

CHIPPEWAS OF THE THAMES FIRST NATION

MAR 15 2012

MISSISSAUGA OFFICE

January 30, 2012

Scott Bowers, P. Eng.
Consultant Project Manager
MMM Group Limited
2655 North Sheridan Way, Suite 300
Mississauga, ON L5K 2P8

Dear Mr. Bowers

Re: Railway Spur Line and Municipal Services Class EA

Thank you for your letter notifying the Chippewas of the Thames First Nation ("COTIFN") about your proposed initiative. We refer to ourselves as Ojibwe and are a part of a larger group of Anishinaabe (people) that come from the Algonkian language family. COTIFN is a sovereign and self-governing nation residing on land that has never been ceded. Through a series of Treaties made with the Crown, our people agreed to share our duties and responsibilities over our traditional territory to protect our rights in these lands.

At the time of our Treaties with the Crown, our people moved freely throughout the Southern Great Lakes Area utilizing the land, waterways and air for the abundant resources that sustained the people of our Nation. Historically the Canadian and provincial governments have tried to undermine Anishinaabe government based on a denial of our inherent jurisdiction; however in recent years, that has changed with the recognition and entrenchment of our rights in the *Constitution Act, 1982*, and the Supreme Court of Canada decisions that have clearly identified a duty to consult where our rights may potentially impacted. This duty belongs to the Crown and the Crown alone is responsible for ensuring the duty has been adequately discharged; however, as the proponent, we understand that some of the procedural elements of that duty have been delegated to you.

Your proposed development lies within our traditional territory. As there may be potential impacts to the exercise of our rights caused by your initiative, we appreciate the opportunity to discuss with you what these potential impacts may be how they might be mitigated and/or accommodated. COTTFN seeks to establish strong working relationships with any proponent who respects Anishinaabe values and principles. We further appreciate that the cooperation and support of the COTTFN will help provide

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certainty and minimize risk in the regulatory processes and we therefore look forward to working with you to attain an arrangement that is mutually beneficial as our Treaties intended.

Upon receipt of this letter we would ask you to contact our consultation staff who will be pleased to discuss the framework for review of your initiative. Please contact the undersigned at the address on this letterhead.

Sincerely,

Caldwell First Nation

Head Office: 22361 Austin Line, Bothwell, ON NOP 1C0
Branch Office: P.O. Box 388, Leamington, ON, N8H 3W3
Chief Louise Hillier: Box 388, Leamington, ON N8H 3W3
Phone: 519-322-1766 * **Fax:** 519-322-1533

March 5, 2012

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SUBJECT: CONSULTATION WITH FIRST NATION

This correspondence is to inform you that you have not complied with government protocol in regards to "consultation with First Nations".

Consultation is not sending us correspondence that may or may not include your project plans or progress or reports.

Consultation is meaningful dialogue between two parties. This has not taken place at any point with Caldwell First Nation.

Caldwell First Nation's traditional land extends from the Detroit River to Long Point. If your project falls within this geographical area, you are required to engage in "consultation" with the Caldwell First Nation.

We do not support or encourage your project and you should cease any further development until "consultation" with Caldwell First Nation has taken place.

Copies of this correspondence will be forwarded to the appropriate government offices.

Meegwetch

Chief Louise Hillier
Caldwell First Nation