SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A26 PART 1

COMMUNITY SUMMARY:
TALLCREE FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
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January 2013

Tallcree First Nation

Tallcree First Nation (TFN) has seven reserves totalling 8,160.3 ha near Fort Vermilion, Alberta.[1]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, TFN has a registered population of 1,232, with 467 members living on TFN's reserves.[2] TFN has a Chief and four Councillors, and uses a custom electoral system.[3]

TFN is a member of the North Peace Tribal Council along with the Beaver, Dene Tha', Little Red River Cree, and Lubicon First Nations.[4] TFN is also a member of the Treaty 8 First Nations of Alberta.[5]

In 2012, TFN entered into a partnership with Native American Resource Partners Canada Inc., a private investment and development firm, to create Tall Cree Energy Company, to pursue the development of resource projects on and off TFN reserve lands.[6]

Historical Background

TFN consists of Woodland Cree people and is a part of the Algonquian Cree linguistic group.[7]

TFN's ancestors adhered to Treaty 8 on July 8, 1899.[8]

Treaty Land Entitlement

TFN entered into a Treaty Land Entitlement Agreement with Alberta and Canada in 1993. Under the Agreement, TFN received $1,500,000 and 13,000 acres of land from Alberta and $5,500,000 from Canada.[9]

Traditional Territory Map

No map was provided to BC Hydro by TFN.

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Tallcree First Nation*. Available at: http://pse5-esd5.ainc-inac.gc.ca/FNP/Main/Search/FNMain.aspx?BAND_NUMBER=446&lang=eng. Accessed: December 2012 ("AANDC, Tallcree First Nation").
[2] AANDC, Tallcree First Nation.
[3] AANDC, Tallcree First Nation.
[4] North Peace Tribal Council. 2012. *About Us*. Available at: http://www.nptc.ab.ca/about-us. Accessed: December 2012.
[5] Treaty 8 First Nations of Alberta. 2012. *List of Nations*. Available at: http://treaty8.ca/default.aspx?ID=9&page=List of Nations. Accessed: December 2012.
[6] Native American Resource Partners Canada Inc. 2012. *Tall Cree First Nation Enters Energy Partnership with Native American Resource Partners*. Available at: http://narpllc.com/wp-content/uploads/2011/02/2012-M08-D06-Tall-Cree-Press-Release-re-MOU-ver22.pdf. Accessed: December 2012.
[7] Alberta Ministry of Aboriginal Relations (AB MAR). 2010. *Métis Settlements and First Nations in Alberta: Community Profiles.* Available at: http://www.aboriginal.alberta.ca/documents/MetisSettlement_FirstNation_Profile.pdf. Accessed: December 2012 at 58.
[8] Government of Canada. 1966. Treaty No. 8, Made June 21, 1899 and Adhesions, Reports, etc. Ottawa, ON. Available at: http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853. Accessed: December 2012 at 17.
[9] Alberta Aboriginal Affairs and Northern Development. 2000. Treaty Land Entitlement Claims. Available at: http://www.assembly.ab.ca/lao/library/egovdocs/alaa/2000/149530.pdf. Accessed: December 2012.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A26 PART 2

BC HYDRO CONSULTATION SUMMARY: TALLCREE FIRST NATION

FINAL REPORT

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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.

TALLCREE FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Potential Downstream Changes Report" or "Downstream Report"	Site C Clean Energy Project, *Potential Downstream Changes* (BC Hydro, May 2012)
"Province"	Province of British Columbia
"Site C" or "the Project"	The proposed Site C Clean Energy Project
"Stage 2 Consultation Agreement"	Stage 2 – Proposed Site "C" Project Agreement for Consultation and Collaboration, between Tallcree First Nation and BC Hydro, dated May 7, 2009
"Stage 3 Consultation Agreement"	Site C Clean Energy Project Stage 3 Consultation Agreement, between Tallcree First Nation and BC Hydro, dated February 23, 2011
"Tallcree"	Tallcree First Nation

Key events

<u>2007</u>

- <u>November</u>: BC Hydro made initial contact with Tallcree and expressed its commitment

to effective consultation with respect to the Project.

2008

- April: BC Hydro wrote to Tallcree and expressed interest in scheduling an introductory meeting to provide an overview of the Project and develop a consultation plan.
- October: BC Hydro met with representatives of the member bands of the North Peace Tribal Council, including Tallcree. BC Hydro provided an introductory Project overview and reviewed BC Hydro's preliminary understanding regarding potential changes to downstream conditions.

2009

- May:
- BC Hydro met with Tallcree's Chief and Council and provided a Project overview. Discussion items included: economic opportunities during construction, training opportunities, and clarification of the objectives of consultation. Tallcree signed the *Stage 2 Consultation Agreement*, which established the principles, process and scope for consultation and collaboration between Tallcree and BC Hydro for Stage 2, and provided capacity funding to enable Tallcree to participate in the consultation process.
- BC Hydro wrote to Tallcree and enclosed materials from the environmental and socio-economic Technical Advisory Committees for the purpose of early information sharing.
- June: BC Hydro provided Tallcree with a complete set of Stage 1 studies.
- September: BC Hydro provided Tallcree with nine Stage 2 studies, and offered to meet with Tallcree to discuss the study results.

2010

- March: BC Hydro met with representatives of Tallcree (Elders, youth delegates, Councilors, consultation manager) and presented information on hydrology and fish/aquatics. Tallcree provided BC Hydro with a document outlining Tallcree's concerns and overall perspective on the Project. According to the document:
  - Tallcree supported the general themes of resolutions passed by the Treaty 8 First Nations of Alberta, Saulteau First Nations, and the Assembly of First Nations, which expressed concerns about the Project;
  - Tallcree emphasized the importance of completing a comprehensive cumulative impact assessment for the Peace River, which Tallcree described as "the heart of

our traditional use territory";

- Tallcree had "witnessed the diminished flows of the Peace, the Wabasca [and] other waterways" and had "seen irrevocable impacts to our trappers' way of life, to our hunting and fishing sites";
- Tallcree emphasized that traditional use data should be considered an integral part of any assessment work being undertaken for the Project;
- Tallcree looked forward to continuing to work with BC Hydro in the hope that meaningful and respectful resolutions could be found.

- April: BC Hydro advised Tallcree of the Province's announcement 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.
- July: Tallcree wrote to BC Hydro and expressed appreciation for BC Hydro's commitment to relationship building. Tallcree submitted a draft work plan seeking funding to undertake a consolidated research review and a traditional use and knowledge study.
- September: BC Hydro wrote to Tallcree and attached a draft Stage 3 consultation agreement for Tallcree's review and consideration. BC Hydro indicated that it was not able to support funding for Tallcree to undertake a consolidated research review and a traditional land use and knowledge study.
- November: BC Hydro and Tallcree (consultation manager) discussed the level of funding proposed in the draft Stage 3 consultation Agreement. BC Hydro explained that it did not intend to fund a traditional use study because there was little likelihood that Tallcree's traditional practices extended into B.C. and the Project area, and BC Hydro did not anticipate potential downstream changes past the Town of Peace River.

2011

- February: BC Hydro and Tallcree finalized and executed the *Stage 3 Consultation Agreement*, which established the principles, process and scope for consultation between BC Hydro and Tallcree for Stage 3, and provided capacity funding to ensure Tallcree's ability to participate in the consultation process.
- March:
- BC Hydro provided Tallcree with four Stage 2 fisheries studies.
- BC Hydro provided Tallcree with summary documents describing proposed studies for

the 2011 field program, and invited feedback and comments. The proposed studies were to be undertaken through the Environmental Program (Physical Environment) and involved characterizing baseline environmental conditions (e.g., water levels and flow, water temperature and ice, sediment transport, microclimate, air quality, noise, greenhouse gases). BC Hydro also provided a link to three Stage 2 studies, including the Preliminary Downstream Report.

- May: BC Hydro advised Tallcree that it had submitted the Project Description Report and provided a link to the report.
- June: BC Hydro met with representatives of Tallcree and Little Red River Cree Nation. BC Hydro expressed interest in supporting collaboration between First Nations in hiring an independent hydrologist to review the updated Downstream Report, when it became available.

2012

- February: BC Hydro wrote to Tallcree to provide an update on the progress towards completing the updated Downstream Report, including an overview of preliminary study results. BC Hydro offered to meet with Tallcree to review the preliminary results.
- April: BC Hydro sent a letter to Tallcree attaching an updated map of the proposed Project footprint and offering access to associated GIS shape file data. The letter attached a memorandum describing the details of the new or amended information.
- May:
- BC Hydro provided Tallcree 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 Tallcree 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 Tallcree.
- June/July: BC Hydro contacted Tallcree and attempted to schedule a meeting to receive Tallcree's comments on the Potential Downstream Changes Report.
- September/October:

- BC Hydro wrote to Tallcree 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 Tallcree 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 Tallcree's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Tallcree'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 sent a letter to Tallcree which advised that BC Hydro had updated the Project footprint map for Site C, and provided a link to the updated map and associated shape file data. The letter attached a memorandum outlining the specifics of the new and amended information, which identified, among other things, a reduction in the area of the proposed Site C dam site from 3907 hectares (April 2012) to 2025 hectares (October 2012).

Chronology of events

2007

On November 21, 2007, BC Hydro sent an introductory letter to Tallcree regarding the Project. The letter introduced BC Hydro's senior advisor responsible for First Nations consultation, and expressed BC Hydro's commitment to effective consultation with First Nations should the Project proceed further through BC Hydro's multi-stage decision making process.

2008

On April 10, 2008, BC Hydro sent a letter to Tallcree in follow up to BC Hydro's letter of November 21, 2007. The letter advised that BC Hydro had developed an engagement strategy for the Project and formed a team to consult with First Nations. The letter advised that BC Hydro planned to begin engagement with Treaty 8 First Nations in Alberta and the Northwest Territories in May and June, and would contact Tallcree to set up an introductory meeting. The letter attached the Stage 1 Summary Report.

On September 18, 2008, BC Hydro sent a letter to Tallcree which advised that BC Hydro representatives planned to visit High Level, Alberta, on September 25 and 26, and

expressed interest in meeting with Tallcree on those dates to provide an overview of the Project.

On September 26, 2008, BC Hydro sent a letter to Tallcree in follow up to its letter of April 10, 2008. The letter noted that BC Hydro had inquired about scheduling a meeting with Tallcree in late September, but had not received a response. The letter advised that BC Hydro would be available to travel to northern Alberta in the second half of October, and requested an introductory meeting with Tallcree to develop a plan for future consultation. The letter enclosed a further copy of the Stage 1 Summary Report.

On October 7, 2008, BC Hydro sent a letter to Tallcree in follow up to BC Hydro's letter of September 26, 2008, and reminded Tallcree that BC Hydro representatives would be in northern Alberta in the second half of October. The letter reiterated BC Hydro's interest in scheduling an introductory meeting with Tallcree to discuss the Project and develop a plan for future consultation.

On October 22, 2008, BC Hydro met with representatives of the member bands of the North Peace Tribal Council, including Beaver First Nation, Little Red River Cree Nation, Dene Tha' First Nation, and Tallcree. BC Hydro provided an introductory Project overview, explained BC Hydro's preliminary understandings regarding the potential changes to downstream conditions and responded to questions. BC Hydro provided copies of the Stage 1 Summary Report and an overlay map of the Site C reservoir. Prior to the meeting, BC Hydro met with the consultation facilitator for the North Peace Tribal Council who raised several questions and concerns, including whether the scope of consultation would include consideration of cumulative and historical grievances related to the construction of previous hydroelectric facilities on the Peace River, and whether BC Hydro would consult with the North Peace Tribal Council or individual First Nations. BC Hydro advised that it would be consulting with the individual First Nations unless they chose to delegate upwards, in which case formal authorization would be needed from the individual Chiefs.

<u>2009</u>

On April 7, 2009, BC Hydro met with representatives of Tallcree (Band Manager, consultant). BC Hydro provided an overview of the Project and the parties discussed potential changes downstream which could result from the Project. Tallcree asked about possible impacts on local creeks and advised that the local creek was Tallcree's water source. BC Hydro tabled an offer of capacity funding, and agreed to send Tallcree a draft Stage 2 consultation agreement. Tallcree called BC Hydro on April 27, 2009, and advised that Chief and Council had reviewed and approved the *Stage 2 Consultation Agreement*.

On May 7, 2009 BC Hydro met with representatives of Tallcree (Chief, three Councillors, Band Manager, others) and provided an overview of the Project. Discussion items included: economic opportunities during construction, training opportunities in environmental and

engineering fields, and clarification of the objectives of consultation. The parties agreed that a meeting would be scheduled for Tallcree to meet with BC Hydro's technical experts on fish and hydrology issues. Tallcree signed the *Stage 2 Consultation Agreement*, dated May 7, 2009. The agreement established the principles, process and scope for consultation and collaboration between Tallcree and BC Hydro for Stage 2, and provided capacity funding to enable Tallcree to participate fully in the consultation process. The term of the agreement extended to March 31, 2010.

On May 7, 2009, BC Hydro sent a letter to Tallcree enclosing materials from the environmental and socio-economic Technical Advisory Committees that took place between September 2008 and February 2009. The materials included information on wildlife, fish and aquatics, land and resource use, recreation and tourism, community services and infrastructure, heritage, and greenhouse gases. BC Hydro advised that it was providing the materials for the purpose of early information sharing, and cautioned that the information should not be relied upon as a forecast of final study results.

On May 14, 2009, BC Hydro sent a letter to Tallcree attaching a capacity funding cheque issued pursuant to the *Stage 2 Consultation Agreement*.

On June 2, 2009, BC Hydro sent a letter to Tallcree enclosing a disk containing the complete set of Stage 1 studies, as follows:

- Peace River Fisheries Investigation – Peace River Tributary Spring Spawning Migration, Tributary Summer Juvenile Rearing and Radio Telemetry Studies 2006 – AMEC Earth & Environmental.
- Peace River Fish and Aquatics Investigations – Peace River Tributary Summer Fish Distribution, Habitat Assessment and Radio Telemetry Studies 2005 – AMEC Earth & Environmental and LGL Limited.
- Peace River Fisheries Investigation – Peace River and Pine River Radio Telemetry Study 2007 – AMEC Earth & Environmental.
- Peace River Site C Wildlife Investigations – Preliminary Inventory of Bat Species in the Peace River Corridor (2005) – Keystone Wildlife Ltd.
- Peace River Site C Wildlife Investigations – Inventory and Habitat Use of Bat Species in the Peace River Corridor 2005-2006 Final Report – Keystone Wildlife Ltd.
- Peace River Wildlife Surveys – Baseline Inventory Surveys 2006 – Keystone Wildlife Ltd.
- Terrestrial Ecosystem Mapping of the Peace River Site C Study Area Report – Keystone Wildlife Ltd.

- Expanded Legend for the Peace River Terrestrial Ecosystem Mapping Project – Keystone Wildlife Ltd.
- Peace River Site C Winter Wildlife Surveys 2006 Summary Report – Keystone Wildlife Ltd.
- Peace River Fisheries & Aquatic Resources Literature Summary – AMEC Earth & Environmental.
- Small Fish Surveys in the Peace & Halfway Rivers (2006) – Mainstream Aquatics Ltd.
- Water Quality, River Sediment, Soil, and Vegetation Samples from the Peace River Watershed 2007

The letter advised that BC Hydro would provide Tallcree with Stage 2 studies when they became available. BC Hydro re-sent the Stage 1 studies to Tallcree on August 4, 2009.

On June 29, 2009, Tallcree sent an email to BC Hydro attaching its budget and work plan as required under the *Stage 2 Consultation Agreement*. BC Hydro replied on July 21, 2009, advising that BC Hydro had reviewed and approved Tallcree's budget and work plan.

In July, August and September 2009, BC Hydro attempted to contact Tallcree in regards to a proposed joint meeting with Dene Tha' First Nation and Little Red River Cree Nation on September 17, 2009, but was not successful. As a result, the meeting of September 17, 2009, with Dene Tha' First Nation and Little Red River Cree Nation was conducted without Tallcree's participation. Tallcree contacted BC Hydro on January 11, 2010, and explained that it had missed the meeting because of recent organizational challenges which included a high volume of employee turnover.

On September 4, 2009, BC Hydro sent a letter to Tallcree enclosing a disk containing the following Stage 2 studies:

- Peace River Fisheries Investigation Peace River and Pine River Radio Telemetry Study 2008. AMEC Earth & Environmental and LGL Limited.
- Baseline Data Collection - Peace River Watershed Water Quality and Dinosaur Lake Limnology Sampling - 2008. Golder Associates Ltd.
- Peace River Site C Hydro Project Stage 2 - Baseline Greenhouse Gas Emissions Report. Jacques Whitford AXYS (Stantec).
- Peace River Site C Hydro Project Stage 2 Baseline Vegetation and Wildlife Report. Keystone Wildlife Research Ltd.

- Peace River Angling and Recreational-Use Creel Survey Interim Year 1 Report. LGL Limited.
- Site C Fisheries Studies - Baseline Peace River Tributaries Fish Use Assessments in Spring and Fall 2008. Mainstream Aquatics Ltd.
- Site C Fisheries Studies - Juvenile Fish and Fish Habitat Inventory of Peace River Tributaries in Summer 2008. Mainstream Aquatics Ltd.
- Site C Peace River - Mercury Levels in Peace River Fish Tissue – Data Report 2008. Mainstream Aquatics Ltd.
- Site C Fisheries Study Upper Halfway River Watershed Bull Trout Spawning Survey 2008. Mainstream Aquatics Ltd.

The letter advised that BC Hydro would provide further Stage 2 studies once available, and offered to meet to with Tallcree to discuss the enclosed materials.

2010

On January 6, 2010, BC Hydro sent a letter to Tallcree in response to Tallcree's request earlier that day, and enclosed a disk containing copies of the Stage 1 and 2 studies released to date. BC Hydro had previously provided Tallcree with copies of the Stage 1 studies (June 2, 2009) and Stage 2 studies (September 4, 2009).

On March 11, 2010, Tallcree sent an email to BC Hydro attaching three Quarterly Financial Reports as required under the *Stage 2 Consultation Agreement*.

On March 15, 2010, BC Hydro sent three letters to Tallcree attaching capacity funding cheques issued pursuant to the *Stage 2 Consultation Agreement*.

On March 19, 2010, Tallcree's consultation manager sent an email to BC Hydro which informally outlined Tallcree's concerns about the Project, as follows: 1) overall effect to the flow of the Peace River; 2) overall effect to the tributary system of the Peace River; 3) potential impact the wetlands and riparian zones of these river systems (i.e., moose habitat and calving zones), and 4) overall effect on fishing (i.e., changes in water quality, temperature, fish numbers and health). The consultation manager noted that BC Hydro would have to wait until the meeting on March 29 to hear concerns directly from the community. The consultation manager indicated that the community was interested in gathering additional traditional use information.

On March 29, 2010, BC Hydro met with representatives of Tallcree (four Councillors, consultation manager) as well as twelve Elders and youth delegates. BC Hydro gave presentations and responded to questions on hydrology and fish/aquatics, and provided an

overview of BC Hydro's approach to consultation. Tallcree advised that the Elders' had concerns that dated back to the construction of the W.A.C. Bennett Dam. BC Hydro replied that the Site C First Nations Engagement Team did not have a mandate to discuss historical grievances. Tallcree provided BC Hydro with a PDF document which outlined Tallcree's overall perspective on the Project. According to the document:

- Tallcree supported the general themes of resolutions passed by the Treaty 8 First Nations of Alberta, Saulteau First Nations, and the Assembly of First Nations, which expressed concerns about the Project;
- Tallcree emphasized the importance of completing a comprehensive cumulative impact assessment for the Peace River, which Tallcree described as "the heart of our traditional use territory";
- Tallcree had "witnessed the diminished flows of the Peace, the Wabasca [and] other waterways" and had "seen irrevocable impacts to our trappers' way of life, to our hunting and fishing sites";
- Tallcree emphasized that traditional use data should be considered an integral part of any assessment work being undertaken for the Project;
- Tallcree looked forward to continuing to work with BC Hydro in the hope that meaningful and respectful resolutions could be found.

On April 19, 2010, BC Hydro sent an email to Tallcree advising that the provincial government had announced that the Project would move forward to Stage 3, the Environmental and Regulatory Review Stage. The email also provided a link to the Project website where the final Stage 2 Report and 35 appended studies and reports had been posted.

On July 6, 2010, Tallcree sent a letter to BC Hydro thanking BC Hydro for the opportunity to consult and collaborate together over the previous fiscal year. The letter expressed appreciation for BC Hydro's commitment to innovation and reciprocity, and noted that BC Hydro had allowed Tallcree to make a seamless transition to an amended work plan focused on relationship and trust building. The letter advised that BC Hydro's efforts had not gone unnoticed by the community, management and leadership. The letter also expressed appreciation for BC Hydro's support in bringing Elders and youth delegates to the meeting in Vancouver on March 29, 2010. The letter attached a draft work plan and sought funding to undertake the following projects:

- a consolidated research review (involving a scan and review of BC Hydro documentation and reports, Stage 1 and 2 reports on ecosystem mapping, wildlife and

vegetation survey/inventory, fish and aquatic survey/inventory, water quality and flow, sediment, soils, vegetation and economic opportunities impact assessment), and

- a traditional use and knowledge study and report.

The letter requested that BC Hydro contact Tallcree to discuss the draft work plan, and advised that a more detailed work plan could be provided to BC Hydro upon request. The letter noted that while Tallcree had affiliations with other First Nations, tribal councils and treaty areas, any decisions and/or recommendations regarding the Project would need to be developed internally and submitted by and for Tallcree.

On July 8, 2010, BC Hydro sent a letter to Tallcree in follow up to Tallcree's letter of July 6, 2010. BC Hydro advised that it was currently developing and refining its consultation process and draft consultation agreements for the Project. The letter further advised that BC Hydro would contact Tallcree upon finalization of the draft consultation agreements.

On September 23, 2010, BC Hydro sent a letter to Tallcree attaching a draft Stage 3 consultation agreement for Tallcree's review and consideration. The letter expressed interest in scheduling a meeting to discuss the draft agreement. The letter advised that BC Hydro had considered Tallcree's proposal to conduct a consolidated research review and a traditional land use study and report, but was not able to support funding for the two studies at this time.

On November 26, 2010, Tallcree's consultation manager called BC Hydro and expressed concern about the level of funding in the draft Stage 3 consultation agreement. BC Hydro indicated there would be less information exchange in the coming year and that the funding was intended to keep the dialogue going from Stage 2. BC Hydro advised that BC Hydro did not intend to fund traditional use studies for Tallcree and other First Nations near Tallcree's location because (a) there was little likelihood that their traditional practices extended into B.C. and the Site C Project's dam site area, and (b) BC Hydro did not anticipate potential downstream changes past the town of Peace River. Tallcree acknowledged that BC Hydro's reasoning made sense. BC Hydro agreed to send Tallcree a revised draft of the Stage 3 consultation agreement, based on the discussion, and Tallcree agreed to review it and respond.

<u>2011</u>

On February 25, 2011, Tallcree provided BC Hydro with a finalized and executed copy of the *Stage 3 Consultation Agreement*.

The *Stage 3 Consultation Agreement*, dated February 23, 2011, establishes the principles, process and scope for consultation between BC Hydro and Tallcree for Stage 3, and provides capacity funding to ensure Tallcree's ability to participate in the consultation process. The agreement outlines the respective responsibilities of the parties, specifying

that BC Hydro would provide Tallcree with necessary information about the Project, that Tallcree would be responsible for providing information about its concerns regarding the Project, including potential impacts on section 35(1) rights, and that BC Hydro and Tallcree would be jointly responsible for identifying strategies to avoid, mitigate, manage or accommodate those potential adverse impacts. The agreement includes provisions addressing confidentiality, budgeting and work planning, funding and payment schedules, and communication between the parties. The agreement includes a draft work plan and budget for a defined consultation project, whereby Tallcree would provide BC Hydro with feedback on the Potential Downstream Changes Report. The agreement remains in effect until the completion of Stage 3 (the environmental assessment and regulatory review stage), subject to termination by either party upon 90 days written notice.

On March 1, 2011, BC Hydro sent an email to Tallcree providing a link to the following Stage 2 fisheries studies:

- Peace River Fisheries Investigation: Peace River and Pine River Radio Telemetry Study 2009. AMEC Earth and Environmental and LGL Limited. 2010.
- Site C Fisheries Studies: Halfway River and Moberly River Fall Mountain Whitefish Migration and Spawning Study 2009. Mainstream Aquatics Ltd. 2010.
- Site C Fisheries Studies: Halfway River and Moberly River Summer Fish Survey (2009). Mainstream Aquatics Ltd. 2010.
- Site C Fisheries Studies: Peace River Fish Inventory 2009. Mainstream Aquatics Ltd. 2010.

On March 7, 2011, BC Hydro sent a letter to Tallcree enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On March 15, 2011, BC Hydro sent a letter to Tallcree advising that BC Hydro was engaged in planning for the upcoming field season of environmental work associated with the Project. The letter indicated that, in order to engage Aboriginal groups in discussion of this work, BC Hydro had prepared summary documents that described proposed studies for the 2011 field season. The letter enclosed a study outline and work plan summary for the Environmental Program: Physical Environment. The letter advised that the purpose of the proposed studies was to characterize baseline environmental conditions, including water levels and flow, flood forecasting, water temperature and ice, sediment transport, microclimate, air quality, noise, greenhouse gases, and contaminated sites. The letter explained that the baseline data would be used to inform the assessment of potential environmental effects associated with the Project. The letter requested input from Tallcree regarding the proposed studies, and explained that they could be changed or revised in

scope or timing based on input from the Aboriginal groups. The letter also included links to the following Stage 2 studies:

- Baseline Greenhouse Gas Emissions Report by Jacques Whitford AXYS (Stantec) (2009).
- Review of Potential Downstream Changes from Site C Operations – Preliminary Findings. Report by Jacques Whitford and BC Hydro (2009).
- Preliminary GHG Emissions Estimate from Construction Materials – Site C Hydro Project. Memo by Jacques Whitford and BC Hydro (2009).

On April 11, 2011, BC Hydro sent a letter to Tallcree attaching a capacity funding payment issued pursuant to the *Stage 3 Consultation Agreement*.

On May 18, 2011, BC Hydro sent a letter to Tallcree 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 June 10, 2011, BC Hydro met with representatives of Tallcree (consultation manager) and Little Red River Cree Nation. BC Hydro provided an update on the Project and advised that the Project Description Report had been filed with the CEA Agency and the BCEAO. BC Hydro provided Tallcree with a hard copy of the Project Description Report and offered to provide a presentation about the Project Description Report at a future meeting. BC Hydro advised that the Downstream Report was in the process of being updated and might be available for distribution to First Nations by the fall of 2011. BC Hydro expressed interest in supporting collaboration between First Nations in hiring an independent hydrologist to review the updated Downstream Report. Tallcree indicated that it planned to submit a funding proposal under the *Stage 3 Consultation Agreement* for engagement by the Tallcree community with other downstream First Nations, and a meeting at the Site C dam site with upstream First Nations. Tallcree advised that it expected BC Hydro to address historical grievances related to existing hydroelectric facilities on the Peace River when it met with the Tallcree community, and suggested that it wanted to hear BC Hydro taking responsibility for the past before moving forward.

On July 4, 2011, Tallcree sent a letter to BC Hydro which outlined a funding proposal pursuant to the *Stage 3 Consultation Agreement*. The proposal involved convening a group of Tallcree Elders, youth and community leaders for meetings with (a) downstream First Nation at Fort Chipewyan in July, and (b) upstream First Nations at the proposed Site C dam site in August. The letter included a proposed scope of work, budget, work plan and source of funds. Tallcree called BC Hydro and asked for a response to the proposal. BC Hydro advised that while it was prepared to support funding for community engagement, it had concerns about the cost of Tallcree's proposal for transportation via charter plane.

Tallcree indicated that it would amend the proposal and resubmit it to BC Hydro, but did not do so.

On September 30, 2011, BC Hydro sent an email to Tallcree 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 website links to the CEA Agency and BCEAO websites.

2012

On February 6, 2012, BC Hydro sent an email to Tallcree attaching the following two documents intended to provide an update on BC Hydro's proposed approach to Site C procurement and contracting work:

- Examples of Potential Contracting Work Related to Construction (January 24, 2012)
- Site C Procurement Update for First Nations (January 24, 2012)

The email also provided web links to information presented at the Site C Business Information Session in fall 2011.

On February 10, 2012, BC Hydro sent a letter to Tallcree to provide an update on the progress towards completing the updated Downstream Report. The letter provided an overview of the work carried out to date, a description of the scope of the current analyses, and some preliminary study results. BC Hydro offered to meet with Tallcree to review the interim results or upon completion of the updated report.

On April 10, 2012, BC Hydro sent a letter to Tallcree attaching an updated PDF map of the proposed Project footprint, and offered access to the associated GIS shape file data if it was of interest to Tallcree.

On May 4, 2012, BC Hydro sent a letter to Tallcree 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 Tallcree regarding the identification of Valued Components and spatial boundaries for the Environmental Assessment, and expressed its desire to consult further with Tallcree 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 Tallcree regarding their proposed Valued Components and related spatial boundaries.

On May 25, 2012, BC Hydro sent a letter to Tallcree 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 June 7, 2012, BC Hydro called Tallcree and expressed interest in setting up a meeting with Chief and Council to discuss the Potential Downstream Changes Report.

On July 11, 2012, the North Peace Tribal Council sent an email to the BCEAO and the CEA Agency (cc: BC Hydro) and attached a letter, dated June 25, 2012, from the Chiefs of Tallcree First Nation, Little Red River Cree Nation, Beaver First Nation, and Dene Tha' First Nation. The letter referred to a meeting of the North Peace Tribal Council on June 21, 2012, where the Chiefs had discussed their participation in the environmental assessment process for the Project. The letter requested a meeting with BC Hydro, the BCEAO and the CEA Agency, to discuss the need for a coordinated process for consultation involving the four First Nations. The letter reiterated the North Peace Tribal Council's ongoing opposition to the Project.

On July 17, 2012, BC Hydro sent an email to Tallcree regarding the Potential Downstream Changes Report provided to Tallcree on May 4, 2012. BC Hydro was following up to see if Tallcree had any comments or questions about the report. BC Hydro noted that it had attempted to contact Tallcree by telephone to set up a meeting, but had been unsuccessful.

~~On August 22, 2012, BC Hydro sent a letter to Tallcree 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 Tallcree'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 Tallcree 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 Tallcree advising that the EIS Guidelines had been finalized by the CEA Agency and the BCEAO 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 Tallcree, 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 Tallcree 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 October 9, 2012, BC Hydro sent a letter to Tallcree and provided a new link to the secured file transfer website for Aboriginal groups. The new link was a result of an upgrade to the system which still could be accessed using previous usernames and passwords.

On October 19, 2012, BC Hydro sent an email to Tallcree advising that Quarterly Financial Reports pursuant to the *Stage 3 Consultation Agreement* were due for the period from February 2011 to September 2012. BC Hydro attached a template for a Quarterly Financial Report and advised that upon receipt of the reports, BC Hydro would issue capacity funding payments to Tallcree.

On October 24, 2012, BC Hydro sent a letter to Tallcree advising that BC Hydro had updated the Project footprint map for Site C. The letter noted that in April 2012, BC Hydro had provided Tallcree with the GIS shape file data and/or a PDF map of the Project footprint. The letter advised that the information had since been updated and provided a link to a secured file transfer website containing the updated map of the Project footprint, and associated shape files. The letter also attached a memorandum outlining the specifics of the new and amended information.

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

On November 15, 2012, BC Hydro sent a letter to Tallcree which sought to address potential gaps in the information exchange between the parties. The letter requested that

Tallcree 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.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A26 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: TALLCREE FIRST NATION

FINAL REPORT

Prepared for:

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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.

TALLCREE FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"First Nations"	North Peace Tribal Council member communities including Beaver First Nation, Dene Tha' First Nation, Little Red River Cree Nation and Tallcree First Nation
"NPTC"	North Peace Tribal Council
"Province"	Province of British Columbia
"the Project"	The proposed Site C Clean Energy Project
"Stage 3 Consultation Agreement"	Site C Clean Energy Project Stage 3 Consultation Agreement, between Tallcree First Nation and BC Hydro, dated February 23, 2011
"Tallcree"	Tallcree First Nation

Chronology of events

2012

On December 13, 2012, BC Hydro sent a letter to Tallcree, 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.

On December 17, 2012, BC Hydro, the BCEAO and the CEA Agency met with representatives of the NPTC (Executive Officer, Human Resources Manager) and the First Nations. Discussion topics included the environmental assessment process and timeline, the consultation process, and the potential impacts of the Project on the exercise of treaty rights by the First Nations. The following matters were also addressed at the meeting:

- BC Hydro confirmed that consultation agreements could be negotiated with the First Nations and noted that the level of funding support would be in the range provided to other Alberta First Nations in the area.

- BC Hydro advised that it was prepared to provide funding to the First Nations, either individually or collectively, to support a technical review of the EIS findings regarding downstream effects. The First Nations agreed to respond to BC Hydro's offer.

- BC Hydro requested that the First Nations, excluding Dene Tha', provide BC Hydro with information regarding their current use of lands and resources and their exercise of treaty rights, as well as traditional territory maps. BC Hydro indicated that it was prepared to provide some funding to support a desktop exercise to compile available information. The First Nations agreed to respond to BC Hydro's offer.

- BC Hydro provided the First Nations with a copies of the document titled "Responses to EIS Questions from Legal Counsel", prepared by Traditions Consulting Services Ltd., which summarized information on use of lands and resources for the each First Nation for inclusion in the EIS.

- Little Red River Cree Nation (Advisor) stated that it had submitted a letter to the CEA Agency and BCEAO which set out its understanding of treaty rights, and indicated that the document represented the views of the North Peace Tribal Council. BC Hydro agreed to provide the First Nations with a copy of its Discussion Paper on Treaty 8 Rights for their review and comment.

On December 20, 2012, BC Hydro sent an email to Tallcree, Beaver First Nation, Little Red River Cree Nation, and Dene Tha' First Nation attaching a Discussion Paper on Treaty 8 Rights which outlined BC Hydro's understanding of Treaty 8 rights. BC Hydro extended an invitation to meet to discuss the document.

2013

On January 15, 2013 and April 2, 2013, BC Hydro sent emails to Tallcree, requesting financial reporting pursuant to the *Stage 3 Consultation Agreement*. BC Hydro indicated that upon review and acceptance of the reports, payments would be issued to Tallcree. Tallcree responded, proposing that the parties schedule a meeting to clarify the terms of the *Stage 3 Consultation Agreement*.

On January 28, 2013, BC Hydro sent a letter to Tallcree, advising that it had submitted the EIS to the 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 treaty rights, and other Aboriginal interests potentially impacted by, and concerns with respect to, the Project. This summary also provided BC Hydro's understanding of the potential adverse effects of the Project on those asserted or established Aboriginal rights and treaty rights and interests.

On April 11, 2013, BC Hydro sent an email to Tallcree, extending an offer to meet for a Project update and to discuss any issues of interest to Tallcree.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A26 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: TALLCREE FIRST NATION

FINAL REPORT

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January 2013

Tallcree First Nation (TFN)

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

The TFN signed Treaty 8 in 1899, and were later allotted four Indian Reserves. In 1993, TFN and Canada signed the Tallcree Treaty Land Entitlement Agreement.[2] In this Agreement, TFN received 5,260 hectares of additional land made up of three new Reserves and additions to two existing Reserves. The seven Indian Reserves are located in the region northeast and south of Fort Vermilion, Alberta (Figure 1).

In December 2012, the registered population of TFN was 1,232, of whom 467 live on-Reserve. TFN is a member of the North Peace Tribal Council.[3]

1. **What is the TFN'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 Resources (Fish and Fish Habitat) LAAs and RAAs?**

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

2. **What is the TFN'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 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) LAAs and RAAs and Current Use of Lands and Resources (Fish and Fish Habitat) LAA are distant from the

[1] The sources consulted for this study are set out in the References. The research did not encounter any traditional land use (TLU) information that has been made publicly available by the TFN.

[2] Canada and Tallcree Indian Band #446 (1993). Tallcree Treaty Land Entitlement Agreement, 14 December 1993. INAC. Indian Land Registry #234952, 17 August 1995. Ottawa.

[3] AANDC (2012): Website http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=446&lang=eng.

location of the TFN. No specific information was identified that described or documented current use by the TFN 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) LAAs or RAAs for other traditional activities.

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

   No official statement by TFN has been identified on the exercise of asserted Aboriginal or treaty rights by the TFN **within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs**.

4. **Identify past, current and reasonably anticipated future use of lands and resources by TFN members for traditional purposes who may be adversely impacted by the project within the LAA and the RAA.**

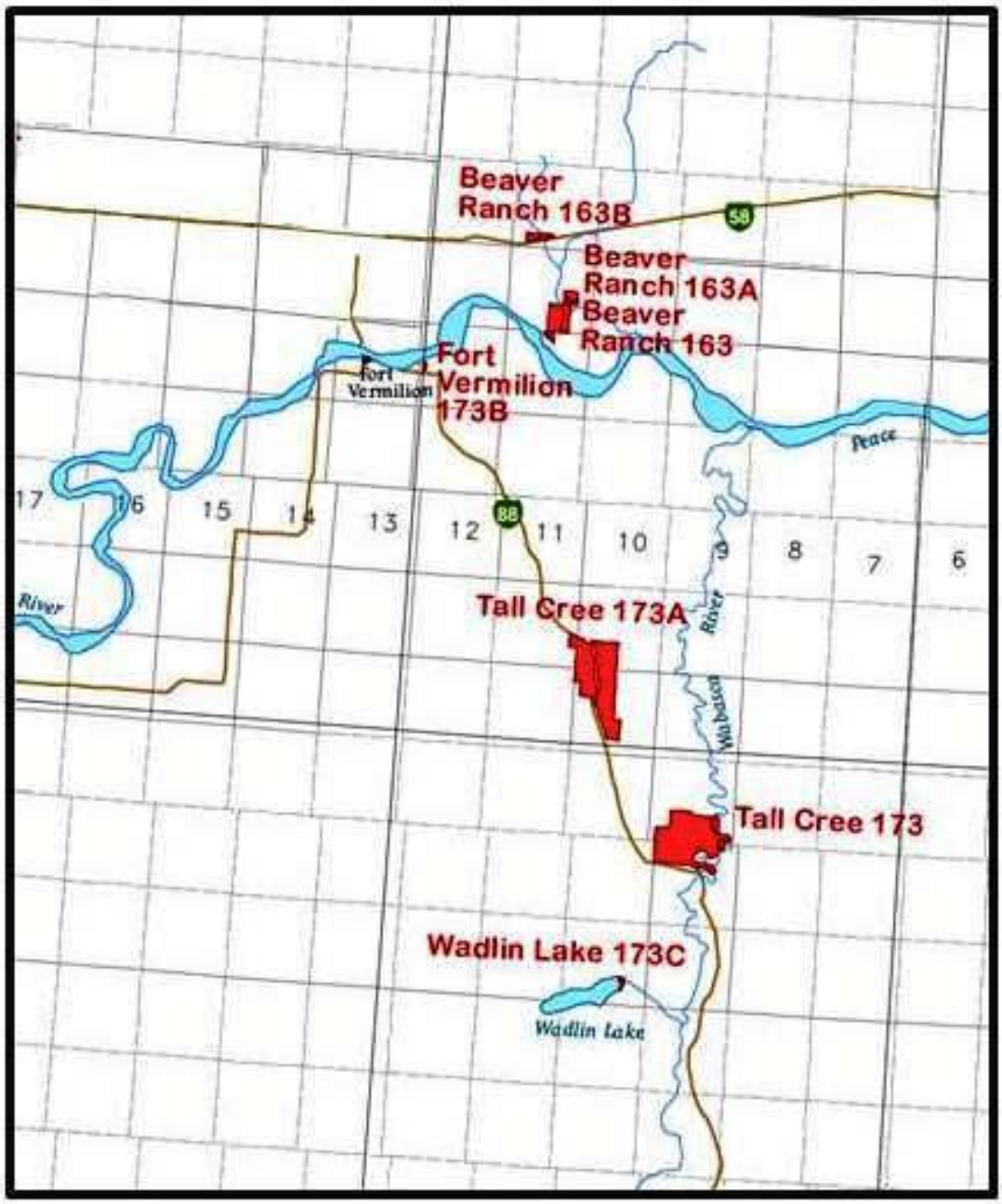
   No past or current use of lands and resources by TFN members within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs has been identified, nor has any information been identified relating to reasonably anticipated future use of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs by TFN 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 or RAAs?**

   BC Hydro did not enter into a Traditional Land Use Study agreement with TFN, and no traditional land use information was made available by TFN for consideration in this review. No publicly available information on TFN traditional territory or current traditional activities was identified from the on-line research.

   In the Treaty Land Entitlement Agreement negotiations, TFN identified the region of the existing TFN Indian Reserves as the most important. The expanded Indian Reserves (173 and 173A) and the new Reserves (173C, 163A and 163B) agreed to in the negotiations were located in this region, northeast and south of Fort Vermilion, Alberta.

Figure 1: Map Depicting the Location of the Tallcree First Nation Indian Reserves (Portion of Natural Resources Canada (2009). [Map] Canada Lands - Alberta First Nation Lands and National Parks of Canada, revised 10 July 2009. Ottawa).



References

Aboriginal Affairs and Northern Development Canada (2012). First Nation Profiles. http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND_NUMBER=446&lang=eng.

Canada, Privy Council Office (1922). Order-in-Council P.C. No. 1999-1685 29 September 1999. INAC. First Nations Land Registry. Instrument No. 275400, 5 November 1999. Ottawa.

Canada and Tallcree Indian Band #446 (1993). Tallcree Treaty Land Entitlement Agreement, 14 December 1993. INAC. Indian Land Registry No. 234952, 17 August 1995. Ottawa.

Natural Resources Canada (2009). [Map] Canada Lands - Alberta First Nation Lands and National Parks of Canada, revised 10 July 2009. Ottawa. http://clss.nrcan.gc.ca/images/CanadaCarte-IndexMap_AB.pdf.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A26 PART 4

ABORIGINAL SUMMARY:
TALLCREE FIRST 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

Tallcree First Nation

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Tallcree First 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 treaty rights and interests of Tallcree First Nation.

Tallcree First Nation's Treaty Rights

Section 35(1) of the Constitution recognized and affirmed treaty rights of Aboriginal groups. Treaty 8 was entered into in 1899 and guarantees the First Nation signatories the "right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered" subject to two limitations: (i) "such regulations as may from time to time be made by the Government of the country," and (ii) "saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes."

The following Aboriginal groups listed in Table 34.1 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements are signatories or adherents to Treaty 8: Blueberry River First Nations, Fort Nelson First Nation, McLeod Lake Indian Band, Saulteau First Nations, Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations, Athabasca Chipewyan First Nation, Beaver First Nation, Dene Tha' First Nation, Duncan's First Nation, Horse Lake First Nation, Little Red River Cree Nation, Mikisew Cree First Nation, Smith's Landing First Nation, Sturgeon Lake Cree Nation, Tallcree First Nation, Woodland Cree First Nation, Deninu K'ue First Nation, Salt River First Nation.

For a more thorough discussion of rights under Treaty 8, see Section 34.3.2.1 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements.

Tallcree First Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Tallcree First 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.

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.
Vegetation and Ecological Communities
Concern about the potential effects of the Project on vegetation and plant communities.
Concern about the potential effects of the Project on wetland habitat.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
Aboriginal Interests – 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, including their ability to exercise section 35(1) rights. Asserted impacts include: - Assertion that there was a lack of consultation by BC Hydro regarding the impacts of the W.A.C. Bennett dam before it was constructed

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 Tallcree First Nation's Treaty 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 Tallcree First 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 treaty rights by the Tallcree First Nation.

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