SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A19 PART 1

COMMUNITY SUMMARY:
NORTHWEST TERRITORY MÉTIS NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority

<contact information removed>

Prepared by:
Fasken Martineau

<contact information removed>

January 2013

Northwest Territory Métis Nation

The Northwest Territory Métis Nation (NWTMN), known as the South Slave Métis Tribal Council (SSMTC) until 2003[1], represents Métis people who are indigenous to the South Slave region of the Northwest Territories.[2] The NWTMN represents the Fort Resolution Métis Council, the Hay River Métis Government Council, the Fort Smith Métis Council, and the North Arm Métis Council of Yellowknife.[3] (However, the North Arm Métis Council of Yellowknife is not represented in NWTMN's negotiations with Canada and the Northwest Territories.)[4]

The NWTMN currently reside mainly in Fort Smith, Hay River, Fort Resolution, and Yellowknife in the Northwest Territories.[5] The NWTMN's territory extends throughout the Northwest Territories and into northern Alberta.[6]

Historical Background

The NWTMN describe themselves as "direct descendants of those people who signed Treaty 8 at Fort Chipewyan, Smith's Landing, and Fort Resolution".[7]

The NWTMN describe their history as starting before 1763, when French and mixed blood coureurs de bois travelled into Athabasca country and lived with Dene and Cree families. The family of the French/Cree coureur de bois Francois Beaulieu (born in 1771 at Great Slave Lake)[8] and his Chipewyan wife Ethiba were at the Great Slave Lake in the 1780s when North West Company traders explored the Great Slave Lake.[9]

The NWTMN's traditional way of life includes hunting, trapping, and trading.[10]

Negotiations

Since 1981 when they participated in the Dene/Métis negotiations, the Métis of the Northwest Territories have been negotiating regional claims with Canada. Canada, the

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[1] Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR). 2012. *Northwest Territory Métis Nation Negotiations*. Available at: http://www.daair.gov.nt.ca/_live/documents/content/NWTMN_AIP.eng.pdf. Accessed: December 2012 ("DAAIR, Northwest Territory Métis Nation Negotiations").

[2] Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR). *Northwest Territory Métis Nation Negotiations – Quick Facts*. Available at: http://www.daair.gov.nt.ca/_live/documents/content/NWTMN_QuickFacts.eng.pdf. Accessed: December 2012.

[3] Northwest Territory Métis Nation. 2012. *Communities*. Available at: http://www.nwtmetisnation.ca/communities.html. Accessed: December 2012.

[4] DAAIR, Northwest Territory Métis Nation Negotiations.

[5] Northwest Territory Métis Nation. 2012. *About the Northwest Territory Métis Nation*. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012 ("Northwest Territory Métis Nation, About").

[6] Betty Villebrun, President of Northwest Territory Métis Nation. 2011 Letter to Brian Murphy, Project Assessment Director, and Analise Saely, Crown Consultation Coordinator October 28, 2011. ("Betty Villebrun, Letter to Brian Murphy").

[7] Northwest Territory Métis Nation, About.

[8] Northwest Territory Métis Nation. 2012. *Chronology of Events*. Available At: http://www.nwtmetisnation.ca/coe.html. Accessed: December 2012.

[9] Northwest Territory Métis Nation, About.

[10] Betty Villebrun, Letter to Brian Murphy.

Métis and the Dene reached an Agreement in Principle in the late 1980s. In 1990, a final agreement was initialled by negotiators but never ratified by the Dene and Métis.[11]

In 1996, the NWTMN (known at the time as the SSMTC), Canada, and the Northwest Territories signed a Framework Agreement for the negotiating process. In 2002, the parties signed an Interim Measures Agreement for the pre-screening of resource applications in the South Slave region. The parties are currently negotiating a land and resource Agreement in Principle (AIP) to deal with issues of land ownership and management, wildlife harvesting rights for the Métis, and economic arrangements between the parties.[12] The AIP is substantially complete; voting by the NWTMN Assembly was scheduled to take place in November or December of 2012.[13]

Traditional Territory Map

No map was provided to BC Hydro by NWTMN.

[11] DAAIR, Northwest Territory Métis Nation Negotiations.

[12] DAAIR, Northwest Territory Métis Nation Negotiations.

[13] Northwest Territory Métis Nation, Agreement in Principle. Available at: <http://www.nwtmetisnation.ca/aip.html>

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A19 PART 2

BC Hydro Consultation Summary:
NORTHWEST TERRITORY MÉTIS NATION

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. Each 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.

NORTHWEST TERRITORY MÉTIS NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Site C" or "the Project"	Proposed Site C Clean Energy Project

Key events

2009

- February: BC Hydro met with representatives of Northwest Territory Métis Nation (Environment Manager, Claims Implementation staff member) in Fort Smith for a Project overview. BC Hydro responded to questions regarding cumulative effects and potential impacts of the Project on water levels, bird hunting, ground water, wildlife, and icing conditions.

2012

- May:
  - BC Hydro provided Northwest Territory Métis Nation 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 Northwest Territory Métis Nation 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 Northwest Territory Métis Nation.

- <u>September:</u>

  - BC Hydro wrote to Northwest Territory Métis Nation 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 Northwest Territory Métis Nation 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 Northwest Territory Métis Nation's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Northwest Territory Métis Nation'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.

  - BC Hydro met with Northwest Territory Métis Nation for a Project update. Northwest Territory Métis Nation confirmed that it had received the Potential Downstream Changes Report, and BC Hydro provided a high-level overview of the report's findings. In response to an inquiry about a potential traditional use study, BC Hydro replied that traditional use studies were being completed by First Nations in and around the Project area, and explained that BC Hydro did not foresee any changes in downstream conditions that would necessitate a traditional use study. Northwest Territory Métis Nation accepted BC Hydro's offer of capacity funding to review the EIS Guidelines and provide comments.

- <u>November:</u> BC Hydro was a participant in Northwest Territory Métis Nation's Annual General Assembly, which was attended by the President and Executive Director of Northwest Territory Métis Nation and approximately 100 delegates and observers. BC Hydro also met separately with Northwest Territory Métis Nation's Water Technician and Aquatic Resources Coordinator. In both meetings, BC Hydro presented an overview of the findings in the Potential Downstream Changes Report, summarized as follows:

  - <u>Surface water regime</u>: BC Hydro indicated that the Project would not remove water

from the Peace River during operations, would not change the seasonal timing of flow releases, and would not affect tributary flows. BC Hydro explained that 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 Project's reservoir would reduce the amount of ice passed downstream and would influence the water temperature in the Peace River leading to a reduction in the maximum upstream extent of ice cover, and a delay in ice formation at the Town of Peace River. BC Hydro concluded that the Project would not lead to a change in ice break up timing or ice thickness.

- Fluvial geomorphology and sediment transport regime: BC Hydro indicated that no changes to geomorphology are expected due to the small changes in the flow regime expected with the Project. BC Hydro also indicated that the total suspended sediment load in the Site C outflow would be reduced.

BC Hydro also presented information regarding the potential effects of the Project on fish and fish habitat. Delegates spoke about their fishing activities on the Great Slave Lake and the Slave River, and indicated that the community had a strong interest in trapping and gathering as part of continuing the Aboriginal way of life. Northwest Territory Métis Nation requested that BC Hydro provide funding for a traditional use study to determine the effect of the BC Hydro's existing W.A.C. Bennett Dam on the exercise of Aboriginal rights in the South Slave Lake Region, which it suggested could also be used as a baseline to measure any incremental impacts from the Project. Northwest Territory Métis Nation advised that it planned to submit a proposal to BC Hydro to conduct a traditional use study.

Chronology of events

2009

On January 21, 2009, BC Hydro called and sent an email to Northwest Territory Métis Nation and offered to meet in mid-February to provide information about the Project.

On February 18, 2009, BC Hydro met with representatives of Northwest Territory Métis Nation (Environment Manager, Claims Implementation staff member) in Fort Smith for a Project overview. Northwest Territory Métis Nation raised historical grievances related to the W.A.C Bennett Dam, with BC Hydro stating that it only had a mandate to deal with Site C. With respect to the Project, BC Hydro responded to questions regarding cumulative effects and potential impacts on water levels, climate change, bird hunting, ground water,

wildlife, and icing conditions. Northwest Territory Métis Nation emphasized the importance of gathering traditional knowledge to inform the Project.

2012

On May 9, 2012, BC Hydro sent a letter to Northwest Territory Métis 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 June 29, 2012, BC Hydro sent a letter to Northwest Territory Métis Nation 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 Northwest Territory Métis Nation, in follow up to BC Hydro's letter of June 29, 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 Northwest Territory Métis Nation'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 27, 2012, BC Hydro sent a letter to Northwest Territory Métis Nation 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 the secured file transfer website where additional information regarding Project opportunities had been posted.

On September 21, 2012, BC Hydro sent a letter to Northwest Territory Métis Nation, 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 Northwest Territory Métis Nation, 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 Northwest Territory Métis Nation 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 27, 2012, BC Hydro met with the Northwest Territory Métis Nation (consultant) for a Project update. BC Hydro responded to questions regarding transmission lines, flow regimes, dam capacity, the cost of the Project, spatial boundaries for fish and aquatic studies, and downstream water temperature. Northwest Territory Métis Nation advised that the information contained in the Potential Downstream Changes Report would be of interest, and confirmed that a copy of the report had been received. BC Hydro provided a high-level overview of the potential downstream changes resulting from the Project, stating that:

- the water would be cooler directly discharging from the dam;
- the water downstream would be cooler in the summer and warmer in the winter;
- the Shaftesbury crossing would have a change in ice bridge formation timing;
- by the time the water released from the dam reached Tompkins, the above factors would not impact water temperature;
- when the reservoir was constructed, sediment entering the river from the Halfway and Moberly rivers (which tended to be more turbid) would settle in the reservoir, resulting in clearer water downstream.

BC Hydro offered to arrange a meeting with its expert in hydrology to discuss the findings on potential downstream changes in greater detail. Northwest Territory Métis Nation expressed a preference for using a pre-industrial baseline when analyzing potential downstream changes. In response to an inquiry about a potential traditional use study, BC Hydro replied that traditional use studies were being completed by First Nations in and around the Project area, and explained that BC Hydro did not foresee any changes in downstream conditions that would necessitate a traditional use study. Northwest Territory Métis Nation accepted BC Hydro's offer of capacity funding to review the EIS Guidelines and provide comments. BC Hydro provided a disk containing the following documents: Project Description Report; Letter regarding the Confidentiality Agreement for SharePoint (August 22, 2012); Potential Downstream Changes Report (May 2012); and, Project Update PowerPoint Presentation.

On October 4, 2012, BC Hydro sent an email to Northwest Territory Métis Nation and attached a Confidentially Agreement for access to BC Hydro's SharePoint website for

Aboriginal groups. BC Hydro requested signature for the Agreement. Northwest Territory Métis Nation returned the signed agreement on October 12, 2012.

On October 16, 2012, BC Hydro sent an email to Northwest Territory Métis Nation in follow up to questions raised during the meeting of September 27, 2012. BC Hydro attached an Information Sheet on the cost estimate for the Project, and provided an answer regarding Site C's generation capacity.

On October 23, 2012, BC Hydro sent an email to Northwest Territory Métis Nation and advised that the following information had been updated on the Project's secured file transfer website for Aboriginal groups:

- Project Activity Zone Map;
- Aquatic Productivity and Water Quality Technical Data Reports;
- Site C Business Information Sessions Invitation;
- Fish & Fish Habitat Presentation; and
- Heritage Program Update.

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

On November 15, 2012, BC Hydro sent a letter to Northwest Territory Métis Nation which sought to address potential gaps in the information exchange between the parties. The letter requested that Northwest Territory Métis Nation 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 28, 2012, BC Hydro was invited to give a presentation at the Northwest Territory Métis Nation's Annual General Assembly, which was attended by the President and Executive Director of Northwest Territory Métis Nation and approximately 100 delegates and observers. BC Hydro presented an overview of the findings in the 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 and would not change the seasonal timing of flow releases. BC Hydro also indicated that tributary flows would not be affected. BC Hydro explained that fluctuations of 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 Project's reservoir would reduce the amount of ice passed downstream and would influence the water temperature in the Peace River by between 0.0 and 1.5 degrees Celsius. The change in temperature could lead to a reduction in the maximum upstream extent of ice cover, and an approximately three day delay in ice formation at the Town of Peace River. BC Hydro concluded that the Project would not lead to a change in ice break up timing or ice thickness.

- Fluvial geomorphology and sediment transport regime: BC Hydro explained that geomorphology referred to the river shape, while the sediment regime referred to the quantity, timing, and mode of transport of particulate matter by river flows. BC Hydro indicated that no changes to geomorphology were expected due to the small changes in the flow regime expected with the Project. BC Hydro also indicated that the total suspended sediment load in the Site C outflow would be reduced.

BC Hydro also presented information regarding the potential effects of the Project on fish and fish habitat. Northwest Territory Métis Nation expressed concerns about changes to the Peace and Slave rivers, the Peace Athabasca Delta, and the Slave River Delta, which it attributed to the W.A.C. Bennett Dam. Delegates spoke about their fishing activities on the Great Slave Lake and the Slave River, and indicated that the community had a strong interest in trapping and gathering as part of continuing the Aboriginal way of life. Northwest Territory Métis Nation requested that BC Hydro provide funding for a traditional use study to determine the effect of the W.A.C. Bennett Dam on the exercise of Aboriginal rights in the South Slave Lake Region, which it suggested could also be used as a baseline to measure any incremental impacts from the Project. Northwest Territory Métis Nation advised that it planned to submit a proposal to BC Hydro to conduct a traditional use study. BC Hydro agreed to provide funding to cover the costs associated with the meetings and other Project-related expenditures.

Prior to the meeting above, BC Hydro also met with Northwest Territory Métis Nation's Water Technician and Aquatic Resources Coordinator. BC Hydro presented the same information as described above regarding the potential downstream changes resulting from the Project. The technical experts described several concerns related to changes in water flows, including impacts on ice bridges which made ice travel on the Slave and Peace rivers hazardous, and impacts to muskrat houses on the Slave River Delta. A request was made for BC Hydro to provide a technical briefing with respect to the potential downstream changes resulting from the Project, and BC Hydro agreed to consider the request.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A19 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: NORTHWEST TERRITORY MÉTIS NATION

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.

NORTHWEST TERRITORY MÉTIS NATION

CONSULTATION SUMMARY

Defined Terms	
"AAROM"	Aboriginal Aquatic Resource and Oceans Management
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"the Project"	Proposed Site C Clean Energy Project

Chronology of events

2012

On December 10, 2012, BC Hydro sent a letter to the Northwest Territory Métis Nation, providing website links that the Northwest Territory Métis Nation could monitor flow releases on the Peace River. The website links were sent in follow-up to the meeting held on November 28, 2012.

On December 13, 2012, BC Hydro sent a letter to Northwest Territory Métis Nation, 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 9, 2013, David Nairne and Associates Ltd., consultant for Northwest Territory Métis Nation, sent an email to BC Hydro, advising of its concerns regarding historical impacts and requested contact information for the BC Hydro department responsible for historical grievances. In response, BC Hydro provided the contact information requested.

On January 21, 2013, BC Hydro provided capacity funding to the Northwest Territory Métis Nation to cover expenses related to consultation activities pursuant to an invoice dated December 20, 2012.

On January 28, 2013, BC Hydro sent a letter to the Northwest Territory Métis Nation, 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 25, 2013, Northwest Territory Métis Nation sent an email to BC Hydro, advising of a change in its leadership.

On May 1, 2013, David Nairne and Associates Ltd., consultant for Northwest Territory Métis Nation, sent an email to BC Hydro, indicating that it was following up on outstanding questions and concerns raised by members at the meeting on November 28, 2012. The consultant requested information regarding the time lag for water releases from the Peace Canyon Dam to Fort Vermilion and what monitoring process would be used for downstream areas following the construction of the Project. The consultant asked whether BC Hydro releases were related to the ice bridge flooding and whether downstream water levels would be impacted during the filling of the Site C reservoir. The consultant noted that Northwest Territory Métis Nation expected studies to be undertaken in the Slave River Delta if it was to support the Project. In a response, BC

Hydro indicated that it would address the questions and concerns at the meeting scheduled later that day, and attached a copy of the Potential Downstream Changes presentation.

On May 1, 2013, BC Hydro met with a representative of Northwest Territory Métis Nation (Environment Manager, AAROM Manager) and David Nairne and Associates Ltd., consultant for Northwest Territory Métis Nation, to provide a Project update and an overview the potential downstream changes. BC Hydro reviewed the 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 stated that there was limited potential for changes in downstream flows and water levels, because of the limited storage in the Site C reservoir. BC Hydro expected that the daily fluctuation (range) of water levels would increase near the Site C tailrace, with the effect diminishing further downstream and no fluctuations being observed at the Town of Peace River and Fort Vermilion.

- Ice Regime: BC Hydro reviewed the results of ice modeling which showed that there would be: (1) no change in ice thickness; (2) no change in the timing of ice break-up; and (3) a slight delay in ice front progressions, with an average delay of three days at the Town of Peace River.

- Geomorphology/Sediment Transport: BC Hydro expected a reduction in suspended sediment, because the reservoir would trap some of the sediment upstream, but did not expect changes to erosion or depositional patterns in the Peace River.

Representatives of the Northwest Territory Métis Nation asked a number of questions ;and requested additional information throughout the presentation. In particular, Northwest Territory Métis Nation expressed concern about early ice break-up, and that water held back at the Williston Reservoir had impacted ice formation at Moose Crossing, especially in December. Northwest Territory Métis Nation also suggested that seasonal flows downstream had been affected by the release of water upstream. BC Hydro agreed to consider the requests made in the meeting, and to follow up with the Northwest Territory Métis Nation.

On May 27, 2013, BC Hydro sent an email to Northwest Territory Métis Nation, attaching responses to questions raised at the meeting held on May 1, 2013, and in the email from David Nairne and Associates Ltd., dated May 1, 2013. Regarding the concern about the formation of ice bridges, the email advised that as part of the Joint Task Force on Peace River Ice, BC Hydro implemented ice control flows to reduce the risk of flooding at the Town of Peace River during freeze-up and break-up. During freeze-up, control flows were typically implemented in early January, and the flows would take approximately one week to reach the Slave River. BC Hydro noted that observed flow increases on the Slave River in November/December could be related to increased generation at the

Peace River hydroelectric facilities corresponding with the increased demand for electricity in B.C.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A19 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: NORTHWEST TERRITORY MÉTIS NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

<contact information removed>

January 2013

Northwest Territory Métis Nation

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

The Northwest Territory Métis Nation also refer to themselves as the indigenous Métis of South Slave Lake. Members of the NWTMN reside mainly in the communities of Hay River, Fort Smith, and Fort Resolution in the Northwest Territories. Some members also live in Yellowknife.[2]

The NWTMN is currently negotiating an agreement on land, resources and self-government with Canada and the Government of the Northwest Territories. The Parties achieved an Agreement-in-Principle in 2012. The region under discussion is the southeast corner of the Northwest Territories depicted on the Interim Measures Agreement map (Figure 1).[3]

1. **What is the Northwest Territory Métis Nation's 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 Resource (Fish and Fish Habitat) LAAs and RAAs?**

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) Wildlife and Fish LAA and RAA are distant from the traditional lands of the NWTMN. No specific information was identified that described or documented current use by the NWTMN of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs or RAAs for hunting, fishing and trapping activities.

2. **What is the Northwest Territory Métis Nation's 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**

[1] The sources consulted for this report are set out in the References.
[2] Northwest Territory Métis Nation. 2012. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012.
[3] Northwest Territory Métis Nation. 2012. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012.

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

The Current Use of Lands and Resources (Wildlife Resources) and Current use of Lands and Resource (Fish and Fish Habitat) LAAs and RAAs are distant from the traditional lands of the NWTMN. No specific information was identified that described or documented current use by the NWTMN of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and Current use of Lands and Resource (Fish and Fish Habitat) LAAs or RAAs for other traditional activities.

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

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs and RAAs are distant from the traditional lands of the NWTMN. No information on the exercise of asserted Aboriginal or treaty rights by NWTMN members within the LAAs and RAAs has been identified.

   The NWTMN state that they are direct descendants of the people who signed Treaty No. 8 at Fort Chipewyan, Smith's Landing, and Fort Resolution, but have not been accorded the benefits of the Treaty.[4]

4. **Identify past, current and reasonably anticipated future use of lands and resources by Northwest Territory Métis Nation members for traditional purposes who may be adversely impacted by the project within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs and RAAs.**

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs and RAAs are distant from the traditional lands of the NWTMN. No past or current use of lands and resources by NWTMN members within the Current Use of Lands and Resources (Wildlife Resources) and Current use of Lands and Resource (Fish and Fish Habitat) LAAs or RAAs 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

[4] Northwest Territory Métis Nation. 2012. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012.

Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs or RAAs by NWTMN members.

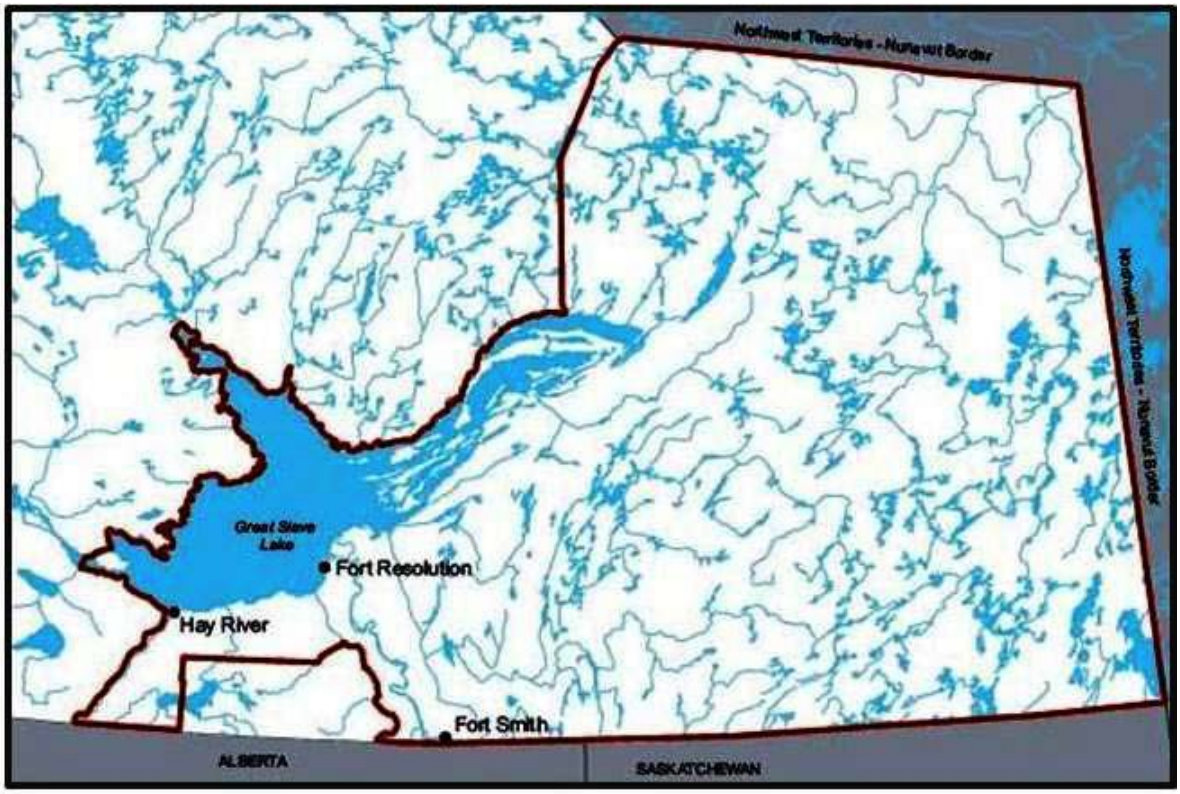
5. **In the TLUS, is there any information relating to the exercise of asserted Aboriginal or treaty rights outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resource (Fish and Fish Habitat) LAAs or RAAs?**

The Northwest Territory Métis Nation did not conduct a TLUS for the Project.

The NWTMN has negotiated an Agreement-in-Principle relating to ownership, rights, and access to lands and resources in the region of southeastern Northwest Territories.[5]

[5] Northwest Territory Métis Nation. 2012. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012. The NWTMN plan to vote on the AIP at the NWTMN Assembly in late 2012.

Figure 1: Map of the Northwest Territory Métis Nation Interim Measures Agreement Area (Northwest Territory Métis Nation, Indian and Northern Affairs Canada, Government of the Northwest Territories. "Northwest Territory Métis Nation Negotiations").



References

DeBeers Canada Inc. 2010. Gauche Kue Project Environmental Impact Statement. Annex M: Traditional Knowledge and Traditional Land Use Baseline. December 2010.

Northwest Territories, Department of Aboriginal Affairs and Intergovernmental Relations 2012. Available at: http://www.daair.gov.nt.ca/_live/documents/content/NWTMN_QuickFacts.eng.pdf. Accessed: December 2012.

Northwest Territory Métis Nation. 2012. Available at: http://www.nwtmetisnation.ca/. Accessed: December 2012.

Northwest Territory Métis Nation, Indian and Northern Affairs Canada, Government of the Northwest Territories. "Northwest Territory Métis Nation Negotiations." Available at: http://www.daair.gov.nt.ca/_live/documents/content/NWTMN_negotiations.eng.pdf. Accessed: December 2012.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A19 PART 4

ABORIGINAL SUMMARY: NORTHWEST TERRITORY MÉTIS NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

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Northwest Territory Métis Nation

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Northwest Territory Métis Nation'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 Northwest Territory Métis Nation.

Northwest Territory Métis Nation'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 Northwest Territory Métis Nation 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.

Northwest Territory Métis Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Northwest Territory Métis Nation 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.

Project Components and Activities
Interest in changes to the alignment of Highway 29, including any changes to Highway 97.
Interest in BC Hydro's plans for debris clearing, management and disposal including whether all timber, regardless of its commercial value, and woody debris would be removed from the reservoir.

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.
Concern about the effects of the Project on the Peace Canyon Dam as a result of reservoir back-up (whether water would be deep at the base of the existing dam).
Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Water – Thermal and Ice Regime
Concern about the potential effects of the Project on ice flow, ice formation, ice break-ups and ice bridges, including of the ice bridges at Shaftesbury, Dunvegan and Carcajou.
Wildlife Resources
Concern about the potential effects of the Project on furbearers and habitat for furbearers, including fishers, wolverine, rabbits, muskrats and beaver.
Labour Market
Interest in employment opportunities, including interest in ensuring equitable hiring practices which allow for Aboriginal people to access work opportunities associated with the Project.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
Existing Hydroelectric Projects on the Peace River
Assertion that the W.A.C. Bennett and Peace Canyon dams impacted and/ or continue to impact the Treaty 8 First Nations downstream, including on the Peace River, Slave River, the Peace Athabasca Delta and the Slave River Delta, including their ability to exercise section 35(1) rights.

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.

Potential Adverse Effects of the Project on Northwest Territory Métis Nation's Asserted or Established Aboriginal Rights

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 Northwest Territory Métis Nation.

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 Northwest Territory Métis Nation.

Consultation is ongoing between BC Hydro and the Northwest Territory Métis Nation, and may yield additional information on the Northwest Territory Métis Nation's current and reasonably anticipated future use of lands and resources that may potentially be affected by the Project. Should Northwest Territory Métis Nation 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.