SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A08 PART 1

COMMUNITY SUMMARY:
FORT CHIPEWYAN MÉTIS LOCAL 125

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
<contact information removed>

Prepared by:
Fasken Martineau
<contact information removed>

January 2013

Fort Chipewyan Métis Local 125

Fort Chipewyan Métis Local 125 (FCM) started in the 1950s and developed into a non-profit society named Métis Local 124 and changed its name to Local 125 in 1990.[1]

Alberta's June 2010 Métis Harvesting Policy acknowledges FCM as "both a historic and contemporary rights bearing community". The Policy also creates a notional harvesting area of 160 km around its community, in the absence of a more definitive description of the community's harvesting area.[2]

The FCM's first company is the Triple K Oil Field Services, which specializes in long-distance water pumping with insulated line, and also offers oil and water hauling, frac water supply, and vacuum and water trucks.[3]

FCM is a member of Métis Nation of Alberta, Region 1 (which covers an area from Highway 28 north to the Northwest Territories border, and from Athabasca to the Saskatchewan border).[4]

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[1] Fort Chipewyan Métis Local 125. 2012. *About Us*. Available at: http://fortchipewyanmetis.net/about-us/. Accessed: December 2012.
[2] Alberta Sustainable Resource Development. 2010. *Métis Harvesting in Alberta Policy, July 2007 – Updated June 2010*. Available at: http://www.srd.alberta.ca/FishWildlife/FishingHuntingTrapping/documents/MetisHarvestingInAlberta-Jun-2010.pdf. Accessed: December 2012.
[3] Fort Chipewyan Métis Local 125. 2012. *Triple K Oil Field Services*. Available at: http://fortchipewyanmetis.net/about-us/group-of-companies/triple-k-oil-field-services/. Accessed: December 2012.
[4] Métis Nation of Alberta, Region 1. 2012. *Home*. Available at: http://region1metis.ca/. Accessed: December 2012.

Traditional Territory Map.

No map has been provided to BC Hydro by Fort Chipewyan Métis Association.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A08 PART 2

BC HYDRO CONSULTATION SUMMARY: FORT CHIPEWYAN MÉTIS ASSOCIATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

January 2013

Volume 5 Appendix A, Part 2, provides a summary of consultation activities undertaken by BC Hydro with each of the 29 Aboriginal groups listed in Table 9.1 of the EIS, as required pursuant to section 7.2.1 of the EIS Guidelines. This summary describes consultation activities that took place between November 1, 2007 and November 30, 2012, including meetings, phone calls, letters and emails, and consists of a high-level description of "key events" followed by a chronological summary of the consultation process during the above time period.

Volume 5 Appendix A, Part 2, will be updated with new or additional information prior to the submission of the EIS to the Joint Review Panel.

FORT CHIPEWYAN MÉTIS ASSOCIATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"PAD"	Peace Athabasca Delta
"Potential Downstream Changes Report" or "Downstream Report"	Site C Clean Energy Project, *Potential Downstream Changes* (BC Hydro, May 2012)
"Powley"	*R v Powley*, [2003] 2 SCR 207, 2003 SCC 43.
"Site C" or "the Project"	proposed Site C Clean Energy Project

Key events

<u>2008</u>

- <u>June:</u> BC Hydro met with Fort Chipewyan Métis Association (President and others) for a boat tour of the PAD and to learn about their trapping grounds and origins of the Métis community. BC Hydro requested historical documentation to assist in assessing whether the Fort Chipewyan Métis Association held *Powley* rights, and indicated that the information would be useful in determining how BC Hydro would approach the

consultation process.

- August: Fort Chipewyan Métis Association sent a letter to BC Hydro and attached several documents with information regarding the history of the Métis community in Fort Chipewyan.

2011

- April: BC Hydro wrote to Fort Chipewyan Métis Association and offered to meet to discuss the Project. BC Hydro advising that on April 19, 2010, the Province of British Columbia had announced that the Project would move forward to Stage 3, and provided a link to a website containing the Stage 2 Report and 35 appended studies and reports.
- May:
  - BC Hydro advised Fort Chipewyan Métis Association that it had submitted the Project Description Report and provided a link to the report.
  - BC Hydro wrote to Fort Chipewyan Métis Association regarding the process and rationale for identifying the proposed Valued Components and spatial boundaries in the draft EIS Guidelines, and expressed interest in receiving feedback from Fort Chipewyan Métis Association.
- September:
  - BC Hydro met with representatives of Fort Chipewyan Métis Association (President and board members) and provided an update on the Project. BC Hydro advised that the Potential Downstream Changes report would be ready in spring 2012. A board member inquired about potential effects of the Project on ice bridges and roads used by the community. BC Hydro explained that it was working to assess the potential changes to downstream conditions, and that a study would likely be ready for review by Aboriginal groups by the spring of 2012.

2012

- May:
  - BC Hydro provided Fort Chipewyan Métis Association with the Potential Downstream Changes Report (May 2012) and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.
  - BC Hydro wrote to Fort Chipewyan Métis Association regarding the process and rationale for identifying the proposed Valued Components and spatial boundaries in

the draft EIS Guidelines, and expressed interest in receiving feedback from Fort Chipewyan Métis Association.

- September: BC Hydro wrote to Fort Chipewyan Métis Association advising that the EIS Guidelines had been issued by the BCEAO and the CEA Agency on September 7. BC Hydro highlighted the areas of the EIS Guidelines that specifically addressed the incorporation of information from Aboriginal groups, and invited Fort Chipewyan Métis Association to provide additional information for BC Hydro's consideration in preparing the EIS. The letter included a specific request for a traditional territory map, as well as requests for information regarding Fort Chipewyan Métis Association's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Fort Chipewyan Métis Association's current use of lands and resources, and their exercise of asserted or established Aboriginal rights and treaty rights. BC Hydro followed up in late October and advised that it remained interested in receiving additional information to support the preparation of the EIS.

- November: BC Hydro met with representatives of Fort Chipewyan Métis Association (President, Métis Industry Relations Manager, legal counsel) to present the findings of BC Hydro's Potential Downstream Changes Report, summarized as follows:

  - Surface water regime: BC Hydro indicated that the Project would not remove water from the Peace River during operations, or change the seasonal timing of flow releases, or affect tributary flows. BC Hydro also concluded that if the Project were constructed, fluctuations in water levels would be more noticeable near the Site C tailrace with effects diminishing further downstream and no fluctuations being observed at the Town of Peace River.

  - Thermal and ice regime: BC Hydro indicated that the reservoir was likely to reduce the amount of ice passed downstream and influence water temperatures in the the Peace River by between 0.0 and 1.5 degrees Celcius. BC Hydro indicated that these changes were likely to lead to a) a reduction in the maximum upstream extent of ice cover, b) a slight delay (3 days on average) in ice formation at Town of Peace River, c) no change in break-up timing, and d) no change in ice thickness.

  - Fluvial geomorphology and sediment transport regime: BC Hydro indicated it expected no changes to geomorphology due to the small changes in the flow regime expected with the Project. BC Hydro also indicated it expected a reduction in suspended sediment, because the reservoir would trap some of the sediment upstream.

Fort Chipewyan Métis Association explained that higher water levels were experienced in the community prior to the construction of W.A.C. Bennett Dam, and expressed concern that reductions would happen again with Site C. BC Hydro explained that notwithstanding any potential changes caused by the existing dams, it was not likely that the Site C would cause much change to the surface water and ice regimes in the area around Fort Chipewyan. BC Hydro expressed interest in receiving further information about where the Fort Chipewyan Métis Association members were exercising their rights, but explained that it was not prepared to support a full traditional land use study. Fort Chipewyan Métis Association indicated that existing information could be compiled to inform BC Hydro's work on the EIS, without conducting a full traditional land use study. BC Hydro advised that depending on the timing of BC Hydro's receipt of the information, it could potentially be incorporated into the July 2013 amendment to the EIS. Fort Chipewyan Métis Association agreed to provide BC Hydro with further details regarding its resourcing requirements, following which the parties could commence discussion about capacity funding and a potential Memorandum of Understanding.

Chronology of events

2008

On June 10, 2008, BC Hydro met with representatives of Fort Chipewyan Métis Association (President and others) in Fort Chipewyan, and took a boat tour of the PAD to learn about their trapping grounds as well as the origins of the Métis community in Fort Chipewyan and their relationship to the land. Fort Chipewyan Métis Association showed BC Hydro a map of Métis traplines and described changes it had observed to the Peace Athabasca Delta. The parties discussed whether the Fort Chipewyan Métis Association met the legal test established by the Supreme Court of Canada in *Powley* to be considered an historic rights bearing community. BC Hydro requested historical documentation to assist in assessing whether the Fort Chipewyan Métis Association held *Powley* rights, and indicated that the information would be useful in determining how BC Hydro would approach the consultation process. BC Hydro provided the Fort Chipewyan Métis Association with an overview of the Project and a copy of the Site C Feasibility Review: Stage 1 Completion Report (BC Hydro, December 2007).

On June 19, 2008, BC Hydro sent a letter to the Fort Chipewyan Métis Association in follow up to the June 10 meeting and reiterated the request for any historical documentation that would inform BC Hydro's understanding of the consultation requirements with the Fort Chipewyan Métis Association.

On August 12, 2008, Fort Chipewyan Métis Association sent a letter to BC Hydro and attached information regarding the history of the Métis community in Fort Chipewyan, including:

- Historical timeline of Fort Chipewyan, excerpt from *History of Fort Chipewyan Alberta's Oldest Continuously Inhabited Settlement,* by Sister Archonge J. Brady (Fort Chipewyan Education North Society, 1983).
- Excerpt from "*Northwind Dreaming: Kiwetn Pawatmowin Thisi Niltsi Nats ete"*, by Dr. Patricia McCormack, regarding the history of the Métis in Fort Chipewyan.
- Fort Chipewyan, Historical Highlights (1778-1966).
- *A Fur Trader of the North*, by Fred R. Fraser.
- *When fur was king* (article).

On October 3, 2008, BC Hydro sent a letter thanking Fort Chipewyan Métis Association for the historical materials received on August 12, 2008. The letter advised that BC Hydro would contact Fort Chipewyan Métis Association in the future to schedule a meeting.

<u>2009-2010</u>

No correspondence or meetings between BC Hydro and Fort Chipewyan Métis Association.

<u>2011</u>

On April 7, 2011, BC Hydro sent a letter to Fort Chipewyan Métis Association and offered to meet to discuss the Project. BC Hydro advised that on April 19, 2010, the Province of British Columbia had announced that the Project would move forward to Stage 3, the Environmental and Regulatory Review Stage. BC Hydro also provided a link to the Project website where the final Stage 2 Report and studies had been posted.

On May 18, 2011, BC Hydro sent a letter to Fort Chipewyan Métis Association advising that BC Hydro had submitted the Project Description Report to the BCEAO and the CEA Agency, and provided a link to the report.

On September 12, 2011, BC Hydro met with the President and board members of the Fort Chipewyan Métis Association, and provided an update on the status of the Project. Several board members shared their perspective on the changes to the PAD since the construction of the W.A.C. Bennett Dam, and expressed interest in commencing discussions with respect to their historical grievances. BC Hydro agreed to advise relevant staff at BC Hydro of Fort Chipewyan Métis Association's interest in further discussions. A board member inquired about potential effects of the Project on ice bridges and roads used by the community, including one located on the Peace River and another at Lake Mamawi. BC

Hydro explained that it was working to assess the potential changes to downstream conditions, and that a study would likely be ready for review by Aboriginal groups by the spring of 2012. BC Hydro indicated that it would advise the regulatory agencies to contact Fort Chipewyan Métis Association directly, rather than through Métis Nation of Alberta, as requested by Fort Chipewyan Métis Association. BC Hydro distributed copies of the Project Description Report and information sheets on various topics related to the Project.

On September 30, 2011, BC Hydro sent an email to Fort Chipewyan Métis Association advising that the federal and provincial governments had announced a draft harmonization agreement that would refer the Project to a Joint Review Panel. BC Hydro noted that the regulators would be inviting written public comments on the draft agreement and provided links to the CEA Agency and BCEAO websites.

2012

On May 4, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association which attached the updated Potential Downstream Changes Report, and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.

On May 23, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association regarding the identification of Valued Components and spatial boundaries for the Environmental Assessment, and expressed its desire to consult further with Fort Chipewyan Métis Association on these issues. The letter explained the process and rationale used to identify Valued Components in the draft EIS Guidelines, and attached a graphic representation of the Valued Component identification methodology. The letter also explained the process of defining spatial boundaries for each Valued Component. The letter expressed interest in receiving feedback from Fort Chipewyan Métis Association regarding the proposed Valued Components and related spatial boundaries.

On May 25, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association advising that BC Hydro had created a secured file transfer website for Aboriginal groups containing commonly requested Site C documents (e.g., environmental reports, maps and presentations). The letter provided a link to the website and access information.

On August 22, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association, in follow up to BC Hydro's letter of May 25, 2012, providing a password to access the secured file transfer website for Aboriginal groups. The letter advised that BC Hydro would be uploading a new set of documents to the website (primarily PowerPoint presentations on key Project components), which contained sensitive information not yet in the public domain. The letter sought Fort Chipewyan Métis Association's confirmation that persons with access to the password would not disclose any confidential information, and advised that the confidential

materials would be made accessible upon BC Hydro's receipt of the attached confidentiality agreement.

On August 22, 2012, Fort Chipewyan Métis Association sent a letter to BC Hydro which asserted that the community held constitutionally protected rights pursuant to the *Powley* decision, and expressed the view that Alberta's Métis Harvesting Policy (June 2010) had recognized the Fort Chipewyan Métis as both a historic and contemporary rights bearing community. The letter stated that the Fort Chipewyan Métis had been exercising its rights in its traditional territory before Canada was established, and explained that its long-term goal was meaningful engagement which reflected the community's standing as a rights-bearing Aboriginal people. The letter requested a series of meetings with BC Hydro in order to address several matters, including provision of interim funding for engagement support, negotiation of a consultation agreement, and provision of funding to undertake a traditional land use study and impact assessment study. In the letter, Fort Chipewyan Métis Association also expressed interest in concluding an Impact Benefit Agreement with BC Hydro, once it had gathered sufficient information to assess the potential impacts of the Project.

On August 27, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association enclosing a table titled "Preliminary Summary of Construction Phase Workforce" which summarized the timing, type of jobs and number of opportunities that BC Hydro anticipated would be needed to construct the Project. The letter provided a link to secured file transfer website where additional information regarding Project opportunities had been posted.

On September 21, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association advising that the EIS Guidelines had been issued by the CEA Agency and the BCEAO on September 7, and provided a link to where the document was available online. The letter highlighted the areas of the EIS Guidelines that specifically addressed the incorporation of information from Aboriginal groups. The letter requested any additional information such as mapping of traditional territories, traditional knowledge, concerns regarding potential for adverse effects on the various components of the environment as identified by Fort Chipewyan Métis Association, current land use information, including reasonably anticipated future use of lands and resources, current use of lands and resources for hunting, fishing and trapping, and current use of lands and resources for activities other than hunting, fishing and trapping. The letter advised that BC Hydro would like to continue to receive information with respect to any asserted or established Aboriginal rights and treaty rights of the community that may be adversely affected by the Project, and in particular information concerning hunting, fishing, and trapping. The letter expressed interest in understanding how the environment was valued by the community for current use of lands and resources for traditional purposes, including activities conducted in the exercise of asserted or established Aboriginal rights and treaty rights, and how current use may be affected by the Project. The letter invited Fort Chipewyan Métis Association to

continue to identify any interests the community may have had with respect to potential social, economic, health and physical and cultural heritage effects of the Project.

On September 24, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association, in response to its letter of August 22, 2012. The letter described the history of engagement between BC Hydro and Fort Chipewyan Métis Association, which included notification of key Project milestones and regular Project updates, as well as a meeting with the President and Board Members on September 12, 2011. The letter noted that BC Hydro had provided Fort Chipewyan Métis Association with the Potential Downstream Changes Report and expressed interest in meeting to discuss the findings (May 4, 2012), and had requested input regarding proposed Valued Components that had been identified in the draft EIS Guidelines (May 23, 2012). The letter further advised that BC Hydro had recently requested that Fort Chipewyan Métis Association share any information that may inform the EIS and the Environmental Assessment of the Project (September 21, 2012). The letter provided contact information for BC Hydro's Senior Negotiator, if Fort Chipewyan Métis Association had any questions or concerns, or to arrange a meeting.

On September 26, 2012, Fort Chipewyan Métis Association sent a letter to BC Hydro and acknowledged receipt of BC Hydro's letters of August 28 and September 21, 2012. The letter advised that Fort Chipewyan Métis Association lacked the capacity to engage with BC Hydro regarding the Project, and expressed the view that "bare provision of information will not discharge the Crown's consultation obligation." The letter stated that Fort Chipewyan Métis Association had no means to assess or determine the relevance of BC Hydro's recent correspondence to the members of its community.

On October 25, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association in follow up to BC Hydro's letter of September 21, 2012, which had invited Fort Chipewyan Métis Association to provide any relevant information for consideration in preparing the EIS. The letter advised that BC Hydro remained interested in receiving information from Fort Chipewyan Métis Association to support the preparation of the EIS.

On October 28, 2012, Fort Chipewyan Métis Association sent a letter to BC Hydro, in response to BC Hydro's letters of September 21 and October 25, 2012 requesting information for consideration in the EIS. In the letter, Fort Chipewyan Métis Association expressed concern that it had only received a minimal amount of participant funding from the CEA Agency to review draft and final EIS guidelines, as well as the EIS itself. The letter explained that Fort Chipewyan Métis Association would endeavor to focus its efforts to provide feedback based on this funding, but would not be near able to provide the level or breadth of information requested in the 10 categories outlined in BC Hydro's letter of September 21, 2012. The letter enclosed a map outlining a "deemed traditional territory" that the Government of Alberta conceived in its Métis Harvesting Policy (June 2010). The letter explained that in the absence of any traditional land use or occupancy studies, the

Government of Alberta had created a notional territory around the Fort Chipewyan Métis of 160 km. The letter expressed the view that Fort Chipewyan Métis Association had credibly asserted its constitutionally protected rights, and formally requested that BC Hydro and the Crown provide funding for a Métis-specific impact assessment as part of the EIS.

On November 15, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association which sought to address potential gaps in the information exchange between the parties. The letter requested that Fort Chipewyan Métis Association notify BC Hydro of instances where information requested in meetings or consultations to date had not been provided, and committed to following up on outstanding information requests as soon as possible.

On November 20, 2012, BC Hydro met with representatives of Fort Chipewyan Métis Association (President, Métis Industry Relations Manager, legal counsel) to present the findings of BC Hydro's Potential Downstream Changes Report. BC Hydro reviewed the report's findings with respect to expected changes in the surface water regime, the ice regime, and geomorphology and sediment transport; summarized as follows:

- Surface water regime: BC Hydro indicated that the Project would not remove water from the Peace River during operations, or change the seasonal timing of flow releases, or affect tributary flows. BC Hydro also concluded that if the Project were constructed, fluctuations in water levels would be more noticeable near the Site C tailrace with effects diminishing further downstream and no fluctuations being observed at the Town of Peace River.

- Thermal and ice regime: BC Hydro indicated that the reservoir was likely to reduce the amount of ice passed downstream and influence water temperatures in the the Peace River by between 0.0 and 1.5 degrees Celcius. BC Hydro indicated that these changes were likely to lead to a) a reduction in the maximum upstream extent of ice cover, b) a slight delay (3 days on average) in ice formation at Town of Peace River, c) no change in break-up timing, and d) no change in ice thickness.

- Fluvial geomorphology and sediment transport regime: BC Hydro indicated it expected no changes to geomorphology due to the small changes in the flow regime expected with the Project. BC Hydro also indicated it expected a reduction in suspended sediment, because the reservoir would trap some of the sediment upstream.

BC Hydro also presented information regarding predicted changes in downstream fish populations. Fort Chipewyan Métis Association explained that higher water levels were experienced in the community prior to the construction of W.A.C. Bennett Dam, and expressed concern that reductions would happen again with Site C. BC Hydro explained that notwithstanding any potential changes caused by the existing dams, it was not likely that Site C would cause much change to the surface water and ice regimes in the area

around Fort Chipewyan. Fort Chipewyan Métis Association stated that it did not have technical capacity to review the materials in order to confirm BC Hydro's conclusion that the Project would have no impacts. BC Hydro offered to provide funding to support Fort Chipewyan Métis Association's participation in the Advisory Working Group, and requested that Fort Chipewyan Métis Association outline its other resource requirements in a proposal to BC Hydro. BC Hydro expressed interest in receiving further information about where the Fort Chipewyan Métis Association members were exercising their rights, but explained that it was not prepared to support a full traditional land use study. Fort Chipewyan Métis Association indicated that existing information could be compiled to inform BC Hydro's work on the EIS, without conducting a full traditional land use study. BC Hydro advised that depending on the timing of BC Hydro's receipt of the information, it could potentially be incorporated into the July 2013 amendment to the EIS. Fort Chipewyan Métis Association agreed to provide BC Hydro with further details regarding its resourcing requirements, following which the parties could commence discussion about capacity funding and a potential Memorandum of Understanding. The following documents were provided to BC Hydro by Fort Chipewyan Métis Association:

- Métis Harvesting in Alberta document from Alberta government, dated July 2007, Updated June 2010;
- Article, "*The hydro industry and the Aboriginal People of Canada: Paving the way for new relationships",* P. Fortin, Canadian Hydropower Association, from Hydropower & Dams, Issue Three, 2001;
- Map of Fort Chipewyan Métis traditional territory, dated June 14, 2012, titled *Fort Chipewyan Métis Use and Occupancy Study;*
- Maps illustrating land set aside for Fort Chipewyan Métis at Big Point, by Alberta government in 2011;
- Map illustrating burial sites at Big Point cemetery #1, including list of names;
- Meeting notes from Ron MacDonald, dated September 9, 1970, of his meeting with Fort Chipewyan Trappers;
- Document titled "Welfare Report on Ft. Chipewyan";
- February 3, 1971 article from The Edmonton Journal, "*Métis welfare drops over free buffalo meat";*
- Letter from Thomas Berger, dated April 27, 1971, to Pat Mercredi, Tribal Manager, Fort Chipewyan, AB;

- Letter from Stan Daniels, President, Métis Association of Alberta, dated March 1, 1971 to Mrs. Rita Bourque;
- Letter from Justice Thomas Berger, dated February 4, 1972, to Mr. Pat Mercredi, Mr. Frank Ladouceur, Mr. Albert Gladue, Mr. Fred Marcel, Mr. James Ducharme;
- Letter from Ron Macdonald, Consultant, Métis Association of Alberta, dated February 28, 1972, to Mr. David Pidgeon, Shulman, Tupper et. al.;
- Letter from Ron Macdonald, Consultant, Métis Association of Alberta, dated February 28, 1972, to Mr. Frank Ladouceur, President, Local #124, Métis Association of Alberta; and,
- Letter from David Pidgeon, Laxton & Company, dated March 7, 1973, to Mr. Pat Mercredi, Mr. Frank Ladouceur, Mr. Albert Gladue, Mr. Fred Marcel, Mr. Stan Daniels, and Mr. Ron MacDonald.

On November 22, 2012, Fort Chipewyan Métis Association sent an email to BC Hydro and attached documents related to its interest of lands and assertion of rights, including:

- Métis Harvesting in Alberta (July 2007; updated June 2010);
- Letter from Minister of Alberta Aboriginal Relations to Fort Chipewyan Métis Association's President (July 20, 2010);
- Historic cemetery records;
- Alberta Sustainable Resource Development – Reservation/Notation/Amendment (June 29, 2010);
- Land map of Lake Athabasca from Government of Alberta (January 5, 2010);
- Map of grave sites;
- Granting documents with stamps and signatures;
- Letter from Métis Nation of Alberta Association to Minister of Alberta Environment (February 5, 2001); and,
- Partial letter regarding Big Point.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A08 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: FORT CHIPEWYAN MÉTIS ASSOCIATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

July 2013

Volume 5 Appendix A, Part 2, provides a summary of consultation activities undertaken by BC Hydro with each of the 29 Aboriginal groups listed in Table 9.1 of the EIS, as required pursuant to section 7.2.1 of the EIS Guidelines. This summary describes consultation activities that took place between December 1, 2012 and May 31, 2013, including meetings, phone calls, letters and emails.

Volume 5, Appendix A, Part 2 is an update of the summary of consultation activities filed with the EIS on January 25, 2013.

FORT CHIPEWYAN MÉTIS ASSOCIATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Sunrope Services Ltd."	Consultant for Fort Chipewyan Métis Association
"the Project"	proposed Site C Clean Energy Project

Chronology of events

2012

On December 13, 2012, BC Hydro sent a letter to Fort Chipewyan Métis Association, providing a link to the following draft EIS Technical Data Reports on a secured file transfer website:

- Aquatic Productivity Reports
- Downstream Ice Technical Data Report
- Contaminated Sites Technical Data Report
- Fluvial Geomorphology and Sediment Transport Technical Data Report
- Microclimate Technical Data Report
- Noise Technical Data Report
- Peace River Valley Ungulates Study Program Technical Data Report
- Water Quality Technical Data Report
- Air Quality Technical Data Report

BC Hydro noted that the reports were in draft form and that edits may be made prior to submission of the EIS.

2013

On January 10, 2013, BC Hydro sent a letter to Fort Chipewyan Métis Association attaching a capacity funding cheque to cover the costs associated with the November 20, 2012 meeting.

On January 16, 2013, Sunrope Services Ltd., consultant for Fort Chipewyan Métis Association, sent an email to BC Hydro requesting clarification respecting BC Hydro's role as "Crown" and whether there was a difference in its role with respect to historical grievances and the W.A.C. Bennett Dam, as opposed to Project-related consultation.

On January 23, 2013, BC Hydro responded via email to Sunrope Services Ltd.'s email of January 16, 2013. BC Hydro confirmed that historic matters and the W.A.C. Bennett Dam were dealt with by BC Hydro's Aboriginal Relations and Negotiations department, and that BC Hydro's First Nations Engagement Team dealt with Project-related matters.

On January 28, 2013, BC Hydro sent a letter to Fort Chipewyan Métis Association, advising that it had submitted the EIS to CEA Agency and the BCEAO. The letter explained that the EIS described the rationale for the Project, identified potential effects and benefits, proposed measures to avoid or mitigate effects and met other information requirements set out in the EIS Guidelines. The letter included links to CEA Agency and the BCEAO's websites containing the complete EIS. In accordance with Section 20.8 of the EIS Guidelines, BC Hydro also attached an Aboriginal Summary, presenting its understanding of asserted or established Aboriginal rights and other Aboriginal interests of the Project on those asserted or established Aboriginal and interests.

On February 6, 2013, BC Hydro sent a draft Letter of Understanding to Fort Chipewyan Métis Association that set out an offer of funding to support consultation with the Fort Chipewyan Métis Association on the Project and participation in the environmental assessment process through the Working Group. The letter was based on an email sent by BC Hydro to Fort Chipewyan Métis Association on December 4, 2012, and a telephone conversation with a Fort Chipewyan Métis Association representative on February 1, 2013. The letter included a breakdown of the proposed funding, and a process for how the funding would be paid out. The letter noted that funding would be provided for the following activities: (1) to support participation and travel to meetings, either with BC Hydro or as a member of the Advisory Working Group; (2) to provide BC Hydro with information on Fort Chipewyan Métis' current use of lands and resources within the area identified by Fort Chipewyan Métis in the maps provided to BC Hydro at the November 20, 2012 meeting; and (3) to support technical review of the downstream changes that may result from Site C, in particular to review the hydrology information

and related technical data reports. BC Hydro asked Fort Chipewyan Métis Association to sign the Letter of Understanding if it reflected their understanding based on previous discussions, and to return the signed letter to BC Hydro.

On February 12, 2013, BC Hydro sent an email to Sunrope Services Ltd. in follow-up to the draft Letter of Understanding sent on February 6, 2013. The email advised that BC Hydro remained interested in finalizing the Letter of Understanding and that BC Hydro was prepared to adjust the allocation of funding but was firm on the funding amount offered.

On February 13, 2013, Sunrope Services Ltd. sent an email to BC Hydro in response to its email dated February 12, 2013. Sunrope Services Ltd. advised that it did not have instructions, but noted that Fort Chipewyan Métis Association had a conference call meeting scheduled for February 15, 2013 and it would try to add the draft Letter of Understanding dated February 6, 2013 to the agenda.

On February 18, 2013, Sunrope Services Ltd. sent an email to BC Hydro, attaching a letter dated February 16, 2013 from Fort Chipewyan Métis Association (President) in response to BC Hydro's Letter of Understanding regarding funding to support for consultation on the Project, sent on February 6, 2013. The letter identified a number of matters that Fort Chipewyan Métis Association felt needed to be brought to BC Hydro's attention or clarified for the record, which included: (1) disagreement with the Alberta government's identification of a "deemed traditional territory" for Fort Chipewyan Métis Association in the Métis Harvesting Policy; (2) request for funding to carry out an independent analysis of the potential impacts of the Project on the Fort Chipewyan; (3) disagreement with BC Hydro's position that the Project would not impact the Fort Chipewyan Métis Association; (4) concern that Fort Chipewyan Métis Association was not being treated equitably by BC Hydro in relation to other First Nations in the same geographic area, which had received capacity funding and negotiated consultation agreements; and(5) emphasis on the community's relationship to, and reliance on, water. The letter advised that Fort Chipewyan Métis Association would not sign the Letter of Understanding in its current form, but would consider signing it on the condition that it only provided interim resources, with a more robust discussion to follow, culminating in a consultation agreement. The letter further advised that Fort Chipewyan Métis Association would be sending a larger delegation to the Working Group meeting on February 19, 2012, following which it would be meeting internally to discuss the relationship with BC Hydro.

On February 26, 2013, BC Hydro sent a letter to Fort Chipewyan Métis Association in response to Fort Chipewyan Métis Association's letter dated February 16, 2013 and sent to BC Hydro on February 18, 2013. With respect to the assertion that the Fort Chipewyan Métis harvested in a larger territory than acknowledged by the Alberta government, BC Hydro reiterated its interest in knowing where Fort Chipewyan Métis

Association members exercised their asserted Aboriginal rights, and noted that it had offered some funding support gathering of that information. With respect to Fort Chipewyan Métis Association's interest in carrying out an independent analysis of the potential impacts of the Project in the Fort Chipewyan area, BC Hydro noted that its funding offer of February 6 was intended to support a review of EIS-related material by to Fort Chipewyan Métis Association. BC Hydro confirmed that it was prepared to offer funding to support a desktop review of existing land use information, as it had done for other Aboriginal groups in in the same geographic area. The letter reiterated BC Hydro's offer of funding, pursuant to the draft Letter of Understanding sent to Fort Chipewyan Métis Association on February 6, 2013, to support the following activities: (1) Fort Chipewyan's participation in consultation meetings with BC Hydro, and with the Crown as a member of the Advisory Working Group; (2) gathering of traditional land use information respecting the use of lands and resources in the area where Fort Chipewyan Métis members were exercising their asserted Aboriginal rights; and (3) review of EIS information materials, in particular the hydrology information included in the EIS. The letter advised that a Letter of Understanding was proposed as an efficient way to set out the expectations of the parties respecting the funding, and noted that Letters of Understanding had been used to provide funding to Aboriginal groups throughout the consultation process, both Métis and First Nations. The letter also reviewed the chronology of discussions between the parties between November 2012 and February 2013 with respect to funding. Finally, the letter acknowledged Fort Chipewyan Métis Association's interest in water issues and indicated BC Hydro's interest in focussing future consultations on that topic as they related to the EIS.

On March 22, 2013, Sunrope Services Ltd. sent an email to BC Hydro, attaching a document titled "Research Summary", dated December 6, 2006. The document summarized research being conducted by the Alberta government into Métis historical issues as these related to the application of the principles enunciated in the *Powley* case, and addressed the following topics: Métis use and occupancy of Southern Alberta; the nature and size of Métis "communities in Northern Alberta; and the Métis Nation of Alberta as a representative for Alberta Métis. Sunrope Services Ltd. indicated that the document was an interim report conducted by the Alberta Intergovernmental and Aboriginal Affairs, and noted that Fort Chipewyan Métis Association was discussed in the document.

On April 11, 2013, Fort Chipewyan Métis Association sent an email to the BCEAO, CEA Agency and BC Hydro attaching its comments on the draft EIS. (This letter is also posted on the CEA Agency website, document number 1283).

On May 2, 2013, Sunrope Services Ltd. sent an email to BC Hydro, acknowledging BC Hydro's correspondence dated February 26, 2013 and indicated that it had not been able to provide a response due to being busy with work on other projects. Sunrope Services Ltd. noted that it had not forgotten about BC Hydro and the Project.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A08 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: FORT CHIPEWYAN MÉTIS LOCAL #125

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

<contact information removed>

January 2013

Fort Chipewyan Métis Local 125

In preparing responses to these questions, information on the Fort Chipewyan Nation Métis Local 125 and on current and past use of lands and resources by Fort Chipewyan Métis Local 125 was obtained from on-line research.[1] BC Hydro did not enter into a Traditional Land Use Study agreement with the Fort Chipewyan Métis, and no traditional land use information was made available by the Fort Chipewyan Métis for consideration in this review.

The Fort Chipewyan Métis are located in the community of Fort Chipewyan, Alberta. In August 2012, the population of the Fort Chipewyan Métis Local 125 was 173.[2]

In 2008, the Fort Chipewyan Métis established a Study Area for a TLUS that is the same as a proposed Fort Chipewyan Métis Harvesting Area (Figure 1).[3]

1. **What is the Fort Chipewyan Métis' current use of lands and resources for hunting, fishing and trapping activities, including the location of the activity, the species targeted, and the traditional uses of the harvested animals within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

   The Current Use of Lands and Resources (Wildlife Resources) and the Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA are distant from the location of the Fort Chipewyan Métis in northeastern Alberta. No specific information was identified that described or documented current use by the Fort Chipewyan Métis of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) or within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA or RAA for hunting, fishing or trapping activities.

[1] The sources consulted for this report are set out in the References.
[2] Fraser, Fred, President Fort Chipewyan Métis Local 125 (2012). Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine. Letter with enclosures to CEAA, ~~December~~ August 11, 2012.
[3] Fraser, Fred, President Fort Chipewyan Métis Local 125 (2012). Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine. Letter with enclosures to CEAA, ~~December~~ August 11, 2012.

2. **What is the Fort Chipewyan Métis' current use of lands and resources for activities other than hunting, fishing and trapping, including the nature, location and traditional use purpose within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA are distant from the location of the Fort Chipewyan Métis in northeastern Alberta. No specific information was identified that described or documented current use by the Fort Chipewyan Métis of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAA or RAA for other traditional activities.

3. **What is your understanding of the exercise of asserted Aboriginal rights or treaty rights by the Fort Chipewyan Métis within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA are distant from the location of the Fort Chipewyan Métis in northeastern Alberta. No information on the exercise of asserted Aboriginal or treaty rights by Fort Chipewyan Métis members within the Current Use of Lands and Resources (Wildlife Resources) or within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA has been identified.

   The Fort Chipewyan Métis assert that they are vested with both Aboriginal and constitutionally protected rights:
   - whose origins predate Canadian confederation and the creation of Alberta, British Columbia, Saskatchewan and Northwest Territories, and
   - that are larger in scope and more robust than First Nations' rights because of the adaptive *Powley* 'effective control test.'[4]

4. **Identify past, current and reasonably anticipated future use of lands and resources by Fort Chipewyan Métis members for traditional purposes who may be adversely impacted by the Project within the Current Use of Lands and**

[4] Fraser, Fred, President of Fort Chipewyan Métis Local 125 (2012). Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine. Letter with enclosures to CEAA, December 11, 2012.

Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs.

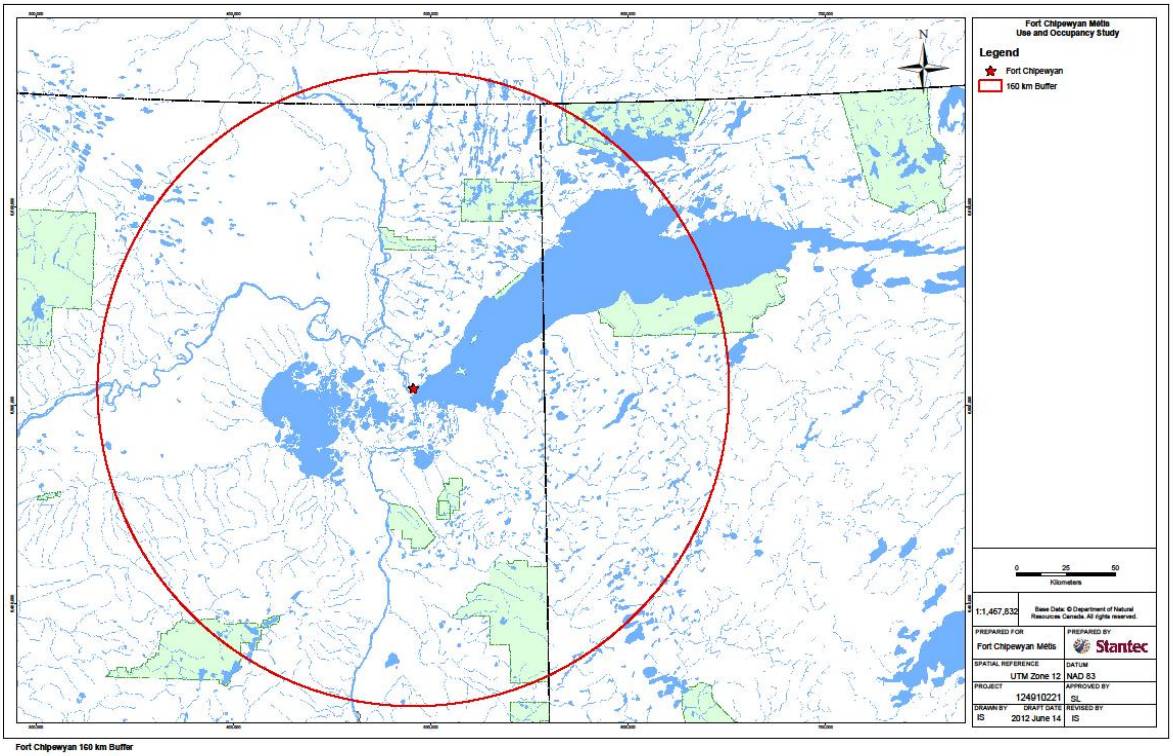
The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA are distant from the location of the Fort Chipewyan Métis in northeastern Alberta. No past or current use of lands and resources by Fort Chipewyan Métis members within the Current Use of Lands and Resources (Wildlife Resources) or within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA or RAA has been identified, nor has any information been identified relating to reasonably anticipated future use of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and the Current Use of Lands and Resources (Fish and Fish Habitat) LAA or RAA by Fort Chipewyan Métis members.

5. **In the TLUS, is there any information relating to the exercise of asserted Aboriginal or treaty rights outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

BC Hydro did not enter into a Traditional Land Use Study agreement with the Fort Chipewyan Métis, and no traditional land use information was made available by the Fort Chipewyan Métis for consideration in this review. The Fort Chipewyan Métis are currently undertaking a TLUS, funded by Shell Canada in 2008, for which a report has yet to be delivered. The Fort Chipewyan Métis assert that Alberta's policy on Métis Harvesting recognizes their harvesting rights in a traditional territory that is deemed to comprise a 160 kilometre radius around Fort Chipewyan (see Figure 1).[5]

[5] Fraser, Fred, President of Fort Chipewyan Métis Local 125. 2012. Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine. Letter with enclosures to CEAA, December 11, 2012.

Figure 1: Map Depicting the Location of the Study Area for a Fort Chipewyan Métis TLUS and a Fort Chipewyan Métis Harvesting Area (Fraser, Fred, President of Fort Chipewyan Métis Local 125. 2012. Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine).



References

Alberta, Aboriginal Relations. 2010. Métis Settlements and First Nations in Alberta: Community Profiles. March 2010. Website: http://www.aboriginal.alberta.ca/documents/MetisSettlement_FirstNation_Profile.pdf.

Alberta. 2010. Métis Harvesting in Alberta, July 2007/revised June 2010 (enclosure with Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine below).

> *This document outlines a policy that was unilaterally imposed by Alberta after the Province cancelled a 2004 negotiated Interim Measures Agreement.*

Fraser, Fred, President of Fort Chipewyan Métis Local 125. 2012. Comments on Proposed Federal Consultation Plan on Teck Resources' Frontier Oil Sands Project. Letter with enclosures to CEAA, September 25, 2012. http://www.ceaa.gc.ca/050/documents/p65505/81963E.pdf

Fraser, Fred, President of Fort Chipewyan Métis Local 125. 2012. Fort Chipewyan Métis Statements of Concern Re: Jackpine Mine Expansion and Pierre River Mine. Letter with enclosures to CEAA, December 11, 2012. http://www.ceaa.gc.ca/050/documents-eng.cfm?evaluation=59540.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A08 PART 4

ABORIGINAL SUMMARY:
FORT CHIPEWYAN MÉTIS LOCAL 125

FINAL REPORT

Prepared for:

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January 2013

Fort Chipewyan Métis Local 125

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Fort Chipewyan Métis Local 125's asserted or established Aboriginal rights and treaty rights, and other Aboriginal interests potentially impacted by, and concerns with respect to, the Project. The summary also provides BC Hydro's understanding of the potential adverse effects of the Project on the asserted or established Aboriginal rights and interests of Fort Chipewyan Métis Local 125.

Fort Chipewyan Métis Local 125's Asserted or Established Aboriginal Rights

A Métis group holds Aboriginal rights if it establishes: (i) it is a contemporary Métis community; and (ii) the existing community is grounded in a historic Métis community. Métis rights, like all Aboriginal rights, must be integral to the community member's distinctive culture. Unlike other Aboriginal rights, however, a present-day Métis right must have been an existing practice at the date of "effective European control" (in contrast to prior to contact with Europeans).

The Fort Chipewyan Métis Local 125 is one of six groups listed in Table 34.1 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements that asserts rights as a Métis group. The six groups consist of two located in British Columbia (Métis Nation British Columbia, Kelly Lake Métis Settlement Society), three located in Alberta (Métis Nation of Alberta – Region 6, Paddle Prairie Métis Settlement Society, Fort Chipewyan Métis Local 125), and one in the Northwest Territories (Northwest Territory Métis Nation).

For a more thorough discussion of Métis rights, see Section 34.3.2.3 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements.

Fort Chipewyan Métis Local 125's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Fort Chipewyan Métis Local 125 in consultation activities with BC Hydro between November 1, 2007 and November 30, 2012, including those identified in meetings, phone calls, letters, emails, reports, and any submissions made during the comment periods for the EIS Guidelines.

Need for, Purpose of, the Project
Interest in whether there would be justifiable need for the Project if government policies and standards for energy consumption were stricter.

Cumulative Effects
Concern regarding the Project's potential contribution to the cumulative effects of development in the region, including pipelines, logging, oil and gas, coal mining and coal bed methane.
Water – Surface Water Regime
Concern about potential downstream effects of the Project on water flow and water levels, including in the Peace River, Slave River, McKenzie River, Salt River and the Peace Athabasca Delta.
Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
Asserted or Established Aboriginal Rights
Concern about potential impacts of the Project on asserted rights to harvest, and on navigation and spiritual and cultural practices.
Aboriginal Interests – Aboriginal Culture and Way of Life
Concern about the potential impacts of the Project on future generations and families, including: - The ability for youth to sustain themselves and practice traditional activities

.

These concerns are presented in an issues tracking table under Volume 1 Appendix H Aboriginal Information, Distribution and Consultation Supporting Documentation, which outlines BC Hydro's consideration and/or response to the concern or provides a reference to where the concern is considered or responded to in the EIS.

<u>Potential Adverse Effects of the Project on Fort Chipewyan Métis Local 125's Asserted or Established Aboriginal Rights</u>

Based on the assessment undertaken by BC Hydro and set out in Volume 3 Section 19 Current Use of Lands and Resources for Traditional Purposes, it is BC Hydro's understanding that the Project will have no adverse effects on the current use of lands and resources for traditional purposes of the Fort Chipewyan Métis Local 125.

Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements presents BC Hydro's assessment of the potential impacts of the Project on the exercise of asserted or established Aboriginal rights and treaty rights of the 29 Aboriginal groups with which BC Hydro was instructed to consult. Based on that assessment, it is BC Hydro's understanding that the Project will have no adverse impacts on the exercise of asserted or established Aboriginal rights by the Fort Chipewyan Métis Local 125.

Consultation is ongoing between BC Hydro and the Fort Chipewyan Métis Local 125, and may yield additional information on the Fort Chipewyan Métis Local 125's current and reasonably anticipated future use of lands and resources that may potentially be affected by the Project. Should Fort Chipewyan Métis Local 125 provide additional information to BC Hydro, it will be considered and incorporated in the effects assessment during the EIS review phase and prior to submission of the EIS to the Joint Review Panel.