Lorraine Land, legal counsel for SON, *via email*
Consultation Team, Saugeen Ojibway Nation, *via email*
Jake Linklater, Saugeen Ojibway Environment Office, *via email*