SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A06 PART 1

COMMUNITY SUMMARY:
DOIG RIVER FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
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January 2013

Doig River First Nation

Doig River First Nation (DRFN) has two reserves: Doig River No. 206 and Beaton River No. 204 (North Half), with a combined area of 1358.1 ha.[1] The main community is located on Doig River No. 206, about 30 km northeast of Fort St. John.[2] Facilities in the community include a cultural and administrative centre, a learning centre, a convenience store, and a day care (in progress).[3] The cultural and administrative centre is a large complex with a museum, a gym, administrative and health care offices, community gathering spaces, and outdoor rodeo grounds. In addition to being used by DRFN members, the cultural and administrative centre offers public exhibitions, programs and events so that adjoining communities and tourists can learn about and participate in DRFN culture.[4]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, DRFN has a registered population of 293, with 126 members living on DRFN reserves.[5] DRFN has a Chief and two Councillors, and uses the *Indian Act* electoral system.[6] DRFN members are involved in a number of economic activities, including road building, general contracting, forestry, first aid and safety services, oilfield maintenance and construction, and reclamation.[7]

According to DRFN:

> "Today, our people are living in a hybrid world that integrates non-aboriginal culture and economy with our Dane-zaa traditional knowledge and hunting culture. We are engaged in a range of business ventures and cultural activities that are focused on strengthening our economic base, improving the health of our community, and maintaining Dane-zaa traditions and language."[8]

History

DRFN was historically joined with the Blueberry River people as a single administrative entity, known as the Fort St. John Band.[9] When the Fort St. John Band dissolved in 1977, DRFN became an independent band.[10]

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Doig River*. Available at: http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=548&lang=eng. Accessed: December 2012. ("AANDC, Doig River").

[2] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. *Treaty 8 First Nations.* Available at: http://www.gov.bc.ca/arr/firstnation/treaty_8/default.html. Accessed: December 2012 ("MARR, Treaty 8 First Nations").

[3] Treaty 8 Tribal Association. 2012. *Communities- Doig River First Nation.* Available at: http://www.treaty8.bc.ca/communities/doig.php. Accessed: December 2012 ("T8TA Communities").

[4] Ministry of Canadian Heritage. 2012. *Doig River First Nation Cultural Centre.* Available at: http://www.pro.rcip-chin.gc.ca/GetMember.do?id=guaecg&lang=en&ens=cnRsTGFuZz1lbg==. Accessed: December 2012.

[5] AANDC, Doig River.

[6] AANDC, Doig River

[7] T8TA Communities.

[8] Virtual Museum Canada. 2012. *Doig River First Nation, About the Project*. Available at: http://www.museevirtuel-virtualmuseum.ca/sgc-cms/expositions-exhibitions/danewajich/english/project/drfn.php. Accessed: December 2012.

[9] The Fort St John Band is also known as the Beaver Band of Fort St John. Other historical documents refer to the band as the St John Band, the St John Beaver Band of Indians, and the St John Beaver Band. The Supreme Court, in its decision in *Blueberry River Indian Band v. Canada (Department of Indian Affairs and*

The Fort St. John Band adhered to Treaty 8 on May 30, 1900 and selected Montney (Gat Tah Kwâ) as the site of its reserve in 1913.[11] The reserve was surveyed in 1914 and approved by Order-in-Council in 1916. It was administratively designated as IR 172.[12]

The Fort St. John Band continued to use Montney (Gat Tah Kwâ) as a summer gathering place after 1914, but a permanent settlement was never established there. Near the end of World War II, the federal government established a program that made agricultural land available to returning veterans. The possibility of using IR 172 for this program came under consideration, and ultimately the Fort St. John Band agreed to surrender IR 172 to the Crown. In 1948, the Department of Indian Affairs transferred IR 172 to the Director of the *Veterans' Land Act* for $70,000.[13]

The Department of Indian Affairs used a portion of the $70,000 from the sale of IR 172 to purchase other lands further north, which became the Fort St. John Band's new reserves.[14]

Treaty Land Entitlement Claim

Canada has accepted the treaty land entitlement claim of the Blueberry River First Nations and DRFN respecting alleged shortfalls in their original Treaty 8 land entitlements. Canada subsequently sought the involvement of B.C. in the negotiations to resolve the claims. B.C. agreed to participate.[15]

Northern Development), [1995] 4 SCR 344, refers to the band as the “Beaver Band”. See: Indian Claims Commission (ICC). 2006 *Blueberry River First Nation, Doig River First Nation, Highway Right of Way IR 172 Inquiry*. Ottawa, ON. Available at: http://publications.gc.ca/collections/Collection/RC31-33-2006E.pdf. Accessed: December 2012 (“ICC IR 172 Inquiry”).

[10] *Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development)*, [1995] 4 SCR 344 (“Blueberry River Indian Band v. Canada”) at para 29.

[11] ICC IR 172 Inquiry.

[12] ICC IR 172 Inquiry at 4.

[13] Blueberry River Indian Band v. Canada at paras 27-28.

[14] Blueberry River Indian Band v. Canada at para 28.

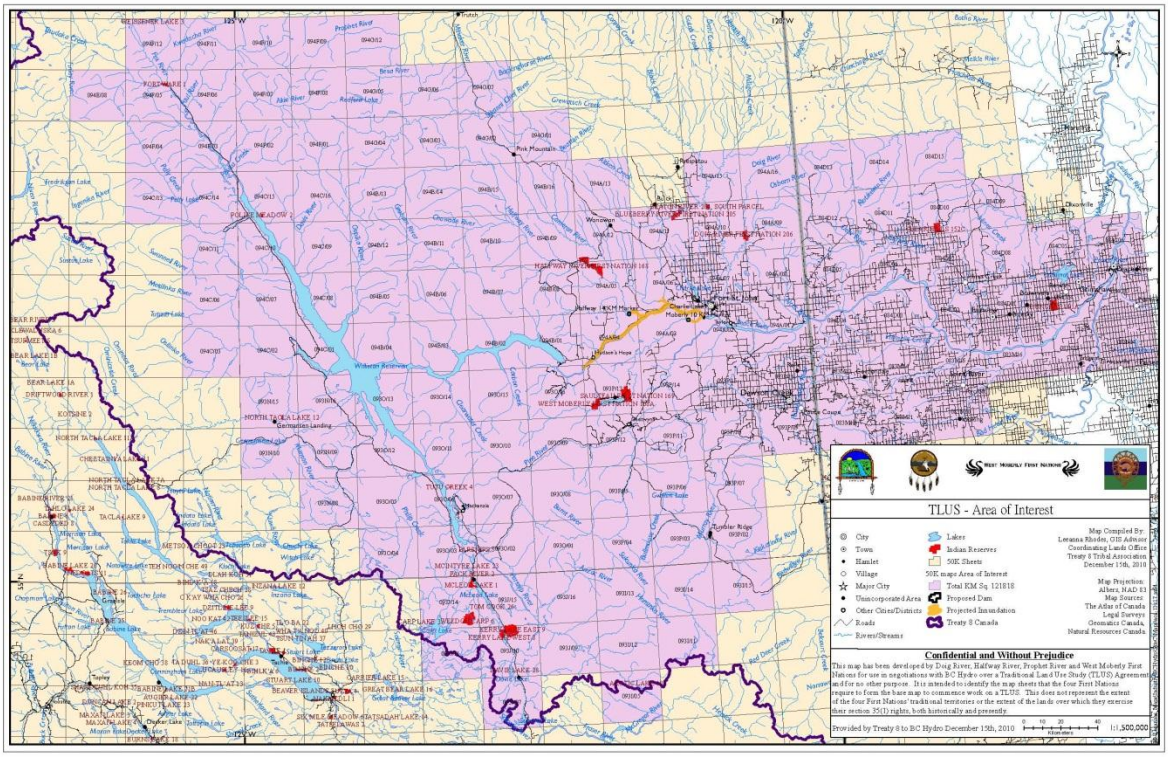
[15] MARR, Treaty 8 First Nations.

Traditional Territory Map

Treaty 8 Tribal Association. 2012. *TLUS - Area of Interest: Map*.

Note: Doig River First Nation, as a member of the Treaty 8 Tribal Association, provided BC Hydro with this map, which was included in the amended Traditional Land Use Study Agreement and identified as the “Study Area”. The “Confidential and Without Prejudice” section of the text box below has been reproduced here:

> “Confidential and Without Prejudice”
>
> This map has been developed by Doig River, Halfway River, Prophet River and West Moberly First Nations for use in negotiations with BC Hydro over a Traditional Land Use Study (TLUS) Agreement and for no other purpose. It is intended to identify the map sheets that the four First Nations require to form the base map to commence work on a TLUS. This does not represent the extent of the four First Nations' traditional territories or the extent of the lands over which they exercise their section 35(1) rights, both historically and presently.”



SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A06 PART 2

BC HYDRO CONSULTATION SUMMARY: DOIG FIRST NATION (AS A MEMBER OF TREATY 8 TRIBAL ASSOCIATION)

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

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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 December 4, 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.

COUNCIL OF B.C. TREATY 8 CHIEFS / TREATY 8 TRIBAL ASSOCIATION

The list of Aboriginal groups in Section 20.1 of the EIS Guidelines does not specifically include tribal councils, associations or other collective entities. However, on March 24, 2008, the Doig River, Halfway River, Fort Nelson, Prophet River, Saulteau and West Moberly First Nations (collectively known as the "Treaty 8 First Nations" or "T8FNs") indicated to BC Hydro that they wished to be consulted respecting the Project through a collective entity originally called the Council of Western Treaty 8 Chiefs and later referred to as the Council of B.C. Treaty 8 Chiefs ("CT8C"). After April 2010, the collective entity representing the T8FNs was the Treaty 8 Tribal Association ("T8TA").

On January 25, 2010, Saulteau First Nations informed BC Hydro that it had withdrawn from CT8C / T8TA and wished to be consulted independently. For a record of BC Hydro's consultations with Saulteau First Nations after January 25, 2010, refer to Volume 5, Appendix A23 Part 2.

As of March 31, 2010, Fort Nelson First Nation was no longer represented by CT8C / T8TA. For a record of BC Hydro's consultations with Fort Nelson First Nation after March 31, 2010, refer to Volume 5, Appendix A09 Part 2.

CONSULTATION SUMMARY

Defined terms	
"AIA"	Archaeological Impact Assessment
"AMEC"	AMEC Earth & Environmental, consultant for BC Hydro
"AOA"	Archaeological Overview Assessment
"Arcas"	Arcas Consulting Archeologists Ltd., consultant for BC Hydro

“Archaeology Branch”	Archaeology Branch, Province of British Columbia
“Archer”	Archer CRM Partnership, consultant for BC Hydro
“Artemis Wildlife”	Artemis Wildlife Consultants, consultant for BC Hydro
“BCEAO”	Environmental Assessment Office, Province of British Columbia
“BCUC”	British Columbia Utilities Commission
“Big Sky”	Big Sky Consulting Ltd., consultant for BC Hydro
“Camerado Energy”	Camerado Energy Consulting Inc., consultant for the Treaty 8 Tribal Association
“CEA Agency”	Canadian Environmental Assessment Agency
“CT8C”	Council of B.C. Treaty 8 Chiefs (also known as the Council of Western Treaty 8 Chiefs), representative body of the T8FNs (as defined below) in relation to the consultation process for the Project
“DCAT”	Dawson Creek and Chetwynd Area Transmission Project
“Decision Economics”	Decision Economics Consulting Group, consultant for BC Hydro
“Doig River”	Doig River First Nation
“EA”	environmental assessment
“*EAPA*”	Environmental Assessment Participation Agreement between the Treaty 8 First Nations (being the Doig River First Nation, Halfway River First Nation, Prophet River First Nation, and West Moberly First Nations) and BC Hydro, dated April 21, 2012
“EIS”	Environmental Impact Statement
“EIS Guidelines”	Environmental Impact Statement Guidelines, formerly called the Application Information Requirements
“Firelight Group”	Firelight Group Research Cooperative, consultant for Treaty 8 Tribal Association
“FLNRO”	Ministry of Forests, Lands and Natural Resources Operations
“Fort Nelson”	Fort Nelson First Nation
“GIS”	Geographic Information Systems
“Golder”	Golder Associates Ltd., consultant for BC Hydro
“Halfway River”	Halfway River First Nation

"historical grievances"	Allegations of damages arising from the construction and operation of BC Hydro's existing facilities on the Peace River
"IBA"	Impact Benefit Agreement
"ILMB"	Integrated Land Management Bureau, Province of British Columbia
"IR Wilson"	IR Wilson Consultants Ltd., consultant for BC Hydro
"IRP"	Integrated Resource Plan
"Keystone Wildlife"	Keystone Wildlife Research Ltd., consultant for BC Hydro
"LiDAR"	Light Detection and Ranging (optical remote sensing technology)
"LNG"	Liquefied Natural Gas
"MEMPR"	Ministry of Energy, Mines and Petroleum Resources
"Millennia"	Millennia Research Limited, consultant for BC Hydro
"MNRO"	Ministry of Natural Resources Operations, later changed to Ministry of Forests, Lands and Natural Resources Operations
"PDR"	Project Description Report
"Prophet River"	Prophet River First Nation
"the Province"	Province of British Columbia
"RFP"	Request for Proposal
"Saulteau"	Saulteau First Nations
"Site C" or "the Project"	The proposed Site C Clean Energy Project
"*Stage 2 Consultation Agreement*"	Stage 2 Consultation Agreement between the Treaty 8 First Nations (being the Doig River First Nation, Fort Nelson First Nation, Halfway River First Nation, Prophet River First Nation, Saulteau First Nations and West Moberly First Nations) and BC Hydro, dated December 1, 2008
"TAC"	Technical Advisory Committee
"TAR"	Technical Advisory Representatives
"TDR"	Technical Data Report
"TLUS"	Traditional Land Use Study
"*TLUS Agreement*"	Traditional Land Use Study Agreement between Treaty 8 Tribal Association, the Member First Nations (being the Doig River First Nation, Halfway River First Nation, Prophet River First

	Nation, and West Moberly First Nations), and BC Hydro (December 16, 2010)
"ToR"	Terms of Reference
"T8FNs"	Treaty 8 First Nations • includes Doig River First Nation, Halfway River First Nation, Prophet River First Nation, and West Moberly First Nations • includes Fort Nelson First Nation for the period from November 21, 2007 to March 31, 2010 • includes Saulteau First Nations for the period from November 21, 2007 to January 24, 2010
"T8TA"	Treaty 8 Tribal Association, representative body of the Treaty 8 First Nations (as defined above) in relation to the consultation process for the Project
"VC"	Valued Component
"VEC"	Valued Ecosystem Component
"West Moberly"	West Moberly First Nations

Key events

<u>November 1, 2007 – December 31, 2008</u>

- BC Hydro made initial contact with the six T8FNs (Doig River, Fort Nelson, Halfway River, Prophet River, Saulteau, West Moberly) on November 21, 2007 and expressed its commitment to effective consultation with respect to the Project.
- CT8C confirmed that it would represent the six T8FNs in relation to the Project.
- Representatives of BC Hydro and CT8C met for the first time on March 6, 2008. BC Hydro provided a high level introduction to the Project and agreed to provide CT8C with capacity funding to cover the costs of initial consultations. Meetings were held on April 15, April 28, May 8, July 3, and August 1; the parties engaged in discussions about the structure of the consultation process and the content of a long-term consultation agreement.
- In early May, BC Hydro provided CT8C with a report analyzing the "cascade option" as an alternative to the Project (*Prefeasibility Study for a Cascade of Low Consequence Structures as an Alternative to Site C*, January 2003) and with 12 environmental, fish and wildlife reports related to the Project completed between 1989 and 1991.

- BC Hydro provided CT8C (September 26) with study outlines for proposed Stage 2 studies in the areas of fish movement, greenhouse gas emissions, local climate / water temperature, heritage, fish passage, and recreational use. BC Hydro provided CT8C with the study outline for a further climate study on December 5.

- BC Hydro invited CT8C to participate in the TAC process on September 26. BC Hydro indicated that TAC participants were invited to review materials and provide input and advice to BC Hydro on: potential issues and topics for assessment, related to the proposed Project components and operations; potential Project effects on the existing human, physical and biological environment; the nature, scope and extent of information requirements and analysis for the assessment of the potential effects of the Project on the existing environment; proposed 2009 and later study designs; and, preliminary ideas for measures that may mitigate against potential adverse effects. CT8C (legal counsel) advised BC Hydro on October 10 that CT8C would not be participating in the TACs.

<u>January 1 to April 30, 2009</u>

- BC Hydro and CT8C finalized a consultation agreement on January 6, establishing a structured consultation process for Stage 2 and providing CT8C with capacity funding to engage in that process. The *Stage 2 Consultation Agreement* specified a “three pillared” approach to consultation involving:

  - a high-level consultation table (“Main Table”);
  - a technical committee (“Technical Advisory Representatives” or “TAR”); and,
  - Community Outreach Teams within each of the T8FN communities.

  The term of the agreement extended from December 1, 2008 to March 31, 2010, subject to termination by either party upon 30 days written notice.

- BC Hydro provided CT8C (January 12) with the Heritage Resources Data Gap Analysis for CT8C’s review and comment. BC Hydro expressed interest in meeting with CT8C to review the content of the report, and advised that comments provided by end of January would be considered in the final editing of the report.

- Main Table meetings were held on January 28 and April 23. At the first meeting, BC Hydro provided an overview of the work completed by the TACs, as well as information regarding upcoming TAC workshops in seven topic areas (fish, wildlife, heritage, land use, community services and infrastructure, recreation and tourism, greenhouse gases).

- The first TAR meeting was held on March 17. BC Hydro presented an overview of the Site C study program for 2008-09 (heritage, fish/aquatics, wildlife, socio-economics) and a briefing on the work completed to date by the TACs. CT8C confirmed that it would not be participating in the TACs. BC Hydro provided CT8C with eleven wildlife, fish and mapping studies completed in Stage 1 ("Stage 1 studies"), and nine study outlines for planned Stage 2 studies.

- BC Hydro attended open house meetings in each of the T8FN member communities: Fort Nelson (February 25); Prophet River (February 26); Halfway River (March 4); West Moberly (March 25); Doig River (March 25); and Saulteau (April 15). BC Hydro presented introductory information about the Project and responded to questions from community members.

<u>May 1 to September 30, 2009</u>

- BC Hydro wrote to T8TA on May 6 and enclosed materials from the environmental and socio-economic TACs for the purpose of early information sharing.

- Main Table meetings were held on May 20, June 24, July 24 and September 10, at which:

  - CT8C tabled a list of 97 questions regarding the Project, compiled from the community open house meetings and through CT8C's own consultation activities. (June 24)

  - The parties agreed that CT8C would prepare a position paper that would be appended to the Stage 2 Report. (June 24)

  - The parties engaged in initial discussions regarding the scope, budget and timeline of a proposed TLUS agreement and a draft TLUS agreement was tabled by BC Hydro. (All meetings)

- CT8C held a two-day meeting at Bear Flat in June, which was attended by over 200 T8FN community members, to provide an opportunity for participants to discuss and share information about the Project (BC Hydro did not attend). CT8C produced a DVD and information booklet about the Project, and provided copies to each household in the T8FN communities.

- Technical committee (TAR) meetings were held on May 5-6, June 16-17, July 14-15 and September 2. BC Hydro presented information and sought input from CT8C on the topics of fish, wildlife, greenhouse gas modeling, methyl mercury, reservoir clearing, slope stability, heritage/archaeology, and, agricultural land classification. BC Hydro reviewed the results of the fish and wildlife TACs and sought input from CT8C

regarding potential data gaps.

- CT8C sent a letter to Minister Lekstrom (MEMPR), copying BC Hydro, on June 30. The letter expressed concern about the timeline for BC Hydro's submission of the Stage 2 Report, and the fact that the government would be making a decision on moving forward to Stage 3 prior to the conclusion of the consultation process under the *Stage 2 Consultation Agreement*. Minister Lekstrom responded on August 31, advising that he had instructed BC Hydro to bring any significant issues raised by CT8C to his attention, even after the Stage 2 Report had been submitted.
- BC Hydro provided CT8C with nine wildlife and fish studies completed in Stage 2 ("Stage 2 studies") on September 2.
- CT8C held technical workshops in the T8FN communities (except Halfway River) in late September and early October, which provided a forum for community discussions and information exchange related to the Project. CT8C provided the T8FN communities with an overview of the Stage 1 studies and the Stage 2 study outlines. BC Hydro did not attend.

<u>October 1 to December 31, 2009</u>

- Main table meetings were held on October 14 and December 16. CT8C and BC Hydro engaged in negotiations regarding a proposed TLUS agreement, reaching an "Agreement to Negotiate" a TLUS on December 18. The agreement provided CT8C with capacity funding to engage in further TLUS negotiations and committed the parties to resolving the key issues within 60 days of January 15, 2010.
- BC Hydro provided CT8C with responses to its 97 questions regarding the Project.
- Technical committee (TAR) meetings were held on October 7 and November 16. BC Hydro presented information and sought input from CT8C with respect to topics in the areas of physical environment and engineering, including downstream flows, icing, sedimentation, climate change, impact lines and reservoir preparation. CT8C presented an overview of its "web portal" project which would allow T8FN community members to access information about the Project, including the Stage 1 and 2 studies and Project maps. CT8C launched the web portal on December 15-17.
- CT8C held a "Site C Summit" in Fort St. John on October 17, which was attended by approximately 175 T8FN members. The purpose of the event was to provide an opportunity for the T8FN members and invited guests to discuss the Project and the work completed to date by CT8C related to the Project. BC Hydro did not attend.
- BC Hydro provided CT8C with a draft work plan for the Site C Ungulate Study Program

on October 27. In a meeting with CT8C's technical advisor the following day, BC Hydro presented an overview of the draft work plan and sought input regarding the design of the study.

- CT8C submitted an appendix to the Stage 2 Report, providing background on CT8C's concerns with respect to the consultation process. CT8C asserted that it would be prejudiced if BC Hydro recommended that the Project advance to Stage 3, prior to the completion of the consultation process established under the *Stage 2 Consultation Agreement*. In BC Hydro's written response to the CT8C appendix, it expressed the view that its consultation with CT8C during Stage 2 had been honourable and conducted in good faith, and that no prejudice would result to CT8C from the submission of the Stage 2 Report.

<u>January 1 to April 30, 2010</u>

- The T8FN Chiefs wrote to Minister Lekstrom (MEMPR) on January 7, responding to BC Hydro's response to T8TA's appendix to the Stage 2 Report, and clarifying the Chiefs' concerns regarding the *Stage 2 Consultation Agreement*. The letter requested that MEMPR consult directly with the T8FNs regarding the decision to move forward to Stage 3, and asked MEMPR to consider a number of specific recommendations. Minister Lekstrom replied on March 1 with responses to the T8FNs' recommendations, and agreed to communicate with the T8FNs' Tribal Chief on Project-related matters should the opportunity or need arise.

- BC Hydro provided T8TA with a Stage 2 study titled *Review of Potential Downstream Changes from Site C Operations – Preliminary Findings* on January 11.

- Saulteau wrote to BC Hydro on January 25 advising that it was providing 30 days written notice of termination of Saulteau's participation in the *Stage 2 Consultation Agreement*, as required under that agreement. Saulteau advised that further work related to the Project would require direct referrals and consultation with Saulteau, not CT8C or T8TA.

- T8TA notified BC Hydro (February 15) of a decision by the Council of Chiefs that Fort Nelson and Saulteau would not be a part of the referrals process with the remaining four T8FNs (Doig River, Prophet River, Halfway River, West Moberly), and would not participate in meetings attended by the remaining four T8FNs.

- BC Hydro and T8TA began negotiations on the terms of a potential TLUS agreement at meetings on January 29, February 26, and March 23 (Main Table).

- At the Main Table meeting on March 23, BC Hydro advised that it was prepared to start negotiations on a Stage 3 consultation agreement so that the parties could be in a

position to execute the agreement when an announcement was made to move forward to Stage 3. T8TA indicated that it would seek direction from the T8FN Chiefs on moving forward with a preliminary, non-binding Stage 3 consultation agreement. Following the expiry of the *Stage 2 Consultation Agreement* on March 31, T8TA wrote to BC Hydro on April 1 requesting interim capacity funding to allow the parties to complete outstanding matters under the *Stage 2 Consultation Agreement*, and ensure that T8TA had the ability to negotiate on subjects that would form the basis of a potential Stage 3 consultation agreement.

- BC Hydro wrote to T8TA on March 22 advising of BC Hydro's preparations for the field season of environmental work, and seeking input on work plans for environmental studies and heritage work proposed for 2010.
- BC Hydro advised T8TA on April 19 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.

<u>May 1 to September 30, 2010</u>

- T8TA wrote to BC Hydro on June 3 advising that it was ready to engage in discussions with respect to funding to negotiate a Stage 3 consultation agreement.
- BC Hydro met with representatives of T8TA on July 21, to provide an update on Stage 3 activities. The parties discussed the possible terms, timing and funding for a Stage 3 consultation agreement. T8TA indicated that it was currently running a deficit and would need bridge funding to negotiate an agreement. BC Hydro agreed to provide a draft Stage 3 consultation agreement, as well as a proposed negotiation budget and timelines in mid-August. In a letter dated August 25, T8TA inquired about the status of the draft Stage 3 consultation agreement and reiterated its request for interim capacity funding. BC Hydro responded on August 31 advising that it anticipated being able to table a draft Stage 3 consultation agreement on or before September 7, and provided a summary of its engagement efforts since April 19. BC Hydro provided T8TA with a draft Stage 3 consultation agreement on September 7, and the parties met via teleconference on September 10 to discuss the draft and set up a schedule for future negotiations. On September 14, T8TA provided BC Hydro with a spreadsheet of costs incurred by the T8FNs since the expiry of the *Stage 2 Consultation Agreement*, and requested reimbursement. BC Hydro responded on September 14 advising that it could support the funding request subject to two minor caveats, and provided a cheque for interim capacity funding on September 24.
- BC Hydro wrote to T8TA on June 21 advising that Golder had been awarded the contract to conduct the Heritage Assessment for the Project, and inviting T8TA to

identify interested community members to attend a heritage training program, with a view to providing employment opportunities. T8TA responded on July 21, expressing concern that BC Hydro had not consulted with the T8FNs before it proceeded with the Heritage Assessment and other environmental studies. T8TA requested further information about Golder's proposal, as well as capacity funding to hire an independent archaeologist to review the heritage material. BC Hydro responded on August 4, explaining that T8TA had received a package outlining BC Hydro's plans to initiate the Heritage Assessment that year (March 22), and had been invited to review the package of information and to provide input, prior to selecting contractors or initiating the work. While T8TA had not responded to this invitation, BC Hydro advised that T8TA would still have opportunities to provide input through the Archaeology Branch's referral process. BC Hydro identified the availability of capacity funding to facilitate T8TA's review process, and agreed to provide T8TA with the technical content of Golder's proposal and work plan (which was sent to T8TA via letter on August 17).

- The parties continued to negotiate the terms of the proposed TLUS agreement at meetings on July 21 and September 10.

- AMEC, consultant for BC Hydro, advised T8TA and the T8FNs on July 30 that it had applied to the Archaeology Branch for a Heritage Inspection Permit to conduct an AIA for the Project, which aimed to identify archaeological sites that might be affected by the development of the Project. On September 2, T8TA wrote to the Archaeology Branch regarding AMEC's application, expressing concern about the Archaeology Branch's approach to the consultation process, and outlining several substantive concerns about the application including the incorporation of traditional knowledge, protocols for the discovery of human remains, and other matters. The Archaeology Branch responded on September 7, and advised that it required clarification on a number of points in order to consider accommodating the concerns raised by T8TA, and indicated that it would be available to meet with T8TA. On September 30, the Archaeology Branch advised that it had decided to issue a "Stage 1" Heritage Inspection Permit to AMEC authorizing activities related to testing of the archaeological potential model, and attached a copy of the permit (#2010-0378). This permit allowed for surface and subsurface inspection, such as shovel testing, in order to test the accuracy of the archaeological potential model. The Archaeology Branch advised that it agreed with T8TA's comments regarding the need to incorporate TLUS information, and included a list of requirements directed toward AMEC and BC Hydro related to incorporating TLUS information, information sharing, and the discovery of human remains.

October 1 to December 31, 2010

- T8TA wrote to AMEC (cc: BC Hydro, Archaeology Branch) on October 5 expressing disappointment that the Archaeology Branch had issued a Heritage Inspection Permit (#2010-0378) to AMEC, and suggested its information requests and concerns should have been dealt with prior to the issuance of the permit, not deferred to BC Hydro. T8TA expressed the view that the consultation was not complete and had not been meaningful. In a teleconference on October 26, BC Hydro and T8TA discussed the process of incorporating TLUS information into the archaeological potential model being used for the Heritage Assessment. On November 5, Golder and BC Hydro each wrote to T8TA, in follow up to the requirements identified by the Archaeology Branch in its letter of September 30. The letters included responses to T8TA's queries regarding the incorporation of traditional knowledge into the archaeological potential model, and the development of a culturally appropriate protocol for the discovery of human remains and impacts to burial places. On December 8, T8TA wrote to the Archaeology Branch, providing comments in response to the letters from Golder and BC Hydro dated November 5. T8TA reiterated its concerns about the consultation process, and explained its expectation that in the next phase of consultation, the T8FNs' interests and concerns would be accommodated prior to the issuance of a Stage 2 permit amendment. On December 8, MNRO hosted a meeting with representatives of T8TA, the ILMB, Golder, BC Hydro, and the T8FN Lands Managers. BC Hydro and Golder provided an overview of the 2010 heritage program, and responded to questions from T8TA and the T8FNs. BC Hydro advised that for Year 2 of the heritage program, the field season would run from May 2, 2011 to September 30, 2011 and training would be provided to interested T8FN community members in advance of the field season.

- The parties engaged in high level discussions regarding the draft Stage 3 consultation agreement at a meeting on October 26. BC Hydro provided T8TA with capacity funding to cover the costs of negotiating a Stage 3 consultation agreement on December 6, with a view to the parties making best efforts to conclude an agreement by the end of January 2011. The parties also discussed outstanding issues related to the TLUS agreement.

- BC Hydro and T8TA finalized the *TLUS Agreement*, dated December 16, 2010, which established the objectives, methodology, deliverables, funding parameters, and information sharing requirements for the TLUS. The agreement provided that T8TA would prepare and submit the following deliverables to BC Hydro: a confidential report (by June 30, 2011), high quality maps reflecting the traditional knowledge, use and occupancy of the T8FNs (by May 31, 2011), a public report (by July 31, 2011) and a methodology report (by August 31, 2011). The agreement provided that four categories of information (sacred areas, burial sites, traditional spiritual areas,

medicinal plants) would be buffered or obscured in any written narrative or maps produced in connection with the TLUS, but included an additional disclosure process under which T8TA agreed to disclose unbuffered details as reasonably requested by BC Hydro in writing.

January 1 to April 30, 2011

- The Archaeology Branch (January 21) and BC Hydro (January 26) wrote to T8TA and sought to address the issues raised in T8TA's letter of December 8, 2010, regarding the Heritage Inspection Permit (#2010-0378) issued to AMEC. On January 21, Golder provided T8TA with a report describing heritage work conducted in 2010 under Permit #2010-0378. BC Hydro and T8TA reached an agreement, dated February 23, 2011, under which T8TA would receive capacity funding from BC Hydro to review the report. Golder advised T8TA on February 17 that it was preparing to submit a request to the Archaeology Branch for an amendment of the existing Heritage Inspection Permit (#2010-0378). In anticipation of receiving the amended permit, Golder advised that it would contact T8TA to arrange participation by T8FN community members in the field work.

- BC Hydro and T8TA engaged in negotiations with respect to the terms of the Stage 3 consultation agreement in meetings on February 8, February 25, February 28, March 15, March 24/25, April 11 and April 15, and finalized the agreement, re-named the Environmental Assessment Participation Agreement ("*EAPA*") on April 27. The *EAPA*, dated April 21, 2011, establishes the purpose, principles and scope of consultations between the parties during the EA process, and outlines BC Hydro's obligations to provide T8TA with capacity funding. It provides that T8TA would undertake an "Issues Scoping Study" to identify, catalogue and prioritize the T8TA issues for discussion and consideration by the parties, and that the parties agreed to work together to seek consensus on the information required for inclusion in the draft EIS Guidelines. It also provides for the formation of an EA Committee, consisting of up to 10 representatives, in order to enable discussion and cooperation between the parties in achieving the purposes of the agreement. The agreement remains in effect until the completion of the EA process.

- BC Hydro provided T8TA with four Stage 2 studies in the area of fish and aquatics on March 1.

- BC Hydro wrote to T8TA on March 8 and attached 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 (Fish and Aquatics, Wildlife, Physical Environment), the Heritage Assessment, and the Socio-

economic Assessment.

- BC Hydro and T8TA engaged in preliminary discussions about the scope and timing of consultations on alternatives to the Project and alternative means of carrying out the Project (alternative sites), at meetings on February 8, February 25, March 8, March 24, and April 11. T8TA expressed the view that any discussion on Project alternatives should take place before the submission of the PDR, to build enough time into the process to allow for meaningful consultation. BC Hydro indicated that it would not be in a position to consult on the PDR, explaining that the submission of the PDR would initiate the EA process and consultations regarding potential effects and mitigation options. BC Hydro explained that the IRP process addressed “high level” energy alternatives, and identified opportunities that would be available for T8TA to engage with BC Hydro on the IRP. BC Hydro also expressed interest in meeting with T8TA to discuss alternatives sites and design options for the Project. BC Hydro advised that its consultants had completed a report on alternative sites (*Review of Alternate Sites on the Peace River*), and requested a meeting with T8TA to discuss the report. A copy of the report was provided to T8TA on April 29.

- BC Hydro hosted an IRP workshop on March 16, with representatives of T8TA in attendance. The workshop included an overview of the IRP, an explanation of the process of developing an IRP, and a facilitated discussion on various topics related to the IRP. In a follow-up letter to BC Hydro (April 29), T8TA expressed concerns about the consultation process for the IRP and suggested that the IRP process was intended to replace meaningful discussion of alternatives to the Project during the EA process. The letter attached a proposal for the BC Hydro and T8TA to engage in a separate consultation process in relation to the IRP. The letter also identified a number of substantive concerns related the IRP, including that the IRP process was prejudiced in favour of the Project. BC Hydro responded on June 23 advising that T8TA’s comments would be considered in the development of the draft IRP, and that the letter would form part of the record that would be provided to government. BC Hydro described how the Project would be considered as an option within the IRP process, and explained that the IRP process was not intended to replace specific consultations with T8TA on the need for, and alternatives to, the Project in the EA process. BC Hydro noted that the IRP process did not involve developing specific project plans, nor did it compare design alternatives for specific projects, such as Site C. Regarding T8TA’s request for a separate IRP consultation process, BC Hydro advised that because the IRP addressed planning considerations for the entire province, BC Hydro was not undertaking different levels of consultation with individual First Nations or tribal councils.

- BC Hydro met with representatives of T8TA, Doig River, Prophet River, Golder, the

Archaeology Branch and MNRO, on April 19 to discuss the results of heritage field work in 2010, which had involved testing the archaeological potential model. T8TA expressed concern about the methodology used for the field work, and indicated it was not supportive of heritage work continuing in 2011 because it was not confident in the results from 2010. T8TA requested funding to perform an independent audit of the 2010 results. BC Hydro responded via letter on April 21, providing a summary of communication between the parties related to the Heritage Assessment, and cases in which BC Hydro had sought input from T8TA. BC Hydro described the development of the archaeological potential model and how the model had become a key component of the heritage program. BC Hydro also provided an explanation of its approach to quality assurance, and that the funding provided to the Archaeology Branch includes conducting field audits. BC Hydro subsequently met with representatives of T8TA, Golder and AMEC on April 28 to discuss outstanding action items arising from the April 19 meeting. T8TA stated its intention to request that the Archaeology Branch complete a field audit of the 2010 shovel tests.

May 1 to September 30, 2011

- BC Hydro met via teleconference with representatives of T8TA on May 2, 5, and 9, to review and finalize the Traditional Knowledge, Use and Occupancy categories (Schedule B) and Harvest Survey species (Schedule C) for the *TLUS Agreement*. The parties finalized Schedule B and Schedule C on May 18.

- In a letter to the Archaeology Branch (May 10), T8TA provided comments on AMEC's application to amend Permit #2010-0378 for Year 2 heritage work, requested that the Archaeology Branch undertake an audit of Year 1 field work, prior to commencing Year 2 shovel tests. The Archaeology Branch replied on May 24 and committed to undertaking an audit of the Year 1 heritage field work, but explained that it did not see any reason to postpone further field work until the audit had been completed. The Archaeology Branch sent a follow-up letter to T8TA on July 18, setting out a proposed approach to undertaking the audit, including an outline of proposed sampling stages and their associated outcomes. The Archaeology Branch carried out the audit of Year 1 heritage field work from July 19 to 24, with a representative of T8TA (consultant) present on July 20 and 21.

- BC Hydro called T8TA on May 16 to advise that the PDR would be filed on May 18 and that BC Hydro wished to provide T8TA with a briefing on the report. In an email response, T8TA reiterated its disappointment that BC Hydro had not shared the PDR prior to its release, and asserted that BC Hydro's approach did not comply with its legal duty to consult. BC Hydro responded via letter on May 26 and acknowledged T8TA's disappointment in not being consulted on the text of the PDR, but noted that some of the information in the PDR had been shared and discussed with T8TA in

various forms in the past. BC Hydro provided assurances that there would be a full opportunity to consult on any new information in the report, both through the EA process and under the *EAPA*. In a meeting with T8TA on June 14, BC Hydro reviewed the content of the PDR and agreed to follow up on technical questions posed by T8TA with respect to the PDR. BC Hydro provided written responses to T8TA's questions on August 11.

- BC Hydro advised T8TA on May 26 that Golder would be conducting the Socio-economic Assessment for the Project, and that a component of Golder's work would involve a First Nations Community Assessment. BC Hydro extended an invitation to involve T8FN community members in the First Nations Community Assessment. BC Hydro and its consultant, Decision Economics, met with representatives of T8TA on June 15, July 12 and September 7 to discuss the next steps for the First Nations Community Assessment. On July 12, T8TA advised that it would be organizing and carrying out its own baseline study of the T8FN communities, and wished to hire and train its own researchers to conduct the study. On September 7, BC Hydro reviewed a proposed methodology for the First Nations Community Assessment and responded to questions. BC Hydro explained that it was not tabling a formal proposal, but rather providing a general guide as to how to outline a work plan. The parties agreed to establish a working group to draft a ToR, which would outline the parties' expectations and respective responsibilities for the First Nations Community Assessment.

- BC Hydro wrote to T8TA on June 10 regarding the impact line approach for the Project, including information on work underway to investigate areas potentially affected by flooding, slope, stability, erosion, changes in groundwater levels and landslide-generated waves. BC Hydro offered to arrange a meeting with T8TA regarding the impact line approach and the methodology being used to study impacts around the proposed reservoir.

- The parties engaged in discussions about T8TA's ongoing work on the TLUS at meetings on June 14 and 17. T8TA advised BC Hydro on August 2 that the TLUS interviews were approximately 90% complete, but that the remaining interviews had been delayed by flooding in the West Moberly community. T8TA requested extensions on the timelines set out in the *TLUS Agreement* for submitting the TLUS deliverables.

- BC Hydro, Golder and AMEC met with T8TA's Archaeological Assessment Coordinator on June 21 to provide an update on the Year 2 field program for the Heritage Assessment. BC Hydro reviewed the location of the field work and the results to date (e.g., shovel tests, surface finds, new archaeological sites, recovery of artefacts).

- In a meeting on September 8, BC Hydro presented information and sought input from

T8TA with respect to off-site construction materials, road infrastructure (including Highway 29 realignment options), and the transmission line.

- Road infrastructure: BC Hydro presented information on Site C road infrastructure, including Highway 29 realignment options along Lynx Creek, Farrell Creek, Halfway River and Bear Flat, and potential material sources. BC Hydro also provided an overview of proposed construction access roads (Left Bank, Jackfish Lake, CN Rail's Septimus Siding) and the implementation schedule for the road infrastructure plan.

- Transmission line: BC Hydro presented information on transmission lines, including options for connecting Site C generation to the bulk transmission system, the transmission corridor, and alternatives for supplying the local load from the Site C switchyard. T8TA explained that it had concerns about the existing transmission corridor on the south side of the Peace River, which ran through the Peace Moberly Tract, and suggested connecting the transmission lines on the north side of the Peace River. BC Hydro provided a preliminary response in the meeting, suggesting that T8TA's proposal might not be feasible from a technical and/or economic perspective.

- Off-site construction materials: BC Hydro presented information regarding material requirements and potential sources for off-site construction materials, and responded to questions.

October 1 to December 31, 2011

- BC Hydro and T8TA finalized a Letter of Understanding on October 4 regarding amendments to the timelines for submission of deliverables under the *EAPA*. The parties also finalized an agreement to amend the *TLUS Agreement*, which involved a reduction of the geographic scope of the TLUS, revised timelines for the submission of deliverables, and amendment to certain definitions. BC Hydro received a signed copy of the latter agreement on November 29.

- BC Hydro provided T8TA with the final version of the report *Review of Alternate Sites on the Peace River* on October 13.

- BC Hydro and T8TA met on October 18 and 19 for consultations regarding reservoir clearing, impact lines, and alternative sites.

  - Reservoir clearing: BC Hydro presented information and sought input from T8TA on its proposed approach to reservoir clearing, with T8TA identifying several concerns, including potential impacts on rare/medicinal plants. BC Hydro expressed interest in receiving information from T8TA regarding rare/medicinal

plants including their location and uses. At the outset of the meeting, T8TA indicated that it would not engage in discussions on mitigations options at this time, because its outstanding concerns regarding cumulative effects, historical grievances, Project alternatives, and Project justification, had yet to be addressed.

- Reservoir impact lines*:* BC Hydro presented information and sought input from T8TA regarding impacts lines for the reservoir shoreline and slopes, and responded to technical and clarifying questions from T8TA.

- Alternative sites*:* BC Hydro indicated that the purpose of the session was to review studies and analysis on alternative sites, in order to obtain and consider input from T8TA. BC Hydro differentiated between the current discussion on alternative sites for capturing the hydroelectric potential between the Peace Canyon dam and Site C, and engagement with T8TA through the IRP process related to alternative means of generating electricity. BC Hydro explained the history of the evaluation of dam sites dating back to 1958, and reviewed the rationale for the selection of the current dam site (Site C3). BC Hydro explained that the most recent study (*Review of Alternate Sites on the Peace River*) looked at past information regarding alternative sites and configurations, with the objective of creating standardized information that could be compared against seven alternatives. BC Hydro provided a high level overview of each alternative, and a consultant from Hatch Ltd. attended to explain the evaluation tool used in the report. T8TA asked several technical and clarifying questions in the meeting, and followed up with a list of written questions on December 8. BC Hydro responded via email on February 24, 2012 and April 11, 2012, with written responses to T8TA's questions.

- BC Hydro received T8TA’s Issues Scoping Study, submitted as a deliverable under the *EAPA*, on November 7. The purpose of the study was to identify, catalogue and prioritize issues to be considered by the parties in the EA process. In a meeting on November 8, T8TA’s consultant reviewed the methodology and results of the Issues Scoping Study. The methodology involved: (1) review of historical documentation; (2) key informant interviews with 41 persons, including 25 T8FN members; (3) identification and categorization of issues; (4) prioritization of issues based on significance of adverse or beneficial effects; and, (5) verification of study results at “open house” meetings conducted in the four T8FN communities. The study identified over 500 issues, questions and concerns about the Project.

- In a meeting with BC Hydro on November 8, T8FN community members and Elders provided a presentation on the TLUS which included commentary on the history of Treaty 8, historical and current use by the T8FNs of the Project area, and the significance of the Project area to the T8FNs’ culture. T8TA’s consultant explained how to interpret the data on the TLUS maps, and identified some limitations and gaps

in the study.

- BC Hydro received comments from T8TA on November 9 in response to presentations given by BC Hydro on September 8 which respect to off-site construction materials, Highway 29 realignment and the transmission line. T8TA reiterated its concern about expanding the transmission line on the south side of the Peace River, and suggested that relocating the transmission line to the north side could result in a meaningful reduction in adverse effects of the Project on the T8FNs' use of lands.

- BC Hydro, Golder and AMEC met with the Archaeology Branch representatives of the T8FNs on December 7. Golder presented the results of the heritage field program in 2011, and responded to questions. Regarding the methodology being used for the field work, T8TA advocated adopting an approach that relied on traditional knowledge, rather than a statistical approach.

- BC Hydro and T8TA met on December 7 to discuss the next steps for the First Nations Community Assessment. T8TA outlined a proposed approach under which T8TA staff and T8FN members would collect, analyze, present and report the socio-economic data to BC Hydro, instead of BC Hydro and its consultants conducting the study in the T8FN communities. T8TA would act as the coordinating body for the T8FNs. BC Hydro agreed with this general approach.

- In a meeting on December 12, BC Hydro outlined its plans to support a trades training initiative in northeast B.C., and T8TA agreed to follow up with the T8FNs with respect to possible meetings to discuss capacity development/training opportunities.

- BC Hydro met with T8TA on December 13 for a preliminary discussion about how the T8FNs' treaty rights would be considered within the EA process. T8TA provided its views on the content of Treaty 8 and the promises made by the Crown. BC Hydro asked a number of clarifying questions, and explained how it proposed to assess the potential effects of the Project on the T8FNs' current use of land and resources for traditional purposes, and the potential effects of the Project on the exercise of treaty rights.

<u>January 1 to April 30, 2012</u>

- BC Hydro provided T8TA with a copy of the draft EIS Guidelines on January 16. The parties reviewed the document in a teleconference on January 20, with T8TA tabling its preliminary comments and questions, which identified nine broad areas of concern. BC Hydro tabled its initial response to T8TA's comments in a meeting on January 25.

- T8TA provided BC Hydro with two letters outlining T8TA's views regarding the nature

and scope of rights under Treaty 8:

- January 20: BC Hydro was provided with a letter sent by T8TA to the BCEAO and CEA Agency on November 4, 2011, which outlined T8TA's perspective on how the courts had described the minimum content of harvesting rights under Treaty 8.
- February 29: BC Hydro was provided with a letter sent by T8TA to the BCEAO and CEA Agency on February 24, 2012, which summarized a selection of the scholarly literature and perspectives concerning land-based rights and duties under Treaty 8.

- BC Hydro and T8TA had preliminary discussions regarding their respective mandates to enter into IBA negotiations in meetings on January 24, March 27 and April 16. BC advised T8TA on January 24 that it was seeking a mandate from the Province to negotiate IBAs with First Nations, and expressed interest in holding exploratory discussions. On March 27, BC Hydro confirmed that it had received a mandate from the Province to negotiate IBAs for the Project, and described the potential elements of an IBA as defined in the mandate. BC Hydro further advised that historical grievances would not be dealt with through IBAs, and that equity interests would not be included in IBAs. On April 16, T8TA advised that it had not received a mandate from the T8FNs to engage with BC Hydro in IBA discussions. T8TA explained its understanding that matters respecting lands could be part of the accommodation and cumulative effects discussions under the *EAPA*, and not solely as part of IBA discussions. BC Hydro advised that lands could be discussed as part of accommodation, but that it also had a mandate to consider lands of interest to First Nations as part of IBA discussions. T8TA stated that it did not intend to engage in discussions with BC Hydro outside of the context of the *EAPA* at this time.

- BC Hydro wrote to T8TA on January 25 in response to T8TA's inquiry regarding alternative routes for the transmission line, filed with BC Hydro on November 9, 2011. The letter explained that BC Hydro had considered two possible alternatives, and concluded that it could not justify pursuing the first alternative (transmission corridor on the north bank) because of the significant cost of property acquisition and associated impacts on the land holdings, and that the second alternative proposed by Saulteau (submarine transmission cable connection) was not considered feasible due to cost and reliability factors. The parties discussed BC Hydro's response in a meeting on February 10. T8TA followed up with an email on February 29 providing a link to a website for the Champlain Hudson Express Project. T8TA stated that the submarine transmission line being used for that project appeared to be competitive with other land-based proposals, and suggested that BC Hydro's methods of analyzing alternative routes might not be up-to-date or complete.

- BC Hydro wrote to T8TA on February 6 to provide an update on BC Hydro's proposed approach to procurement and contracting work.
- BC Hydro and T8TA engaged in discussion/negotiations with respect to the ToR for the T8FNs' First Nations Community Assessment in meetings on January 10, January 25, February 10, February 21, February 22, and March 5. The parties finalized the ToR ("*First Nations Community Assessment ToR*") and associated Letter of Understanding on March 8. The parties agreed that the ToR would be defined as a "specific project" pursuant of the *EAPA* and would be appended to the *EAPA*. The ToR established the objectives, principles, scope, deliverables/timeframes, and budget for the T8FNs' First Nations Community Assessment. Under the ToR, the parties agreed that the T8FNs would be responsible for preparing a Community Baseline Profile report for each First Nation and the T8FNs collectively (by July 3, 2012), as well as a report identifying potential impacts pathways between the Project and the T8FNs (by August 24, 2012). The information gathered in the baseline work "would inform the assessment of the Environmental Effects of the Project on the T8FNs, their Reserves, the Future T8FN Lands, and the exercise of their Section 35(1) Rights", and the impact pathways report "would prepare the T8FNs for discussion with BC Hydro of the Environmental Effects of the Project."
- BC Hydro and T8TA engaged in negotiations regarding the *EAPA* budget for 2012/2013 in meetings on March 14 and April 18, and exchanged related correspondence on April 18 and April 24.
- BC Hydro sent a letter to T8TA on April 10 attaching an updated map of the proposed Project footprint and offering access to associated GIS shape file data. The letter also attached a memorandum describing the details of the new or amended information.
- T8TA submitted its final Data and Methodology Report, prepared pursuant to the *TLUS Agreement*, on April 16.
- BC Hydro and two of its consultants (Golder, Big Sky) participated in a workshop in Fort St. John on April 25, which was attended by representatives of T8TA, Prophet River, West Moberly, and Halfway River. BC Hydro presented a Project description overview, including information on Project activity zones, Project design, major Project components, the regulatory process, and field work taking place in 2012. Golder provided an overview of the Socio-economic Assessment (including objectives, assessment approach, study components and information sharing), and Big Sky presented information on the First Nations Community Assessment (including objectives, potential Project interactions with the T8FNs' interests, information needs for the community baseline profile, the effects assessment methodology, and linkages between the First Nations Community Assessment and the EIS). Representatives of

T8TA and the T8FNs provided comments on the two presentations, and offered suggestions for possible revisions related to the geographic scope, methodology and information requirements of the studies.

May 1 to September 30, 2012

- BC Hydro and T8TA had discussions regarding map deliverables under the *TLUS Agreement* in meetings on May 1 and June 27. BC Hydro inquired if the TLUS maps and information could be disaggregated by First Nation (May 1), with T8TA advising that the T8FNs were not prepared to provide disaggregated TLUS information (June 27). BC Hydro requested buffered information for sacred/cultural/spiritual sites as provided under the *TLUS Agreement* (May 1), with T8TA providing BC Hydro with maps of buffered cultural use data on August 27. BC Hydro followed up with a letter on September 27, requesting that T8TA provide the buffered information in unbuffered form (with two exceptions), for the purposes of assisting in the planning, investigation, evaluation and development of the Project. In meetings on November 7 and 8, the parties discussed a map which T8TA provided in response to BC Hydro's request for unbuffered information. T8TA proposed that information with respect to spiritual and cultural sites remain buffered within the inundation and erosion zones, which would be flooded if the Project was built, but advised that it was prepared to disclose unbuffered information for areas which BC Hydro may have the opportunity to avoid. T8TA also agreed to provide non-specific information to BC Hydro, such as the number and types of sites, for the inundation and erosion zones.
- BC Hydro received "Loss of Use" maps from T8TA on September 8, submitted pursuant to the *TLUS Agreement.*
- BC Hydro provided the Potential Downstream Changes Report (May 2012) to T8TA on May 9 and requested input regarding the results.
- BC Hydro wrote to T8TA on May 23 regarding the process and rationale for identifying the proposed VCs and spatial boundaries in the draft EIS Guidelines, and expressed interest in receiving feedback from T8TA.
- Representatives of T8TA and West Moberly participated in a workshop regarding BC Hydro's draft IRP on July 5, in follow up to an earlier workshop on March 16, 2011, with BC Hydro tabling a draft IRP and requesting feedback. BC Hydro received a written response from T8TA on August 13, which included comments on the adequacy of the consultation process for the IRP, and concerns related to energy planning. T8TA reiterated its concern, initially raised in a letter of April 29, 2011, that the IRP process was prejudiced in favour of the Project. In a subsequent meeting on September 12, BC Hydro sought clarification with respect to several items in T8TA's August 13 letter.

T8TA provided preliminary responses and committed to providing further information in writing. BC Hydro expressed its intention to file the IRP on December 3, and stated that an analysis of the IRP would be included in the need for/alternatives to section of EIS. T8TA sent a follow up email on September 17, providing additional clarification with respect to issues raised by BC Hydro in the September 12 meeting. On December 4, BC Hydro provided T8TA with written responses to T8TA's comments and questions regarding the draft IRP, as set out in the August 13 letter and clarified by email on September 17.

- BC Hydro and T8TA engaged in a review of a draft version of the T8FNs' issues scoping table at meetings on June 13-14 and June 27. The issue scoping table formed part of the T8FNs' *Initial Impact Pathways Identification Report*, specified as a deliverable in the *First Nations Community Assessment ToR*.

- In a meeting with T8TA on June 13, BC Hydro presented information, responded to questions and sought input with respect to:

  - Clearing plan - including a review of the objectives of the clearing plan, clearing volumes including volumes of merchantable timber, uses of merchantable timber, debris management, access plans for clearing activities, etc.

  - Off-site construction materials – including a review of materials needed to construct the dam, potential sources of the materials, proposed site investigations in 2012, and, options for transporting the materials.

  - Reservoir impacts lines – including a review of the impact line approach and a schematic cross-section depicting the preliminary erosion, flood, and stability impact lines.

  - Roads/Highway 29 – including a review of potential realignment options Highway 29 at Lynx Creek, Farrell Creek, Halfway River and Bear Flat.

  With respect to the roads presentation, T8TA described the realignment options at Halfway River and Bear Flat as being most important, due to the presence of cultural/spiritual sites in those areas. BC Hydro indicated that opportunities would be identified to mitigate potential effects.

- BC Hydro received a copy of T8TA's *First Nations Community Assessment, Baseline Scoping and Training Report* on June 25, submitted as the first deliverable under the *First Nations Community Assessment ToR*. The report provides an overview of the activities undertaken by the T8FNs' Community Assessment Team, and describes the nature of "scoping inputs" used to identify priority issues, which included seven days of public forums and focus groups in the T8FN communities, at which community

members and others identified priority issues related to the Project. The report identifies two main "scoping themes" which emerged from the scoping inputs, and includes a list of priority issues categorized under the following headings: culture, traditional economy (harvesting), society, health, water, public safety, in-migration effects, economy, and education/training.

- BC Hydro finalized a signed Letter of Understanding, dated July 20, setting out the terms for capacity funding under the *EAPA* in 2012-13.
- In meetings with T8TA on July 17, August 21 and September 11, BC Hydro presented information and sought input from T8TA regarding baseline conditions, potential effects and mitigation options with respect to wildlife, fish/fish habitat, vegetation and heritage.
  - Wildlife (July 17): BC Hydro described the methodology being used for the wildlife effects assessment, and reviewed baseline information for moose, elk, deer, game birds, bald eagles and beaver. BC Hydro presented tables listing possible mitigation options for different categories of wildlife species. T8TA agreed to review the tables and respond to BC Hydro.
  - Fish/fish habitat (August 21): BC Hydro presented baseline information with respect to current fish species, composition and numbers, and reviewed the species life history, migrations and habitat use for bull trout, Arctic grayling, mountain whitefish, rainbow trout and walleye. BC Hydro described a number of predicted changes arising from the Project, and outlined potential mitigation measures for the reservoir, tributary, dam site and downstream river. T8TA expressed concern about BC Hydro's focus on mitigation options, which, in T8TA's view, implied a determination that the dam would be built, rather than potentially built. BC Hydro explained that it had a responsibility to consider questions of mitigation/avoidance as part of the EA process. BC Hydro expressed interest in hearing from T8TA as to which species of fish were important to the T8FNs and why. T8TA identified lake trout, mountain whitefish, Arctic grayling, bull trout and walleye as the species that the Dane-Zaa people had relied on in the past and expected to rely on in the future. T8TA advised that lake trout were present in Moberly Lake and were an important fish. BC Hydro responded that it had not studied fish populations in Moberly Lake and the upper watershed because of a determination that the effects of the Project would not extend that far. BC Hydro followed up on September 5 with a written response which explained that the Project would have no impact (flooding, inundation, hydraulic influence) on Moberly Lake.

- Vegetation (September 11): BC Hydro reviewed baseline information for vegetation, including the results of field studies with respect to the occurrence and distribution of rare plants, as well as potential effects and mitigation options. A West Moberly community member suggested that BC Hydro should give more consideration to rare medicinal plants, emphasizing their importance to the T8FNs. He explained that only herbal healers from the respective communities would be able to identify the locations of rare medicinal plants. BC Hydro expressed interest in meeting with herbal healers and Elders to discuss rare medicinal plants, and requested buffered information identifying the locations of rare medicinal plants, so it could assess whether they were found within the Project footprint, and consider the need to initiate mitigation/avoidance options.

- Heritage (September 11): Golder provided an overview of results of palaeontology, archaeology, and historical field work to date, and sought input from T8TA regarding the findings, any significant sites or areas that may have been missed, and potential mitigations measures. With respect to mitigation options, T8TA stated that their preferred approach was avoidance, and expressed interest in hearing how BC Hydro could avoid, reduce or minimize impacts in a meaningful way. BC Hydro responded that, where possible, avoidance would always be considered and identified opportunities for redesigning parameters to create avoidance. BC Hydro suggested that the best opportunity for avoidance would be in the area of the transmission line, with T8TA replying that most of the archaeology sites of concern were found in the reservoir area.

- In a meeting with T8TA on August 22, BC Hydro provided an update on the Visual Resources Assessment and explained the process of selecting visual receptor sites. BC Hydro followed up via email on August 30, noting that T8TA had expressed interest in identifying sites from the south side of the Peace River. BC Hydro advised that based on Golder's visibility analysis and supporting field program, five "receptor sites" were chosen as representative of the baseline landscape and Project components. BC Hydro attached "digital photomontages" depicting the base case for the five receptor sites, and requested that T8TA review the photomontages and submit suggestions for additional sites.

- BC Hydro received comments from T8TA on July 31 with respect to the Stage 2 Baseline Vegetation and Wildlife Report as described in *A Review of Phase 2 Baselines Studies on Ungulates* (July 30, 2012). BC Hydro responded via letter on September 27 and attached a table of responses to T8TA's comments. In the letter, BC Hydro explained that the Stage 2 Wildlife Report summarized baseline data collected between 2005 and 2009, and that BC Hydro had completed a two-year

ungulate telemetry study in 2010 to address data gaps in the ungulate baseline. BC Hydro advised that the final ungulate report would be comprehensive, and would include the results of the two year telemetry program as well as other new information. BC Hydro provided T8TA with a link to the *Peace River Valley Ungulate Study Program, Final Report*, on October 23.

- BC Hydro attended a meeting with the Chiefs of Doig and Halfway River, representatives of Prophet River (Councillor) and West Moberly (proxy for Chief), and T8TA's Tribal Chief. BC Hydro provided a description of its recent consultation activities with T8TA, explaining that a key purpose of recent presentations on wildlife, fish and vegetation was to assess the potential effects of the Project on the T8FNs and their exercise of treaty rights. BC Hydro requested that the T8FN Chiefs share their concerns about potential impacts, as well as any suggestions for mitigation options, and expressed interest in having individual meetings with the respective band councils of the T8FNs to discuss the Project. The Chiefs of Halfway River and Doig River agreed to present BC Hydro's request to their respective band councils and communities.

- BC Hydro sent an email to T8TA on August 9, attaching its response to T8TA's Information Request respecting the Project's Interaction Matrix.

- BC Hydro wrote to T8TA on September 21 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 T8TA 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 additional information regarding the T8FNs' current use of lands and resources for hunting, fishing and trapping, and other purposes, and information regarding how the Project would affect the T8FNs' current use of lands and resources, and their exercise of asserted or established Aboriginal rights and treaty rights.

October 1 to November 30, 2012

- BC Hydro wrote to T8TA on October 5 enclosing a CD with photos of rare plants observed in the Project area, and requesting information on whether T8FN community members used any of the identified plants, or could provide additional information regarding the plants.

- Representatives of BC Hydro and T8TA met on October 10 to review BC Hydro's letter of September 21, requesting additional information from T8TA for inclusion in the EIS. With respect to BC Hydro's request for a traditional territory map, T8TA requested clarification on the reason for the request and what purpose it would serve in the EA. BC Hydro

acknowledged the cultural sensitivity and confidentiality around the traditional territory, but noted its obligation to set out the information in the EIS. BC

Hydro followed up via letter on October 25, and advised that it remained interested in receiving additional information to support the preparation of the EIS as identified in its letter of September 21. T8TA responded via letter on October 31 and suggested that BC Hydro's timeline for receiving information (October 31) was unreasonable given the depth and breadth of information requested. In its response, T8TA identified where relevant information had already been provided by the T8FNs through the TLUS and through other reports prepared pursuant to the *First Nations Community Assessment ToR*, and advised that further information would be provided in upcoming meetings. Regarding BC Hydro's request for information about tenured traplines, the letter explained that T8TA was not prepared to disclose trapline information in response to a request from a provincial Crown proponent, because the history of trapping in the Peace Region was the subject of ongoing discussion between the Crown and the T8FNs. Regarding BC Hydro's request for information on guide outfitting operations, the letter advised that guide outfitting operations were limited to non-existent in the Peace River Valley, which T8TA attributed to the threat of construction of the Project and unwillingness on the part of the Province to promote the region for tourism. In a meeting on November 7, T8TA advised that it would not be putting forward a traditional territory map, and instead proposed that a map created for the TLUS also be used for the purpose of the EA. In a meeting on November 8, T8TA confirmed that it had tabled the "Area of Interest" map found in Appendix D of the TLUS, and agreed to provide written clarification to BC Hydro regarding what the map represented.

- In meetings on October 11 and October 25, BC Hydro and T8TA continued their review of the T8FNs' issues scoping table (impact pathway analysis), with T8TA elaborating on a number of issues and concerns identified in the table, including potential impacts on burial sites, changes to culture including reliance on the wage economy, loss of oral history and language, loss of merchantable timber and forest land, increased public access to recreation sites, impacts on harvesting and treaty rights, and implications of the Project for cultural wellbeing and mental health. BC Hydro received the final version of the *Initial Impact Pathways Identification Report*, submitted pursuant to the *First Nations Community Assessment ToR*, on November 18. The report identifies initial impact pathways between the proposed Project and the T8FNs' society, economy and culture, and includes (1) an Impact Pathways Identification Table, and (2) a Development Component/Valued Component Interaction Matrix, to assist T8TA and BC Hydro in engaging in further dialogue on the potential effects of the Project.

- BC Hydro provided T8TA with links to the Technical Data Reports for Aquatic Productivity and Water Quality on October 23.

- BC Hydro sent a letter to T8TA on October 24 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).

- BC Hydro received a draft version of the T8FNs' Community Baseline Profile report, *Telling a Story of Change: the Dane-zaa Way*, on October 26. T8TA provided a high level overview of the report in a meeting on October 30, responded to further questions from BC Hydro in a meeting on November 14, and submitted the final version of the report on November 28. The report includes information regarding: the values and valued components of the T8FNs; the way of life of the T8FNs, and how this has changed over time; history of the T8FNs and causes and effects of change over time on the T8FNs; current social, economic and cultural conditions in the T8FNs today, and how this has changed over time; and, goals, aspirations and concerns for the future of the T8FNs, including examination of resilience and vulnerability of the T8FNs to future change.

- BC Hydro wrote to T8TA on October 31 providing background information with regards to a proposed ungulate study on the south bank (Jackfish Lake) of the Peace River. BC Hydro advised it was seeking a permit to "capture, collar and release" up to 40 animals between December 2012 and March 2013. In a meeting on November 9, BC Hydro reviewed the work plan for the proposed Jackfish Lake Ungulate Study, including the purpose and scope of the study, and discussed BC Hydro's responses to T8TA's comments on the Stage 2 Baseline Vegetation and Wildlife Report. T8TA committed to providing BC Hydro with comments on the work plan for the Jackfish Lake Ungulate Study, as well as comments on the *Peace River Valley Ungulates Study Program, Final Report*.

- Representatives of BC Hydro and T8TA met on November 7 and discussed the following topics:

  - <u>IRP</u>: BC Hydro advised that the IRP would be delayed, explaining that the delay was generally due to uncertainty in the Province's approach to LNG, and would not affect the EIS timeline. T8TA questioned the utility of reviewing the EIS without a finalized IRP.

  - <u>Roads/traffic</u>: BC Hydro's project manager, and the author of BC Hydro's Project Traffic Analysis Report, presented a high level overview on the topic of roads and highways, including the studies undertaken and the results. The Project Traffic Analysis Report, which had been provided to T8TA on November 1, described potential changes in traffic, traffic operations and safety generated by the Project

during construction on existing transportation facilities, provided technical traffic analyses information in support of the effects assessment on transportation, and presented management strategies to be implemented during construction and operations.

- Permitting: A representative of FLNRO attended for an exploratory discussion on the approach to permitting for the Project. The FLNRO representative explained FLNRO's roles and responsibilities in the permitting process and outlined the difference between concurrent and synchronized permitting, stating that BC Hydro had decided to pursue the latter option, and therefore FLNRO would be ensuring that consultation was completed on behalf of the Province. T8TA advised that FLNRO should consider not only what would be beneficial to the Project and the Province, but also what would beneficial to the First Nations, and expressed concern that FLNRO would be pressed for capacity with the quality and quantity of consultation suffering as a result. FLNRO confirmed its desire to have permitting discussions early to look at the best way to start engaging with First Nations. In a follow-up letter to BC Hydro on November 23, T8TA expressed the view that whether BC Hydro proposed a "synchronized" or concurrent permitting process, the underlying presumption was that the Project would be approved. T8TA asserted that it would be premature, not an efficient use of the T8FNs' limited resources, and inconsistent with the honour of the Crown, to proceed with synchronized permitting prior to the issuance of the Environmental Assessment Certificate, and requested that BC Hydro "abandon this attempt to subvert the Joint Review Panel process." BC Hydro responded in writing on December 4. BC Hydro agreed that permits and approvals to construct the Project could not be issued until an Environmental Assessment Certificate had been issued, but clarified that it was entirely lawful for BC Hydro as the proponent to *commence the permitting process* in advance of the issuance of an Environmental Assessment Certificate. BC Hydro stated that by proposing to submit permit applications in advance of being issued an Environmental Assessment Certificate, it was not attempting to "subvert the Joint Review Panel process"; rather, it was seeking to develop a pro-active approach that would allow the various government agencies and decision-makers to be in a better position to consider the outcome of the EA process in relation to the permit applications, to determine any conditions that may be imposed in permits, and to issue those permits in an efficient way.

- BC Hydro provided T8TA with a draft discussion paper on November 6, which outlined BC Hydro's views on the history and interpretation of Treaty 8. BC Hydro provided an overview of the paper in a meeting on November 8 and sought input from T8TA. The parties discussed the paper at length, focusing on the role of BC Hydro versus the role of the Crown, the interpretation of key court decisions, and BC Hydro's decision to use

the current baseline as the starting point for its assessment of cumulative effects. Representatives of West Moberly expressed concern about potential effects of the Project on the Peace Moberly Tract, explaining that the best hunting for moose, such as Farrell Creek and Del Rio, had already been heavily impacted by industry, which left West Moberly members with a diminished area for harvesting activities which could not sustain everyone. BC Hydro described its efforts to engage with T8TA in discussions of mitigation and accommodation options with respect to potential effects of the Project including possible options for the Peace Moberly Tract, such as land protection measures and special management designations. T8TA reiterated that it had no interest in discussions about accommodation because of its opposition to the Project, and stated that it was focused on pursuing reconciliation of competing rights, rather than mitigation. BC Hydro confirmed that it wished to have a discussion about the Peace Moberly Tract in relation to Project, and expressed the view that a meaningful discussion could be held as part of the EA process. The parties also discussed the issue of mitigation options for medicinal plants. T8TA questioned the utility of relocating medicinal plants, explaining that the spiritual value and medicinal quality of a plant was connected to how one picks the plant and its location *in situ*. BC Hydro emphasized that it was important to know the effect of the Project on specific sites for medical plants.

- BC Hydro (legal counsel) wrote to T8TA on November 21, in response to questions raised at the meeting of November 8 regarding the respective roles of BC Hydro and the BCEAO in the consultation process, and the appropriate entity with which to discuss mitigations options and accommodation. The letter explained that BC Hydro, as the Crown actor responsible or the development, construction and operation of the Project, was also responsible for consulting with First Nations in respect of the Project generally, which included discussions regarding mitigation options and accommodation, where appropriate. The letter stated that mitigation discussions could be held at any time, and described three recent meetings (July 17, August 21, September 11) at which BC Hydro sought input from T8TA regarding mitigation options. With respect to accommodation, the letter explained that BC Hydro had provided the T8FNs' with an overview of its benefit mandate on March 27, and confirmed that BC Hydro remained willing to meeting with the T8FNs to discuss potential accommodation. The letter advised that the T8FNs were not precluded from engaging directly with the BCEAO in discussions regarding the potential effects of the Project, potential mitigation options and potential accommodation, as part of the EA process, and encouraged the T8FNs to avail themselves all opportunities within that process to express their views and engage with government regarding the Project.
- BC Hydro wrote to T8TA on November 30 responding to T8TA's suggestions for alternative receptor sites to be considered in the Visual Resources Assessment. In its

response, BC Hydro advised that its subject matter lead had reviewed each of the sites suggested by T8TA, and explained how each site had been considered.

Key events: Site C geotechnical and exploratory work

2008

- BC Hydro applied to the ILMB and the Ministry of Forestry and Range for five licences/permits related to proposed geotechnical work for the Project.
- BC Hydro wrote to the T8FNs on February 6 providing notice of proposed technical work for the Project, and attaching copies of the five applications. BC Hydro explained that technical, environmental and social studies would be conducted during Stage 2, and that applications for permits and licenses on Crown land would result in referrals to the T8FNs.
- The ILMB referred the five applications to CT8C for comment on March 20. CT8C expressed concern about the timeline for submitting comments and expressed a need for capacity funding to review the referrals. BC Hydro and CT8C exchanged correspondence regarding the amount and uses of potential capacity funding, and reached an agreement in June under which CT8C would receive capacity funding to engage a consultant to review the referrals and enable CT8C to conduct community consultations with land users and Elders.
- BC Hydro prioritized one referral (#8014909) and received a Tenure Offer from the ILMB in July, which allowed for engineering work to begin on Crown land at the proposed dam site. The parties exchanged correspondence related to referral #8014909, with CT8C expressing procedural concerns about the ILMB's issuance of the Tenure Offer, and substantive concerns about the proposed engineering work. BC Hydro wrote to CT8C on August 11, proposing that the parties complete a joint visit to the proposed dam site to provide CT8C with a clearer picture of the planned work, including points of interest on the south and north banks of the proposed dam site. BC Hydro hosted site visits with representatives of T8TA and the T8FNs on August 27, September 8, September 16 and September 25.

2009

- BC Hydro wrote to CT8C on June 25 attaching an application for a Licence of Occupation (#8015149), and noted that the Licence of Occupation would allow for continued geotechnical investigations at the proposed dam site, focused on gathering information on the dam foundation and abutment slopes. CT8C wrote to the ILMB on

July 31 and September 29, expressing the view that BC Hydro had applied for an unnecessarily broad tenure for engineering investigative work, and that the consultation process regarding the application had been problematic. CT8C requested that the ILMB defer the application so that the parties could work together in the offseason to develop an appropriate consultation process.

- BC Hydro responded to CT8C's concerns regarding BC Hydro's application for a Licence of Occupation (#8015149), and proposed that the parties implement a "rolling work plan" model for future consultations regarding geotechnical investigations, with proposed work on South Bank Island being used as a practical example to test the effectiveness of the rolling work plan approach. The purpose of the "rolling work plan" model was to provide First Nations with the opportunity to provide input and advice to BC Hydro regarding potential effects of the geotechnical investigations, and to have their input and advice reasonably integrated into the work plans. CT8C agreed not to challenge BC Hydro's application #8015149, subject to a number of conditions related to the implementation of rolling work plans. CT8C and BC Hydro advised the ILMB of their agreement by letter on December 18.

- Golder provided CT8C and the T8FNs with a copy of Rolling Work Plan #1 on October 8, which included information on the scope of the work, environmental and archaeological resources in the work areas, mitigation measures, and permitting considerations for the work. The scope of the work included drilling twelve boreholes on the western end of the South Bank Island.

<u>2010</u>

- T8TA advised BC Hydro on February 15 of a decision by the Council of Chiefs that Fort Nelson and Saulteau would not be a part of the referrals process with the remaining four T8FNs (Doig River, Prophet River, Halfway River, West Moberly), and would not participate in meetings attended by the remaining four T8FNs.

- BC Hydro wrote to T8TA on January 29 advising that work would need to begin on the South Bank Island on or before April 1. BC Hydro met with representatives of T8TA and the T8FNs on February 16, with T8TA tabling a request for capacity funding to cover the cost of hiring a referrals coordinator and an administrative assistant. The parties reached an agreement on March 18 under which BC Hydro would provide T8TA with capacity funding for consultation activities related to the geotechnical field program in 2010, including the T8FNs' review and comments on the rolling work plans. T8TA placed a job posting for the position of a referrals coordinator, and advised BC Hydro on April 12 that it had filled the position. On May 6, BC Hydro met with T8TA's referrals coordinator to provide an overview of engineering field work completed to date, and outline the scope and schedule for field work in 2010. On June 24, BC Hydro

organized a site visit at the Site C dam site with T8TA's referrals coordinator and the T8FN Lands Managers. BC Hydro provided a brief orientation, but did not participate in the site visit.

- BC Hydro / Golder hosted a site visit with members of Doig River, Prophet River and Halfway River on July 15, and provided a tour of locations identified in Rolling Work Plan #2. Golder provided T8TA with a copy of Rolling Work Plan #2 (Licence of Occupation #8015149) on July 16. The scope of the work included various drilling, test pit excavations, and exploration activities along the north and south banks of Peace River. On August 20, Golder advised T8TA that it planned to proceed with the work under Rolling Work Plan #2 during the week of August 23. Doig River wrote to BC Hydro / Golder on August 24, expressing concern regarding BC Hydro's consultation with Doig River on Rolling Work Plan #2, and suggesting that BC Hydro had not implemented Doig River's request for additional site visits. BC Hydro responded on August 25, explaining that it had not received any requests for follow-up site visits, or written comments, within the timeline for feedback. Therefore, it planned to commence work as outlined in Golder's letter of August 20. BC Hydro stated that it would still be pleased to arrange a site visit with the T8FNs, and to consider any comments from the T8FNs, as work progressed.

- MNRO wrote to T8TA (cc: T8FNs) on December 9 enclosing BC Hydro's application for a Licence of Occupation (#8015393) to enable geotechnical investigations to be undertaken in areas adjacent to the Peace River (reservoir slopes). The application covered many of the same areas as BC Hydro's 2008 application (#8014909), but involved, in part, updating and conducting new engineering and geotechnical studies. MNRO requested that T8TA indicate its preference respecting the consultation process, either through the *Crown Land Management Agreement* ("CLMA") process, or a stand-alone process (which was modeled after the rolling work plan process). MNRO noted that Halfway River was not a signatory to the CLMA, and therefore would be consulted separately if the other First Nations preferred to use the CLMA process.

- Golder provided T8TA with a copy of Rolling Work Plan #3, under Licence of Occupation #814864, on December 20. The scope of the work included a geophysical survey, drilling on the south bank of the Peace River to determine depth of bedrock, and continued assessments of the existing adits on the north and south banks.

<u>2011</u>

- T8TA wrote to MNRO on February 1, confirming that Doig River, Prophet River and West Moberly, would be consulted pursuant to the existing CLMA process. Halfway River would be consulted separately in accordance with its existing process.

- BC Hydro and T8TA reached an agreement on February 25, under which BC Hydro would provide capacity funding to the T8FNs for their review of the following priority applications:

  - application for a Licence of Occupation to conduct geotechnical investigations (reservoir slopes) (#8015393);
  - application for a Temporary Use Permit for the South Bank Access Road (#8015314);
  - applications for Map Reserves at the Lemoray / West Pine Quarry (#8003167, #8003168).

  The funding was intended to cover costs incurred by First Nations in their consideration of the three applications, including any related field visits and monitoring. On March 11, T8TA (on behalf of the T8FNs) sent letters to FLNRO with comments on the three applications. FLNRO responded on March 18, providing an overview of consultations undertaken for the applications, as well as an assessment of the potential impact on the treaty rights of Doig River, Prophet River and West Moberly. Based on these considerations, FLNRO came to the decision that the potential impact on Treaty rights was minor. FLNRO advised that in its view, the Crown's duty to consult and accommodate in the circumstances was at the normal level of the consultation spectrum. However, based on a request from the T8FNs, consultation was occurring at the deep level of the consultation spectrum. The letter incorporated a table with specific responses to concerns raised in T8TA's letters of March 11. On April 7, BC Hydro wrote to T8TA (cc: T8FNs) advising that BC Hydro had received an offer from FLNRO for a Temporary Permit with respect to application #8015393 (reservoir slopes), subject to several terms and conditions set by FLNRO. BC Hydro noted three specific conditions that applied to the T8FNs. BC Hydro advised that it intended to commence work in April 2011, and sought to arrange a meeting to discuss the initial work plan and explore how to involve the T8FNs on the ground as the field season progressed. Between April 21 and May 6, the parties exchanged multiple emails and telephone calls regarding the timing for commencing work under the reservoir slopes permit.

- BC Hydro advised T8TA on March 11 that engineering field work under Rolling Work Plan #3, and expressed interest in receiving feedback from T8TA on the planning and execution of the work. Golder provided T8TA with a copy of Rolling Work Plan #4 (Licence of Occupation #814864) on June 10. The scope of the work included drilling, test pit excavation, adit exploration and seismic surveys on the south bank and central island. T8TA (on behalf of Doig River, Prophet River and West Moberly) submitting comments to Golder on July 8 and expressing concern about the timeline for reviewing

the document. The parties finalized a Letter of Agreement on July 12, which provided capacity funding to support the T8FNs in their review, comment and associated activities related to Rolling Work Plans #3 and #4, and specified that BC Hydro would remain open to considering any comments received from the T8FNs, even though the period for comments on the rolling work plans had lapsed. BC Hydro wrote to T8TA (cc: T8FNs) on July 21, providing responses to T8TA's comments on Rolling Work Plan #4, and advising that field work under Rolling Work Plan #4 would be commencing on July 29.

- BC Hydro advised T8TA and the T8FNs on December 2 that it had applied for a Temporary Use Permit and Section 16 Map Reserve at Portage Mountain East. BC Hydro had identified a potential source of riprap at Portage Mountain and wished to undertake geotechnical investigations to confirm the suitability of material at that site. The investigation area was located on the east side of Portage Mountain, approximately 14 kilometres west of Hudson's Hope. BC Hydro advised that it was prepared to meet with the T8FNs to provide information about the proposed investigations and discuss the potential need for capacity funding.

- BC Hydro advised T8TA and the T8FNs on December 13 that it had applied for six permits (Licences of Occupation) related to the construction of climate monitoring stations at the following locations: Pink Mountain, Muskwa-Kechika, Crying Girl Prairie, Dowling Creek, Townsend and Beryl Prairie. BC Hydro advised that it was prepared to meet with First Nations to provide information regarding the proposed activities, and discuss the potential need for capacity funding.

2012

- Golder provided T8TA with a copy of Rolling Work Plan #5 (Licence of Occupation #81464) on February 24. The scope of the work involved excavation of a new exploratory adit on the south bank of the Peace River. T8TA (on behalf of Prophet River, Doig River and West Moberly) submitted comments to Golder on March 14, with BC Hydro responding on March 21.

- BC Hydro and T8TA finalized a Letter of Agreement on April 25 for capacity funding to support the T8FNs in their consideration of: (1) permit applications for Portage Mountain East, (2) permit applications for the climate monitoring stations, and (3) Rolling Work Plan #5, including any field visits or monitoring that the T8FNs wished to carry out related to the field work.

- Golder provided T8TA with a copy of Rolling Work Plan #6 (Licence of Occupation #81464) on June 11. The scope of the work under Rolling Work Plan #6 included drilling twelve boreholes on the south bank to conduct liquefaction investigations. T8TA (on behalf of Prophet River, Doig River and West Moberly) submitted comments

to Golder on July 5, with BC Hydro responding on July 20.

- Halfway River submitted comments to BC Hydro regarding the climate monitoring stations to on September 17, expressing concern about the length of tenure and suggesting that the Muskwa-Kechika station be relocated. BC Hydro responded on October 5 advised that FLNRO had issued 30-year Licence of Occupation tenures for five of the proposed climate monitoring stations (Crying Girl Prairie; Pink Mountain; Muskwa-Kechika River; Beryl Prairie; and, Dowling Creek) on August 9. BC Hydro described the mitigation measures being applied to minimize the potential effects of the stations on wildlife resources, and identified future scenarios in which the climate monitoring network in the region would be reduced.
- Golder provided T8TA with a copy of Rolling Work Plan #7 (Licence of Occupation #81464) on September 21. The scope of the work involved 22 test pit excavations on the south bank of the Peace River. T8TA (on behalf of West Moberly, Prophet River, and Doig River) submitted comments to BC Hydro on October 12, with BC Hydro responding on October 19.

Chronology of events

November 1 to December 31, 2007

On November 21, 2007, BC Hydro sent an introductory letter to the T8FNs regarding the Project. The letter introduced BC Hydro's senior advisor responsible for First Nation 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.

On December 14, 2007, CT8C sent a letter to Minister Neufeld (MEMPR) and Premier Campbell, copying BC Hydro. The letter acknowledged BC Hydro's recent interest in consultations regarding the Project, but emphasized that consultation with CT8C is the Crown's obligation. The letter identified a number of potential impacts of Site C on Treaty 8 peoples, including impacts on wildlife and archaeological resources. It also referred to historical grievances associated with the W.A.C. Bennett and Peace Canyon dams, and noted that the issue of compensation had never been addressed. The letter provided a brief overview of CT8C's vision for a structured consultation and accommodation process for the Project, and expressed interest in meeting with the Province to establish such a process. The letter requested that all communications from the Province (and BC Hydro) regarding the Project be directed to Chief Roland Willson and copied to CT8C's legal advisors, in order to be considered officially part of the structured consultation and accommodation process.

January 1 to April 30, 2008

On January 18, 2008, CT8C sent a letter to Minister Neufeld (MEMPR) and Premier Campbell, copying BC Hydro. The letter reiterated the need to establish a structured consultation and accommodation process for the Project, and expressed disappointment that CT8C had not received a response to its letter of December 14, 2007.

On February 6, 2008, Minister Neufeld (MEMPR) sent a letter to CT8C, copying BC Hydro, which responded to CT8C's letters of December 14, 2007 and January 18, 2008. The letter stated that the Province was committed to engaging with aboriginal communities at the earliest opportunity on large projects, and to meeting all of its legal obligations with respect to the Project. It advised that representatives of BC Hydro and MEMPR would follow up to arrange a meeting.

On February 12, 2008, BC Hydro sent a letter to CT8C expressing interest in scheduling an introductory meeting with CT8C to discuss capacity funding and to develop a schedule for future meetings. The letter advised that a representative from MEMPR would be present at this introductory meeting.

On February 18, 2008, BC Hydro hand-delivered copies of the Stage 1 Summary Report (December 2007) to the CT8C office.

On February 19, 2008, CT8C sent a letter to BC Hydro and MEMPR responding to MEMPR's letter of February 6 and BC Hydro's letter of February 12. The letter stated that CT8C would be pleased to meet with BC Hydro and MEMPR to discuss capacity funding and a schedule of formal meetings.

On February 21, 2008, BC Hydro sent a letter to each of the T8FNs providing notice of proposed technical work for the Project. The letter explained that technical, environmental and social studies would be conducted during Stage 2, and that applications for permits and licenses on Crown land would result in referrals to the T8FNs. The letter attached five initial engineering referrals for the T8FNs' review and input. On February 26, 2008, BC Hydro mailed a CD to CT8C containing data related to BC Hydro's permit applications for the Project.

On March 6, 2008, BC Hydro met with representatives of CT8C (Tribal Chief, two Chiefs, legal advisors, others). BC Hydro provided a high level introduction to the Project, including an overview of the staged approach and the current status of the Project. CT8C indicated that it considered this introductory meeting to be pre-consultation and expressed the view that BC Hydro would need to undertake deep consultation respecting a project of the magnitude of Site C. CT8C proposed a three-pronged approach to consultation involving: a lead consultation team meeting at regular intervals; technical teams; and, a community outreach and education initiative. BC Hydro indicated that the approach sounded

acceptable. CT8C indicated that it was caught off guard by the engineering referrals and did not have the capacity to review or assess them. BC Hydro offered to provide the Council with a list of independent geotechnical engineers who could assist with this task. The parties discussed capacity funding for Stage 2 and BC Hydro agreed to provide CT8C with interim funding to cover the costs of four meetings over the next two months.

On March 20, 2008, FrontCounter BC sent a letter the T8FNs advising that BC Hydro had submitted five applications to the ILMB and the Ministry of Forestry and Range pertaining to the occupation of Crown land and removal of Crown timber for the Project. The letter attached materials providing information about the following referrals:

File #	**Proposed type of tenure and estimated period of use**
8005604	amendment to Licence of Occupation; authority for tree removal
8005664	amendment to Licence of Occupation; authority for tree removal
8014907	Investigative Use Permit (2 years); authority for tree removal
8014908	Licence of Occupation (10 years); authority for tree removal
8014909	Licence of Occupation (10 years); authority for tree removal

The letter requested that the T8FNs review the referrals and provide any comments within 45 days.

On March 24, 2008, CT8C sent an email to BC Hydro confirming that CT8C would represent all six of its member Nations (Saulteau, West Moberly, Halfway River, Fort Nelson, Doig River, Prophet River) in relation to the Project.

On March 31, 2008, BC Hydro sent a letter to CT8C, dated March 26, 2008, attaching a cheque for interim capacity funding. The letter stated BC Hydro's understanding was that the funds would assist CT8C in attending four additional meetings with BC Hydro, developing a process for addressing the engineering referrals, and jointly developing a long-term capacity funding agreement for Stage 2.

On April 15, 2008, BC Hydro met with representatives of CT8C (Tribal Chief, legal advisors, others), and a representative of the ILMB. BC Hydro provided a tour of the Fort St. John consultation office, as well as a project overview. CT8C expressed concern about the lack of capacity to review the five engineering referrals, and suggested that the ILMB abandon the standard 45-day timeline for comments to give CT8C enough time to understand the referrals properly. The ILMB representative advised that the timelines were treated as guidelines and were not fixed. CT8C committed to securing technical advisors to assist in reviewing the referrals before the next meeting. CT8C indicated that it had appointed a

consultation coordinator and proposed an interim protocol for communications between the parties.

On April 22, 2008, BC Hydro sent a letter to CT8C attaching four applications for *Water Act* approvals, submitted to the Ministry of Agriculture and Lands on April 10, 2008. BC Hydro was seeking approvals for short term use of water to be used for industrial cooling associated with the Site C geotechnical investigation program. The letter was re-sent on April 30, 2008.

On April 28, 2008, BC Hydro met with representatives of CT8C (Tribal Chief, two Chiefs, legal advisors, others). CT8C sought assurances that ILMB timelines for reviewing the engineering referrals would not apply. BC Hydro said that it intended to follow the ILMB process, but would support a timeline extension provided that it was not open ended. BC Hydro explained the urgency of the timelines (safety, access, need for water). CT8C sought information about the status of BC Hydro's existing flood reserve on the Peace River, as well as proposed options for road realignment should the Project be approved. BC Hydro provided CT8C with the following:

- Engineering and environmental work plans
- An Inventory and Assessment of Heritage Resources at the Peace River, Site C Dam site (August 15, 1982)
- BCUC Hearing Reports (1982) on CD
- 1:10000 maps of the Site C dam site and reservoir overlay

May 1 to September 30, 2008

On May 2, 2008, BC Hydro sent an email to CT8C providing a link to the Consultation Guide produced by BC Hydro's Public Consultation Team, in response a request made by CT8C at the April 28 meeting.

On May 5, 2008, BC Hydro sent an email to CT8C in response to information requests made at the April 28 meeting. The email provided links to the following reports and information:

- Site C Summary Status Report (March 1991)
- Site C Lands: Economic Opportunities Assessment Impact Assessment, Final Report, by Lions Gate Consulting Inc., in association with Sunderman, and Associates, and JK Solutions Ltd., and Canadian Agricultural Strategies Inc. (January 2002)
- Prefeasibility Study for a Cascade of Low Consequence Structures as an Alternative to Site C, by Klohn Crippen Consultants Ltd. and SNC-Lavalin Inc. (January 2003)

- Websites regarding BC Hydro's Integrated Electricity Plans in 2004 and 2006.

On May 7, 2008, BC Hydro sent a package to CT8C containing digital maps of the Site C dam site and reservoir overlay, in response a request made by CT8C at the April 28 meeting. BC Hydro sent an email to CT8C attaching two Orders-in-Council related to BC Hydro's existing flood reserve lands on the Peace River, in response a request made by CT8C at the April 28 meeting.

On May 7, 2008, CT8C sent a letter to FrontCounter BC expressing concerns about the review process for the five engineering referrals. The letter advised that CT8C did not yet have a consultation agreement in place with BC Hydro, nor did it have the capacity funding or the human resources to deal with the referrals. It emphasized the need for meaningful consultation to provide CT8C with an opportunity to assess potential impacts on cultural heritage resources, and requested FrontCounter BC's confirmation that the applications would not be approved in the absence of adequate consultation.

On May 8, 2008, BC Hydro met with representatives of CT8C (Tribal Chief, Tribal Vice-Chief, legal advisors, technical staff, others). CT8C reported that it had selected a consultant to review the engineering referrals and was waiting for a contract to be signed. The parties discussed the content of a proposed consultation agreement. CT8C envisioned consultations occurring in three "phases" over the next 18 months: (1) reviewing project material and beginning community engagement to explain the Project in all six communities (6-8 months); (2) bringing community input back to BC Hydro; (3) exploring options for mitigation and avoidance. CT8C expressed concern that it would not be in a position to influence BC Hydro's recommendation to government at the end of Stage 2, in light of the Stage 2 deadline of June 2009. BC Hydro provided CT8C with the following materials:

- Peace River Site C Hydro Project, An Option to Help Meet B.C.'s Future Electricity Needs, Project Definition Consultation Discussion Guide and Feedback Form, Round 1 (May/June 2008)
- Peace River Site C Hydro Project, An Option to Help Close BC's Growing Electricity Gap, Site C Feasibility Review: Stage 1 Completion Report (excerpt)
- Legal memorandum regarding the effect of Order-in-Council 2452 (which established the flood reserve on the Peace River) (July 16, 2009)

On May 9, 2008, BC Hydro sent a letter to CT8C enclosing 12 environmental reports completed from 1989 to 1991, in response to a request made at the May 8 meeting:

- Peace River Site C Sport Fishing Survey Interim Report, DPA Group Inc. in association with Western Renewable Resources (December 1989)

- Proposal for BC Hydro Peace River Site C Project Establishment and Maintenance of a Land Resources GIs Data Base, Hugh Hamilton Ltd. (June 1990)
- Peace River Site C Hydroelectric Development Pre-Construction Fisheries Studies, Fish Movements and Population Status 1989 Studies, RL&L Environmental Services Ltd. (March 1990)
- Peace River Site C Hydroelectric Development Pre-Construction Fisheries Studies, Fish Movements and Population Status 1990 Studies, RL&L Environmental Services Ltd. (July 1990)
- Site C Economic Evaluation of Impact on Agriculture Final Report, Norecol Environmental Consultants Ltd. (March 1991)
- Review of Site C Climate Impacts, Stanton Tuller (March 1991)
- Peace River Site C Forestry Studies: A review of the forest resource within the Peace Region and the area directly affected by the Site C Project, Industrial Forestry Services Ltd. (June 1991)
- Peace River Site C Hydroelectric Development Environmental Assessment Consumptive Wildlife Resources, Keystone Bio- Research Ltd. (June 1991)
- Review of Ungulate Inventory, Game Harvest, and Trapline Catch Data for Lands Surrounding the Site C Project, Keystone Bio- Research Ltd. (June 1991)
- BC Hydro Peace Site C Project Heritage Resources Assessment Status Report, Arcas Consulting Archaeologists Ltd. (June 1991)
- Peace River Site C Development: Fisheries Habitat and Tributary Surveys 1989 Studies, Aquatic Resources Ltd. (July 1991)
- Peace River Site C Development: Fisheries Habitat and Tributary Surveys 1990 Studies, Aquatic Resources Ltd. (July 1991)

On May 23, 2008, BC Hydro sent a letter to FrontCounter BC responding to CT8C's letter of May 7, 2008 regarding the five engineering referrals. The letter expressed conditional support for a timeline extension to give CT8C more time to provide input on the referrals, and proposed an incremental approach to the approval of the five referrals, with referral #8014909 given priority. The letter expressed BC Hydro's view that its initial engagement with CT8C regarding the referrals constituted consultation, and outlined mitigation measures that BC Hydro took to address CT8C's concerns about impacts on cultural resources. The letter requested that the ILMB approve the priority application (#8014909) by June 7, 2008, so that BC Hydro could begin critical seasonal work.

On May 26, 2008, CT8C sent an email to BC Hydro advising that Sigma Engineering Ltd. ("Sigma") had been retained by CT8C to assist with reviewing the engineering referrals. The letter set out a proposed work plan, timeline and budget for Sigma's work, including a proposal for Sigma to present its findings at meetings in the six T8FN communities.

On May 27, 2008, CT8C sent a letter to FrontCounter BC, following up on BC Hydro's letter of May 23, 2008. The letter expressed concern that BC Hydro had characterized its engagement with CT8C regarding the engineering referrals as consultation. It asserted that "notification and the provision of basic information" did not constitute meaningful consultation. The letter expressed concern that BC Hydro's proposed "mitigative measures" did not arise from consultation with CT8C and had not been discussed with First Nations. It asserted that BC Hydro's request to have application #8014909 approved by June 7, 2009 – regardless of whether or not consultations with First Nations had been concluded – reflected a lack of understanding of the Crown's duty to consult with First Nations. It requested written confirmation from the Province that a decision regarding the application would not be made until the Province had fulfilled its legal obligation to consult.

On May 29, 2008, BC Hydro sent a letter to CT8C responding to CT8C's email of May 26 that attached a proposed work plan and budget for reviewing the five engineering referrals. In the letter, BC Hydro expressed the view that capacity funding for community consultations would not be required. BC Hydro expected that for technical matters such as engineering referrals, Sigma Engineering Ltd. would work with land officers from the individual First Nations to provide the ILMB with comments in a timely manner. BC Hydro was prepared to advance funding to CT8C to cover Sigma Engineering Ltd.'s professional fees, subject to standard financial accountability requirements.

On May 29, 2008, BC Hydro sent an email to CT8C attaching a revised management plan for application #8014909, showing refined access plans and borehole locations. The email explained that the revisions would minimize potential disturbance to vegetation by locating investigations on or near existing access roads.

On June 3, 2008, BC Hydro sent a letter to FrontCounter BC addressing concerns raised by CT8C with respect to the five engineering referrals. The letter asserted that BC Hydro had made diligent, reasonable and good faith attempts to consult with CT8C. It noted that BC Hydro had assisted the Council by providing financial resources, communicating the importance of timing, and adopting a staged approach to the referrals, but that CT8C had chosen not to provide substantive comments. The letter emphasized that the proposed exploratory activities would be small in scale and non-invasive, and that information arising from the investigations would be critical to determining the potential risks to the Project and essential to the decision making process (possibly leading to cancellation of any further work on the Project). The letter expressed the view that the ILMB's established process for

consultation and timelines should be closely followed, but advised that BC Hydro would continue to support the incremental approach outlined in its letter of May 23, 2008.

On June 4, 2008, CT8C sent a letter to BC Hydro responding to BC Hydro's letter of May 29, 2008. The letter expressed concern regarding BC Hydro's characterization of CT8C's proposed work plan and budget for the five engineering referrals. The letter clarified that CT8C did not wish to pursue "community outreach", but rather to use land officers as a conduit for information gathering from the community. The letter challenged BC Hydro's statement that CT8C had chosen not to make substantive comments about the referrals, and pointed to CT8C's efforts to accommodate BC Hydro's accelerated scheduled for the referrals. The letter requested that BC Hydro revisit its funding decision regarding CT8C's proposed work plan and budget.

On June 10, 2008, BC Hydro sent a letter to CT8C in response to CT8C's letter of June 4, 2008. The letter acknowledged the need for CT8C's technical advisors to consult with land users and Elders about the referrals, and expressed support for allocating a portion of the first quarterly payment of a proposed consultation agreement for that purpose.

On June 18, 2008, CT8C sent a letter to FrontCounter BC providing initial comments on engineering referral #8014909. The letter expressed concern that BC Hydro had applied for an unnecessarily broad tenure, and requested further information regarding the proposed construction activities. BC Hydro received a copy of this letter on June 19, 2008.

On June 19, 2008, BC Hydro sent a letter to FrontCounter BC responding to CT8C's letter of June 18, 2008, regarding application #8014909. The letter indicated that, in order to accommodate concerns raised by CT8C BC Hydro would be prepared to accept an Investigative Use Permit over a smaller area, rather than a Licence of Occupation. The letter noted that an Investigate Use Permit would expire in two years and would not be renewable. The letter provided additional information regarding permanent installations, waste management, access and vegetation, and archaeology as requested by CT8C.

On July 2, 2008, BC Hydro sent a letter to CT8C attaching two capacity funding cheques for costs associated with CT8C's review of the five engineering referrals.

On July 3, 2008, the ILMB sent a letter to CT8C in response to CT8C's letter of June 18, 2009, regarding application #8014909. The letter noted that BC Hydro had reduced the size of the tenure and had responded to a number of CT8C's other concerns. It provided information regarding options for addressing unauthorized use of Crown land, and advised that the ILMB was committed to informing CT8C of any modification to BC Hydro's management plan or any change in its use of Crown land. It requested that CT8C submit any further comments regarding application #8014909 to the ILMB no later than 14 days after its receipt of the letter.

On July 3, 2008, BC Hydro met with representatives of CT8C (Tribal Chief, two Chiefs, legal advisors, others) to discuss the draft consultation agreement and the process for reviewing the engineering referrals. The parties agreed that future engineering referrals (if any) would be funnelled through the main consultation table. However, the five existing engineering referrals would be dealt with in the existing process.

On July 3, 2008, the ILMB sent a letter to the six T8FNs seeking confirmation that CT8C would represent the T8FNs with respect to the five engineering referrals (#8005604, #8005664, #8014907, #8014908, and #8014909). The letter asked whether correspondence related to the referrals should be directed to CT8C, rather than the individual T8FNs.

On July 4, 2008, CT8C sent a letter to the ILMB advising that correspondence related to the five engineering referrals should be directed to the six individual T8FNs, copying T8TA and CT8C's legal advisors.

On July 17, 2008, CT8C sent a letter to the ILMB regarding *Land Act* application #8014909. The letter emphasized that CT8C had experienced significant challenges in responding to this application. It asserted that BC Hydro commenced engineering work before receiving authorization from the ILMB, contrary to the Crown's obligation to consult with First Nation *prior* to decisions being made. The letter outlined a number of other concerns about the application, including: failure to provide maps in a useable format; maintenance and repair of access roads; appropriateness of the 30 metre setback from the watercourse; removal of trees and vegetation, lack of consultation on ancillary *Water Act* permit applications; field methods and mitigation measures to protect existing and new archaeological sites.

On July 17, 2008, BC Hydro was granted a Temporary Use Permit (#814589) for *Land Act* application #8014909. The term of the permit extended from July 17, 2008 to July 15, 2010.

On July 24, 2008, BC Hydro sent a letter to the ILMB responding to CT8C's letter of July 17, 2008, regarding *Land Act* application #8014909. The letter confirmed the issuance of a Temporary Use Permit (#814589) and a tenure offer for application #8014909, and attached a copy of the permit and tenure offer for CT8C's reference. The letter stated that BC Hydro had modified the application - by reducing the area of the permit and scope of the drilling program - in response to input from CT8C. It further stated that BC Hydro had not commenced work before receiving approval from the ILMB. Any such work had occurred on BC Hydro fee simple land, not on leased land, thus no governmental approval was required for the work. The letter included responses to CT8C's concerns regarding availability of data, repair and maintenance of access road, danger trees, vegetation removal, issuance of water licences, and archaeological information.

On July 28, 2008, CT8C sent a letter to the ILMB, responding to BC Hydro's letter of July 24, 2008, and the attached Temporary Use Permit #814589 and tenure offer (dated July 17,

2008). The letter expressed concern that the ILMB had issued the tenure offer before receiving comments from CT8C, and had failed to inform CT8C of the fact that a tenure offer had been made to BC Hydro. The letter asserted that the ILMB's consultation with CT8C was not complete when the tenure offer was made. The letter identified other unresolved concerns regarding BC Hydro's geotechnical activities related to the Project. It requested that the tenure offer be rescinded in light of issues raised in the letter. BC Hydro received a copy of this letter on July 29, 2008.

On July 28, 2008, BC Hydro sent an email to CT8C attaching a copy of a report detailing the final position of the pump test boreholes for *Land Act* file #8014909 (Permit #814589). The email advised that, in response to input from CT8C, the layout of the boreholes had been specifically tailored to minimise disturbance, and the total number of holes had been reduced from 18 to 15.

On July 30, 2008, BC Hydro sent a letter to the ILMB advising that it would suspend all work authorized under Permit #814589 (including drilling, trenching and vegetation clearing) for a period of 14 days to provide CT8C with an opportunity for further comment. The letter described the suspension as a gesture of good faith and noted that the suspension would be costly to BC Hydro and result in delays to the geotechnical field program.

On August 1, 2008, BC Hydro met with CT8C to continue discussions regarding the draft consultation agreement, and resolved a number of issues.

On August 7, 2008, BC Hydro sent a letter to the Archaeology Branch regarding drilling work that had inadvertently taken place within a potential archaeological site. The letter advised that during some preparatory work (clearing of vegetation and trees), one borehole had been inadvertently moved inside of archaeological site HbRf-040. It further advised that BC Hydro had requested that Archer prepare a report to assess the potential impact on archaeological site HbRf-040, which was included with the letter. Archer had recommended conducting an AIA to determine if any archaeological remains had been disturbed. The letter expressed BC Hydro's commitment to a full investigation of this matter in accordance with the recommendations in Archer's report. CT8C also received a copy of this letter.

On August 11, 2008, BC Hydro sent a letter to CT8C proposing that the parties complete a joint visit to the proposed dam site to provide CT8C with a clearer picture of planned geotechnical work including points of interest on the south and north banks of the proposed dam. Regarding concerns identified at archaeological site HbRf-040 on the north bank, the letter advised that BC Hydro had asked Archer to apply immediately for permits to undertake further assessments of the site.

On August 14, 2008, CT8C sent a letter to BC Hydro responding to the letter of August 11, 2008, and agreed to participate in a joint site visit. CT8C expressed appreciated that the site visit would include "all points of interest" on the north and south banks of the proposed

site, whether on Crown land or BC Hydro fee simple lands, given CT8C's view that consultation may be required on fee simple land where such land is not put to a visibly incompatible use.

On August 27, 2008, BC Hydro hosted a site visit with representatives of CT8C and the T8FNs at the proposed dam site. BC Hydro provided several documents to CT8C participants at the site visit, including a letter from EWD Consulting Corp. describing potential impacts on the environment and traditional/cultural uses arising from the proposed engineering work.

On September 8, 2008, BC Hydro hosted a second site visit with representatives of CT8C, Doig River, Saulteau and West Moberly at the proposed dam site. The group visited a number of sites on the south and north banks including the location of several boreholes of interest.

On September 16, 2008, BC Hydro hosted a third site visit at the proposed dam site with the ILMB and a technical staff member from CT8C. The parties toured the left bank of the proposed dam site and viewed the proposed T-Pump test area.

On September 19, 2008, CT8C wrote to the ILMB requesting that a number of conditions be added to BC Hydro's Permit #814589, including a requirement that BC Hydro use Ground Penetrating Radar technology prior to conducting surface disturbing activities on the south bank. The letter emphasized the urgency of the request given that BC Hydro had commenced work on September 17.

On September 19, 2008, BC Hydro sent an email to CT8C attaching a response from Golder regarding the use of Ground Penetrating Radar for work under Permit #814589. Golder advised that the use of Ground Penetrating Radar is generally not recommended as a routine method of archaeological site discovery, except in specific circumstances (e.g., specific burial locations identified in oral traditions or historic documentation, or works within, or immediately adjacent to, historic cemeteries or previously recorded archaeological sites with proven high potential to contain human remains). Golder did not recommend the use of Ground Penetrating Radar in the context of the work being undertaken by BC Hydro in relation to Permit #814589.

On September 25, 2008, BC Hydro hosted a site visit with representatives of CT8C, Halfway River, West Moberly and Saulteau to view the right bank of the proposed dam site.

On September 26, 2008, CT8C sent an email to BC Hydro regarding BC Hydro's intention to start drilling test bore holes on the south bank. The email noted that Elders and community members from the T8FNs could not endorse the work proposed until the proper decision making structures within each of their respective communities had been completed. It advised that the hasty approach employed by BC Hydro to request immediate

consent, without evidence of decisions, did not constitute adequate consultation and was in bad faith. BC Hydro responded by email later on September 26, 2008, expressing the view that it had undertaken meaningful and good faith consultation with respect to the proposed drilling, and provided a description of its consultation activities. The email indicated that BC Hydro would welcome any further advice or recommendations from CT8C related to the drilling work, but would proceed with the program as planned.

On September 26, 2008, BC Hydro sent an email to CT8C attaching study outlines for the following Stage 2 studies:

- Peace River Fish Movement/Telemetry Study
- Greenhouse Gas Emissions Study
- Local Climate and Water Temperature Studies
- Heritage Review Study
- Fish Passage Assessment
- Angler and River Recreation Use Survey

The email also provided a link to the overall Stage 2 work plan filed with the BCUC, as part of BC Hydro's Long Term Acquisition Plan (LTAP) filing. BC Hydro explained that energy planning processes were implemented through a four year cycle of Integrated Electricity Planning, including an LTAP and a mid-cycle LTAP update filings that outline detailed implementation plans.

On September 29, 2008, BC Hydro sent a letter to CT8C, inviting CT8C to participate in the TAC process. BC Hydro advised that it was implementing the TAC process to allow for the sharing of information, interests and perspectives not only with BC Hydro, but with First Nations and with relevant federal, provincial and municipal agencies. BC Hydro indicated that TAC process participants were invited to review materials and provide input and advice to BC Hydro on:

- Potential issues and topics for assessment, related to the proposed Project components and operations;
- Potential Project effects on the existing human, physical and biological environment;
- The nature, scope and extent of information requirements and analysis for the assessment of the potential effects of the Project on the existing environment;
- Proposed 2009 and later study programs designs; and

- Preliminary ideas for measures that may mitigate against potential adverse effects.

BC Hydro provided a list of the proposed meeting dates and advised that the times and venues would be provided to participants via email.

October 1 to December 31, 2008

On October 10, 2008, BC Hydro had a telephone conservation with CT8C (legal counsel) with respect to decisions made by the CT8C Chiefs. CT8C indicated that it would not be participating in the TACs. BC Hydro expressed disappointment, stating that it was now trying to understand what the Chiefs envisioned for a process.

On October 14, 2008, BC Hydro contacted CT8C's legal counsel requesting CT8C consider a separate technical advisory process in which the parties would combine various TAC committees into a two or three day session. T8TA welcomed the suggestion, and agreed that the proposed process would minimize expenses.

On October 15, 2008, the Archaeology Branch sent an email to BC Hydro attaching the following two emails related to the disturbance at archaeological site HbRf040.

- On October 10, 2008, Archer sent an email to CT8C providing a summary of its investigation of the impact on archaeological resources caused by the disturbance at archaeological site HbRf-040. Archer indicated that it had recovered "lithic debitage" but "no formal tools or temporarily diagnostic artefacts". Archer concluded that sufficient scientific mitigation had taken place to account for, describe and document the impacts resulting from the unauthorized construction.

- On October 10, 2008, CT8C sent an email to the ILMB advising that Archer's impact assessment of archaeological site HbRf040 confirmed that BC Hydro's activities did in fact alter and excavate soil where archaeological artifacts and materials were present. The email challenged the validity of statements made by BC Hydro in its letter to the Archaeology Branch on August 7, 2008 (in which it disclosed the disturbance at archaeological site HbRf-040). The email asserted that CT8C had not seen improvements in BC Hydro's operations and procedures with regard to the preservation of archaeological resources. It indicated that CT8C expected the ILMB and the Archaeology Branch to initiate enforcement procedures against BC Hydro.

On October 29, 2008, CT8C sent a letter to the ILMB advising that BC Hydro's application #8014907 (particularly the Management Plan Revision 1 and the Environmental Management Plan) contained minimal or sub-standard information with regard to format, completion and accuracy. The letter raised a number of specific concerns including: format of information (not receiving shape files); uncertainty regarding the construction schedule; possible need to expand the original 10 kilometre radius of the application; lack of specific information regarding vegetation removal, access routes, and the location and size of test

pits, trenches, and boreholes; and, uncertainty as to whether BC Hydro had completed appropriate archaeological assessments.

On November 12, 2008, BC Hydro sent an email to the ILMB, attaching BC Hydro's response to CT8C's letter of September 19, 2008 (where CT8C had requested that a number of conditions be added to Permit #814589). The letter provided a response to each of CT8C's requested conditions. In particular, it expressed the view that the use of Ground Penetrating Radar would not be warranted in this context.

On November 26, 2008, BC Hydro sent a letter to the ILMB responding to CT8C's letter of October 29, 2008 regarding application #8014907. The letter attached a narrative overview of the proposed work and a table providing specific responses to each of CT8C's questions/concerns about the application.

On December 5, 2008, BC Hydro sent an email to CT8C providing information regarding a planned climate study involving the construction of five wind towers and climate stations in spring 2009. It included a link to a study outline.

January 1 to April 30, 2009

On January 5, 2009, CT8C faxed a copy of the *Stage 2 Consultation Agreement*, signed by the six T8FN Chiefs, to BC Hydro. On January 6, 2009, BC Hydro sent an email to CT8C attaching a copy of the final *Stage 2 Consultation Agreement*, signed by BC Hydro. The *Stage 2 Consultation Agreement* established a structured consultation process designed to assist the parties in identifying potential effects or impacts of the Project, as well as potential mitigation and accommodation measures with respect to CT8C's Treaty rights. The agreement outlined a "three-pillared approach" to consultations, as follows:

1. Consultation Table ("Main Table") – for the purposes of administering and overseeing the work contemplated in the Agreement, coordinating the consultation process between the parties, and communicating information between the parties.

2. Technical Advisory Representatives ("TAR") – for the purposes of liaising regarding technical issues, reviewing relevant studies to understand and evaluate the potential environmental, cultural and social effects/impacts, and reporting back to the Main Table and the Community Outreach Teams on technical matters.

3. Community Outreach Teams – for the purposes of explaining the technical aspects of the proposed project to each First Nation community; gathering input and information from each First Nation community respecting the potential effects/impacts of the proposed project on their section 35(1) rights and other community concerns; liaising with the First Nation representatives at the Main Table and the Technical Advisory Representatives. (Each member First Nation would form its own Community Outreach Team.)

The agreement specified that consultations would be carried out in a "three-phased" approach: (1) dissemination of information regarding the Project by BC Hydro; (2) identification of concerns and potential impacts; and, (3) mitigation and accommodation. In accordance with the agreement, BC Hydro would provide CT8C with a defined amount of "base" capacity funding on a quarterly basis, as well as additional "special project" capacity funding to be negotiated by the parties. The term of the agreement extended from December 1, 2008 to March 31, 2010, with a provision for termination by either party on 30 days written notice.

On January 12, 2009, BC Hydro sent an email to CT8C attaching a draft of the Site C Heritage Resources Data Gap Analysis (prepared by Arcas) for CT8C's review and comment. The objectives of the report included: identifying regulatory and other requirements for heritage resources in the regulatory phase of the Project; documenting the current status of heritage information; defining potential Project effects and issues for heritage resources; and presenting recommendations for additional work required to meet current regulatory and other requirements for heritage resources. BC Hydro advised that comments provided by end of January would be considered in the final editing of the report, and that BC Hydro would be pleased to arrange a meeting with CT8C to review the content of the report.

On January 15, 2009, BC Hydro sent a letter to CT8C attaching a capacity funding cheque pursuant to the *Stage 2 Consultation Agreement*.

On January 28, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C (Tribal Chief, Chief of West Moberly, legal advisors, others). The parties discussed the content of a proposed presentation that BC Hydro had prepared for upcoming meetings in the six T8FN communities. BC Hydro provided an overview of the work completed by the TACs, as well as information regarding upcoming TAC workshops in seven topic areas (fish, wildlife, heritage, land use, community services and infrastructure, recreation and tourism, greenhouse gases).

On January 29, 2009, BC Hydro sent a letter to CT8C attaching a letter which BC Hydro had received from the Archaeology Branch (dated January 28, 2009) regarding investigations at archaeological site HbRf-040. The January 28 letter stated that the Archaeology Branch accepted the results and recommendations of Archer's study, and agreed with Archer that the study was sufficient in scope to mitigate the impacts at archaeological site HbRf-040. On February 9, 2009, BC Hydro sent a copy of Archer's final report regarding archaeological site HbRf-040 to CT8C.

On February 4, 2009, BC Hydro sent an email to CT8C in response to a request made at the meeting of January 28, 2009, providing information regarding the Murphy Creek hydroelectric project, including a report that summarized the rationale for not pursuing Murphy Creek as a resource option.

On February 25, 2009, BC Hydro participated in a community open house at the Fort Nelson reserve. The event was attended by a small group of community members, including three new coordinators hired by CT8C pursuant to the *Stage 2 Consultation Agreement*. BC Hydro provided an overview presentation about the Project and responded to questions and concerns raised by community members. BC Hydro also presented the latest results from studies on greenhouse gases and mercury levels.

On February 26, 2009, BC Hydro participated in a community open house at the Prophet River reserve. Approximately 30 community members attended the event including Prophet River's Chief. BC Hydro provided an overview presentation about the Project and responded to questions and concerns raised by community members.

On February 26, 2009, BC Hydro participated in a community open house at the Halfway River reserve. Approximately 20 people attended the event including Halfway River's Chief. BC Hydro provided an overview presentation about the Project and responded to questions and concerns raised by community members.

On March 16, 2009, BC Hydro sent an email to CT8C advising of potential contract opportunities associated with early exploratory work for the Project. It provided a link to three RFPs for environmental services, archaeological services, and noxious weed control services, and indicated that responses were due by March 27, 2009.

On March 17, 2009, BC Hydro participated in the first Technical Pillar meeting with technical staff from CT8C. BC Hydro presented a Project overview, as well as an overview of the Site C environmental program for 2008/09 (heritage, fish/aquatics, wildlife, socio-economics). BC Hydro provided a briefing on the work completed to date by the TACs and described the process and purpose of the TACs. CT8C indicated that it would not participate in the final TAC meetings because the process treated CT8C as a "stakeholder". BC Hydro agreed to work together to create a specific ToR for CT8C. The parties discussed a number of other topics including use of traditional knowledge, early notification of RFPs, information sharing protocols, and access to LiDAR imagery.

BC Hydro provided CT8C with the following Stage 1 studies:

- Peace River Fisheries Investigation – Peace River Tributary Spring Spawning Migration, Tributary Summer Juvenile Rearing and Radio Telemetry Studies 2006 – AMEC
- Peace River Fish and Aquatics Investigations – Peace River Tributary Summer Fish Distribution, Habitat Assessment and Radio Telemetry Studies 2005 – AMEC & LGL Limited
- Peace River Fisheries Investigation – Peace River and Pine River Radio Telemetry Study 2007 – AMEC

- Peace River Site C Wildlife Investigations – Preliminary Inventory of Bat Species in the Peace River Corridor (2005) – Keystone
- Peace River Site C Wildlife Investigations – Inventory and Habitat Use of Bat Species in the Peace River Corridor 2005-2006 Final Report – Keystone/Kingbird
- Peace River Wildlife Surveys – Baseline Inventory Surveys 2006 – Keystone
- Terrestrial Ecosystem Mapping of the Peace River Site C Study Area Report – Keystone
- Expanded Legend for the Peace River Terrestrial Ecosystem Mapping Project – Keystone
- Peace River Site C Winter Wildlife Surveys 2006 Summary Report – Keystone
- Peace River Fisheries & Aquatic Resources Literature Summary – AMEC
- Small Fish Surveys in the Peace & Halfway Rivers (2006) – Mainstream Aquatics

BC Hydro provided CT8C with study outlines for the following Stage 2 studies:

- Greenhouse Gas Emissions Study (July 2008)
- Peace River Fish Movement/Telemetry Study (September 2008)
- Peace River Fish Movement/Telemetry Study (September 2008)
- Fish Passage Assessment (September 2008)
- Peace River Water Quality Study (September 2008)
- Peace River Terrestrial Wildlife Study (September 2008)
- Heritage Review Study (July 2008)
- Angler and River Recreation Use Survey (September 2008)
- Socio-economic Baseline Studies (July 2008)

On March 25, 2009, BC Hydro participated in a community open house at the Doig River reserve which was attended by approximately 25 community members including Doig River's Chief. BC Hydro presented a project overview and responded to questions and concerns raised by community members.

On March 25, 2009, BC Hydro participated in a community open house at the West Moberly reserve which was attended by 15 to 20 community members and CT8C technical staff. BC Hydro presented a project overview and responded to questions and concerns raised by community members.

On April 9, 2009, CT8C sent an email to BC Hydro attaching the following deliverables pursuant to the *Stage 2 Consultation Agreement*:

- CT8C work plan for Phase 1 of the *Stage 2 Consultation Agreement*;
- Income statement for January to December 2009; and,
- CT8C's Policy and Procedures Handbook for Site C.

On April 15, 2009, BC Hydro participated in a community meeting at the Saulteau reserve which was attended by approximately 40 community members and CT8C technical staff. BC Hydro presented a project overview and responded to questions and concerns raised by community members.

On April 23, 2009, BC Hydro attended a Main Table meeting with representatives of CT8C. Discussion items included: a review of CT8C's work plan submission; the information exchange provision in the *Stage 2 Consultation Agreement*; the need for a side table process to address past infringements; the RFP notification process; and, initial discussion regarding approaches to traditional use studies. BC Hydro provided a list of Stage 1 and 2 environmental field study reports due for public release.

On April 30, 2009, BC Hydro sent a letter to CT8C attaching a capacity funding cheque pursuant to the *Stage 2 Consultation Agreement*.

May 1 to September 30, 2009

On May 5 and 6, 2009, BC Hydro participated in the second Technical Pillar meeting with technical staff from CT8C. BC Hydro presented proposed work plans for studies in 2009 on wildlife, fisheries, and heritage resources. BC Hydro technical leads provided a historical background for each topic, reviewed the work initiated on the topic to date, and described perceived data gaps and how the proposed work plan would fill those gaps. CT8C provided preliminary comments on the work plans. The parties agreed that the technical committee would be known as the Technical Advisory Representatives (TAR) to distinguish it from other processes such as the TACs. The parties developed a draft TAR work plan. BC Hydro provided CT8C with the final version of the Heritage Gap Analysis Report (prepared by Arcas) and IR Wilson's proposal for the 2009 Heritage RFP.

On May 6, 2009, BC Hydro sent a letter to CT8C enclosing materials from the environmental and socio-economic TACs 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 11, 2009, BC Hydro sent a letter to CT8C enclosing a map showing locations of Site C archaeology surveys and sites (Arcas, December 11, 2008), in response to a request made at the April 23 meeting.

On May 12, 2009, BC Hydro sent an email to CT8C attaching four proposals for fish and wildlife studies in 2009 (2009 Bat Workplan, 2009 Peace Telemetry Proposal, 2009 Mainstream Fisheries Workplan and Cavity Tree Survey Workplan May 2009).

On May 20, 2009, BC Hydro attended a Main Table meeting with representatives of CT8C (Tribal Chair, Chief of West Moberly, negotiator, technical staff, legal counsel, others). Discussion items included: CT8C proposal to co-author the First Nations chapter of the Stage 2 Report; review of BC Hydro/CT8C joint report (CT8C expressed view that concerns raised in the community meetings not be included); CT8C's request for information in GIS format and for the remaining Stage 1 and 2 reports; CT8C's development of holistic GIS mapping tool for community members; and process and timeline for developing a TLUS proposal.

On May 22, 2009, CT8C sent an email to BC Hydro providing preliminary comments on the scope of work as outlined in the Heritage RFP.

On May 25, 2009, BC Hydro sent a letter to CT8C enclosing the following Stage 1 studies (originally provided on March 17, 2009):

- Small Fish Surveys in the Peace and Halfway Rivers 2006 (Mainstream Aquatics Ltd.);
- Peace River Wildlife Surveys - Baseline Inventory Surveys 2006 (Keystone);
- Expanded Legend for the Peace River Terrestrial Ecosystem Mapping Project 2007 (Keystone).

The letter advised that CT8C could contact BC Hydro if it had questions or wished to schedule a follow-up meeting to discuss the materials.

On May 26, 2009, BC Hydro met via teleconference with representatives of CT8C. BC Hydro identified IR Wilson as the successful bidder for the 2009 Heritage RFP. The parties discussed a number of issues related to IR Wilson's proposal including: how the IR Wilson model would be used by BC Hydro; CT8C's access to model outputs; and, potential employment opportunities for CT8C members. The parties also discussed the status of

CT8C's work on the TLUS. On May 26, 2009, BC Hydro sent an email to CT8C attaching IR Wilson's proposal for the 2009 Heritage RFP.

On May 25, 2009, BC Hydro sent a letter to CT8C enclosing the following Stage 1 study: Water Quality, River Sediment, Soil and Vegetation Samples from the Peace River Watershed – 2007. The letter indicated that CT8C could contact BC Hydro if it had questions or wished to schedule a follow-up meeting to discuss the materials

On May 29, 2009, BC Hydro sent a letter to CT8C enclosing a CD containing draft GIS data files.

In June 2009, CT8C held a two-day meeting at Bear Flat in June to provide an opportunity to discuss and share information about the Project. The event was attended by over 200 members of the T8FN communities. BC Hydro did not attend. CT8C also produced a DVD and information booklet about the Project, and mailed copies of the materials to each household in the T8FN communities.

On June 8, 2009, BC sent an email to CT8C advising that BC Hydro had posted an RFP for a fencing program.

On June 9, 2009, BC Hydro sent an email to CT8C attaching a revised work plan showing the status of permit applications for the Site C engineering and environmental field program.

On June 10, 2009, BC Hydro sent an email to CT8C advising of a pump test that BC Hydro planned to conduct under permit #814589 on the north bank of the Peace River from mid-July to December 2009. The letter indicated that BC Hydro was seeking to amend the permit to allow drilling in a "T" shape alignment. It invited CT8C to identify two individuals to serve as monitors and/or traditional use advisors when the work began, and advised that BC Hydro could arrange for CT8C staff or T8FN members to revisit the site of the proposed "T" alignment.

On June 15, 2009, BC Hydro sent a letter to CT8C attaching (1) BC Hydro's application for an amendment to Permit #814589, submitted to the ILMB, and (2) BC Hydro's application for a Site Alteration Permit, submitted to the Archaeology Branch. The letter advised that the Site Alteration Permit would ensure that vehicle traffic on the existing road within archaeological site HbRf-040 was well planned and that the road was monitored by qualified personnel. It requested that CT8C advise BC Hydro before June 30, 2009 if it had questions or concerns.

On June 16 and 17, 2009, BC Hydro participated in the third Technical Pillar (TAR) meeting with technical staff from CT8C and representatives of IR Wilson. The parties reviewed the draft TAR work plan. BC Hydro provided an overview of the regulatory process, including an overview of provincial and federal environmental assessment legislation. Other discussion items included:

- IR Wilson's archaeological potential model: IR Wilson provided a description of its archaeological potential model and indicated that there were gaps with respect to traditional use information. CT8C said it would be difficult to obtain permission from community members to release traditional use information. CT8C suggested that BC Hydro continue with the model as planned without it, as little traditional use information was available or in a format to support accurate and precise predictions within a modeling dataset. BC Hydro indicated that this model would assist in planning subsequent archaeology field work and reiterated that traditional use information was required to fill data gaps.

- RFP process: CT8C expressed concern that BC Hydro had not respected CT8C's interest in being an integral part of the Heritage RFP development, RFP evaluation and contract development. CT8C indicated it would not participate in the BC Hydro driven process as it indicated that the outcomes were directed at addressing BC Hydro's issues only.

- Wildlife cause-effect: BC Hydro provided an overview of the four wildlife TAC meetings in 2008 and 2009. CT8C raised questions about key wildlife habitats, habitat quantity, and BC Hydro's suitability and capability models. When asked about potential data gaps for wildlife, CT8C indicated that there are rare plants in the riparian zones which have cultural value. The parties discussed possible mitigation options using BC Hydro-owned land.

- Fisheries cause-effect: BC Hydro provided an overview of the fish TACs in 2008-2009. It advised that during the TACs, there were discussions on cause-effect pathways, data needs, baseline studies and methodologies, but that BC Hydro had not started any impact assessments.

On June 17, 2009, BC Hydro sent an email to CT8C explaining the relationship between the Site C review process, the Peace Williston Compensation Plan, and BC Hydro's Water Use Planning process.

On June 22, 2009, BC Hydro sent a letter to CT8C enclosing a CD containing:

- Peace River Fisheries Investigations, 2005-2008 data files (AMEC);

- Small Fish Surveys in the Peace and Halfway Rivers, 2006 data files (Mainstream Aquatics).

The letter advised that CT8C could contact BC Hydro if it had questions or wished to schedule a follow meeting to discuss the materials.

On June 24, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C (Tribal Chair, Chief of West Moberly, negotiator, technical staff, legal advisors,

others). The parties finalized and endorsed the first Joint Report pursuant to the *Stage 2 Consultation Agreement*. CT8C presented communication materials it had developed for the community outreach pillar, including a brochure and a video. CT8C provided BC Hydro with a list of 97 questions regarding the Project which it had compiled through the BC Hydro community meetings and CT8C's own community engagement activities. CT8C provided a work plan and budget for the TLUS. The parties discussed CT8C's interest in providing input on the Stage 2 report. BC Hydro suggested, and CT8C agreed, that CT8C would prepare a position paper, letter or memorandum that would be appended to the Stage 2 Report, and would not be edited by BC Hydro.

On June 25, 2009, BC Hydro sent a letter to CT8C attaching an application for a Licence of Occupation (#8015149), which BC Hydro had submitted to FrontCounter BC on June 23, 2009. The letter noted that the Licence of Occupation would allow for continued geotechnical investigations at the proposed dam site, focused on gathering information on the dam foundation and abutment slopes. It requested that CT8C provide any comments by July 31, 2009.

On June 30, 2009, CT8C sent a letter to Minister Lekstrom (MEMPR). The letter expressed concern regarding BC Hydro's intention to conclude Stage 2 in October 2009, approximately six months prior to the conclusion of the Stage 2 consultation process. It noted that if a decision was made in October 2009 to move forward to Stage 3, CT8C would not have had enough time to review the Stage 2 environmental studies or consider potential impacts on treaty rights. The letter requested a meeting with the Minister to discuss these concerns. BC Hydro received a copy of this letter on July 9, 2009.

On July 6, 2009, CT8C sent a letter to BC Hydro enclosing the following deliverables pursuant to the *Stage 2 Consultation Agreement*:

- updated work plan;
- cash flow/budget for the calendar months of January to December 2009; and,
- audited financial statements for the 2008-2009 fiscal year.

On July 14 and 15, 2009, BC Hydro participated in the fourth Technical Pillar (TAR) meeting with technical staff from CT8C. BC Hydro gave a presentation on greenhouse gases and the International Panel on Climate Change model. BC Hydro provided an overview on methyl mercury and presented a one-page summary of mercury levels in fish tissue in the Peace River. BC Hydro reviewed the baseline mercury model and advised that mercury modelling would occur in Stage 3. BC Hydro raised the idea of preparing a joint information sheet on mercury for dissemination to the T8FN communities. BC Hydro also presented material on reservoir clearing, transmission line clearing, and slope stability. BC Hydro reviewed archaeology and heritage issues (heritage regulatory requirements, review

of previous studies, analysis of data gaps, scoping of potential project impacts, and heritage field work).

On July 17, 2009, CT8C sent an email to BC Hydro advising that CT8C had received additional questions from CT8C members regarding the application for an amendment of Permit #814589, specifically the anticipated backfilling of Large Diameter Holes (LDHs) on the lower north bank of the proposed dam site. CT8C asked whether BC Hydro had examined options other than filling LDHs with concrete mix, as it had concerns about potential impacts on water quality and aquatic life. CT8C recommended that BC Hydro backfill the LDHs with natural soil material, cut the casing below ground level, cap and cover again with natural soil material.

On July 21, 2009, BC Hydro responded to CT8C's email of July 17, 2009 regarding Permit #814589. BC Hydro agreed that there may be benefits to excavating and cutting off the casing a few metres below ground surface. It also agreed to cap the top few meters of the holes with granular material. It noted, however, that the casing would need to be backfilled with material that could be compacted, in order to minimize the potential for ground movement.

On July 22, 2009, CT8C sent an email to BC Hydro regarding its application for an amendment to permit #814589. The email noted that BC Hydro had not completed consultation regarding proposed engineering work in the "T shaped" area of interest on the left bank of the Peace River.

On July 24, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C. Discussion items included: scope and budget of CT8C's proposed TLUS; timing of the Stage 2 report and the possibility of an extension; and, the status of BC Hydro's response to CT8C's 97 questions. CT8C advised that it was confused as to the respective roles of the ILMB and BC Hydro in consultations regarding geotechnical investigations. The parties agreed that the ILMB should be invited to the table to clarify the consultation process. The parties expressed differing views on the adequacy of previous consultations regarding proposed work in the "T shaped" area of interest.

On July 28, 2009, BC Hydro sent a letter to CT8C attaching a capacity funding cheque pursuant to the *Stage 2 Consultation Agreement*.

On July 28, 2009, BC Hydro sent an email to CT8C attaching a response from Golder to CT8C's concerns about proposed work in the "T shaped" area of interest. Golder advised that it had expanded the "area of archaeological potential" to include the entire raised wooded area, and that it would conduct an AIA of the raised wooded area once it received a permit to do so. No drilling would take place until the AIA had been completed.

On July 31, 2009, CT8C sent a letter to the ILMB regarding BC Hydro's application for a Licence of Occupation (#8015149) at the proposed dam site. The letter expressed concern regarding BC Hydro's application for "an unnecessarily broad tenure". It described the area of interest (approximately 1,811 hectares) and the term of the Licence of Occupation (5-10 years) as "excessive". It requested that the application be narrowed to ensure the reduction of impacts on section 35(1) rights. The letter also raised a number of specific concerns including: access to South Island; licence to cut crown timber; archaeological impacts; and consultation on amendments to the Environmental Management Plan.

On August 5, 2009, Golder sent an email to CT8C advising that it had received a *Heritage Conservation Act* permit (#2009-0262) from the Archaeology Branch. Golder further advised that it would be conducting an AIA of BC Hydro's geotechnical drilling in the "T shaped" area of interest, pursuant to the permit.

On August 11, 2009, CT8C technical staff met with representatives of the ILMB to clarify the roles and responsibilities of the parties. CT8C identified several concerns regarding the Project's consultation process, including the potential for a conflict of interest when a proponent such as BC Hydro leads the consultation process. CT8C reported that there was discontent in the communities about the consultation done thus far on the Project. The ILMB agreed to provide CT8C with a description of the proponent's role in consulting on major projects and to explain how the procedural aspects of consultation may be delegated to the proponent.

On August 13, 2009, BC Hydro sent a letter to CT8C advising of planned fisheries work in the Moberly River. The letter advised that BC Hydro would be installing a fish fence in the Moberly River that would temporarily obstruct the navigable channel for boaters.

On August 18, 2009, Golder sent an email to CT8C advising that it would be conducting an AIA for BC Hydro on archaeological sites HbRf-59, HbRf-65, and HbRf-67 on the south bank of the Peace River (pursuant to *Heritage Conservation Act* permit #2009-0262).

On August 18, 2009, BC Hydro and Mainstream Aquatics sent a letter to CT8C providing further information regarding planned fisheries studies in the Moberly River. The letter advised that a temporary fish fence would be installed across the wetted channel of the Moberly River from September 30 to October 29, 2009. The fish fence would assist in counting of adult mountain whitefish moving upstream to spawn in the Moberly River, and recording of fish species moving downstream to over winter in the Peace River. BC Hydro was providing notice to local First Nations and public users as part of its application for an approval under the *Navigable Waters Protection Act*.

On August 31, 2009, Minister Lekstrom (MEMPR) sent a letter to CT8C responding to CT8C's letter of June 30, 2009. The letter acknowledged CT8C's concerns regarding the timeline for BC Hydro's Stage 2 submission to the government in the fall of 2009. The letter

advised that BC Hydro had been instructed to bring any significant issues raised by CT8C to his attention even after the Stage 2 Report had been submitted.

On September 2, 2009, BC Hydro sent a letter to CT8C enclosing the following Stage 2 studies:

- Peace River Fisheries Investigation Peace River and Pine River Radio Telemetry Study 2008 (AMEC and LGL Limited)
- Baseline Data Collection - Peace River Watershed Water Quality and Dinosaur Lake Limnology Sampling – 2008 (Golder)
- 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)
- 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)
- Site C Fisheries Studies - Juvenile Fish and Fish Habitat Inventory of Peace River Tributaries in Summer 2008 (Mainstream Aquatics)
- Site C Peace River - Mercury Levels in Peace River Fish Tissue - Data Report 2008 (Mainstream Aquatics)
- Site C Fisheries Study Upper Halfway River Watershed Bull Trout Spawning Survey 2008 (Mainstream Aquatics)

On September 2, 2009, BC Hydro participated in the fifth Technical Pillar (TAR) meeting with technical staff from CT8C. The parties reviewed and finalized the TAR work plan. BC Hydro signed two original copies and CT8C took both copies for execution at the next Main Table meeting. Discussion items included: CT8C's need for GIS data to create a communications package for the community outreach program; BC Hydro's overview of proposed Stage 2 First Nations community profiles / socio-economics; next steps in the regulatory process and filing of the PDR; classification of agricultural land and displacement of farmers; access to LiDAR data; ILMB referral process (agreed this topic did not fall within TAR's responsibilities).

On September 3, 2009, BC Hydro sent a letter to CT8C enclosing a CD containing archaeological data and geodatabase layers.

On September 3, 2009, BC Hydro sent an email to CT8C attaching copy of a draft *TLUS Agreement*. BC Hydro stated that it looked forward to reviewing the draft with CT8C.

On September 8, 2009, BC Hydro sent an email to CT8C attaching the final version of the TAR work plan. The work plan addressed the following topic areas: linkages to the *Stage 2 Consultation Agreement*; membership and governance; potential meeting topics and participants; schedule and location of meetings; resource requirements; and, meeting minutes and deliverables. The work plan directed the TAR to assist the Main Table by meeting regularly and communicating on technical issues and studies, reviewing studies and evaluating potential effects/impacts, and, reporting back to the Main Table and the Community Outreach Teams. The work plan sets out a schedule of seven meetings to occur between March and November, 2009.

On September 8, 2009, BC Hydro sent a letter to CT8C enclosing a CD containing Terrestrial Ecosystem Mapping data (prepared by Keystone Wildlife) for use in CT8C's GIS work.

On September 10, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C (Tribal Chair, three Chiefs, technical staff, negotiator, legal counsel, others) and the ILMB. The ILMB explained its decision-making process for Site C permit applications, and indicated that it was planning to adopt a new approach to the adjudication of permit applications, involving a coordinated approach to consultation and engagement with First Nations. The parties discussed BC Hydro's timeline for providing responses to CT8C's 97 questions. CT8C expressed a need for additional funding in Stage 2.

On September 16, 2009, CT8C sent a letter to BC Hydro in response to BC Hydro's draft TLUS agreement, which was provided by email to CT8C on September 3, 2009. CT8C advised that the draft had been presented to the T8FN Chiefs at a meeting on September 11, 2009, and the Chief had raised a number of structural issues related to the agreement which needed to be resolved, including: BC Hydro's role on the oversight committee; BC Hydro's access to the CT8C database and primary report; and, the proposed geographic scope of the study. In light of the mandate provided to CT8C by the Chiefs, CT8C advised that it would wait to hear back from BC Hydro before providing comments and proposing revisions to BC Hydro's draft TLUS agreement.

On September 18, 2009, BC Hydro responded to CT8C's letter of September 16, 2009 regarding the draft TLUS agreement. The letter indicated that BC Hydro would be prepared to discuss how CT8C's interests could be met. The letter requested that CT8C provide specific comments and suggested revisions to the draft TLUS agreement.

On September 22, 2009, CT8C held a technical workshop with members of West Moberly, and provided an overview of the Stage 1 and Stage 2 studies. BC Hydro did not attend.

On September 24, 2009, BC Hydro sent a letter to CT8C enclosing a hard drive containing LiDAR data.

On September 24, 2009, CT8C held a technical workshop with members of Fort Nelson, and provided an overview of the Stage 1 and Stage 2 studies. BC Hydro did not attend.

On September 29, 2009, CT8C held a technical workshop with members of Prophet River, and provided an overview of the Stage 1 and Stage 2 studies. BC Hydro did not attend.

On September 29, 2009, CT8C sent a letter to the ILMB regarding BC Hydro's application for a Site C Licence of Occupation (#8015149). The letter expressed serious concerns about the consultation process related to the application. It advised that in CT8C's view, meaningful consultation could not take place in the context of severe and unreasonable time constraints being placed on Treaty 8 communities. The letter requested that the Licence of Occupation application be deferred, and that the ILMB continue consultation for an Investigative Use Permit to finish the 2009 field season within the scope of the South Island only. It suggested that CT8C could work with the ILMB in the off season to design a consultation process for the engineering referrals, possibly including the proposed rolling work plan and other initiatives.

On September 30, 2009, CT8C held a technical workshop with members of Doig River, and provided an overview of the Stage 1 and Stage 2 studies. BC Hydro did not attend.

October 1 to December 31, 2009

On October 1, 2009, CT8C held a technical workshop with members of Saulteau, and provided an overview of the Stage 1 and Stage 2 studies. BC Hydro did not attend.

On October 2, 2009, BC Hydro sent two emails to CT8C attaching a total of 54 responses to CT8C's 97 questions.

On October 7, 2009, BC Hydro participated in the sixth Technical Pillar (TAR) meeting with technical staff from CT8C. BC Hydro presented information on the physical environment and engineering. The parties engaged in technical discussion on a number of topics including: changes in downstream flows, icing, sedimentation, climate change, impact lines, reservoir preparation, highway realignment, contaminated sites, changes to air quality and microclimate, greenhouse gases, and fish passage.

On October 8, 2009, Golder sent a letter to CT8C attaching Rolling Work Plan #1, which summarized proposed geotechnical engineering work on the western end of the South Bank Island within the application area for Licence of Occupation #8015149. Rolling Work Plan #1 included information on the scope of the work, environmental and archaeological resources in the work areas, mitigation measures, and permitting considerations for the work.

On October 9, 2009, BC Hydro met with technical staff from CT8C to discuss outstanding issues regarding the draft TLUS.

On October 14, 2009, BC Hydro hand-delivered a letter to CT8C attaching a cheque for special funding for CT8C's "Site C Summit" to be held on October 17, 2009.

On October 14, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C (three Chiefs, negotiator, technical staff, legal counsel, others). Discussion items included: CT8C request for additional funding; TLUS update; status of the Stage 2 report; process for submitting CT8C's appended interest paper to the Stage 2 report; next phase of questions from CT8C.

On October 16, 2009, BC Hydro sent an email to CT8C attaching 31 additional responses to CT8C's 97 questions.

On October 17, 2009, CT8C held a "Site C Summit" in Fort St. John, which was attended by approximately 175 T8FN members. The purpose of the event was to provide an opportunity for the T8FN members and invited guests to discuss Site C and the work completed to date by CT8C related to the Project. BC Hydro did not attend

On October 19, 2009, CT8C sent an email to BC Hydro attaching a draft of its proposed appendix to the Stage 2 Report, titled *Treaty 8 First Nations' Report on Stage 2 Consultation*. This draft was not revised, and ultimately appended to the Stage 2 Report as the final version. In the appendix, CT8C provided background on its concerns with respect to the Project consultation process. It expressed concern that Stage 1 was completed without involving First Nations, and that BC Hydro had made significant progress on public consultations and other matters in Stage 2 before engaging CT8C. CT8C asserted that its participation in the Stage 2 consultation processes was hindered by BC Hydro's delays in (a) disclosing the Stage 1 and 2 studies, (b) responding to CT8C's written questions, and (c) commencing the TLUS. CT8C reiterated its concerns about the structure and timing of the TAC process and provided an explanation for its decision not to participate in the TACs. CT8C noted that significant work remained to be completed under the *Stage 2 Consultation Agreement*, including the identification of Project impacts and the development of mitigation and accommodation measures. CT8C asserted that it would be severely prejudiced if BC Hydro recommended that the Project advance to Stage 3, prior to the completion of the consultation process established under the *Stage 2 Consultation Agreement*.

On October 21, 2009, BC Hydro sent an email to CT8C attaching 12 additional responses to CT8C's 97 questions. It advised that CT8C should now have the complete set of BC Hydro's responses to all of the 97 question, with one exception that would follow later.

On October 22, 2009, BC Hydro sent a letter to CT8C responding to CT8C's letter to the ILMB of October 9, 2009 regarding BC Hydro's Licence of Occupation #8015149. The letter

included responses to CT8C's concerns regarding: the area and term of the tenure, access to South Bank Island, forestry tenures, archaeological impacts, need for additional capacity funding, etc. The letter advised that the "rolling work plan" model proposed by BC Hydro, and supported by the ILMB, would allow First Nations to review detailed, site-specific information on proposed work plans as they are developed.

On October 26, 2009, BC Hydro sent a letter to CT8C attaching a capacity funding cheque pursuant to the *Stage 2 Consultation Agreement*.

On October 27, 2009, BC Hydro sent an email to CT8C attaching a draft work plan for a study of ungulate movement and habitat use. The letter stated that BC Hydro would welcome CT8C's input and advice regarding the draft work plan.

On October 27 and 28, 2009, BC Hydro met with CT8C technical staff to discuss TLUS data sharing and the Site C Ungulate Study Program. On the first day, CT8C presented an overview of the Treaty 8's web portal for TLUS information. The parties discuss utilization of TLUS data and expressed differing opinions on how much data would be shared. CT8C advised that BC Hydro would only have access to a layer of data that would show priority areas of fish/wildlife activity (colour-coded), but not to the data driving that colour-coding. On the second day, BC Hydro presented an overview of the draft work plan for the Site C Ungulate Study Program and sought input regarding the design of the study.. The parties discussed the RFP process and CT8C expressed concerns about red tape and lack of opportunities for First Nations. BC Hydro advised that it was in the process of developing an Aboriginal procurement policy. The parties discussed the TAR process and the role of community liaisons.

On November 5, 2009, CT8C sent an email to BC Hydro attaching a letter received from Saulteau's Lands Manager (dated November 3, 2009). The letter outlined a number of comments and concerns regarding the Site C Ungulate Study Program. It requested full participation in phases I and II of the study, including monitoring and assistant positions for collaring, data collection and analysis. It further requested that training be provided to interested Saulteau members and other T8FN members, including proper certification for tranquilizing, net-gunning, collaring and telemetry. The letter recommended that traditional knowledge be incorporated into the study. It also recommended the collaring of grizzly bears in addition to the three ungulates chosen (mule deer, moose, elk).

On November 6, 2009, BC Hydro sent an email to CT8C providing initial thoughts in response to the letter of November 3, 2009 from Saulteau's Lands Manager regarding the Ungulate Study Program. It noted that issues of capacity, training and job opportunities would need to be discussed at the Main Table. It stated that the Ungulate Study Program would benefit if traditional knowledge could be incorporated, but that this might not happen over the next few weeks or months. It advised that capture and collar had to be done by

experts and that there were few firms in BC with this capability. BC Hydro advised that it appreciated CT8C's feedback on the appropriateness of the selected ungulate species.

On November 6, 2009, Golder sent a letter to the ILMB providing information about BC Hydro's revised management plan for Licence of Occupation #8015149. The letter included a project description and an explanation of the rolling work plan. It noted that the rolling work plan would provide the First Nations with the opportunity to provide further input and advice directly to BC Hydro regarding any potential adverse impacts of the engineering investigations on their rights. It advised that BC Hydro would provide the First Nations with 21 calendar days from the date of receipt of each rolling work plan to consider it and comment on it.

On November 9, 2009, BC Hydro met with CT8C's technical advisor to discuss Saulteau's response to the Site C Ungulate Study Program, dated November 3, 2009.

On November 16, 2009, BC Hydro participated in the seventh Technical Pillar (TAR) meeting with technical staff from CT8C. CT8C provided an overview of the CT8C web portal and responded to questions from BC Hydro. The web portal would allow CT8C community members to access information about the Project, including the Stage 1 and 2 reports and maps. CT8C launched the web portal between December 15 and 17, 2009.

On November 16, 2009, BC Hydro met with CT8C technical staff regarding the TLUS. The parties discussed CT8C's approach to data sharing and BC Hydro sought greater transparency in areas identified by CT8C as "high valued". BC Hydro agreed to work on a TLUS "Agreement in Principle" and provide a second draft to CT8C.

On November 18, 2009, the ILMB sent an email to CT8C attaching:

- The ILMB's response to CT8C's letter of October 9, 2009 regarding BC Hydro's Licence of Occupation application #8015149 (includes responses to CT8C concerns about the geographic scope and duration of the application, capacity and timelines for reviewing rolling work plans, access to South Island, BC Hydro's license to cut, archaeological impacts, etc.)
- "Questions and answers" regarding the ILMB's approach to coordinated consultation and engagement with First Nations, prepared by the ILMB First Nations Initiatives Division (January 14, 2009)
- A report titled Coordinated Consultation for Multi-Permit Projects: Site C Geotechnical Investigation, prepared by the ILMB First Nations Initiatives Division (November 16, 2009) (summarized the ILMB's coordinated approaches to consultation with First Nations on multi-permit, multi-agency projects, using the example of the Site C geotechnical investigations).

On November 25, 2009, CT8C sent an email to BC Hydro attaching a proposed "Memorandum of Intent" on the negotiation of a TLUS agreement (previously called the "Agreement in Principle").

On November 25, 2009 CT8C sent a letter via email to BC Hydro expressing a need for additional resources for Stage 2 consultations. The letter advised that without additional financial support from BC Hydro, CT8C would be unable to complete important Stage 2 work (e.g., TLUS project, reporting to communities on BC Hydro's responses to the 97 questions, Site C monthly updates for CT8C members).

On December 2, 2009, BC Hydro sent a letter to CT8C responding to CT8C's letter of November 25, 2009 (requesting additional resources for Stage 2 consultations) and its email of November 25, 2009 (attaching a "Memorandum of Intent" for a TLUS agreement). The letter indicated that BC Hydro could not offer additional financial support until government had rendered its decision on advancing the Project to Stage 3. The letter described CT8C's proposed "Memorandum of Intent" as a significant step backwards from previous drafts, noting that CT8C had effectively withdrawn key processes and deliverables that BC Hydro needed to inform the Project. The letter suggested that the parties defer negotiations of the *TLUS Agreement* until government had reached a decision on moving forward to Stage 3.

On December 9, 2009, BC Hydro met with CT8C's negotiator, who advised that the T8FN Chiefs were disappointed that no further money would be forthcoming and that the TLUS would not be moving forward. The negotiator further advised that CT8C would be meeting with the Minister in January 2010 to air those concerns. As a way to move forward, the negotiator requested that the parties continue work on the TLUS if CT8C agreed to reinsert certain clauses required by BC Hydro. CT8C sent a follow-up letter to BC Hydro on December 9, 2009, proposing an option for Stage 2 funding whereby funding set aside for the TLUS would be used for Stage 2 consultation activities.

On December 10, 2009, BC Hydro sent a letter to CT8C attaching BC Hydro's response to T8TA's proposed appendix to the Stage 2 report (*Treaty 8 First Nations' Report on Stage 2 Consultation*). BC Hydro provided specific responses to concerns raised by T8TA regarding the timing of Stage 2 engagement, delays in information sharing, and the structure and timing of the TAC process. BC Hydro expressed the view that its consultation with CT8C during Stage 2 had been honourable and conducted in good faith, noting that:

- consultations with Treaty 8 commenced early in Stage 2 and well before any decision to build the Project had been made;
- BC Hydro had provided Treaty 8 with significant capacity funding to participate fully in the consultation process;

- the parties had met 31 times regarding Site C; and,
- BC Hydro had shared extensive information with Treaty 8 during Stage 2 to facilitate work and dialogue contemplated under the *Stage 2 Consultation Agreement*.

BC Hydro asserted that T8TA would not be prejudiced by the submission of the Stage 2 Report, and noted that consultation would continue in accordance with the terms of the consultation agreement and beyond. BC Hydro expressed its commitment to a process of reconciling the treaty interests of the T8FNs, and expressed its intention to fully consult on those interests should the Project proceed to Stage 3.

On December 16, 2009, BC Hydro participated in a Main Table meeting with representatives of CT8C (Tribal Chief, three Chiefs, negotiator, technical staff, legal advisors, others). The parties reached a tentative "Agreement to Negotiate" a TLUS, subject to approval by the T8FN Chiefs, under which CT8C would receive additional funding for the negotiation of a TLUS agreement. CT8C indicated that it would support the issuance of the Licence of Occupation #8015149, provided that BC Hydro agreed to comply with a number of conditions.

On December 18, 2009, BC Hydro and CT8C finalized the "Agreement to Negotiate" a TLUS. The agreement provided CT8C with additional capacity funding and committed the parties to resolving the key issues within 60 days of January 15, 2010. On December 23, 2009, BC Hydro sent an email to CT8C attached a signed copy of the Agreement to Negotiate a *TLUS Agreement* and sent a letter attaching the first payment pursuant to that agreement. CT8C received that payment on January 5, 2010.

On December 18, 2009, BC Hydro and CT8C sent a joint letter to the ILMB regarding Licence of Occupation application #8015149. The letter indicated that CT8C leadership had agreed not to challenge BC Hydro's application subject to the following conditions: (1) that BC Hydro explain and receive feedback on the implementation of the rolling work plan, using the first set of proposed investigations on the South Island as a practical example; (2) that BC Hydro and CT8C clearly set out and review the timelines for consultation in a rolling work plan; and, (3) that BC Hydro and CT8C reach an agreement on funding levels to implement the rolling work plan.

On December 29, 2009, Fort Nelson sent a letter to BC Hydro advising that it was opposing the issuance of Licence of Occupation #8015149 due to a lack of community consultation and because no capacity funding was provided to Fort Nelson.

January 1 to April 30, 2010

On January 6, 2010, BC Hydro sent an email to T8TA's technical advisor attaching a draft of the TAR Joint Summary Report that summarized the work completed in the seven TAR

meetings between March and November 2009. T8TA's technical advisor confirmed receipt of the report and forwarded it for final review to T8TA's leadership.

On January 7, 2010, the Chiefs of Doig River, Prophet River, Halfway River and West Moberly sent a letter to Minister Lekstrom (MEMPR), copying BC Hydro regarding BC Hydro's submission of the Stage 2 Report. The letter clarified the Chiefs' concerns regarding the *Stage 2 Consultation Agreement* and replied to BC Hydro's response to T8TA's appendix to the Stage 2 report (*Treaty 8 First Nations' Report on Stage 2 Consultation*). The letter requested that MEMPR consult directly with the T8FNs regarding the decision to move forward to Stage 3. The letter asked that MEMPR consider a number of recommendations – related to TLUS negotiations, past infringements, shortfalls in funding to participate in the BCUC Long Term Transmission Inquiry, and future approaches to consultation – in making this decision. This letter was received by MEMPR on January 11, 2010 and by BC Hydro on January 15, 2010.

On January 11, 2010, BC Hydro sent an email to T8TA attaching a draft report titled *Review of Potential Downstream Changes from Site C Operations – Preliminary Findings*.

On January 11, 2010, BC Hydro sent a letter to T8TA attaching a capacity funding cheque issued pursuant to the *Stage 2 Consultation Agreement*.

On January 12, 2010, BC Hydro sent an email to T8TA providing notification of an RFP for Environmental Support Services, with a closing date of February 1, 2010.

On January 12, 2010, BC Hydro met with T8TA's negotiator to plan negotiations for a TLUS final agreement and future community consultations. T8TA proposed to co-sponsor a Site C summit that would bring members from the six T8FN communities together.

On January 12, 2010, the ILMB sent a letter to T8TA in response to the joint letter of December 18, 2009 regarding Licence of Occupation application #8015149. The letter indicated that the ILMB was pleased to hear that T8TA had reached an agreement with BC Hydro on a consultation approach. It advised that local ILMB staff would contact T8TA later that year for a debriefing in order to identify where the consultation had been effective and how it could be improved.

On January 14, 2010, Golder sent an email to T8TA attaching the Revised Management Plan for Licence of Occupation #8015149, and advised that it contained rolling work plan information.

On January 18, 2010, BC Hydro responded to Fort Nelson's letter of December 29, 2009, which expressed opposition to the issuance of the Licence of Occupation #8015149. BC Hydro explained Project referrals were being coordinated through T8TA, and that T8TA had agreed not to oppose the issuance of Licence of Occupation #8015149. BC Hydro advised it would be convening a meeting between BC Hydro representatives and Land Officers from

member communities, including Fort Nelson, in February 2010. Enclosed with the letter was a Tenure Offer for Licence of Occupation Application #8015149, signed by BC Hydro and T8TA.

On January 28, 2010, BC Hydro met with representatives of T8TA (Tribal Chief, negotiator, legal advisor) for negotiations regarding the proposed TLUS agreement. T8TA indicated that it viewed the TLUS as a mechanism for collecting information over a larger area for use in establishing historical grievance claims. BC Hydro did not agree with T8TA's proposed shift in the scope of the TLUS. As a way to move forward, T8TA proposed inviting Terry Tobias, an independent TLUS expert, to meet with the group on February 4, 2010 to seek his advice on a scope for the TLUS that might meet the needs of both parties.

On January 29, 2010, BC Hydro sent a letter via email to T8TA in regards to the rolling work plan process for Licence of Occupation #8015149. As previously discussed with T8TA, BC Hydro proposed using the first project on the South Bank Island as a practical example to test the effectiveness of the rolling work plan approach. BC Hydro enclosed the Danger Tree Assessment Report and an updated map of the access road and borehole locations, which completed the package of information for the proposed work on the South Bank Island (previously provided in October 2009). BC Hydro advised that work would need to begin on the South Bank Island on or before April 1, 2010 due to restrictions around felling trees during the bird nesting seasons. BC Hydro proposed that the 21 day response period, as set out in Rolling Work Plan #1, begin after the meeting on February 16, 2010. On February 3, 2010, BC Hydro sent two emails to T8TA attaching the Danger Tree Assessment Report and the updated maps of the access road and borehole locations, referenced in the January 29 letter.

On February 15, 2010, T8TA sent an email to BC Hydro advising of a decision by the Council of Chiefs that Fort Nelson and Saulteau would not be a part of the referrals process with the remaining four T8FNs (Doig River, Prophet River, Halfway River, West Moberly), and would not participate in meetings attended by the remaining four T8FNs.

On February 16, 2010, BC Hydro met with representatives of T8TA (negotiator, Director of Administration, Acting Referrals Coordinator) and the T8FN Lands Managers (Doig River, Prophet River, Halfway River, West Moberly) regarding the proposed Rolling Work Plan #1 for Licence of Occupation #8015149. T8TA advised that the referral process could not proceed without additional capacity funding from BC Hydro. T8TA tabled a letter outlining a request for capacity funding to cover the costs of two full-time positions (referrals coordinator, administrative assistant) and other variable costs (meetings, travel, etc.) for a period of one year, and attached a rate sheet outlining the variable costs. T8TA explained that only with adequate funding could the Crown's legal obligation to consult be met. BC Hydro advised that it was committed to continuing consultation through rolling work plans, as agreed, but expressed the view that the legal duty to consult was complete with the

issuance of the Licence of Occupation. T8TA asserted that the legal duty to consult was not complete, and would continue with each rolling work plan. T8TA indicated that it would seek clarification from the ILMB as to whether the issuance of the Licence of Occupation fulfilled the Crown's legal duty to consult. T8TA further advised that the 21 day response period under Rolling Work Plan #1 was too short. BC Hydro advised that it intended to move forward with the 21 day response period, after which the work would proceed in order to ensure that danger tree removal would not interfere with nesting birds. BC Hydro clarified that it would not be submitting further applications to the ILMB in 2010. On February 17, 2010, T8TA sent an email to BC Hydro attaching copies of the letter and rate sheet tabled in the meeting on February 16, 2010.

On February 23, 2010, BC Hydro sent a letter to T8TA, responding to a letter sent by T8TA to the Ministry of Environment and forwarded to BC Hydro, regarding the ungulate monitoring program. BC Hydro outlined the three phases of the program: (1) capture and collaring, (2) monitoring/tracking and data collection, and, (3) collar recovery/removal. BC Hydro indicated that a total of up to 70 animals would be targeted for collaring, and that 54 animals had been collared as of February 1, 2010. The letter reviewed the consultation undertaken by BC Hydro regarding the ungulate monitoring program through the TAR process, and expressed interest in meeting with T8TA staff to further discuss the program. The letter attached the following:

- BC Hydro's project outline, including the project work plan;
- Keystone Wildlife's detailed work plan for Phase 2 monitoring;
- A field study information notice.

On February 24, 2010, Golder sent a letter via email to T8TA advising that Golder had prepared an "Occupant License to Cut" application on behalf of BC Hydro, which had been submitted to FrontCounter BC on February 4, 2010. The application related to the removal of timber in the area encompassed by Licence of Occupation #814864. A copy of the application was attached.

On February 25, 2010, the ILMB sent a letter via email to T8TA (cc: T8FNs) responding to T8TA's questions from the meeting on February 16, 2010 regarding the respective roles and responsibilities of BC Hydro and the ILMB pursuant to the rolling work plan (Licence of Occupation #8015149). The letter advised that the respective roles of BC Hydro and ILMB were outlined in the Amended Project Management Plan, and provided excerpts from the relevant provisions of the Amended Project Management Plan. On February 26, 2010, T8TA responded via email to the ILMB's letter of February 25, 2010. T8TA advised that the ILMB's letter did not resolve the action item assigned to the ILMB at the February 16 meeting (to clarify whether there was a difference in the level and depth of consultation

under the rolling work plan, as compared to the consultation that occurred during BC Hydro's application for tenure).

On February 26, 2010, BC Hydro met with representatives of T8TA (negotiator, legal advisor, advisor) to discuss outstanding issues related to the TLUS. Terry Tobias, an independent TLUS specialist, attended the meeting to share his expertise and knowledge. Mr. Tobias responded to questions from the parties about data sharing, mapping standards, methodology, and deliverables. The parties engaged in discussions regarding the study area, number of interviews, and the costs of the TLUS. T8TA proposed to go back to its leadership for further input on the study area. The parties expressed differing views on whether the TLUS would consider the cumulative effects of existing hydro projects on the Peace River. BC Hydro committed to developing the next draft of the TLUS agreement.

On March 1, 2010, BC Hydro sent a letter via email to T8TA regarding capacity funding for consultation activities related to the referrals and rolling work plans. BC Hydro proposed an offer of base funding intended to allow T8TA to hire a Community Land Manager for the 2010 field season. The offer also included additional funding to cover the variable costs of each of the T8FN communities. BC Hydro reaffirmed that it did not anticipate any new referrals for the 2010 field season, thus any capacity funding provided would be directed to activities related to the rolling work plans. BC Hydro noted that it was looking forward to receiving T8TA's comments on the first rolling work plan on or before March 9, 2010.

On March 1, 2010, Minister Lekstrom (MEMPR) sent a letter to the T8FN Chiefs (including Saulteau, but not Fort Nelson) in response to their letter of January 7, 2010, in which they provided further clarification on the T8FNs' interests regarding the *Stage 2 Consultation Agreement*, and commented on BC Hydro's response to T8TA's Appendix to the Stage 2 Report. Minister Lekstrom replied to the four recommendations outlined in the January 7 letter, as follows:

1. *TLUS:* Minister Lekstrom understood that BC Hydro and T8TA had signed a preliminary agreement to negotiate a TLUS, and looked forward to hearing about the progress of this work.

2. *Historical grievances:* Minister Lekstrom noted that BC Hydro had not received information from the T8FNs on specific claims related to historical grievances. Minister Lekstrom advised that when the T8FNs provided information regarding their claims, BC Hydro would work with them to assess that information.

3. *BCUC Long Term Transmission Inquiry:* The inquiry had been put on hold until May 31, 2010, and no consultation activities were currently taking place. When the inquiry resumed, the BCUC would provide funding to inquiry participants in accordance with its funding guidelines.

4. *Future consultations:* Minister Lekstrom agreed to communicate with the T8FNs' Tribal Chief on Project-related matters should the opportunity/need arise.

On March 10, 2010, the Archaeology Branch sent an email to T8TA in regards to BC Hydro's application for a Site Alteration Permit for an access road (Application File 11200-30/090427). The Archaeology Branch advised that it would grant a two week extension for T8TA's review of the application, and requested that comments be provided by March 15, 2010. The Archaeology Branch noted that the proposed deadline was four weeks beyond the previously extended deadline.

On March 11, 2010, BC Hydro met with T8TA (negotiator). BC Hydro confirmed its readiness to begin negotiations on a Stage 3 consultation agreement, but advised that nothing could be executed until the government's decision on whether the Project would proceed to Stage 3. T8TA was satisfied with BC Hydro's latest funding offer to address the rolling work plans, but requested that BC Hydro provide funding for costs incurred by the T8FN Land Managers in meeting with the ILMB. T8TA acknowledged that the March 9 timeline for responses to the first rolling work plan had passed, and advised that the T8FN Land Managers were still working to coordinate their comments. BC Hydro indicated that the timeline issue would need to be discussed with BC Hydro's Site C Director. BC Hydro called T8TA (negotiator) regarding the timeline issue. BC Hydro advised that it would accept T8TA's comments subject to following conditions: (1) that T8TA would support the rolling work plan approach, (2) that T8TA would provide comments on the first rolling work plan within the next few days, and, (3) in future, T8TA would provide timely feedback on the remaining work for 2010. T8TA indicated that it would review BC Hydro's proposed conditions.

On March 16, 2010, T8TA responded via email to the Archaeology Branch's email of March 10, 2010, regarding BC Hydro's application for a Site Alteration Permit for an access road (Application File 11200-30/090427). T8TA asserted that consultation by the Archaeology Branch with respect to the Site Alteration Permit was incomplete, and strongly requested that the permit not be granted. T8TA advised that it currently had no budget to engage in community consultations, but was currently working with BC Hydro to secure needed capacity funding (expected to be in place by March 19, 2010). Once this funding was in place, T8TA would hire the necessary staff to review and begin consultations with respect to the 2010 field work, including the Site Alteration Permit. T8TA expressed the view that its request for additional time to review the Site Alteration Permit was reasonable, given its current lack of human and financial resources.

On March 18, 2010, T8TA sent a letter via email to BC Hydro in response to BC Hydro's letter of March 1, 2010 (where it offered capacity funding for the T8FNs' review of the 2010 referrals). T8TA indicated that it would accept BC Hydro's offer for capacity funding for the 2010 referrals, which included reimbursement for costs incurred in February 2010. T8TA

noted that BC Hydro's offer was less than the T8FNs' costs as identified on February 16, 2010, and suggested that the cap on variable costs for community engagement might compromise their ability to meaningfully participate in the 2010 geotechnical and engineering program. T8TA advised that it would place a job posting for the position of "Site C Geotechnical & Engineering Referral Coordinator" that week.

On March 19, 2010, BC Hydro sent an email to T8TA in response to T8TA's letter of March 18, 2010 accepting funding for the T8FNs' review of the 2010 referrals. BC Hydro acknowledged that the offer did not meet the amount requested in T8TA's letter of February 16, 2010. However, BC Hydro believed that the offer was a reasonable and substantial one, given the input requested. BC Hydro advised that it would appreciate receiving feedback from T8TA on proposed Rolling Work Plan #1, and committed to making all reasonable efforts to accommodate any concerns received in the work planning process. BC Hydro further advised that with the early arrival of spring, it would be removing a small number of danger trees on existing roads to allow for safe access by workers and monitors, and attached a map identifying the approximate locations of targeted danger trees.

On March 22, 2010, BC Hydro sent a letter to T8TA advising of its preparations for the field season of environmental and heritage work associated with the Project. The letter advised that although no decision had been made to proceed to Stage 3, BC Hydro was maintaining its current work on the Project on an interim basis to preserve the project schedule. The letter sought T8TA's input on work plans for environmental and heritage studies proposed for 2010. It attached the following work plans:

- Site C Fisheries Studies - 2010 Major Tributary Fish Inventory
- Site C Aquatic Productivity Study - Preliminary Scope of Work
- Site C Preliminary Mercury Modeling and Planning - Preliminary Scope of Work (Prepared by: Azimuth Consulting Inc. March 2010)
- Peace River Ungulate Monitoring Study Status: March 18, 2010
- Site C Wildlife Studies - Preliminary Scope of Work - March 18, 2010
- Ecosystem and Habitat Mapping Update - Peace River Baseline Inventory Workplan – 2010
- Site C Heritage and Archaeology Studies - Preliminary Scope of Work.

BC Hydro advised that the work plans were intended to provide the background information needed to select a preferred consultant to perform the work, and to initiate discussions with First Nations regarding the scope of the work. BC Hydro expressed interest in receiving input from the T8FNs on the work plans, including the selection of study topics or species,

the study area, or the methodology. BC Hydro requested that comments be provided as early as possible, because field programs would be commencing as early as May 2010.

On March 23, 2010, BC Hydro attended a Main Table meeting with representatives of T8TA (Tribal Chief, negotiator, legal advisor, others), Prophet River (Chief), Halfway River (Lands Manager), Doig River (community representative), and West Moberly (Chief, community representative). The parties engaged in discussions regarding the draft TLUS agreement and covered a number of outstanding issues (study area, methodology, use of oral history, costs, timelines, etc.). BC Hydro advised that it was prepared to start negotiations on a Stage 3 consultation agreement so that the parties could be in a position to execute the agreement when an announcement was made to move forward to Stage 3. T8TA indicated that it would seek direction from the T8FN Chiefs on moving forward with a preliminary, non-binding Stage 3 consultation agreement. The parties discussed the communications protocol for notifying T8TA of the Province's announcement regarding Stage 3. BC Hydro provided an updated map of danger trees and indicated that it was planning to cut 20 to 30 trees.

On March 24, 2010, T8TA sent a letter to BC Hydro requesting an advance on TLUS capacity funding to undertake geographic scoping. T8TA advised that it did not have sufficient funding to complete geographic scoping, which needed to be done to finalize the TLUS agreement. T8TA clarified that the funding would be used to finalize the Study Area Map, as identified in the draft TLUS agreement Schedule A. BC Hydro responded to T8TA's email on March 30, 2010. BC Hydro requested that T8TA provide a timeframe for the geographic scoping deliverable, and asked T8TA whether the deliverable could be provided with two weeks of receipt of the funding. BC Hydro noted that it needed the information before funding could be approved and transmitted.

On March 29, 2010, T8TA sent an email to BC Hydro in response to BC Hydro's letter of March 22, 2010, attaching the 2010 Environmental Work Plans. T8TA requested information about opportunities for community members to participate in field work in the 2010 season. BC Hydro responded via email on the same day, advising that the consultants would require some level of field support and would look to T8FN communities for some component of the support. BC Hydro further advised that it would be initiating the heritage field work program in 2010, which would require trained field support, likely over two field seasons. BC Hydro noted that the ToR for the heritage work included two key components: (1) a requirement to deliver pre-project field assistant training within the region, and (2) a requirement to recruit field assistants from within the region. BC Hydro noted that heritage work might be an area of particular interest to First Nations.

On March 31, 2010, T8TA sent a letter via email to BC Hydro, following up on the discussion at the meeting of March 23, 2010 regarding the notification protocol for the

Stage 3 announcement. T8TA recommended the following: (1) Minister Lekstrom (MEMPR) to contact T8TA's Tribal Chief, and (2) BC Hydro to contact T8TA's negotiator.

On April 1, 2010, T8TA sent a letter to BC Hydro expressing concern that the contractual relationship under the *Stage 2 Consultation Agreement* had ended March 31, 2010, and that work contemplated under the agreement remained incomplete. The letter requested that the parties undertake to complete an "Interim Capacity Funding Arrangement". The letter indicated interim funding would allow the parties to complete outstanding matters under the *Stage 2 Consultation Agreement*, and ensure that T8TA had the ability to negotiate on subject matters that would form the basis of a potential Stage 3 consultation agreement.

On April 8, 2010, BC Hydro and Mainstream Aquatics sent a letter to T8TA advising of planned fisheries studies in the Peace and Moberly rivers. The letter advised that temporary rotary screw fish traps would be placed in the water and provided a description of the temporary fish trap operation. The rotary screw traps would assist in obtaining baseline data with respect to the downstream movement of juvenile fish through the project site and outmigration of juvenile fish from the Moberly River. The temporary rotary screw traps were scheduled to operate on week days from May 1 to October 29, 2010.

On April 12, 2010, T8TA sent an email to BC Hydro's attaching T8TA's final financial reporting pursuant to the *Stage 2 Consultation Agreement*. T8TA advised that it had hired a referrals coordinator.

On April 13, 2010, BC Hydro sent a letter via email to T8TA advising that BC Hydro was prepared to advance capacity funding to the T8FNs to complete geographic scoping. This funding would support the finalization of the Study Area Map, as identified in the draft TLUS agreement Schedule A. On April 20, 2010, BC Hydro sent a letter to T8TA attaching capacity funding cheque for the geographic scoping exercise.

On April 15, 2010, BC Hydro sent a letter via email to T8TA enclosing a cheque for capacity funding for consultation with T8TA related to the 2010 geotechnical field program. The capacity funding was provided to: (1) reimburse costs incurred in consultations with the ILMB and BC Hydro on permit applications up to February 2010, (2) support the T8FN Land Managers' review and comment on rolling work plans, and (3) cover all variable costs associated with consultations on rolling work plans. BC Hydro reiterated its request for any feedback on the proposed Rolling Work Plan #1, and indicated that additional funding would be disbursed at the commencement of the next rolling work plan.

On April 19, 2010, BC Hydro sent an email to T8TA advising that the Government of B.C. had announced that the Project would move forward to Stage 3, the Regulatory and Environmental Assessment 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.

May 1 to September 30, 2010

On May 5, 2010, BC Hydro sent an email to T8TA attaching Peace Williston Advisory Committee meeting minutes from 1988 through 1993, as requested by T8TA.

On May 6, 2010, BC Hydro met with T8TA (Referrals Coordinator, Caims Researcher) to provide an overview of field work completed to date, and outline the scope and schedule for field work in 2010. BC Hydro explained the scope and purpose of the 2008/2009 drill holes and pump tests, and provided T8TA with an electronic copy of a reference drawing. The parties reviewed Rolling Work Plan #1 and Rolling Work Plan #2, and discussed the status of Site Alteration Permits for archaeological work on the South Bank road.

On May 10, 2010, Golder sent an email to T8TA providing a link to the following archaeology reports:

- Interim Report: AIA of portions of the area containing 17 Pump-Test boreholes (Permit #2009-0262)
- Interim Report: AIA of proposed boreholes and access trails (revision 1) on the South Bank Island (Permit #2009-0262)
- Interim Report: AIA of archaeological sites HbRf-59, HbRf-61, HbRf-65 and HbRf-67, located along the South (Right) Bank access road (Permit #2009-0262)

On May 31, 2010, BC Hydro sent a letter via email to T8TA inquiring about the status of the TLUS geographic scoping exercise. BC Hydro stated that it hoped that the work was completed so that both parties could continue to work on the TLUS agreement and plan other Stage 3 consultation activities.

On June 3, 2010, T8TA sent a letter to BC Hydro advising that the T8FNs were ready to move forward with negotiations for a TLUS agreement, and to engage in discussions around funding to negotiate a Stage 3 consultation agreement. The letter listed the persons who would comprise T8TA's negotiating teams.

On June 21, 2010, BC Hydro sent a letter to T8TA and the T8FNs advising that Golder had been awarded the contract to conduct the Heritage Assessment for the Project, and that Golder would be holding a five day heritage training program in Fort St. John. Golder would be looking for T8TA to identify interested community members to attend this training, with a view to providing employment opportunities to community members as part of the Heritage Assessment.

On June 24, 2011, BC Hydro organized a site visit at the Site C dam site with T8TA's referrals coordinator and Lands Managers for West Moberly, Halfway River and Doig River. BC Hydro provided a brief orientation but did not participate in the site visit.

On June 30, 2010, Golder sent a letter to T8TA advising that it would be conducting an AIA for the following project: Proposed Left Bank (North) and Right Bank (South) Geotechnical Investigations (Permit #2009-0262). Work was scheduled to commence on July 7, 2010.

On July 15, 2010, BC Hydro and Golder hosted a site visit at the proposed dam site with members of Prophet River, Doig River and Halfway River. The group viewed the following locations: test pits S, T, U, V and W; the South Bank Terrace and the upstream end of the South Bank Island; sites L and M on the South Bank; and, potential sites I/I1 and Adit No. 3. BC Hydro advised the group that Rolling Work Plan #2, covering the areas viewed during the site visit, would be distributed the next day. The group discussed the danger trees at the South Bank laydown area.

On July 16, 2010, Golder sent a letter to T8TA attaching:

- Rolling Work Plan #2: 2010 Geotechnical Investigation (Licence of Occupation #814864) (July 16, 2010)

The scope of the work included various drilling, test pit excavations, and exploration activities along the north and south banks of Peace River. Golder requested that comments be submitted by August 6, 2010.

On July 19, 2010, Golder sent a memorandum via fax to T8TA advising that Golder would be conducting an AIA for proposed climate stations at the proposed dam site (under Permit #2009-0262).

On July 20, 2010, Golder sent a letter to T8TA attaching:

- Technical Memorandum: AOA of Select Portions of BC Hydro's Proposed 2010 Geotechnical Investigations within the Proposed Site C Dam Area (July 16, 2010)

- Interim Report: AIA of Proposed 2010 Geotechnical Investigations Within The Proposed Site C Dam Area (Permit #2009-0262) (July 16, 2010)

On July 21, 2010, T8TA sent a letter to BC Hydro in response to BC Hydro’s letter of June 21, 2010, which provided notice that Golder had been awarded the contract to carry out the Heritage Assessment work for the Project. The letter reminded BC Hydro that the T8FNs were working collectively and the communications protocol specified one person as the point of contact (Director of Administration, T8TA). The letter expressed concern that BC Hydro had not consulted with the T8FNs before it proceeded with the Heritage Assessment and other environmental studies. The letter asserted that in the absence of such consultation, BC Hydro’s decisions to issue of the call for proposals and award the contract to Golder were premature and could prejudice the T8FNs’ section 35(1) rights. The letter requested that BC Hydro provide T8TA with: (1) the proposal submitted by Golder, (2) a copy of the contract between BC Hydro and Golder including the ToR, and (3) capacity

funding for T8TA to hire an independent archaeologist to review the heritage material. The letter described the situation as another example of T8TA playing catch up, and emphasized the need for consultation with First Nations on the design of all studies related to the Project. T8TA hand-delivered this letter to BC Hydro at the meeting on July 21, 2010.

On July 21, 2010, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, Claims Researcher, legal advisors). BC Hydro provided T8TA with an update on Stage 3 activities and explained that the control and timing of Stage 3 would rest with the regulators (who had yet to be identified). However, BC Hydro advised that a draft PDR would be tabled in January or February 2011. The parties discussed the possible terms, timing and funding for a Stage 3 consultation agreement. T8TA indicated that it was currently running a deficit and therefore would need bridge funding to negotiate an agreement. BC Hydro agreed to provide a draft Stage 3 agreement, as well as a proposed negotiation budget and timelines by August 15, 2010 (or earlier if possible). The parties engaged in a review of the draft *TLUS Agreement*, and legal counsel for T8TA and BC Hydro agreed to work on the agreement and exchange revisions. T8TA handed out copies of the Study Area Maps, but noted that the maps were still in draft form and would be finalized shortly.

On July 26, 2010, T8TA sent an email to BC Hydro attaching T8TA's audited financial statement for the year ending March 31, 2010.

On July 26, 2010, the Archaeology Branch sent a letter to T8TA and the T8FNs advising that AMEC had applied for a Heritage Inspection Permit to conduct an AIA for the Project (File #10A0284). The proposed AIA would involve an investigation of potential impacts on archaeological resources arising from: the construction of dams and related facilities, quarry and borrow pit locations, temporary construction facilities, highway realignments, flooded areas and erosion zones, transmission lines and other related works that might be identified as planning progressed. The letter advised that the Crown had also received an application for an Investigative Use Permit under the *Land Act* to enable access to Crown Land for activities carried out under the Heritage Inspection Permit.

On July 30, 2010, AMEC sent an email to T8TA and the T8FNs notifying them that AMEC had applied for a Heritage Inspection Permit on behalf of BC Hydro to conduct an AIA for the Project (File #10A0284). The field program aimed to identify archaeological sites that might be affected by the development of the Project. AMEC advised that it would be following up with T8TA to arrange a face-to-face meeting or other forum to discuss the application. AMEC attached a copy of the application for T8TA's reference.

On August 4, 2010, BC Hydro sent a letter to T8TA in response to T8TA's letter of July 21, 2010 regarding the Heritage Assessment for the Project. BC Hydro advised that on March 22, 2010, BC Hydro had provided T8TA with a package outlining BC Hydro's plans to initiate the Heritage Assessment that year. BC Hydro further advised that the package had

included information regarding a number of proposed studies, including a preliminary scope of work for the heritage and archaeology studies for the Project (which provided an overview of proposed objectives, scope, timelines and study area). BC Hydro noted that T8TA had been invited to review the package of information and to provide input on the materials, prior to selecting contractors or initiating the work. While T8TA had not responded to this invitation, BC Hydro advised that T8TA would still have opportunities to provide input on the Heritage Assessment through the Archaeology Branch's referral process. BC Hydro further advised that its offer of capacity funding was intended to facilitate the review process, and the T8FNs might choose to receive the funding collectively to support their review of AMEC's application for a Heritage Inspection Permit. With respect to T8TA's request for Golder's proposal and for the contract between BC Hydro and Golder for the Heritage Assessment, BC Hydro agreed to provide T8TA with the technical contents of Golder's proposal and work plan, but would not disclose any commercially sensitive or confidential material.

On August 17, 2010, BC Hydro sent a letter via email to T8TA, following up on BC Hydro's letter dated August 4, 2010. The letter attached Golder's report titled "Technical Aspects of the Site C Heritage Assessment Work Plan, Phase 1" (August 11, 2010). The report included the technical content of Golder's original work plan to conduct an AIA for the Project, but proprietary information had been removed from the document. BC Hydro advised that Golder's report was a preliminary work plan, and the current work plan included increased levels of effort for the field work and more specificity in the methods for testing the archaeological potential model. BC Hydro provided contact information if T8TA wished to arrange a meeting to discuss the work plan, or had any additional requests or comments.

On August 20, 2010, Golder sent a letter to T8TA regarding Rolling Work Plan #2 (Licence of Occupation #814864), initially provided to T8TA on July 16, 2010. The letter advised that BC Hydro was planning to proceed with the geotechnical investigation program under Rolling Work Plan #2 during the week of August 23, 2010, and provided contact information if T8TA had any questions. The letter explained that the scope of the work included various drilling, test pit excavations, and exploration activities along the north and south banks of Peace River.

On August 23, 2010, Golder sent a letter via fax to T8TA providing notification that Golder would be conducting an AIA of the South Bank Laydown Area and the South Bank Access Road, commencing on August 24, 2010 (Permit #2009-0262).

On August 24, 2010, Doig River's Lands Manager sent an email to BC Hydro and Golder regarding Rolling Work Plan #2. The Lands Manager expressed concern that BC Hydro was not adequately consulting with the Doig River community regarding the rolling work plan, and that BC Hydro had not implemented Doig River's request for additional site

visit(s). The Lands Manager asserted that as part of Rolling Work Plan #2, BC Hydro and Golder should be meeting with T8TA and the T8FN communities to decide what level of consultation was required. The Lands Manager requested that BC Hydro and Golder arrange a meeting to discuss Rolling Work Plan #2 and schedule further site visits, prior to any work proceeding.

On August 25, 2010, BC Hydro sent an email Doig River's Lands Manager (cc: T8TA, Prophet River, West Moberly, Halfway River) in response to her email regarding Rolling Work Plan #2. BC Hydro explained that it had complied with the terms and conditions of Licence of Occupation #814864, including the rolling work plan process and the Revised Management Plan. BC Hydro advised that it was available and willing to participate in field visits with T8FN members, and had made initial offers to set up these visits in June 2010, prior to the issuance of Rolling Work Plan #2. However, BC Hydro did not receive any requests for follow-up site visits within the timeline for feedback. Given that BC Hydro had not received any written comments from First Nations on Rolling Work Plan #2 within the timeline, it planned to commence work as outlined in the letter from Golder dated August 20, 2010. BC Hydro stated that it would still be pleased to arrange a site visit with the T8FNs, and to consider any comments from the T8FNs, as work progressed.

On August 25, 2010, T8TA sent a letter via email to BC Hydro regarding the draft Stage 3 consultation agreement. T8TA noted that BC Hydro had agreed to provide T8TA with a draft agreement by mid-August, but T8TA had not received anything. T8TA expressed concern that BC Hydro had provided other First Nations with draft Stage 3 consultation agreements and found it difficult to understand why BC Hydro was prioritizing agreements with less directly affected First Nations. T8TA expressed concern that the T8FNs had had no resources with which to respond to BC Hydro's ongoing work, and had been without capacity funding to engage with BC Hydro for almost five months. T8TA advised that it required the draft agreement no later than August 29, 2010 because the T8TA negotiation team would be meeting with the T8FN Chiefs on September 1, 2010.

On August 27, 2010, BC Hydro sent an email to T8TA regarding IR Wilson's archaeological potential model for the Project. BC Hydro advised that when IR Wilson submitted draft maps and a report last fall, BC Hydro's reviewers had identified deficiencies in the modeling approach and the reporting. BC Hydro further advised that given this feedback, it no longer had confidence in the model or the possibility of making revisions to the model. As a result, BC Hydro had contracted Millennia Research Ltd. to develop a new archaeological predictive model for the Project, based on Millennia's development of a similar model in northeast British Columbia, which had been ground-truthed and refined over several years.

On August 30, 2010, Golder sent a letter to T8TA attaching:

- Technical Memorandum: AOA of BC Hydro South Bank Bedrock Mapping Program within the proposed Site C Dam Area (August 18, 2010).

On August 31, 2010, BC Hydro sent a letter to T8TA in response to T8TA's letter of August 25, 2010, regarding the status of BC Hydro's work on the draft Stage 3 consultation agreement. BC Hydro explained that it had advised T8TA on August 13, 2010, more time would be required to complete a draft Stage 3 consultation agreement. BC Hydro advised that it anticipated being able to table a draft Stage 3 consultation agreement on or before September 7, 2010. Regarding capacity funding, BC Hydro noted it had been prepared to re-engage formally with T8TA since April 19, 2010 when the government made the announcement to advance the Project to Stage 3. BC Hydro explained that it had made ongoing efforts to engage with T8TA since April 19, 2010, and provided a summary of its engagement efforts. BC Hydro observed that T8TA continued to be engaged with BC Hydro on the TLUS work, the Heritage Assessment and the geotechnical programs (rolling work plans), and had not been prejudiced or disadvantaged in any way relative to other First Nations.

On September 2, 2010, Golder sent a memorandum via fax to T8TA advising that it would be conducting an AIA of the proposed Left Bank Hill drill location, commencing on September 2, 2010 (Permit #2009-0262).

On September 2, 2010, T8TA sent a letter to the Archaeology Branch (cc: T8FNs) regarding AMEC's application for a permit to conduct an AIA for the Project (#10A0284). T8TA expressed concern that BC Hydro was proposing to study the impacts to the T8FNs' Dunne-za/Dane zaa ancestors and cultural resources without permission, and as such violated the traditional customs of the Dunne-za/Dane zaa. In order to adhere to traditional customs, consent was required regarding the potential use of a model to assess impacts to Dunne-za/Dane zaa ancestors and cultural resources. T8TA asserted that the Archaeology Branch's approach to the consultation process – which stressed the importance of BC Hydro's timelines and the need to uphold them, but failed to mention the need to guarantee treaty rights – did not uphold the honour of the Crown. T8TA advised that its ability to consult with its membership and provide feedback on the permit application had been hindered by lack of funding and unreasonable time constraints. T8TA outlined a number of issues and concerns regarding the permit application, which had been identified by third-party reviewer, as well as several other specific concerns identified by T8TA (including assertions that planned activities in the area near Callazon Creek could negatively impact the Burnt Pine caribou herd). T8TA requested a face-to-face meeting with the Archaeology Branch in order to discuss the development and implementation of a mutually acceptable consultation process.

On September 7, 2010, the Archaeology Branch responded to T8TA's email of September 2, 2010, regarding AMEC's application for a permit to conduct an AIA for the Project (#10A0284). The Archaeology Branch advised that in order to consider accommodating concerns raised by T8TA, it required clarification on a number of points. The Archaeology Branch requested the following: an explanation of how the T8FNs anticipated that issuing

the AIA permit would infringe their treaty rights; an explanation of which assessment activities could negatively impact the caribou herd or their habitat and at what time of the year; and, clarification on how "acceptable consultation" differed from the procedures agreed to by the majority of the T8FNs in the recently signed to Memorandum of Understanding. The Archaeology Branch indicated that it would be available to meet with T8TA or representatives of the T8FNs to discuss concerns during the second or third week of September 2010.

On September 7, 2010, BC Hydro sent a letter to T8TA attaching a draft Stage 3 consultation agreement for T8TA's review and consideration.

On September 10, 2010, BC Hydro met via teleconference with T8TA (Tribal Chief, legal advisors) to discuss the draft TLUS agreement and the draft Stage 3 consultation agreement. The parties engaged in discussions regarding data sharing under the TLUS agreement, in particular the issue of whether the T8FNs would agree to share digital data with BC Hydro. BC Hydro advised that it would like to use TLUS information from the Project to inform activities related to other BC Hydro projects and facilities, and T8TA agreed to consider this request. BC Hydro explained the reasons for its delay in providing with a draft Stage 3 consultation agreement. T8TA agreed to prepare a budget for future negotiations, and both parties agreed to set up a schedule for future meetings.

On September 10, 2010, the Archaeology Branch sent an email to T8TA attaching a letter from Golder. The letter addressed the technical issues raised in T8TA's letter of September 2, 2010 regarding AMEC's permit application (#10A0284), including T8TA's concerns about impacts to the Burnt Pine caribou herd. The Archaeology Branch advised that it was satisfied with the responses in Golder's letter, but wished to give T8TA the chance to review the letter in advance of a proposed meeting.

On September 14, 2010, T8TA sent an email to BC Hydro attaching a spreadsheet of costs incurred by the T8FNs since the expiry of the *Stage 2 Consultation Agreement*. T8TA advised that the costs were incurred in relation to TLUS negotiations and preparations for Stage 3 consultations. T8TA asked if BC Hydro had the ability to provide funding to (1) address the deficit shown in the spreadsheet, and (2) facilitate further work that month. On September 24, 2010, BC Hydro sent an email to T8TA advising that, subject to two minor caveats, it could support T8TA's funding request. On September 30, 2010, BC Hydro sent a letter to T8TA attaching a cheque for interim capacity funding, as agreed on September 24, 2010.

On September 15, 2010, BC Hydro hosted a site visit with Grand Chief Guardian of T8TA at the proposed dam site.

On September 30, 2010, the Archaeology Branch sent a letter to T8TA which acknowledged receipt of T8TA's letter dated September 2, 2010, regarding AMEC's

application for a permit to conduct an AIA for the Project (#10A0284). The letter advised that the Archaeology Branch had decided to issue a "Stage 1" Heritage Inspection Permit to AMEC authorizing activities related to testing of Millennia's archaeological potential model, and attached a copy of the permit (#2010-0378). This permit would allow for surface and subsurface inspection (such as shovel testing), in order to test the accuracy of the Millennia model. The letter indicated that the Archaeology Branch agreed with T8TA's comments regarding the need to incorporate TLUS information into the model. The letter included a list of requirements directed toward the applicant (AMEC) and the proponent (BC Hydro) related to incorporating TLUS information, information sharing, and the discovery of human remains. The letter advised that BC Hydro would likely apply to amend the permit to include Stage 2 activities, and at that time, the Archaeology Branch would consider whether reasonable efforts had been made by both T8TA and BC Hydro to work together on a TLUS located in the immediate environs of the archaeological study area. If reasonable efforts had not been made by BC Hydro, this could delay issuance of a Stage 2 permit to BC Hydro. If reasonable efforts had not been made by T8TA, the Archaeology Branch could issue the Stage 2 permit without further need to incorporate TLUS data into the permitted work.

On September 30, 2010, Golder sent an email to T8TA and the T8FNs attaching the following report:

- 2010 Assessment of the Existing Access Road Located within Archaeological Site HbRf-040, North (Left) Bank of the Peace River, September 29, 2010 (in partial fulfillment of the terms and conditions of Permit #2009-0297).

Golder requested that comments be provided by October 15, 2010.

October 1 to December 31, 2010

On October 5, 2010, T8TA sent an email to AMEC (cc: BC Hydro, Archaeology Branch) advising that T8TA was extremely disappointed that the Archaeology Branch had issued a Heritage Inspection Permit (#2010-0378) authorizing Stage 1 activities for the AIA. T8TA felt that its information requests and concerns should have been dealt with prior to the issuance of the permit, not deferred to BC Hydro. T8TA advised that in its view, the consultation was not complete and had not been meaningful. T8TA was considering its options as a result of what it described as deficient consultation.

On October 8, 2010, Golder sent a fax to T8TA advising that Golder would be conducting an AIA of the proposed South Bank Access Road under permit #2009-0262, with work tentatively scheduled to commence on October 14, 2010.

On October 15, 2010, Golder sent an email to T8TA advising that Golder would be conducting an AIA of proposed Adit #5 on the south bank of the Peace River (Permit

#2009-0262). The AIA would be undertaken at the same time as the AIA of the South Bank Access Road and the area around Test Pit U.

On October 25, 2010, Golder sent an email to T8TA attaching:

- Interim report: AIA for proposed access road upgrades on the left (north) bank of the Peace River.

Golder advised that no archaeological sites were identified during the AIA. Golder requested that any comments be provided by November 9, 2010.

On October 26, 2010, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, legal advisors, technical advisor). The parties discussed the process for incorporating TLUS information into the Millennia archaeological potential model. T8TA expressed the view that the work on model testing should continue at the same time as the TLUS work. Upon completion of the TLUS work, T8TA could then have an independent archaeologist review the results against the Millennia model to determine whether modifications would need to be made. BC Hydro indicated that T8TA could raise the issue of funding for the independent archaeologist in negotiations for the Stage 3 consultation agreement as a “defined consultation project”. The parties discussed outstanding issues related to the TLUS agreement, and engaged in high level discussions regarding the draft Stage 3 consultation agreement. T8TA agreed to revise the latest draft of the Stage 3 consultation agreement and provide a new draft for BC Hydro's review by mid-November 2010.

On October 26, 2010, BC Hydro sent a letter to T8TA enclosing a cheque for capacity funding in support of the T8FNs’ review of AMEC’s application for the permit to conduct an AIA for the Project (#10A0284/ Heritage Inspection Permit #2010-0378).

On October 29, 2010, BC Hydro sent an email to T8TA which contained an offer of capacity funding to cover the cost of negotiations over the next three months. BC Hydro indicated that if the parties had not concluded a Stage 3 consultation agreement by the end of January 2011, it would consider additional funding provided best efforts had been made to conclude an agreement.

On November 5, 2010, Golder sent a letter to T8TA, following up on the Archaeology Branch’s letter of September 30, 2010, advising the AMEC had received a permit for the testing of the Millennia archaeological potential model (#2010-0378). Golder noted that the Archaeology Branch’s letter had instructed the applicant to provide further information to T8TA on certain aspects of the Millennia model. Golder provided specific responses to T8TA’s queries regarding the incorporation of TLUS information, trail information, and seasonal round information into the Millennia model. Golder further advised that a number of related maps had been sent to T8TA by courier.

On November 5, 2010, BC Hydro sent a letter via fax to T8TA and the T8FNs, in follow up to the Archaeology Branch's letter of September 30, 2010, regarding the Heritage Inspection Permit #2010-0378. BC Hydro advised that it was responding to the requirements identified by the Archaeology Branch in its letter. BC Hydro provided further information regarding: incorporation of TLUS information, trail information, and seasonal round data into the Millennia model; requests for maps; and the development of a culturally appropriate protocol for the discovery of aboriginal human remains and impacts to burial places. Regarding the last item, BC Hydro advised that on October 4, 2010, Golder had sent a letter to T8TA with the procedures for the discovery of human remains, and followed-up by telephone on October 6 to set up a meeting. BC Hydro advised that the Stage 1 testing would be completed no later than November 12, 2010, and that no human remains had been discovered to date. BC Hydro advised that in anticipation of Stage 2 work, it would continue efforts to arrive at a culturally appropriate protocol for response to the discovery of human remains and potential impacts to burial places.

On November 22, 2010, BC Hydro sent a letter to T8TA providing an overview of a planned Fisher Telemetry Study, including descriptions of two job opportunities with Keystone Wildlife as part of the study (field technicians).

On November 22, 2010, Golder sent an email to T8TA attaching:

- Interim Report: AIA for the Attachie Flat Upper Terrace Climate Station (Permit #2009-0262).

Golder advised that it had identified archaeological material associated with the two sites (HbRi-33 and HbRi-49). It further advised that Archer had carried out additional archaeological work at the same locations and that a draft report documenting Archer's work would be forwarded separately. Golder requested that any comments be provided by December 7, 2010.

On December 3, 2010, T8TA sent an email to BC Hydro attaching an annotated version of BC Hydro's draft Stage 3 consultation agreement. T8TA also attached a revised version of the draft Stage 3 consultation agreement, re-named as the "Environmental Assessment Participation Agreement" (hereinafter, *EAPA*).

On December 6, 2010, BC Hydro sent a letter to T8TA attaching a capacity funding cheque for costs related to the development of a Stage 3 consultation agreement, with a view to the parties making best efforts to conclude the agreement by the end of January 2011.

On December 8, 2010, T8TA sent a letter to the Archaeology Branch in response to the Archaeology Branch's letter of September 30, 2010, wherein it issued a permit to AMEC for testing of the Millennia archaeological potential model (#2010-0378), and the letters from Golder and BC Hydro dated November 5, 2011. T8TA expressed the view that it was highly

irregular for a permit to be issued before T8TA's concerns were addressed, using the rationale that undertaking the work would facilitate the accommodation. If the Archaeology Branch's intention was to better address First Nations' concerns, then T8TA expected that the next phase of consultation would result in accommodation of the T8FNs' interests and concerns prior to the issuance of a Stage 2 permit amendment. T8TA suggested that a more robust consultation and accommodation process would facilitate understandings of the T8FNs' concerns regarding Site C archaeology. T8TA noted that a previous meeting between the Archaeology Branch and the T8FNs (September 24) had been productive, and proposed scheduling further meetings from January to March 2011. T8TA provided a number of comments in response to the letters from Golder and BC Hydro on November 5, 2011, as well as specific comments regarding the Millennia model. T8TA's comments covered the following topics: incorporation of TLUS information, trail data, and seasonal round information; requested maps; human remains protocol; plateau areas and terraces; transmission lines; transects versus quadrates; intervals for areas of low versus moderate or high potential; and, unauthorized access to lands during Stage 1 work. Regarding the human remains protocol, T8TA advised that the standard procedure would be sufficient as an interim process (this involved stopping work in the vicinity of any found remains, and notifying the T8FNs to enable them to engage in culturally appropriate steps). T8TA advised that it did not want archaeological artefacts removed from the sites, because this assumed that the Project would go forward, which T8TA did not believe should or would occur.

On December 8, 2010, MNRO hosted a meeting with representatives of T8TA, the ILMB, Golder, BC Hydro, and the T8FN Lands Managers. BC Hydro and Golder provided an overview of Year 1 of the Site C heritage program, including:

- training of First Nations' field assistants (50) and employment (22 days of fieldwork);
- a description of the methodology used for the model testing; and,
- a review of the results of the model testing (5416 shovel tests, identification of six sites, recovery of 26 artefacts)

BC Hydro advised that for Year 2 of the heritage program, the field season would run from May 2, 2011 to September 30, 2011 and training would be provided in advance of the field season. Representatives of T8TA and the T8FNs raised a number of questions and concerns about the heritage field program (e.g. hiring of field assistants from T8TA communities, a desire to have the artefacts left where they were found, concern about the impact of a large number of researchers on wildlife, concern about the noise and disruption due to methods of transportation and heavy equipment use).

On December 9, 2010, MNRO sent a letter to T8TA (cc: T8FNs) enclosing BC Hydro's application for a Licence of Occupation (#8015393) to enable geotechnical investigations to

be undertaken in areas adjacent to the Peace River. The application covered many of the same areas as BC Hydro's 2008 application, but involved, in part, updating and conducting new engineering and geotechnical studies. MNRO requested that T8TA indicate its preference respecting a consultation process for the proposed engineering investigations, either through the Crown Land Management Agreement (CLMA) process or a stand-alone process. The letter attached an outline of a possible approach for a stand-alone process (which was modeled after the rolling work plan process). If T8TA preferred to follow the CLMA process, or MNRO did not receive a response regarding T8TA's preference for a consultation process, consultation would continue under the CLMA procedures; Halfway River First Nation, not being a signatory to the CLMA, would be provided with its own information package. MNRO asked for a response from T8TA regarding its preferred consultation process by January 7, 2011.

On December 15, 2010, T8TA sent a letter via email to the Archaeology Branch, following up on the September 24, 2010 meeting with the T8FN Land Managers. T8TA sought clarification about deficiencies in work by AMEC and Golder archaeologists (e.g., mistaking alluvial for glacial till, shallow shovel tests), and requested information on how the Archaeology Branch had monitored and addressed the deficiencies.

On December 15, 2010, BC Hydro sent an email to T8TA attaching a RFP issued for the Socio-economic Assessment for the Project.

On December 17, 2010, Golder sent an email to T8TA attaching:

- Interim report: AIA for the proposed South Bank Moberly bedrock investigations (Permit #2009-0262).

Golder advised that one new site (HbRf-91) was identified in the AIA and a second site (HbRf-43) was revisited. Golder asked that comments be provided by January 12, 2011.

On December 17, 2010, Golder sent a copy of Rolling Work Plan #3 (Licence of Occupation #81484) to T8TA, and sent a further copy via email on December 20, 2010. The scope of the work included various drilling, test pit excavations, and exploration activities along the north and south banks of Peace River.

On December 20, 2010, BC Hydro sent an email to T8TA advising that it had signed the *TLUS Agreement*, and in a second email, attached a signed copy of the agreement (dated December 16, 2010). The *TLUS Agreement* established the objectives, methodology, deliverables, funding parameters, and information sharing requirements for the TLUS. It specified that the TLUS objective was "to identify, map, and record the Traditional Knowledge, Use and Occupancy of the Study Area by the [T8FNs], to assist in the evaluation of the potential impacts upon section 35(1) rights and such Traditional Knowledge, Use and Occupancy and the ability of the [T8FNs] to exercise such rights,

knowledge and uses in the Study Area that may arise from the investigation, construction, operation and maintenance of the Project…" The agreement provided that T8TA would prepare and provide the following deliverables to BC Hydro:

- Proposed list of categories of Traditional Knowledge, Use and Occupancy and Harvest Survey species, to be negotiated by the parties (by March 5, 2011);
- A confidential report, only deliverable to BC Hydro's authorized representative and not for use outside of BC Hydro (by June 30, 2011);
- A public report deliverable to BC Hydro generally (by July 31, 2011);
- High quality maps (1:50,000) that contained information and data reflecting the Traditional Knowledge, Use and Occupancy of the T8FNs (by May 31, 2011);
- A methodology report describing the methodologies used in connection with the TLUS, for delivery to BC Hydro generally (by August 31, 2011).

The agreement also contained provisions related to sharing of Traditional Knowledge, Use and Occupancy information, as well as ownership, confidentiality, and information use assurances. Specifically, the agreement provided that the following categories of shared information would be buffered or obscured in any written narrative or maps produced in connection with the TLUS: (i) sacred areas; (ii) burial sites; (iii) traditional spiritual areas; and, (iv) medicinal plants. With respect to the four categories of information, the agreement established an additional disclosure process under which T8TA and the T8FNs agreed, upon receiving a written request from BC Hydro, to disclose the actual, unbuffered and unobscured details in a manner and degree as reasonably requested by BC Hydro. In order to co-ordinate the preparation of the TLUS, the agreement established a TLUS Working Group, to be comprised of no more than four representatives each from T8TA and BC Hydro.

January 1 to April 30, 2011

On January 4, 2011, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *TLUS Agreement*.

On January 19, 2011 BC Hydro sent a letter to T8TA advising that it would provide capacity funding to support the Treaty 8 Economic Development Initiative. BC Hydro requested that T8TA indicate agreement with the funding offer by signing the letter. T8TA had retained KCD Consulting Incorporated to complete an economic development project for five Treaty 8 communities (Doig River, Halfway River, Prophet River, Saulteau, West Moberly). On January 25, 2011, BC Hydro sent a letter to T8TA attaching a capacity funding cheque to support T8TA's Economic Development Initiative.

On January 21, 2011, the Archaeology Branch sent a letter to T8TA (cc: T8FNs), in response to T8TA's letter of December 8, 2010, regarding Permit #2010-0378 issued to AMEC for testing of the Millennia archaeological potential model. The Archaeology Branch provided responses to a number of issues raised in T8TA's letter, including: lack of information to date regarding results of the model testing program; proposal for future consultations; use of TLUS data in the model and consideration of TLUS data during Stage 2; incorporation of cultural data, trail data and seasonal round information into the model; composite maps of proposed activities; request for all relevant data in digital as well as hard copy: human remains protocol; model testing (terraces and transmission lines); transect versus quadrat samples; model testing intervals; need for a *Land Act* Investigative Use Permit; Section 12 permits (when would issuance be refused); and, collection of archaeological artefacts during field work. Regarding the last item, the Archaeology Branch advised that it did not agree with T8TA that assessments of archaeological materials could be made *in situ*. There was a need for such artefacts and related samples to be closely examined in order to obtain sufficient information to understand the nature of a site and its contents to determine its scientific significance as well as to plan any future mitigation strategies that might become necessary. The Archaeology Branch further advised that collecting artefacts was a normal and necessary activity for AIAs, and would serve T8TA's objective of improving the archaeological record. This approach did not in any way pre-suppose approval of the Project.

On January 25, 2011, T8TA sent a letter to Golder providing comments on the following Golder report: Interim Report, AIA for the proposed South Bank Moberly bedrock investigations (Permit #2009-0262), dated December 17, 2011. T8TA asserted that it was irrelevant and inappropriate to include information about First Nation employees in AIA reports. T8TA did not want Golder's reports to infer that employment of First Nation labourers constituted consultation. With respect to the collection of archaeological materials, the T8FNs requested that all substantial archaeological and cultural artefacts (e.g. burial sites, campsites, etc.) remain *in situ*. For cultural reasons, the T8FNs did not want their cultural heritage to be eroded or destroyed through the collection and removal of artefacts. The T8FNs outlined a protocol for artefact retention, removal and testing, and requested further discussion of this issue prior to commencement of any major archaeological work for the Project. The letter included a number of additional comments regarding specific archaeological sites.

On January 26, 2011, BC Hydro sent a letter via fax to T8TA and the T8FNs, in response to T8TA's letter of December 8, 2010, regarding Permit #2010-0378 issued to AMEC. BC Hydro advised that it had worked in collaboration with Golder to address the questions and concerns raised by T8TA. BC Hydro provided responses on the following topics: incorporation of TLUS information, trail data, and seasonal round information; requested maps; 2010 field season reports; human remains protocol; model testing (terraces); model testing (transmission lines, road realignment and reservoir impact lines); transects versus

quadrats; intervals for areas of low versus moderate or high potential during field-testing of the model; and, access to lands (IUP 8015305).

On January 31, 2011, Golder couriered a letter to T8TA enclosing the following report describing Site C heritage work conducted in 2010:

- Heritage Program Year 1 (2010) Summary Report, Draft, Version 1 (Permit #2010-0378)

On January 31, 2011, T8TA sent an email to BC Hydro attaching T8TA's Income Statement for Stage 3 negotiations, for the ten periods ending January 31, 2011.

On February 1, 2011, T8TA sent a letter to MNRO in response to MNRO's letter of December 9, 2010, regarding the consultation process for *Land Act* File #8015393 (asking whether the T8FNs preferred the existing Crown Land Management Agreement process or MNRO's proposed stand-alone process). T8TA noted that the Chief and Councils of the T8FNs had seriously considered MNRO's proposal. T8TA advised that Doig River, Prophet River and West Moberly felt that the consultation and accommodation process outlined in the Crown Lands Management Agreement would be most appropriate. Halfway River also believed that its current consultation and accommodation process with British Columbia was most appropriate. T8TA advised that the T8FNs would be open to receiving capacity funding from BC Hydro to support the consultation process for *Land Act* File #8015393.

On February 1, 2011, BC Hydro sent a letter to T8TA (cc: Prophet River, West Moberly, Doig River), following up on discussions between T8TA and BC Hydro on January 25, 2011 regarding the Crown Land Management Agreement. The letter included an offer of capacity funding to Doig River, Prophet River and West Moberly for their review of the following priority applications:

- Application for a Licence of Occupation for Geotechnical Investigations near the proposed Reservoir and application for an Occupant Licence to Cut for the same proposed activities (*Land Act* File #8015393)

- Application for a Temporary Use Permit for South Bank Access Road Maintenance and Upgrades and an application for an Occupant Licence to Cut for the same proposed activities (*Land Act* File #8015314); and

- Applications for Map Reserves at the Lemoray / West Pine Quarry (*Land Act* File #8003167, #8003168).

This funding was intended to cover costs incurred by the three First Nations in their consideration of the three applications, including any field visits and monitoring. BC Hydro requested that T8TA sign the letter by February 4, 2011 if it found the terms and conditions acceptable.

On February 4, 2011, Golder sent an email to T8TA attaching:

- Interim Report: AIA of Proposed Upgrades to the South Bank Access Road Between KM 4.4 and KM 8.0, South of Fort St. John (Permit #2009-0262) (February 4, 2011)

Golder advised that a new archaeological site (HbRf-90) had been identified during the assessment. Golder requested that comments on the report be provided to the Archaeological Branch before February 25, 2011.

On February 8, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, legal advisors, others). BC Hydro provided background information on Rolling Work Plans #1 and #2, and asked for T8TA's input on the consultation process for Rolling Work Plan #3. T8TA advised it would speak to the T8FN Lands Managers and respond accordingly. The parties discussed BC Hydro's letter of February 1, 2011, offering capacity funding for the T8FNs' review of the permit applications for geotechnical work (#8015393, #8015314, #8003167, and #8003168). BC Hydro advised that it would re-draft the letter to include Halfway River, and incorporated adjusted timelines for the T8FNs' community review. BC Hydro outlined its preliminary understanding of anticipated timelines for the EA, and indicated that the PDR would be submitted by the end of March 2011. T8TA expressed concern about the lack of meaningful opportunities for consultation on project design and alternatives, and asked whether BC Hydro would be consulting on the PDR prior to its submission. BC Hydro indicated that it would not be in a position to consult on the PDR, noting that the submission of the PDR would initiate the EA process, and consultations regarding potential impacts and mitigations would then follow. BC Hydro advised that it would seek internal direction on whether the PDR could be provided to T8TA in advance. The parties reviewed the terms of the draft *EAPA*, and BC Hydro agreed to provide a revised draft by February 11, 2011.

On February 10, 2011, BC Hydro sent an email to T8TA attaching a link to a template for the draft EIS Guidelines.

On February 10, 2011, T8TA sent a letter to BC Hydro, following up on the discussion at the February 8 meeting regarding the timelines for the EA process. T8TA advised that it viewed the preliminary schedule as unrealistic and as limiting opportunities for meaningful consultation with the T8FNs. T8TA indicated that BC Hydro's suggestion of putting in place an interim funding arrangement for issues scoping would be worth considering. However, T8TA expressed concern that issues raised through the scoping study and the TLUS would not be available in time to permit meaningful discussions on the draft EIS Guidelines by the end of May 2011, as contemplated in BC Hydro's preliminary schedule. T8TA indicated that it would be prepared to draft an interim issues scoping agreement and requested a timely response from BC Hydro. On February 11, 2011, BC Hydro sent an email to T8TA advising that BC Hydro would be amenable to considering the interim issues scoping agreement, and looked forward to receiving an initial draft.

On February 16, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs), revising its letter of February 1, 2011, which offered capacity funding for the T8FNs' review of BC Hydro's permit applications for geotechnical work (#8015393, #8015314, #8003167, #8003168). BC Hydro revised the letter to include Halfway River as a funding recipient.

On February 15, 2011, BC Hydro sent a letter to T8TA (cc: Doig River, Prophet River, West Moberly), following up on the meeting of January 25, 2011, attended by representatives from Prophet River, Doig River, West Moberly, and MNRO. BC Hydro noted that the T8FNs had requested background information regarding BC Hydro's initial decision to choose road access to complete geotechnical drilling under the *Land Act* File #8015393. BC Hydro noted that it had revisited the access plans for the South Bank investigations to look for opportunities to reduce the footprint of the investigations, and lessen the potential impact on harvesting and section 35(1) rights. BC Hydro provided background information on the investigation program and listed the factors (cost, environmental impacts, First Nations' concerns, private property owner concerns, safety, schedule, and technical issues) that would be considered when evaluating the possibility of accessing the investigation areas via road, via helicopter, or via road and helicopter.

On February 17, 2011, Golder sent a letter via email to T8TA (cc: T8FNs) regarding the 2011 Heritage Assessment field program. Golder indicated that it was preparing to submit a request to the Archaeology Branch for an amendment of the existing Heritage Inspection Permit (#2010-0378). In anticipation of receiving the amended permit, Golder was preparing to include potential participation from the T8FNs in the field work and analysis. Golder advised that AMEC would be in touch to arrange the sub-consultant agreements and task orders required for the program, if the T8FNs were interested in participating.

On February 17, 2011, the Archaeology Branch sent a letter to T8TA (cc: T8FNs) in response to T8TA's letter of December 15, 2010, requesting information about deficiencies in Site C archaeological work which the Archaeology Branch had mentioned at a meeting in September 2010. The Archaeology Branch advised that the deficiencies related to archaeological work conducted to assess impacts of four climate stations under Permit #2009-0262, not Permit #2010-0378. The Archaeology Branch described its general approach to handling quality control issues, and explained how that approach had been applied in this particular instance.

On February 22, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- Interim Report: AIA of Proposed Exploratory Adit 5 and Spoil Stockyard Area, South of Fort St. John, BC (Permit #2009-0262) (February 18, 2011).

Golder advised that no archaeological sites were identified in the assessment

On February 22, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- Letter Report: Planned alterations and archaeological monitoring of archaeological sites; HbRf-59, HbRf-61, HbRf-65 and HbRf-67 located on the South Bank access road, south of Fort Saint John, British Columbia (Permit #2010-0238) (February 21, 2011).

Golder requested that comments be provided to the Archaeology Branch by March 15, 2011.

On February 22, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- Draft report: Alterations to Archaeological Sites HbRh-33 and HbRi-10, Fence Replacement Program (Site Alteration Permit #2009-0219) (February 22, 2011)

Golder advised that it had conducted subsurface testing at two archaeological sites (HbRh-33 and HbRi-10) and evaluated impacts resulting from BC Hydro's fence replacement program. Golder requested that comments be provided to the Archaeology Branch by March 15, 2011.

On February 23, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs), which included an offer of capacity funding for T8TA's review of the Heritage Program Year 1 (2010) Summary Report, and the application to amend Heritage Inspection Permit #2010-0378. The letter requested that T8TA indicate acceptance by signing and returning the letter to BC Hydro, if T8TA found the terms and conditions acceptable.

On February 24, 2011, BC Hydro sent a letter to T8TA regarding access options for proposed geotechnical investigations at five sites on the south bank of Peace River (*Land Act* File #8015393). The letter advised that in response to First Nations' concerns, BC Hydro had reconsidered a number of access options and reached the following decisions:

- sites opposite Farrell and Lynx Creeks (helicopter access)
- sites opposite Bear Creek and at the Attachie Slide (seismic line upgrade and construction of 1 km of new road)
- site at kilometer 95 (already accessible by road)

On February 25, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs) attaching a capacity funding cheque for the T8FNs' review of permit applications (#8015393, #8015314, #8003167, #8003168), with payment upon acceptance of the terms and conditions set out in BC Hydro's letter dated February 16, 2011.

On February 25, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, legal advisors, others). The parties discussed the permitting process and referrals coordination, and T8TA requested that BC Hydro compile a list of permits that may be required for the Project. The parties discussed the scope of potential discussions on

alternatives to the Project through the EA process and the IRP process. BC Hydro indicated that it would seek instructions on consulting with T8TA on project alternatives including sites C-1, C-2, C-3, and the cascade option. BC Hydro indicated that the IRP process addressed “high level” energy alternatives, and explained that T8TA would have opportunities to engage with BC Hydro on the IRP, including a workshop in Fort St. John on March 16, 2011. T8TA expressed interest in bilateral meetings with BC Hydro regarding the IRP. The parties engaged in a review of the outstanding sections of the draft *EAPA*.

On February 28, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, legal advisors, others). The parties engaged in further discussions regarding the draft of the *EAPA*, including Appendix A (schedule of eligible costs). T8TA provided an overview of its proposed budget and agreed to provide BC Hydro with more specific numbers.

On March 1, 2011, BC Hydro sent an email to T8TA attaching links to the following Stage 2 studies on fish and aquatics completed between January and August 2010:

- Peace River Fisheries Investigation Peace River and Pine River Radio Telemetry Study 2009. AMEC 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 3, 2011, T8TA sent a letter to the Archaeology Branch in regards to BC Hydro’s application to amend Heritage Inspection Permit #2009-0262. T8TA requested that BC Hydro/Golder provide an explanation for the need to obtain two permits, and requested an explanation of the steps to ensure the authorized activities would be clearly identified in reporting to T8TA. T8TA also made a number of requests related to information sharing, reporting and scheduling for Permit #2009-0262 and Permit #2010-0378.

On March 4, 2011, BC Hydro sent a letter via email to T8TA advising that Mainstream Aquatics Ltd. would be conducting a fisheries study in the Peace, Halfway, and Moberly rivers. The letter indicated that temporary rotary screw fish traps would again be placed in the Peace and the lower Moberly rivers (at the same locations as the previous year) with the addition of two rotary screw traps being placed in the lower Halfway River. The letter advised that notice was being provided as a requirement of the permit application process under the *Navigable Waters Protection Act*.

On March 8, 2011, BC Hydro sent a letter to T8TA attaching a capacity funding cheque to support T8TA's review of the Heritage Program Year 1 (2010) Summary Report and the Application to amend Permit #2010-0378, as agreed in the joint letter of February 23, 2011.

On March 8, 2011, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, legal advisors, others). The parties reviewed the latest draft of the *EAPA* and the latest budget submitted by T8TA. The parties engaged in discussions on the scope of consultation regarding alternative sites. BC Hydro confirmed that it planned to submit the PDR but expressed interest in meeting with T8TA to review the results of assessments of the different project alternatives (Sites C-1, C-2, C-3, cascade option). T8TA expressed the view that any discussion on project alternatives should take place as soon as possible, before the submission of the PDR, to build enough time into the process to allow for meaningful consultation. BC Hydro advised that it would discuss the matter internally.

On March 8, 2011, BC Hydro sent an email to T8TA attaching a draft list of provincial permits reviewable under the BC *Environmental Assessment Act*, Concurrent Approval Regulation, as requested by T8TA.

On March 8, 2011, BC Hydro sent a letter to T8TA 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 study outlines and work plan summaries in the following topic areas:

- Environmental Program: Fish and Aquatics;
- Environmental Program: Wildlife;
- Environmental Program: Physical Environment;
- Heritage Assessment; and,
- Socio-Economic Assessment.

The purpose of the proposed studies was to characterize baseline environmental conditions. 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 T8TA regarding the proposed studies, and explained that they could be changed or revised in scope or timing based on input from the Aboriginal groups.

On March 11, 2011, BC Hydro sent a letter to T8TA advising that geotechnical engineering field work under Rolling Work Plan #3 would commence on April 1, 2011. The letter advised

that Golder had originally sent a letter and information package regarding this work to T8TA on December 17, 2010 and December 20, 2010, respectively. It further advised that BC Hydro would still be interested in receiving feedback from T8TA on the planning and execution of the work.

On March 11, 2011, T8TA (on behalf of the T8FNs) sent a letter to FLNRO regarding BC Hydro's applications for Occupant's Licence to Cut L48726 and L48727, connected to Licence of Occupation #815393. T8TA noted that BC Hydro had applied for a blanket approval to clear an unspecified 10% of an area of 637 hectares, which contained a number of historically and culturally significant sites. T8TA advised that it would require site specific visits to assess the impacts. T8TA advised that consultation would not be possible until T8TA had received specific information about where the clearing would occur. T8TA asked that BC Hydro follow a no net loss policy, and requested that BC Hydro provide information about reclamation, restoration and deactivation plans for the sites at the conclusion of the work in November 2011.

On March 11, 2011, T8TA (on behalf of the T8FNs) sent a letter to FLNRO regarding BC Hydro's application for a Temporary Use Permit (#8015314) for maintenance of low grade and seismic access trails from Jackfish Lake Road to the South Bank Access Road. T8TA advised that it had not been possible for T8TA to assess potential impacts on section 35(1) rights due to weather constraints on site visits. T8TA noted that the width of the access route had yet to be determined through consultation, which would also be relevant to the extent of impacts on section 35(1) rights. T8TA requested that the road be limited to a minimal disturbance, preferably less than five metres in width. T8TA requested further information regarding archaeological or environmental work completed on this access route, and requested that an AIA be completed if one had not been done. T8TA expressed concern about increased public access into the area and requested discussions on options for limiting access.

On March 11, 2011, T8TA (on behalf of the T8FNs) sent a letter to FLNRO regarding BC Hydro's application for a 10-year Licence of Occupation (#8015393) to conduct geotechnical and engineering investigations over an area of 637 hectares in several locations on the south and north banks of the Peace River. T8TA raised a number of specific issues and requests regarding BC Hydro's application, including:

- T8TA acknowledged receipt of BC Hydro's letter of February 24, 2011, and appreciated that BC Hydro had modified its proposal and would not upgrade or build roads to the sites on the south bank opposite Farrell Creek and Lynx Creeks, and instead use helicopters. T8TA requested an explanation for not using helicopters for sites at the Attachie Slide and opposite Bear Flat; it did not believe access roads would be required for these sites.

- T8TA sought confirmation as to whether receipt of a Licence of Occupation meant that T8TA would no longer be consulted and accommodated by FLNRO with respect to future works. T8TA wanted to be fully consulted and accommodated regarding any current or future work in the proposed areas, as they were historically, culturally and spiritually significant areas.

- The South Bank proposed polygons (Attachie Slide and opposite Lynx Creek, Farrell Creek, and Bear Flat) fell within Zone A of the Peace Moberly Tract. T8TA required information about development restrictions in the Peace Moberly Tract, and required a meeting with the Ministry of Environment to discuss management plans in these areas.

- Several of the areas within the proposed Licence of Occupation (North Bank proposed polygons) were culturally and historically important as seasonal gathering, grazing and camping areas, and there were spiritual sites and gravesites in the vicinity. Given the historic importance of these areas, and the inaccessibility of these areas at this time of year, T8TA would require another site visit to assess exact locations of medicinal plants and other important cultural areas that might be impacted when the proponent determines the exact location of the planned disturbances.

- T8TA preferred to submit its consultation concerns to FLNRO directly, rather than having them summarized through the filters of a proponent. T8TA did not agree with the procedures outlined by the proponent in the management plan, and preferred to continue with government-to-government dialogue.

- The proponent’s stated management options included removal of found human remains. The T8FNs did not want their ancestors moved or removed.

- T8TA requested that the proponent receive a Temporary Use Permit instead of a 10-year Licence of Occupation, as the work included in the application would be completed by November 2011. T8TA presented options for limiting the scope of the permit.

On March 15, 2011, BC Hydro participated in a teleconference with representatives of T8TA (Director of Administration, legal advisor, Camerado Energy consultant). The parties reviewed the outstanding section in the draft *EAPA*, including whether BC Hydro's request for concurrent permitting would form part of the agreement. The parties agreed to exchange language prior to T8TA re-drafting the agreement. The parties reviewed T8TA's proposed budget, and T8TA agreed to provide further clarifications.

On March 16, 2011, BC Hydro sent an email to T8TA attaching a link to a report titled *The Peace Cascade Development, Prefeasibility Study for a Cascade of Low Consequence Structures as an Alternative to Site C*, prepared by Klohn Crippen Consultants Ltd. and SNC-Lavalin Inc. (January 2003). BC Hydro originally provided this report to T8TA on May 5, 2008, in response to a request made in the meeting of April 28, 2008.

On March 16, 2011, an IRP workshop was held in Fort St. John, with representatives from T8TA in attendance. The workshop included a description of the IRP, an overview of how an IRP is developed and a presentation and facilitated discussion on various topics related to the IRP. One of the objectives of the workshop was to consult with First Nations on three example portfolio options for meeting increased demand for electricity; a renewable mix without Site C, a renewable mix with Site C, or a mix of renewables with Site C and gas-fired generation. Potential resource options explored included biomass, wind, geothermal, thermal (such as natural gas and coal), hydro (such as run of river, pump storage, and the Site C Project), ocean (wave and tidal), hydrokinetic, and solar.

On March 17, 2011, the Archaeology Branch sent a letter via email to T8TA and the T8FNs advising that AMEC had applied for an amendment to Heritage Inspection Permit #2010-0378. The Archaeology Branch requested that comments be provided by April, 18, 2011, and attached the following related material:

- AMEC's application (March 14, 2011), which stated that the application was the same as the application submitted to MNRO on February 21, 2011, except that the number of hectares in several sections had been updated and the option of shovel testing during the judgmental survey had been clarified.
- Technical Memorandum (Golder, March 10, 2011), providing clarification on the revisions made to the Site C archaeological potential model based on the results of model testing conducted during the 2010 Heritage Assessment.

On March 18, 2011, FLNRO sent a letter to T8TA (cc: Doig River, Prophet River, West Moberly) in response to T8TA's three letters of March 11, 2011, regarding the following applications:

- Project 1 (Geotechnical Investigations) including:
    - Application for Licence of Occupation: #815393 (10 years)
    - Application for Occupant Licence to Cut: #L48743 (previously L48727) (2 years)
- Project 2 (South Slope Access) including:
    - Application for Temporary Use Permit: #8015314 (2 years)
    - Application for Occupant Licence to Cut: #L48741 (was L48726) (2 years)

FLNRO provided an overview of consultations undertaken for Projects 1 and 2, as well as an assessment of the potential impact on the treaty rights of Doig River, Prophet River and West Moberly. Based on these considerations, FLNRO came to the decision that the potential impact on treaty rights was minor. FLNRO advised that in its view, the Crown's

duty to consult and accommodate the circumstances was at the normal level of the consultation spectrum. However, based on a request from the T8FNs, consultation was occurring at the deep level of the consultation spectrum. The letter incorporated a table providing specific responses to concerns raised in T8TA's three letters of March 11, 2011. FLNRO advised that if it had not received additional comments by March 22, 2011, a formal recommendation would be submitted to the statutory decision maker(s).

On March 18, 2011, T8TA sent an email to BC Hydro and attached an income statement for the period ending March 31, 2011 for Site C negotiation costs.

On March 24, 2011, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, legal advisor, Director of Administration, Camerado Energy consultant). The parties reviewed the latest draft of the *EAPA* and discussed T8TA's proposed budget. T8TA indicated that it would be entering into a limited contract with the Firelight Group to conduct the TLUS. T8TA advised that in order to lower costs, the number of TLUS interviews would need to be decreased. BC Hydro indicated that while previous engagement with T8TA on project alternatives was "information only", BC Hydro was now in the position to consult on Project alternatives with respect to impacts on treaty rights. BC Hydro could not confirm whether the consultation on Project alternatives would happen before the submission of the PDR. T8TA reiterated its concerns about the PDR being filed while the parties were still engaged in consultation on Project alternatives. BC Hydro agreed to provide T8TA with capacity funding to cover the additional costs of negotiating the *EAPA*.

On March 25, 2011, BC Hydro participated in a teleconference with representatives of T8TA (Tribal Chief, legal advisor, Director of Administration, Camerado Energy consultant). The parties reviewed the latest draft of the *EAPA*, and T8TA's proposed budget. The parties discussed the timeline for the TLUS, including proposed discussions to finalize Schedules B and C of the *TLUS Agreement*.

On March 31, 2011, KCD Consulting Inc. (T8TA consultant) sent an email to BC Hydro and the T8FNs attaching a first draft of the Treaty 8 Economic Development Strategic Plan and Appendix A: Northern Market Outlook, for review and comment. On April 12, 2011, BC Hydro responded to KCD Consulting Inc. and offered comments on the draft.

On April 4, 2011, BC Hydro sent a letter to T8TA advising that Mainstream Aquatics Ltd. would be conducting a fisheries study in the Peace, Halfway, Pine and Moberly rivers. The letter indicated that temporary rotary screw fish traps would be placed at the same locations as the previous year, with two additional rotary screw traps in the Pine River. The letter provided a description of the temporary fish trap operation, schedule and location with maps for reference. The letter advised that notice was being provided as a requirement of the application process under the *Navigable Waters Protection Act*.

On April 4, 2011, BC Hydro sent an email to T8TA attaching five documents comprising the Preliminary Socio-economic Baseline and Effects Assessment Methodology, prepared by Lions Gate Consulting Inc. (December 2009).

On April 7, 2011, BC Hydro sent a letter to T8TA enclosing a “negotiation support funding payment”. BC Hydro noted that pursuant to the agreement between BC Hydro and T8TA on March 24, 2011, BC Hydro had agreed to provide the stated amount of funds, and T8TA had agreed to accept the funding, to finalize the negotiation of the *EAPA*.

On April 7, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs) advising that BC Hydro had received an offer from FLNRO for a Temporary Permit with respect to *Land Act* File No. 8015393, subject to several terms and conditions set by FLNRO. BC Hydro noted three specific conditions that applied to the T8FNs:

1. BC Hydro to hold preliminary meetings with the T8FNs prior to work commencing under the permit.
2. BC Hydro to invite the T8FNs to be involved on the ground and report the results back to FLNRO.
3. Upon completion of construction and prior to the expiry of the Temporary Permit, BC Hydro to submit “as built” information to FLNRO and the T8FNs.

BC Hydro advised that it intended to commence work under the Temporary Permit in April 2011. BC Hydro sought to arrange a meeting with T8TA to discuss the initial work plan, and explore how to involve the T8FNs on the ground as the field season progressed.

On April 7, 2011, KCD Consulting Inc. (T8TA consultant) sent an email to BC Hydro and other organizations attaching the Treaty 8 Economic Development Strategy, Final Marketing and Communications Plan (April 2011) for review and comment.

On April 11, 2011, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque for costs incurred by the T8FNs in their consideration of the following permit applications for geotechnical work (#8015393, #8015314, #8003167, #8003168), per the terms of BC Hydro’s letter of February 16, 2011.

On April 11, 2011, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, legal advisors, Director of Administration, Camerado Energy consultant). The parties reviewed the draft *EAPA*, and BC Hydro agreed to make several revisions and submit a revised draft to T8TA. The parties discussed the revised budget proposed by T8TA. BC Hydro indicated that an analysis on alternative sites had been conducted, and requested that the parties schedule a meeting in Fort St. John for technical specialists to provide T8TA with an overview of the report.

On April 15, 2011, BC Hydro met via teleconference with representatives of T8TA (legal advisors, Director of Administration, Camerado Energy consultant). The parties reviewed T8TA's proposed revisions to the draft *EAPA*, and discussed BC Hydro's funding proposal for Stage 3 consultations. T8TA stated that it would consider BC Hydro's funding proposal and respond accordingly. BC Hydro provided an overview of the process it envisioned for future consultations on alternative sites.

On April 19, 2011, BC Hydro met with representatives of T8TA (Archaeological Assessment Coordinator, Land and Resources Director), Doig River, Prophet River, Golder, AMEC, the Archaeology Branch and FLNRO. The parties discussed the Year 1 heritage field work results, which involved testing of the Millennia archaeological potential model. T8TA stated that the methodology was flawed and had resulted in low numbers of positive shovel tests. T8TA asserted that the shovel tests were not deep enough, and requested funding to perform an independent audit. T8TA indicated that it was not supportive of the methodology for Year 2, because it was not confident in the Year 1 results. T8TA stated that it would not support the proposed methodology because it was not developed collaboratively and did not incorporate cultural knowledge. T8TA identified a number of other specific concerns about the Millennia model and the heritage field work. BC Hydro agreed to consider T8TA's request for funding to engage in ongoing audits of field work. T8TA did not agree to the Archaeology Branch's suggestion of allowing the field program to start, while the parties resolved outstanding issues.

On April 21, 2011, BC Hydro sent a letter to T8TA, following up on action items from the meeting of April 19, 2011, and responding to concerns raised by T8TA in the meeting. BC Hydro provided a summary of communication between the parties related to the Heritage Assessment, and identified cases in which BC Hydro had sought input from T8TA. BC Hydro attached a summary of key communications related to the development of the heritage program between January 2009 and September 2010. BC Hydro described the development of Millennia's archaeological potential model and how the model became a key component of the heritage program. BC Hydro also provided an explanation of its approach to quality assurance, and that the funding provided to the Archaeology Branch by BC Hydro includes support for field audits. BC Hydro reviewed the provisions related to ground-truthing in the TLUS agreement and explained the circumstances when this could occur. BC Hydro attached a Technical Memorandum from Golder (dated April 21, 2011) that addressed T8TA's specific questions about the methodology for the archaeological field program. The Technical Memorandum addressed the following topics:

- How archaeological methods have changed since the 1970's;
- Outline of the experience of Crew Leads in the Peace River and Peace River Valley, and their experience and expertise with Dunne-Za culture;

- Criteria used to determine when and where judgemental and deep testing would take place;
- Qualifications and credentials for the principals of Branta Biostratigraphy;
- Explanation of how the Simon Fraser University data was incorporated into model testing;
- Results of model testing in 2010;
- Explanation of why 100 metre intervals between shovel tests were used;
- How the Golder team managed quality control in the Year 1 shovel testing program;
- Explanation of why a 10 metre buffer was placed around sites for the Kvamme Gain Statistic test.

On April 21, 2011, BC Hydro responded by email to a request from T8TA, attaching a chart of consultants who had worked for BC Hydro on the Project.

On April 21, 2011, BC Hydro sent an email to T8TA advising that work needed to be carried out under the reservoir slopes permit (#8015393), and would be commencing on April 26, 2011. This work involved removing danger trees at specific sites in the Farrell and Lynx Creek areas before bird nesting season started on May 1, 2011. BC Hydro attached maps of the Farrell and Lynx Creek sites, and explained the specific locations and dimensions of the areas where work would take place. On April 24, 2011, T8TA sent two emails to BC Hydro asking follow up questions about the proposed work. On April 25, 2011, BC Hydro responded to T8TA's emails regarding Permit #8015393. BC Hydro advised that the plan had been to cut trees prior to bird nesting activity. BC Hydro further advised that the helicopter and drilling activity would start in May 2011, and that bird activity would be monitored before, during and after the work. BC Hydro reviewed the proposed timeline and sixty day duration for cutting trees and drilling at the slopes. On April 25, 2011, T8TA requested further information on the bird nesting window. BC Hydro responded to T8TA's request by attaching a report titled *Region 7 Omineca – Reduced Risk Timing Windows for Fish and Wildlife* (Ministry of Water, Land and Air Protection, April 2004). On April 26, 2011, T8TA sent an email to BC Hydro requesting a copy of the timing windows for wildlife for the Peace Region, and indicated that timing windows for nesting (including raptors and owls) had recently been extended from April 1 to July 31. On April 26, 2011, BC Hydro sent an email to T8TA advising that due to the timing window, BC Hydro could not meet with T8TA prior to April 28, 2011, and therefore BC Hydro had requested that FLNRO provide interim relief from the permit condition requiring BC Hydro to hold a preliminary meeting with T8TA prior to the commencement of work under Permit #8015393. BC Hydro advised that it looked forward to the teleconference on April 28, 2011, to discuss matters associated with

Permit #8015393. On April 27, 2011, BC Hydro advised that it was in the process of confirming the new timing windows with Ministry of Environment and developing monitoring and mitigation plans to address cutting of trees during these windows. On April 28, 2011, BC Hydro sent an email to T8TA regarding BC Hydro's proposed approach for carrying out investigative engineering work under Permit #8015393. BC Hydro indicated that it was prepared to provide the owl and raptor survey results to T8TA once they were finalized. BC Hydro advised, however, that consultations on the proposed work for the Reservoir Slopes were concluded and that BC Hydro was not prepared to consult with T8TA on the survey results. BC Hydro would review the survey results with subject matter experts to decide a course of action. BC Hydro advised that tree cutting at Lynx, Farrell or other sites would be carried out in accordance with the terms of the Permit #8015393, with Ministry of Environment regulations, and with the management plan. On April 28, 2011, T8TA responded to BC Hydro’s email of the same day and expressed disappointment with BC Hydro’s position. T8TA stated that the email showed that BC Hydro was not interested in building relationships with the T8FNs. On May 6, 2011, BC Hydro sent an email to T8TA, following up on action items arising from the April 28, 2011, regarding Permit #8015393. BC Hydro advised that it was prepared to provide T8TA with the results of raptor and owl surveys, and provided an update on survey results and planned field work. BC Hydro advised that, based on correspondence with the Archaeology Branch, it had concluded that the proposed work did not constitute ground disturbance, and therefore would not require an AIA. BC Hydro had considered whether the schedule could be adjusted to complete work outside of the bird window, but advised that the work would go ahead as planned. BC Hydro noted that it would need to comply with a series of regulations associated with the work, including timing windows for birds.

On April 22, 2011, T8TA sent an email to BC Hydro, following up on BC Hydro’s letter of April 21, 2011, regarding the heritage program and the Millennia archaeological potential model. T8TA requested additional data and maps related to shovel testing. On April 26, 2011, Golder sent a technical memorandum to T8TA in response to T8TA’s email, dated April 22, 2011, containing information related to shovel testing and providing specific responses to each of T8TA’s information requests.

On April 27, 2011, T8TA sent a letter via email to BC Hydro attaching a signed copy of the *EAPA*, dated April 21, 2012. T8TA advised that the original hard copy would be couriered to BC Hydro later that day. The *EAPA*, dated April 21, 2011, establishes the purpose, principles and scope of consultations between the parties, and outlines BC Hydro’s obligations to provide T8TA with capacity funding. The purposes of the agreement include the following:

- Enabling and facilitating communication between the parties to support an effective and efficient process to assess the environmental effects of the Project, including the

environmental effects on the exercise of section 35(1) rights, the T8FN reserves and future T8FN lands;

- Facilitating the T8FNs' participation in the EA; and,
- Identifying and considering strategies or measures to avoid, mitigate, and manage any potential adverse environmental effects, and to accommodate the exercise of the section 35(1) rights, as appropriate.

Under section 5, the parties agreed to form an EA Committee, consisting of up to 10 representatives, in order to enable discussion and cooperation between the parties in achieving the purposes of the agreement. Under section 6, T8TA agreed to undertake an "Issues Scoping Study" to identify, catalogue and prioritize the T8TA issues for discussion and consideration by the parties, to be submitted to the EA Committee on or before June 17, 2011. Under section 7, the parties agreed to work together to seek consensus on the information required for inclusion in the draft EIS Guidelines, and BC Hydro agreed not to submit the draft EIS Guidelines prior to the earlier of the date on which BC Hydro received the Issues Scoping Study, or July 4, 2011. The agreement also contains provisions related to confidentiality (section 11), funding (section 13), budget and work plan (section 14), and provision of payment (section 15). The agreement remains in effect until the completion of the EA process, as indicated by decisions under section 17(3) of the BC *Environmental Assessment Act* and section 37 of the *Canadian Environmental Assessment Act*, with either party having the option of terminating the agreement upon 90 days written notice.

On April 28, 2011, BC Hydro sent a letter to T8TA enclosing a cheque issued pursuant to the letter of agreement dated April 7, 2011, to finalize the negotiation of the *EAPA*.

On April 28, 2011, BC Hydro met with representatives of T8TA (Lands Coordinator, Archaeological Assessment Coordinator, biologist), Golder and AMEC, regarding the Heritage Assessment. BC Hydro and the Golder team provided responses to all action items arising from the April 19, 2011 meeting. T8TA requested further clarification on: criteria used in judgemental testing; what sites were used in the model testing; how much area will be subjected to judgemental survey; and, why the number of proposed shovel tests had decreased from initial proposal in the original permit application. Golder stated that it would finalize the Year 1 draft report once it had received comments from T8TA. Regarding the application for a permit amendment, T8TA advised that it intended to ask the Archaeology Branch to complete a field audit of the Year 1 shovel tests before issuing a permit for further field work. T8TA requested that BC Hydro consider providing funding for a process or structure for collaborative work on heritage matters. BC Hydro agreed to discuss the request internally. The parties discussed how to improve information sharing.

On April 29, 2011, T8TA sent a letter to BC Hydro outlining T8TA's comments and concerns regarding the IRP process. The letter identified several concerns related to the

IRP consultation process, and expressed concern that the IRP process would be prejudiced in favour of the Project and provided a number of examples of this alleged bias. The letter expressed concern that the IRP process was intended to replace meaningful discussion of alternatives to the Project during the EA process, and that the IRP was neither intended, nor designed, to address the cumulative impacts of energy projects at a regional level. The letter contained a proposal for a separate consultation process for T8TA in relation to the IRP, including a work plan and budget. The letter advised that T8TA's proposal was an effort to steer the IRP process in a different direction, before additional actions were taken that would further prejudice effective and meaningful consultation.

On April 29, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs) in response to a T8TA's proposal for funding for activities related to Rolling Work Plan #3. BC Hydro reviewed the purpose of the rolling work plans under Licence of Occupation #816864. BC Hydro noted that the review period for Rolling Work Plan #3 had ended on January 25, 2011, and field work had commenced on April 1, 2011. BC Hydro further advised that it anticipated that Rolling Work Plan #4 would be sent out for review during the week of May 9, 2011. BC Hydro made a funding offer to cover costs incurred by the T8FNs in their review of all rolling work plan information packages, including related site visits, for the 2011 field season. The offer amount was consistent with the funding provided in 2010. BC Hydro requested that T8TA indicate acceptance of the offer - if it agreed with the terms and conditions - by signing the letter on or before May 6, 2011.

On April 29, 2011, BC Hydro sent an email to T8TA attaching a report titled *Review of Alternate Sites on the Peace River*, prepared by Klohn Crippen Berger Ltd., SNC-Lavalin Inc., and Hatch Ltd. (January 2011).

May 1 to September 30, 2011

On May 2, 2011, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, legal advisor, Director of Administration, Camerado Energy consultant, Firelight Group consultant). The parties reviewed materials prepared by the Firelight Group in regards to the Traditional Knowledge, Use and Occupancy categories (Schedule B) and Harvest Survey species (Schedule C) of the *TLUS Agreement*.

On May 5, 2011, BC Hydro participated in a teleconference with representatives of T8TA (legal advisor, Director of Administration, Camerado Energy consultant, Firelight Group consultant). The parties reviewed the Traditional Knowledge, Use and Occupancy categories (Schedule B) and Harvest Survey species (Schedule C) of the *TLUS Agreement*. The parties agreed to incorporate BC Hydro's additional list of species into Schedule B, and keep the original Schedule C.

On May 5, 2011, Golder sent an email to T8TA attaching a technical memorandum that addressed action items arising from the April 28, 2011 meeting. The technical

memorandum provided responses to technical questions raised by T8TA regarding the Heritage Assessment and the archaeological potential model.

On May 6, 2011, Golder sent a technical memorandum to T8TA advising of proposed work under Permit #2009-0262, for the following projects:

- As-yet unspecified archaeological assessments related to tasks proposed in Rolling Work Plan #4, beginning in the near future with scoping to commence May 9;
- Preliminary Field Reconnaissance of selected proposed drill hole locations in support of Reservoir Slopes Geotechnical Investigation Program, scheduled to commence on May 10; and,
- As-yet unspecified archaeological assessments related to select proposed drill hole locations in support of the Reservoir Slopes Geotechnical Investigation Program, beginning in the near future with scoping to commence on May 9.

Golder attached several maps of the project location, including drill holes, test pits, and access roads.

On May 6, 2011, BC Hydro sent an email to T8TA providing notification of upcoming heritage field work on privately held lands. BC Hydro advised that the Archaeology Branch had directed Golder to include ploughed field inspections in their Year 2 heritage resource inventory methodology. Golder and AMEC would be commencing the field work on May 9, 2011.

On May 9, 2011, BC Hydro met via teleconference with representatives of T8TA (legal advisor, Director of Administration, Camerado Energy consultant, Firelight Group consultant) to review and finalize the wording of Schedules B and C of the *TLUS Agreement*

On May 9, 2011, BC Hydro sent an email to T8TA advising that BC Hydro was open to finding a mechanism for collaboration on heritage matters. BC Hydro noted that the *EAPA* provided a formal structure and suitable interface for a smaller group focused on heritage. BC Hydro proposed convening a small group with representatives from T8TA, Golder and BC Hydro to develop a joint proposal. BC Hydro was in a position to provide honoraria for the participation of a few key individuals in developing the joint proposal. On May 9, 2011, T8TA responded to BC Hydro's email and advised that T8TA was pleased that BC Hydro was willing to explore a collaborate mechanism for heritage matters. T8TA would review the structure of the *EAPA* to determine if it would meet the needs of the cultural heritage piece.

On May 10, 2011, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent a letter to the Archaeology Branch, with respect to the application to amend Permit #2010-0378 for Year 2 heritage work. T8TA provided a number of detailed comments regarding

the application, and emphasized the need for the Archaeology Branch to undertake an audit of Year 1 work, prior to commencing Year 2 shovel tests. T8TA also made a number of suggestions for improving the methodology of the heritage field work (e.g., size and depth of shovel tests, increased judgemental testing, increased effort to locate low density sites, more comprehensive testing of deep sites). T8TA also recommended establishing a Dunne-zaa cultural heritage caretaker committee to improve collaboration between the permit holders and the T8FNs.

On May 12, 2011, BC Hydro sent a letter to T8TA enclosing a signed copy of the *EAPA*. BC Hydro advised that capacity funding pursuant to the agreement would be issued upon BC Hydro's receipt of the signed Band Council Resolutions as indicated in Appendix D of the *EAPA*. On May 16, 2011, BC Hydro re-sent the same letter, enclosing a signed copy of the *EAPA* with one further amendment to section 17.5.

On May 16, 2011, BC Hydro called T8TA's legal advisor to advise that the PDR would be filed in the afternoon of May 18, 2011. BC Hydro wished to provide T8TA with a briefing on the PDR. On May 17, 2011, T8TA sent an email to BC Hydro regarding the filing of the PDR. T8TA advised that BC Hydro's meeting request was provided on too short notice, and therefore none of the T8FN Chiefs would be able to attend. T8TA expressed disappointment that BC Hydro did not seek to share the PDR with T8TA prior to its release. T8TA asserted that this approach did not comply with BC Hydro's legal duty to consult, because if the two parties were to meet at this point, there would be no opportunity to revise the PDR. T8TA also expressed disappointment that BC Hydro's action took place amidst the Rate Review Process. T8TA felt that BC Hydro's decision to file the PDR effectively undermined any recommendations that might arise from the Rate Review Process, and thus indicated that BC Hydro's action essentially meant they were pushing the Project forward regardless of the outcome of that process.

On May 18, 2011, BC Hydro sent a letter to T8TA advising that BC Hydro had submitted the PDR to the BCEAO and the CEA Agency, and provided a link to the report.

On May 18, 2011, BC Hydro sent an email to T8TA attaching a final version of Schedule B (Traditional Knowledge, Use and Occupancy categories) and Schedule C (Harvest Survey species) of the *TLUS Agreement*.

On May 24, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs) enclosing a capacity funding cheque for T8TA's review of Rolling Work Plans #1 and #2.

On May 24, 2011, the Archaeology Branch sent a letter to T8TA in response to T8TA's letter of May 10, 2011, regarding AMEC's application to amend Permit #2010-0378 for Year 2 heritage work. The Archaeology Branch responded to the points raised in T8TA's letter and advised that several conditions had been added to the permit based on T8TA's input. The Archaeology Branch committed to undertaking an audit of the Year 1 heritage field

work, as requested by T8TA, but did not see any reason to postpone further field work until the audit had been completed.

On May 26, 2011, BC Hydro sent a letter to T8TA (cc: T8FNs) advising that BC Hydro had retained Golder to conduct the Socio-economic Assessment for the Project, and that a First Nations Community Assessment would be a component of the Socio-economic Assessment. The letter proposed an approach for the First Nations Community Assessment involving the following five steps:

- develop a Community Assessment work plan for each community;
- gather, compile and validate community baseline data and information through focus groups and interviews;
- identify and confirm community VCs through community meetings;
- assess potential Project-related community effects; and,
- identify and evaluate mitigation measures to reduce unwanted effects on, and enhance benefit opportunities to, the community.

The letter advised that typical topics in a community assessment would include: demographics, economic activities, natural resource use, community and social services, housing, public infrastructure and political structure. The letter advised that BC Hydro would like to hire community members to provide research assistance, and would also provide training as necessary. The letter noted that some communities might wish to provide consulting services to BC Hydro, and provided contact information for the person who would be accepting proposals.

On May 26, 2011, BC Hydro responded to T8TA’s email of May 17, 2011, regarding the submission of the PDR. The letter acknowledged T8TA's disappointment in not being consulted on the text of the PDR, prior to its release to the regulators. The letter noted that some of the information in the PDR had been shared and discussed with T8TA in various forms in the past. The letter provided assurances that there would be a full opportunity to consult on any new information in the report, both through the EA process and under the *EAPA*. The letter advised that with respect to site alternatives, BC Hydro was fully committed to consulting on the subject over the coming months during the pre-application stage of the EA process. The letter noted that the filing of the PDR did not represent a final decision with respect to the Project or the Rate Review Process.

On May 27, 2011, BC Hydro met via teleconference with representatives of T8TA (legal advisor, Director of Administration, Camerado Energy consultant, Firelight Group consultant) to discuss the TLUS. The parties discussed BC Hydro’s proposal to expand the interview focus to include BC Hydro’s DCAT Project, also located in the Project study area.

T8TA expressed concern that the study area was constantly changing and that the PDR was incomplete due to certain elements of information being excluded. BC Hydro advised that two issues needed to be addressed in a future meeting: (1) determine the footprint of the primary local study area; and, (2) determine whether data gathering for the Project could be transferable to the DCAT project. BC Hydro advised T8TA to use the PDR footprint as the general guideline to conduct interviews.

On May 30, 2011, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *EAPA*.

On June 1, 2011, T8TA sent an email to BC Hydro in response to BC Hydro's letter of May 26, 2011, regarding the First Nations Community Assessment for the Project. T8TA expressed concern that the letter had not accurately depicted previous discussions, as it was T8TA's understanding that BC Hydro would take direction from T8TA on how to move forward with the First Nations Community Assessment. T8TA advised that it had not agreed to the approach outlined by BC Hydro in the letter. T8TA indicated that the T8FNs were not prepared to allow BC Hydro into their communities and that coordination should run through T8TA. T8TA stated that the letter gave the impression that BC Hydro had not listened and did not want to follow the established protocol, which T8TA had used in recent years. On June 3, 2011, BC Hydro responded to T8TA's email of June 1, 2011. BC Hydro confirmed that the letter of May 26 was a generic one, and thus did not contain some of the points covered in previous discussions with T8TA. BC Hydro advised that it would work within the framework proposed by T8TA, but emphasized that it was a requirement of the EA to prepare a comprehensive First Nations Community Assessment. BC Hydro suggested having further discussion on how its needs for data and issue validation could be achieved without having to visit the T8FN communities and talk directly with community members.

On June 7, 2011, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *TLUS Agreement*, with payment being made following the parties' agreement on the content of Schedules B and C of the *TLUS Agreement*.

On June 10, 2011, BC Hydro sent a letter to T8TA regarding the impact line approach for the Project. BC Hydro provided information regarding the purpose of the impact line approach and reviewed work underway to investigate areas potentially affected by flooding, slope, stability, erosion, changes in groundwater levels and landslide-generated waves. BC Hydro advised that, as requested, it would share the shape files associated with this work, but noted that the shape files represented the area of the impact line investigation, not the final impact lines. BC Hydro advised that further geological mapping and subsurface investigation was needed to refine the position of the impact lines, particularly in areas near private property, municipal infrastructure and sections of Highway 29. BC Hydro extended an offer of a presentation regarding the impact line approach and the methodology being used to study impacts around the proposed reservoir. BC Hydro attached a memorandum

providing contextual information regarding the shape files being provided to T8TA, which depicted known investigation areas and project components for Site C as of June 2011.

On June 10, 2011, Golder sent an email to T8TA advising that the Rolling Work Plan #4, under Licence of Occupation #814864, had been uploaded to a secure file transfer website for review. The scope of the work under Rolling Work Plan #4 included drilling, test pit excavation, adit exploration and seismic surveys on the south bank and central island.

On June 13, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, legal advisors, Director of Administration, Claims Researcher, Lands Coordinator, Camerado Energy consultant) to discuss priorities for future consultations, as well as the ongoing consultation process for BC Hydro's permit applications. BC Hydro expressed interest in having future consultations with T8TA on: shoreline protection, offsite construction materials, impact lines, Highway 29 realignment, transmission lines, worker housing at camps, agriculture, reservoir clearing, recreation, regional benefits and traffic management. BC Hydro agreed to provide T8TA with a table outlining initial consultation topics, approximate timelines, and permitting requirements by June 17, 2011. T8TA agreed to bring the list of consultation topics to the T8FN Chiefs and seek direction from them. T8TA expressed a number of concerns about the Project consultation process, indicating that it felt under-resourced in responding to BC Hydro's lengthy list of topics and felt constrained by timelines. T8TA asserted that BC Hydro had laid out a critical path for the Project, which disregarded the concerns of the First Nations' people whose lives and culture would be affected. T8TA advised that the communities felt that they were being "steamrolled" by the process. BC Hydro noted that the purpose of undertaking early consultations was to reduce this feeling in the T8FN communities.

On June 14, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, legal advisors, Director of Administration, Claims Researcher, Firelight Group consultant). BC Hydro provided an overview the PDR and BC Hydro agreed to follow up on technical questions posed by T8TA. Regarding the TLUS, T8TA's consultant advised that interviews at Halfway River and Prophet River were completed, that interviews at Doig River were underway, and that interviews in the West Moberly community had not commenced. The parties discussed the possibility of including a portion of the proposed DCAT Project as part of the Site C TLUS. T8TA advised that it seek direction from West Moberly's Chief and Council and follow-up with an answer. The parties agreed that amendments to the TLUS study area would be outlined in a letter of understanding, as the current *TLUS Agreement* did not accurately reflect the actual TLUS study area. The parties also discussed budgeting and map deliverables for the TLUS. The parties discussed implementation of the *EAPA* and agreed to extend the timeline for T8TA's submission of the Issues Scoping Study.

On June 15, 2011, BC Hydro and Decision Economics (consultant to BC Hydro) met with representatives of T8TA (Tribal Chief, Director of Administration, Claims Researcher,

Firelight Group consultant, Camerado Energy consultant) to discuss the Socio-Economic Assessment / First Nations Community Assessment. Decision Economics advised that the draft work plan was complete and would be sent to T8TA by June 17, 2011. BC Hydro confirmed its understanding that the Socio-economic Assessment team would not meet with the T8FNs directly, but rather have the communities grouped together and assessed collectively, and that the work plan would be discussed at the tribal council level. The parties discussed the availability of information regarding demographics, natural resources and economic activities.

On June 16, 2011, Golder sent an email to T8TA advising that Golder would be conducting archaeological work under Permit #2009-0262 for the following projects:

- Tasks proposed in Rolling Work Plan #3, including Adit 3 and borehole drilling at Left Bank Adit 4 Test Chamber and associated road upgrading; and
- Left Bank Instrumentation Holes.

On June 17, 2011, BC Hydro attended the first meeting of the TLUS working group, established under section 5 of the *TLUS Agreement* to oversee the planning, initiation and the evaluation of deliverables identified in the TLUS agreement, with T8TA represented by consultants from Camerado Energy and the Firelight Group. Discussion items included: (1) reviewing the Traditional Knowledge, Use and Occupancy categories as listed in the revised Appendix B; (2) reviewing the project footprint and the issue of incorporating the entire area into the map deliverables; and, (3) reviewing the content, number and scale of maps to be provided to BC Hydro at the completion of the project.

On June 17, 2011, Golder sent six emails to T8TA and the T8FNs attaching the following reports completed under Permit #2009-0262.

- Rolling Work Plan #4: AOA (June 9, 2011)
- Rolling Work Plan #4: Adit 5 (June 9, 2011)
- Rolling Work Plan #4: Right Bank Construction Materials Test Pitting (June 9, 2011) (request for comments by July 15, 2011)
- Rolling Work Plan #4: Liquefaction Investigations AIA (June 9, 2011) (request for comments by July 15, 2011)
- Rolling Work Plan #4: Right Bank Seismic Investigation (June 9, 2011) (request for comments by July 15, 2011)
- Rolling Work Plan #4: Right Bank Structures Investigation (June 9, 2011) (request for comments by July 15, 2011)

On June 21, 2011, West Moberly sent a letter to BC Hydro regarding BC Hydro's request that researchers be directed to include the DCAT Project area in the Site C TLUS. The letter expressed concern that the assessment of the impacts of both Site C and DCAT would be significantly compromised if the two unrelated projects were combined into one TLUS, and thus West Moberly would not agree to instruct the Site C TLUS researchers to include the DCAT Project footprint in the interviews conducted in the West Moberly community. The letter asked BC Hydro to outline its specific concerns regarding the scope of the community-based study for the DCAT Project.

On June 21, 2011, BC Hydro sent an email to T8TA's legal advisor, following up on the meeting of June 14, 2011, in regards to the incorporation of the DCAT Project into the Site C TLUS. BC Hydro expressed the view that West Moberly's concerns could be addressed without prejudicing its ability to provide input, or the quality of that input. In particular: (1) the DCAT Project area was not far from the Project footprint and the scope of the DCAT study was fairly limited; (2) BC Hydro was seeking the same information in both studies; and, (3) it would be more efficient to extend the currently existing interviews rather than starting from scratch. BC Hydro requested that T8TA consider harmonizing the two studies so that synergies of consultants' and members' time, energy and cost could be maximized. BC Hydro requested instructions from the West Moberly's Chief and Council in regards to this matter and noted that BC Hydro was interested in meeting with them.

On June 21, 2011, BC Hydro, Golder and AMEC met with T8TA's Archaeological Assessment Coordinator to provide an update on the Year 2 field program for the Heritage Assessment. BC Hydro advised that the field program currently consisted of 12 crews on archaeology and one crew on historic, which included participants from Halfway River (2), Doig River (3-5) and Prophet River (2). BC Hydro reviewed the location of the field work and the results to date (e.g., shovel tests, surface finds, new archaeological sites, recovery of artefacts). T8TA raised a number of questions about Rolling Work Plan #4, and Golder agreed to forward the questions to relevant Golder employees.

On June 22, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- AOA: Adit #4 Chamber and Associated Road Upgrades (Permit #2009-0262) (June 21, 2011).

Golder requested that comments be provided to Archaeology Branch by July 14, 2011.

On June 23, 2011, BC Hydro sent a letter to T8TA in response to T8TA's letter of April 29, 2011, with respect to BC Hydro's consultation with T8TA on the development of the IRP. The letter advised that T8TA's comments would be considered in the development of the draft IRP and that the letter would form part of the record that would be provided to government. The letter provided specific responses to the concerns raised in T8TA's letter, and described how the Project would be considered as an option within the IRP process.

The letter advised that the IRP process was not intended to replace specific consultations with T8TA on the need for, and alternatives to, Site C in the EA process. The letter noted that the IRP process did not involve developing specific project plans, nor did it compare design alternatives for specific projects, such as Site C. Regarding T8TA's requests for a separate IRP consultation process, BC Hydro advised that because the IRP addressed planning considerations for the entire province, BC Hydro was not undertaking different levels of consultation with individual First Nations or tribal councils. BC Hydro reiterated that the IRP was a province-wide plan and that approval of the IRP would not result in approval of the Project. BC Hydro noted that consultations on the need for, and alternatives to, Site C would continue with T8TA through the EA process.

On June 23, 2011, Golder sent an email to T8TA and the T8FNs attaching the following materials related to archaeological work completed under Permit #2009-0262:

- AIA, Interim Report, Rolling Work Plan #3 – Adit 3 (June 21, 2011)
- AOA Rolling Work Plan #3 – Adit 3 (June 21, 2011)

Golder requested that comments be provided to the Archaeology Branch by July 15, 2011.

On June 27, 2011, T8TA sent an email to BC Hydro attaching a memorandum outlining T8TA's preliminary response to BC Hydro's list of proposed consultation topics. T8TA expressed interest in commencing discussions regarding off-site construction materials, transmission lines and Highway 29 realignment, beginning in August 2011. T8TA advised that future consultation on other issues would have to wait for completion of the Issues Scoping Study and gathering of further socio-economic information. Regarding the topics of Hudson's Hope shoreline protection and impact lines, T8TA was seeking further information from BC Hydro to determine the nature and scope of consultation, if any. T8TA advised that it might elect not to be consulted with respect to some of the issues; this determination would be made during the verification process for the Issues Scoping Study.

On June 28, 2011, Decision Economics (BC Hydro consultant) sent an email to T8TA attaching a draft of the First Nations Community Assessment work plan (June 20, 2011).

On June 29, 2011, T8TA and the T8FNs sent a letter to FLNRO regarding the consultation process on four Site C related files (#8015393, #8015314, #L48741, and #L48743). The letter advised that FLNRO appeared to have misunderstood or misinterpreted the consultation approach. The letter confirmed that responsibility for consultation on FLNRO referrals rested with the individual First Nations and their respective lands managers. T8TA was not authorized to consult with respect to referrals on behalf of its member First Nations. The letter asserted that membership in a tribal association did not remove the legal right of individual First Nations' to be consulted and accommodated by the Province.

On June 30, 2011, T8TA's legal advisors sent a letter to FLNRO, in response to a letter received on May 26, 2011, with respect to consultation on Site C referrals. The letter advised that T8TA was gravely concerned about FLNRO's attempt to shift the duty to consult with individual First Nations to T8TA. The letter stated that the T8FNs, throughout their interactions with FLNRO, had consistently addressed the need to be engaged individually. The letter explained that T8TA was a service delivery organization (established to provide advisory services and claims research on behalf of the First Nations, and to facilitate and coordinate joint correspondences), but did not act as a delegate for consultation in place of the T8FNs. The letter also took issue with FLNRO's reliance on the Provincial Guidelines and "customary referral boundaries", neither of which had been agreed to by the T8FNs. The letter asserted that the Provincial Guidelines fell short of the legal duty to consult. The letter requested that FLNRO fulfill its legal obligations by engaging in deep consultation with the T8FNs on an individual basis.

On July 4, 2011, BC Hydro sent an email to T8TA, which included an offer of capacity funding to support the T8FNs' review and site visits associated with Rolling Work Plans #3 and #4. BC Hydro outlined factors that it took into account when reviewing T8TA's funding proposal, and acknowledged that T8TA had requested a larger amount. BC Hydro asked that T8TA respond to the funding offer so that BC Hydro could prepare a letter of understanding and proceed with issuing a cheque. BC Hydro advised that it intended to begin field work under Rolling Work Plan #4 in July 2011. On July 11, 2011, T8TA responded to BC Hydro's email of July 4, 2011 regarding funding for T8TA's review of Rolling Work Plans #3 and #4. T8TA advised that it would accept the offer, although the amount was considerably less than it required. T8TA advised that the T8FNs would need to scale back efforts in order to carry out the proposed work within the scope of the funding.

On July 8, 2011, T8TA (on behalf Prophet River, Doig River and West Moberly) sent a letter to Golder providing comments on Rolling Work Plan #4, Licence of Occupation #814864. T8TA advised that it was providing a response despite insufficient time to review the lengthy document, because T8TA's receipt of hard copies had been delayed. The letter outlined a number of concerns and information requests related to Rolling Work Plan #4.

On July 8, 2011, T8TA sent an email to BC Hydro attaching an income statement for the consultation and negotiations pillar, and an income statement for the *TLUS Agreement*, for the 12 periods ending March 31, 2010.

On July 11, 2011, BC Hydro sent a letter to T8TA enclosing capacity funding cheque issued pursuant to the *EAPA*.

On July 12, 2011, Decision Economics (BC Hydro consultant) met with representatives of T8TA (Director of Administration, Camerado Energy consultant) to discuss the First Nations Community Assessment. T8TA advised that it would be organizing and carrying out its own socio-economic baseline study of the T8FN communities. T8TA confirmed that BC Hydro

was not authorized to visit the communities and that T8TA would not authorize interviews with its members, including those in Fort St. John. T8TA advised that it would be completing the TLUS and an "Issues Statement" by mid-September 2011, and these documents would form the basis for identifying priority issues and data gaps to be addressed in the socio-economic baseline study, which T8TA hoped to produce by January 2012. T8TA would be hiring and training its own researchers to do this work.

On July 12, 2011, BC Hydro sent a letter to T8TA regarding capacity funding to support the T8FNs in their review, comment and associated activities related to Rolling Work Plans #3 and #4. BC Hydro outlined the parties' agreement: (1) BC Hydro would provide funding to support the review of and site visits associated with the rolling work plans; (2) the period for comment had lapsed, however, BC Hydro remained open to considering the T8FNs' comments with respect to the work plans; and (3) T8TA would provide BC Hydro with detailed accounting of how the funds had been spent on or before December 31, 2011. BC Hydro would issue the funding upon receive of a signed letter from T8TA. On July 12, 2011, T8TA sent an email to BC Hydro attaching the signed letter of agreement regarding Rolling Work Plans #3 and #4. On July 18, 2011, BC Hydro sent a letter to T8TA enclosing a cheque issued pursuant to the signed letter of agreement, dated July 12, 2011, with respect to Rolling Work Plans #3 and #4 support funding.

On July 13, 2011, Golder sent an email to T8TA attaching:

- AOA: Rolling Work Plan #4 – Right Bank Structures Investigation Borehole H – Revised Location (Permit #2009-0262) (July 12, 2011).

Golder noted that one borehole location within the proposed investigation program had been revised, and the attached a cover letter describing the proposed location change. Golder requested that input be provided on the borehole revision by July 22, 2011.

On July 15, 2011, Golder sent an email to T8TA attaching a notification of upcoming archaeological work to be completed under Permit #2009-0262 for the following projects: Highway 29 geotechnical investigations on the north bank of the Peace River; West Pine Quarry; Bullhead Mountain.

On July 15, 2011, BC Hydro sent an email to T8TA attaching notification of the Noxious Weed Control Program, 2011 season.

On July 18, 2011, the Archaeology Branch sent a letter to T8TA and the T8FNs regarding a proposed audit of Year 1 heritage field work under Permit #2010-0378. The Archaeology Branch noted that it had committed to undertaking an audit of shovel tests in a letter of May 24, 2011. The Archaeology Branch set out a proposed approach to undertaking the audit, including an outline of proposed sampling stages and their associated outcomes.

On July 18, 2011, BC Hydro met via teleconference with representatives of T8TA (Director of Administration, Camerado Energy consultant). Discussion items included: amending the *EAPA* to extend timelines; the status of BC Hydro's responses to technical questions regarding the PDR; finalization of the TLUS amending agreement; the status of T8TA's Issues Scoping Study; scheduling of future meetings; and, the Socio-economic Assessment. T8TA advised that the T8FN Chiefs wanted the First Nations to take the lead on the work for the Socio-economic Assessment. T8TA suggested that the parties work together to draft a ToR for the Socio-economic Assessment, and BC Hydro agreed to discuss T8TA's proposal internally. The parties discussed the list of topics for future consultations. T8TA expressed interest in consultations on construction materials, transmission lines, and Highway 29 realignment. BC Hydro noted that initial consultations would be led by a technical staff member capable of speaking to each topic and any feasible options.

On July 20 and 21, 2011, BC Hydro and a representative of T8TA (consultant) participated in the audit of Year 1 heritage field work, undertaken by the Archaeology Branch. The audit took place from July 19 through July 24, and a T8TA representative participated as an observer on the July 20 and 21. During the audit process, the Archaeology Branch re-visited a random sample of shovel tests completed in October 2010, in order to assess the quality of the tests in terms of size and depth. Each test site was located, two holes were dug (including one trench adjacent to the shovel test intended to reveal horizontal and vertical dimensions of the original test) and the dirt from the original test was screened to find missed artefacts. The parties accessed the right bank of the dam site and other locations along both sides of the Peace River.

On July 21, 2011, BC Hydro sent a letter to T8TA (cc: Doig River, Prophet River, West Moberly) in response to T8TA's letter of July 8, 2011 (comments on Rolling Work Plan #4). The letter provided responses to eleven concerns and requests raised in T8TA's letter. BC Hydro attached the maps showing work completed to-date, and the work proposed for the 2011 field program, as requested by T8TA, and noted that shape files would be provided under a separate cover. BC Hydro advised that it was preparing to initiate field work under Rolling Work Plan #4 on July 29, 2011.

On July 22, 2011, Golder sent an email to T8TA and the T8FNs attaching a revised copy of Rolling Work Plan #4: Right Bank Seismic Investigation (originally provided on June 17, 2011), correcting and clarifying a mathematical error.

On July 27, 2011, BC Hydro sent a letter to T8TA seeking confirmation of amendments to the *EAPA*. BC Hydro stated that the following dates had been revised and agreed to by BC Hydro and T8TA:

- Delivery of T8TA Issues Scoping Study to EA Committee – revised to September 23, 2011;

- Convening of a workshop to discuss Issues Scoping Study – revised to October 7, 2011;
- Parties to seek consensus on information requirements – revised to October 21, 2011; and
- BC Hydro not to submit draft EIS Guidelines before this date – revised to November 25, 2011.

BC Hydro requested that T8TA sign the Letter of Understanding if it found the amendments acceptable.

On July 29, 2011, T8TA (on behalf of Doig River, Prophet River and West Moberly) sent a letter to the Archaeology Branch providing comments on the following reports associated with Rolling Work Plan #4:

- Interim AIA - Liquefaction Investigations (June 9, 2011)
- Interim AIA - Right Bank Seismic Investigations (June 9, 2011)
- Interim AIA - Right Bank Structures Investigations (June 9, 2011)
- Interim AIA - Right Bank Construction Materials Test Pitting (June 9, 2011)
- Interim AIA/AOA - Adit #5

T8TA provided specific comments on each of the reports, as well as general comments. T8TA noted that access to most of these geotechnical locations would require use of the South Bank Access road over the capped archaeological sites (HbRf 59, 61, 65, 67). T8TA expressed concern about the impacts to these sites due to increased BC Hydro related traffic in support of the various geotechnical investigations. T8TA requested an interim report by a qualified archaeologist on the state of these sites and the capping. T8TA expressed concern that the AIAs did not meet the standard of previous reports that included detailed shovel test locations on maps, as well as shovel depths and descriptions of soils. T8TA noted it was being provided with less information after it had raised concerns about the shovel testing. T8TA described this as troubling development and advised that it might require discussions with the Archaeology Branch. T8TA requested a response to the letter within 30 calendar days.

On August 2, 2011, T8TA sent a letter to BC Hydro providing an update on progress on deliverables outlined in the *TLUS Agreement*. T8TA advised that the interviews were approximately 90% complete, with more than 80 interviews completed in the four participating communities. T8TA advised that field work had been delayed by flooding in the West Moberly community, but anticipated that the land use and occupancy maps would be

submitted to BC Hydro by September 30, 2011. Related to this delay, T8TA requested extensions on the timelines for submitting the three TLUS reports (confidential report, public report, methodology report).

On August 11, 2011, BC Hydro sent an email to T8TA attaching responses to five technical questions which T8TA had raised on June 14, 2011, as part of the EA Committee discussion on the PDR. The email was re-sent on August 12, 2011, with updated information regarding dam flood mapping.

On August 16, 2011, BC Hydro sent a letter to T8TA attaching a capacity funding cheque issued pursuant to the *TLUS Agreement*.

On August 29, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- AOA - Construction Material Investigations at Old Fort (Permit #2009-0262) (August 29, 2011);
- AOA - Construction Material Investigations at Bullhead Mountain (Permit #2009-0262) (August 29, 2011); and,
- AOA - Construction Materials Geotechnical Investigations at Pine Pass (Permit #2009-0262) (August 29, 2011).

Golder requested that any comments be provided to the Archaeology Branch by September 20, 2011.

On August 29, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- AOA – BC Hydro Reservoir Slopes Geotechnical Investigations ADHB-5 and ADHB-6 (August 29, 2011).

Golder requested that any comments be provided to the Archaeology Branch by September 20, 2011.

On September 1, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- Alterations to Archaeological Sites HbRi-10 and HbRh-33 - BC Hydro Fence Replacement Program (Permit #2009-0219)

On September 6, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, Camerado Energy consultant, others). Discussion items included: following up on outstanding action items; finalizing the TLUS Amending Agreement; timing for submission of deliverables under the *EAPA*; topics and scheduling for future consultations; use of BC Hydro's SharePoint site for information sharing by the EA Committee; and, a TLUS update. Regarding future consultation topics, BC Hydro advised

that, as requested by T8TA, it would be consulting on off-site construction materials, construction access roads, the transmission line, and Highway 29 realignment. T8TA requested further discussions on alternative sites and additional information about justification for the Project. T8TA also indicated that the T8FN communities were interested in impact lines, and BC Hydro committed to providing a presentation on that topic. T8TA requested a substantive discussion regarding the IRP, which it identified as a priority. BC Hydro indicated that the IRP was currently on hold, but advised that BC Hydro would engage in discussions with T8TA on the IRP when authorized to do so. T8TA stated that it was opposed to the construction of the Project.

On September 7, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, Camerado Energy consultant, others). BC Hydro presented an overview of a proposed methodology for the First Nations Community Assessment, and responded to questions from T8TA. BC Hydro advised that it was not tabling a form proposal, but rather providing a general guide as to how to outline a work plan. The parties agreed to establish a working group to draft a ToR in order to clarify the parties' expectations and respective responsibilities for the First Nations Community Assessment, and estimate associated costs.

On September 8, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, Camerado Energy consultant) to engage in discussion regarding off-site construction materials, road infrastructure, and transmission lines.

- Road infrastructure: BC Hydro presented information on Site C road infrastructure, including Highway 29 realignment options along Lynx Creek, Farrell Creek, Halfway River and Bear Flat, and potential material sources. BC Hydro also provided an overview of proposed construction access roads (Left Bank, Jackfish Lake, CN Rail's Septimus Siding) and the implementation schedule for the road infrastructure plan.

- Transmission line: BC Hydro presented information on transmission lines, including options for connecting Site C generation to the bulk transmission system, the transmission corridor, and alternatives for supplying the local load from the Site C switchyard. BC Hydro described two alternatives to connect Site C to the bulk transmission system: (1) to connect Site C through the switchyard directly to the Peace Canyon via two 500kV lines; or, (2) to add the two 500kv lines, but have the existing 138kV lines connect directly into the Site C switchyard, and then remove the 138kV lines from the Right of Way. T8TA advised that it was not in favour of the existing 138kV lines through the Peace Moberly Tract, and instead suggested connecting the two Site C 500kV transmission lines on the north side of the Peace River, and then connecting the North East Transmission Line (NETL) (if it was constructed), and removing the existing lines and corridor on the south side. BC Hydro stated that no studies have been conducted on connecting NETL to the proposed 500kV lines, and noted the uncertainty

around whether NETL would be built. In addition, BC Hydro indicated that T8TA's proposal might not be feasible due to the position of the Site C switchyard and the need to cross the Peace River with a 500 kV right of way near Fort St. John. BC Hydro advised that it was not in the best interests of rate payers for BC Hydro to acquire new Rights of Way when a corridor already existed; BC Hydro was trying to maximize its existing assets. T8TA agreed to provide the information to the T8FN communities and respond accordingly.

- Off-site construction materials: BC Hydro presented information regarding material requirements and potential sources for off-site construction materials, and responded to questions. T8TA advised it would take the information back to the T8FN communities and respond to BC Hydro following internal meetings.

On September 9, 2011, Golder sent a letter to T8TA, in response to T8TA's July 29, 2011 letter regarding the AIA reports completed for Rolling Work Plan #4. Golder advised that a draft report on the capping and monitoring program was provided to T8TA on February 22, 2011, and that Golder had continued to monitor the condition of the road and the performance of capping at archaeological sites HbRF 59, 61, 65 and 67. Golder advised that an update on capping performance would be provided in November 2011. Golder acknowledged the lack of detailed notes on subsurface testing in the AIA reports. Golder advised that this was overlooked during the reporting process, and that revised reports with detailed shovel test logs would be sent to T8TA. Golder provided specific responses to T8TA's questions and concerns regarding the following reports: (1) AIA - Liquefaction Investigations; (2) Interim AIA - Right Bank Seismic Investigations; (3) Interim AIA - Right Bank Structures Investigations; (4) Interim AIA - Right Bank Construction Materials Test Pitting; (5) Interim AIA/AOA - Adit #5.

On September 19, 2011, BC Hydro sent an email to T8TA and provided a summary of a recent meeting regarding training opportunities (September 9, 2011). Participants at the meeting included BC Hydro, North East Native Advancing Society, Northern Lights College and the Industry Training Authority.

On September 19, 2011, BC Hydro met via teleconference with representatives of T8TA (Director of Administration, Camerado Energy consultant, others). Discussion items included: funding for the next semi-annual period under the *EAPA*; finalizing the Letter of Understanding regarding submission of deliverables under the *EAPA*; finalizing the TLUS amending agreement; and, follow-up on questions from T8TA arising from the September 8, 2011 presentations on off-site construction materials, road infrastructure, and transmission lines.

On September 21, 2011, BC Hydro sent a letter to T8TA regarding amendments to the timelines in the *EAPA*. BC Hydro sought to confirm that the following dates had been revised and agreed to by the parties:

- Delivery of T8TA Issues Scoping Study to EA Committee – revised to October 28, 2011;
- Convening of a workshop to discuss Issues Scoping Study – revised to November 9, 2011;
- Parties to seek consensus on information requirements – revised to November 22, 2011; and
- BC Hydro not to submit draft EIS Guidelines before this date – revised to January 20, 2012.

BC Hydro requested that T8TA sign the Letter of Understanding if it agreed to the amended dates. BC Hydro re-sent this letter on October 4, 2011. T8TA returned the signed letter via email on October 4, 2011.

On September 23, 2011, Golder sent an email to T8TA and the T8FNs attaching a notification of upcoming archaeological work at the revised location of Adit 5 (Permit #2009-0262).

On September 27, 2011, BC Hydro sent an email to T8TA regarding the draft Sustainable Resource Management Plan (SRMP) for the Peace Moberly Tract. BC Hydro understood that a draft SRMP was concluded in July 2006, and that the draft SRMP had been reviewed by West Moberly, Saulteau and the Province, but was not approved. BC Hydro asked whether T8TA could provide an explanation for the reasons behind the disapproval of the SRMP.

On September 28, 2011, BC Hydro met with representatives of T8TA (Lands Manager, Archaeological Assessment Coordinator, consultant) and a group of approximately twenty Elders and community members in Fort St. John. BC Hydro responded to questions from the group regarding BC Hydro's geotechnical engineering program in 2011. T8TA expressed interest in visiting the proposed dam site to view the ongoing work. BC Hydro agreed and escorted six vehicles to the boat launch on the north bank. The group was given a tour by a Doig River member who worked at the dam site for a BC Hydro contractor. BC Hydro did not participate in the tour.

On September 29, 2011, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent a letter to the Archaeology Branch providing comments on the AOA, Reservoir Slopes Geotechnical Investigations ADHB-5 and ADHB-6 (Permit #2009-0262).

On September 29, 2011, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent a letter to the Archaeology Branch providing comments on the AOA, Bullhead Mountain Construction Materials Investigation Site (Permit #2009-0262). The letter advised that T8TA continued to lack confidence in the predictive outcomes of the Millennia archaeological potential model. Given that archaeology sites had been found near existing

developments (e.g. the transmission lines), the letter expressed the view that archaeological sites should be present throughout the proposed project area. The letter stated that T8TA did not concur with Golder's recommendation that only areas predicted as moderate or high potential should be assessed through an AIA. The letter requested that further AIA work be undertaken at the locations of the geotechnical investigations, including laydown areas, any sumps, on either side of existing trails and along all new or old access routes to work sites, and any other disturbed areas.

On September 29, 2011, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent a letter to the Archaeology Branch providing comments on Golder's AOA, Pine Pass Construction Materials Investigation site (Permit #2009-0262). The letter advised that T8TA agreed with Golder's recommendation for an AIA in areas of moderate and high potential. However, T8TA did not believe an AIA in areas identified as 'low' potential could be ruled out, until such time as it received further details regarding the geotechnical investigations and access. The letter requested an explanation for the use of the Forestry Predictive Model instead of the Millennia model. The letter also requested information about access routes within the development areas, and recommended that an AIA be conducted along all access routes and disturbed areas, and requested information about the potential for trails in the areas. The letter advised that sumps needed to have adequate safeguards to prevent wildlife from accessing them if drilling muds contained contaminants or salts. The letter noted that any blasting needed to respect timing windows for species in the area for nesting, rutting, calving and pre- and post- delivery. In particular, caribou in the vicinity needed significant protection, as blasting could disturb them during winter grazing, gestation, and calving.

On September 29, 2011, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent a letter to the Archaeology Branch providing comments on the AOA, Old Fort Construction Materials Investigation site, conducted under Permit #2009-0262. The letter advised that T8TA agreed with Golder's recommendation to conduct an AIA for the proposed development and access route. Given the intensive use of the area, the letter requested that the AIA include areas described as low potential, in addition to the moderate and high potential areas. The letter requested that the AIA cover not only the development areas, but also the associated areas for laydown materials and movement of machinery (if the total area was larger), and requested that protection measures be taken where sumps were excavated.

On September 30, 2011, BC Hydro sent an email to T8TA advising that the federal and provincial governments had announced a draft harmonization agreement that would refer the Project to a Joint Review Panel. BC Hydro noted that the regulators would be inviting written public comments on the draft agreement and provided links to the CEA Agency and BCEAO websites.

October 1 to December 31, 2011

On October 3, 2011, Golder sent an email to T8TA and the T8FNs attaching a Quarterly Progress Report, for the period of July 1 to September 30, 2011, for archaeological work completed under Permit #2009-0262.

On October 4, 2011, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, Camerado Energy consultant). Discussion items included: funding for the next semi-annual period under the *EAPA*; finalization of the Letter of Understanding regarding timelines in the *EAPA*; finalizing the TLUS amending agreement; scheduling of future meetings; review of the EA Committee task list; and, BC Hydro's concerns about a site visit on September 20, 2011 with T8TA members (failure to follow safety protocols).

On October 4, 2011, Golder sent an email to T8TA and the T8FNs attaching:

- 2011 Assessment of the Existing Road Located within Archaeological Site HbRF-040, North (Left) Bank of the Peace River (Permit #2009-0267) (October 4, 2011)

On October 5, 2011, BC Hydro sent an email to T8TA attaching BC Hydro's responses to technical questions arising from the meeting on September 8, 2011, regarding off-site construction materials, road infrastructure, and transmission lines. BC Hydro also attached a map of quarry sites.

On October 11, 2011, BC Hydro sent a letter to T8TA attaching a capacity funding cheque issued pursuant to the *EAPA*.

On October 13, 2011, BC Hydro sent an email to T8TA providing a link the final version of the report titled, *Review of Alternate Sites on the Peace River*, prepared by Klohn Crippen Berger Ltd., SNC-Lavalin Inc., and Hatch Ltd. (originally provided to T8TA on April 29, 2011). BC Hydro advised that the only substantive change to the report was the addition of an addendum, which considered the implications of the updated dam design.

On October 14, 2011, T8TA sent an email to BC Hydro attaching T8TA's income statement under the *EAPA*, for the six periods ending September 30, 2011.

On October 18, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant). T8TA confirmed its preference for deferring discussions about Hudson's Hope Shoreline Protection and worker camps/housing. T8TA explained that it was not interested in discussing mitigation options because it had ongoing concerns regarding cumulative effects, historical grievances, project alternatives, and project justification (need for the project), which needed to be addressed first. BC Hydro gave a presentation on reservoir clearing, and the parties engaged in discussions on related issues. BC Hydro advised that it was considering the

option of retaining some vegetation in the reservoir, but this would be determined upon completion of studies. T8TA identified a number of other concerns related to reservoir clearing, including floating debris, blockage of wildlife passage, mercury contamination, logging impacts, access to the Peace Moberly Tract, and impacts on rare/medicinal plants. BC Hydro asked that T8TA provide BC Hydro with any information regarding rare/medicinal plants including their location and uses.

On October 18, 2011, Golder sent an email to T8TA and the T8FNs providing notification of upcoming archaeological work at the location of proposed or existing flood forecasting stations (Permit #2009-0262). On October 18, 2011, T8TA responded to Golder's email, asking why the flood prediction work would be conducted under Permit #2009-0262, when the location appeared to be outside the scope of the permit. T8TA suggested that the amendment looked like a "slippery slope" with respect to the type of work that should (or shouldn't) be included under Permit #2009-0262 going forward.

On October 19, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant). BC Hydro presented information on the reservoir shoreline and slopes (impacts lines), including the historic safeline approach, reservoir impact lines and policies, work completed in the 2011 field season, and, next steps. T8TA asked a number of technical and clarifying questions related to the presentation.

On October 19, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, West Moberly Chief, Director of Administration, EA Coordinator, legal counsel, AECOM consultants) to engage in discussions regarding alternative sites. The meeting was attended by consultants from Klohn Crippen Berger Ltd. and Hatch Ltd., authors of the report titled *Review of Alternate Sites on the Peace River*. BC Hydro indicated that the purpose of the session was to review studies and analysis on alternative sites, in order to obtain and consider input from T8TA. BC Hydro differentiated between the current discussion on alternative sites (for capturing the hydro-electric potential between the Peace Canyon and Site C), and engagement with T8TA through the IRP process related to alternative means of generating electricity. BC Hydro explained the history of dam site evaluations dating back to 1958 when sites A, B, C and D were identified, and the flood reserve was put in place. BC Hydro reviewed the investigations that occurred in 1967, 1971, 1972, 1976-78 and the conclusions reached in each of the studies. BC Hydro advised that a preferred site was identified in 1976 at the axis called Site C3, and reviewed the rationale for ruling out other sites. BC Hydro explained that the most recent study (*Review of Alternate Sites on the Peace River*) looked at past information regarding alternative sites and configurations, with the objective of creating standardized information that could be compared across alternatives. BC Hydro indicated that Site C3 was selected as a base case and compared against seven alternatives, including: a single dam upstream of the Moberly at Site C1 or C2; a single dam at Wilder Creek; 2 dams at axis C3

and at the downstream end of the Gates formation; a 3 dam cascade; a 4 dam cascade; and, a 7 dam cascade. BC Hydro provided a high level overview of each alternative and compared the impacts and benefits of a single dam option, when compared with a cascade model. The consultant from Hatch Ltd. explained the evaluation tool used in the report ("Four Quadrant Analysis") and noted that Site C3 was evaluated against each alternative based on four considerations: engineering, socio-economic, biological and physical. T8TA representatives asked a number of technical and clarifying questions, and thanked BC Hydro for delivering a presentation that was accessible and understandable. T8TA indicated that it would follow up with additional questions in writing.

On October 20, 2011, BC Hydro sent an email to T8TA in response to T8TA's request for information regarding traffic volumes in the project area (September 8, 2011). BC Hydro attached a document that provided an overview of the transportation planning components being undertaken in Stage 3.

On November 7, 2011, T8TA sent an email to BC Hydro attaching T8TA's Issues Scoping Study, prepared pursuant to section 6 of the *EAPA*. The purpose of the study was to identify, catalogue and prioritize issues to be considered by the parties in the EA process. The methodology involved: (1) review of historic documentation; (2) key informant interviews with 41 persons, including 25 T8FN members; (3) identification and categorization of issues; (4) prioritization of issues based on significance of adverse or beneficial effects; and, (5) verification of study results at "open house" meetings conducted in the four T8FN communities. The study identified over 500 issues, questions and concerns about the Project. The issues were organized into a table, with priority given to issues that were raised frequently as well as those likely to result in significant adverse environmental effects. Priority issues included:

- Accidents – dam stability and the potential for dam failure;
- Water – changes to the Peace River downstream of the proposed Project, and concerns about the stability of the shorelines in the proposed reservoir;
- Cultural heritage – the effects of the proposed Project on First Nation culture and the flooding of many cultural heritage resources, including burial sites;
- Land Use – the effects that the proposed Project would have on the ability and rights of the First Nations to hunt, fish and gather in the Peace River Valley;
- Land – the effects of the proposed Project on wildlife, including wildlife habitat, and the ability of wildlife to migrate through the Peace River Valley;

- Alternatives – the need to investigate alternatives to the proposed Project, including building smaller hydro projects on the Peace River, developing other ways to produce electricity such as gas or wind, or consuming less electricity;
- Equity – the need to address ongoing infringements from the W.A.C. Bennett Dam and the Peace Canyon Dam, and related concerns that the T8FNs receive all of the impacts of development and few of the benefits;
- Need – concern that the proposed Project is not needed by the people of British Columbia but by the gas and mining industries, which require electricity to produce products that will not be used in British Columbia.

On November 8, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Claims Researcher, Firelight Group consultant, Camerado Energy consultant) and T8FN community members and Elders. The T8FN Elders gave a presentation on the TLUS, which included commentary on the history of Treaty 8, historic and present use by T8FNs of the Project area, and the significance of the Project area to their culture. The Elders expressed a number of concerns regarding the Project (e.g, impacts on caribou, impacts on wildlife migration, presence of burial site in the reservoir area, traditional livelihoods being wiped out by development, impacts on medicinal plants, landslides). T8TA's consultant (Firelight Group) explained how to interpret the data on the TLUS maps, and identified some limitations and gaps in the study. BC Hydro expressed a desire to go out to the land with the T8FNs, in order to obtain a deeper understanding of their land use. BC Hydro suggested this happen the following spring. T8TA indicated that a protocol would need to be established for approaching T8FN community members. T8TA's consultant (Camerado Energy) provided an overview of the methodology and results of the Issues Scoping Study.

On November 9, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Executive Assistant, Lands Director, and Camerado Energy consultant) to discuss T8TA's response to the BC Hydro responses to T8TA's question on the September 8 presentations, the initial workshop on the T8TA Issues Report, and to receive an update on T8TA's preparation for a joint socio-economic Terms of Reference development.

On November 9, 2011, T8TA sent an email to BC Hydro, following up on BC Hydro's presentations on off-site construction materials/construction access roads, Highway 29 realignment, and transmission lines. T8TA attached a document with the T8FNs' response to BC Hydro's presentations, summarized as follows:

- <u>Off-site construction materials/construction access roads</u>: The T8FNs provided preliminary comments on the ongoing Transportation Assessment Study, and requested that BC Hydro provide an overview of the study.

- Highway 29 realignment: T8FNs suggested that the adverse effects of road realignment on the T8FNs be addressed as part of a T8FN cultural and land use impact assessment. Information on noise, cumulative traffic, etc. needed to be gathered through the Transportation Assessment Study and made available for the T8FN cultural and land use impact assessment. The T8FNs indicated that the location of road realignments, in and of itself, would probably not be critical to determining whether the proposed Project should be approved. The T8FNs requested additional information on several issues related to road realignment.

- Transmission lines: The T8FNs reiterated their disapproval of the two proposed 500-kV lines going through the Peace Moberly Tract. The T8FNs advised that relocation of the transmission lines (to the north side of the Peace River) could result in a meaningful reduction in adverse effects of the Project on T8FN land use. The T8FNs sought conceptual information from BC Hydro in relation to their proposal for two large 500 kV transmission lines on the north side of the Peace River, including whether these lines would be technically feasible. The T8FNs asked whether BC Hydro would engage in further discussion regarding this potential alternative means of interconnecting Site C to the existing transmission grid

On November 18, 2011, BC Hydro sent an email to T8TA attaching a formal invitation and registration details for Site C Business Information Sessions in Chetwynd, Dawson Creek, Fort St. John, Prince George, and Vancouver.

On November 29, 2011, BC Hydro received by courier from T8TA a signed copy of the TLUS Amending Agreement, dated October 4, 2011. The TLUS Amending Agreement reduced the geographic scope of the TLUS (the initial study area was too broad for use as a base map to conduct the TLUS interviews). It amended the definitions of “TLUS” and "Traditional Knowledge, Use and Occupancy" and clarified the TLUS Objective. It also revised the timelines for submission of deliverables, as follows: (1) Confidential Report - October 31, 2011; (2) Public Report - November 25, 2011, and (3) Methodology Report - December 16, 2011. On December 7, 2011, BC Hydro sent an email to T8TA attaching a signed copy of the TLUS Amending Agreement for T8TA’s records.

On December 2, 2011, Golder sent an email to T8TA and the T8FNs advising that BC Hydro had submitted a series of applications under the *Land Act* for investigative work at Portage Mountain East, and attached the application materials. On December 21, 2011, Golder sent a follow-up email advising that the *Land Act* application for Portage Mountain East had been revised. Golder attached a revised application package.

On December 7, 2011, BC Hydro attended a meeting with representatives of T8TA, Golder, AMEC, the Archaeology Branch, Doig River, West Moberly, Prophet River and Saulteau. Golder presented the results of the Year 2 (2011) heritage field program and responded to questions from the group. T8TA expressed concern that the methodology was not well-

suited to the types of archaeological remains present in the study area. T8TA advocated adopting a methodology that relied on traditional knowledge, rather than a statistical approach. The Golder presentation was followed by a presentation by the Archaeology Branch, titled *Audit of Phase One of the AIA of the Proposed Site C Hydro Project.* BC Hydro and Golder representatives were not permitted to attend this presentation. On December 8, 2011, Golder sent an email to T8TA attaching a copy of its presentation on the Year 2 heritage field program. On December 8, 2011, BC Hydro sent an email to Golder and T8TA attaching a list of comments and questions raised by T8TA and T8FN representatives in the meeting on December 7, 2011.

On December 7, 2011, BC Hydro met with representatives of T8TA (Director of Administration, Firelight Group consultant) to discuss the First Nations Community Assessment. T8TA tabled a document outlining T8TA's proposed approach to the First Nations Community Assessment. Under this approach, T8TA and T8FN members would collect, analyze, present and report the socio-economic data to BC Hydro, instead of the proponent and their sub-contractors conducting the study in the T8FN communities. T8TA would act as the coordinating body for the T8FNs. BC Hydro agreed with T8TA's general approach, but advised that it would follow up with questions and comments on the document. BC Hydro advised that a joint ToR would need to be developed.

On December 8, 2011, T8TA sent an email to BC Hydro attaching T8TA's list of questions regarding alternative sites. The list included written versions of questions raised at the October 19, 2011 meeting, as well as nine additional questions.

On December 12, 2011, Halfway River wrote to the Archaeology Branch regarding the Year 1 heritage field work conducted under Permit #2010-0378. This letter was sent via email on December 14, 2011 from T8TA. The letter expressed concern that the model being used for the archaeology work did not adequately identify archaeological sites in the Peace River valley. It expressed the view that Dunne-zaa cultural heritage had been minimized and trivialized due to the difficulty of finding (European) culturally-biased "high density" sites and the proponent's timelines. The necessity for seasonal rounds meant that Dunne-zaa archaeology was different from European cultures and many other North American Indigenous cultures, where abundance of resources had allowed people to establish permanent settlements. Even "low density" sites were highly relevant to the Dunne-zaa because they described the nature of life and activities that took place on the landscape. The letter objected to the substantial change to the objectives and scope of Permit #2010-0378, which now suggested that characterizing the nature of the archaeology was more important than identifying culturally significant archaeological sites for protection under the *Heritage Conservation Act*. The letter indicated that the amendment to Permit #2010-0378 assumed that mitigation, rather than avoidance, would suffice to protect the cultural heritage of the Dunne-zaa people, when there was no possible mitigation that would preserve the cultural heritage resources of the Dunne-zaa if the valley was flooded. The

letter advised that Halfway River remained concerned that the shovel testing protocols continued to be completely based on spacing, rather than judgemental criteria. Halfway River believed that judgemental testing, completed by archaeologists with relationships to First Nations, would yield more important archaeological sites and information, than a model designed to avoid all but a few pre-selected high points on the land.

On December 12, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant, others) and a Prophet River Councillor. BC Hydro advised that it was working with the North East Native Advancing Society to create capacity development training opportunities, and indicated that funding dollars would be available from the Industry Training Association. BC Hydro was interested in leveraging that funding to invest in training opportunities in northeast British Columbia. T8TA advised that the T8FNs had expressed concerns about involvement in this initiative, suggesting that it might imply support for the Project. BC Hydro clarified that participation in the capacity development training opportunity would in no way be indicative of support for the Project. T8TA agreed to follow up with the T8FN Chiefs with respect to possible meetings to discuss capacity development/training opportunities. BC Hydro provided T8TA with a letter from Ministry of Transportation, which confirmed that there were no plans to expand Highway 29 to four lanes between Hudson Hope and Highway 97 (Charlie Lake). BC Hydro agreed to further clarification regarding the Highway 29 expansion between Hudson Hope and Chetwynd. The parties discussed BC Hydro's plans to expand the existing transmission line right-of-way; T8TA reiterated its preference to move the transmission line to the north side of the Peace River. BC Hydro agreed to report back to T8TA on transmission line routing options by the end of January 2012. BC Hydro also agreed to provide written responses to T8TA's list of questions on alternative sites. BC Hydro advised that the EIS Guidelines were being finalized and would be shared with T8TA when available. The parties discussed budgeting issues under the *EAPA*.

On December 13, 2011, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, others) and a Prophet River Councillor. The parties discussed approaches to assessing potential impacts of the Project on treaty rights. T8TA provided a historic overview of the numbered treaties, and explained its views on the content of Treaty 8 and the promises made by the Crown. T8TA suggested that BC Hydro review a report titled *Treaty Implementation: Fulfilling the Covenant,* by Justice Arnot, Treaty Commissioner for Saskatchewan. T8TA also referenced a presentation titled *The Duty to Consult and Accommodate: A Legal and Ethical Analysis*, by Monique Passelac-Ross and Veronica Potes. T8TA expressed concern that the Crown had no intention of assessing impacts on treaty rights, pointing to certain provisions in the Joint Review Panel ToR. BC Hydro asked a number of clarifying questions, and described its proposed approach to assessing (a) the potential impacts of the Project on the exercise of treaty rights, and (b) potential impacts of the Project on the T8FNs' current use of land and resources for traditional purposes. Following the meeting, T8TA sent two emails to BC Hydro attaching copies of *The Duty to*

Consult and Accommodate: A Legal and Ethical Analysis and *Treaty Implementation: Fulfilling the Covenant*.

On December 13, 2011, Golder sent two emails to T8TA and the T8FNs advising that BC Hydro had applied for six permits (Licences of Occupation) related to the construction of climate monitoring stations. Golder provided links to files associated with the applications, including: six permit applications; six Management Plans; an Environmental Overview Assessment (covering all six Management Plans); and, associated GIS shape files.

On December 15, 2011, T8TA sent an email to BC Hydro attaching T8TA's income statement for expenses pursuant to the Letter of Agreement for Rolling Work Plans #3 and #4, for the nine periods ending December 31, 2011.

On December 20, 2011, BC Hydro sent a letter to T8TA attaching a capacity funding cheque for: (1) costs incurred pursuant to the *EAPA* for the remainder of the fiscal year, and (2) costs incurred pursuant to the letter of February 23, 2011, for the review of the 2010 Heritage Program Year 1 Summary Report and AMEC's application to amend Permit #2010-0378.

January 1 to April 30, 2012

On January 10, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant). Discussion items included: (1) update on T8TA's progress in completing TLUS final deliverables; (2) confirmation of new meeting dates; (3) review of a revised version of T8TA's "assessment of impacts" document; (4) update on BC Hydro's response to T8TA's questions on alternative sites; (5) ToR for the Socio-economic Assessment (next steps); (6) review of T8TA's issues scoping table (ensuring that it lined up with the EIS Guidelines); (7) approach and agenda for the next six months.

On January 16, 2012, T8TA sent an email to Golder and BC Hydro, following up on the six applications for climate monitoring stations. T8TA requested additional information on several points, including: (1) the purpose of the "snow pillow" including any safety concerns regarding animal access/ maintenance, (2) potential flight paths for helicopter access, (3) timing windows for construction and the quarterly monitoring station visits; (4) caribou avoidance and activities around climate stations, (5) whether the presence of snow pillows would alter the behaviour of western toads, thus increasing risk to the animals.

On January 16, 2012, BC Hydro sent an email to T8TA attaching a copy of the draft EIS Guidelines (Version 0, January 16, 2012), for T8TA's review in advance the meeting on January 20, 2012.

On January 18, 2012, Golder sent an email to T8TA and the T8FNs attaching the following reports completed under Permit #2009-0262.

- Interim Report, AIA - Rolling Work Plan #4: Right Bank Structures Investigation (January 17, 2012) (revised to address comments during the review period)
- Quarterly Progress Report, October 1, 2011 - December 31, 2011 (January 17, 2012)

On January 20, 2012, Golder sent a courier package to T8TA enclosing a copy of Draft Technical Report (Version 2) of the 2011 Heritage Program Year 2 Summary Report, which reported on archaeology work conducted in 2011 under Permit #2010-0378. Golder offered to meet with T8TA to discuss the findings.

On January 20, 2012, Golder sent an email to T8TA and the T8FNs attaching the following:

- Annual Report, Field Inspections at Archaeological Sites HbRf-59, HbRf-61, HbRf-65 and HbRf-67, located at the South Bank Access Road (Permit #2010-0238).

On January 20, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant) to review the draft EIS Guidelines. BC Hydro explained how the template for the EIS Guidelines was developed. T8TA tabled a memorandum with comments and questions on the draft EIS Guidelines, which addressed sections 1-8 and 20 onward of the guidelines, and identified nine broad areas of concern. T8TA provided an overview the questions and concerns raised in the memorandum, including: (1) core principles were not identified; (2) no acknowledgement that the Project was proposed on lands subject to Treaty 8; (3) the scope of the evaluation of the “need for” the Project was too narrow; (4) lack of clarity in the section on alternatives to the project (it should include a “no project” alternative); (5) the project alternatives section excluded demand options; (6) the “purpose” section focused on cost effectiveness, but ignored other BC Hydro strategic objectives; (7) concern about the scope of the cumulative effects assessment (spatial and temporal boundaries, project inclusion list); (8) identification of VECs was premature; (9) need for further information on the consultation plan for the EIS. BC Hydro agreed to provide T8TA with information on the role of the IRP and its function in relation to the EA process, and the scope and rationale for the VECs, based on studies discussed in the TACs. BC Hydro advised that it aimed to submit the EIS Guidelines by the end of January 2012, and the EIS itself by the end of 2012.

On January 20, 2012, T8TA sent an email to BC Hydro attaching a letter sent by T8TA to the CEA Agency and the BCEAO on November 4, 2011. T8TA advised the November 4 letter was written in response to a request from the CEA Agency and the BCEAO that the T8FNs provide information on the nature and scope of their existing rights under Treaty 8. The letter offered T8TA’s perspective on how the courts had described the minimum content of harvesting rights under Treaty 8. The letter expressed concern that the regulatory agencies had not responded to the letter, and suggested that BC Hydro should be aware of the situation, as it was the proponent of the Project and also an agent of the Crown.

On January 24, 2012, BC Hydro sent a letter to T8TA in response to T8TA's email of January 16, 2012, regarding the climate monitoring stations. The letter explained the purpose of snow pillows and the rationale for snow pillow locations, and described the various mitigation measures being implemented to minimize potential effects on wildlife resources. The letter also provided the construction and maintenance schedule for the climate monitoring stations.

On January 24, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant). The parties reviewed the EA Committee task list, and BC Hydro provided an update on the Project schedule. BC Hydro advised that the baseline studies, carried out over the last two years, were being finalized and BC Hydro intended to review them with T8TA around May 2012. The final baseline studies would set the foundation for the effects analysis, which would occur in the summer months and into fall 2012. T8TA requested that BC Hydro provide a list of studies, including the number of studies and when they would be available. BC Hydro indicated that it was seeking a mandate to negotiate IBAs with First Nations, and would be willing to hold exploratory discussions with T8TA on this issue. T8TA reiterated concerns about BC Hydro's timeline for completing the EIS. T8TA suggested that once the EIS Guidelines were in the public domain, BC Hydro would be less inclined to make revisions. BC Hydro noted that under the *EAPA*, BC Hydro and T8TA could make a joint representation to advocate a change in the EIS Guidelines. The parties reviewed the list of potential topics for future meetings and consultations.

On January 25, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant, Firelight Group consultant). BC Hydro provided its initial response to T8TA's preliminary comments on the EIS Guidelines, tabled in the meeting on January 20, 2012. BC Hydro agreed to clarify within the EIS Guidelines that the proposed project was within Treaty 8 territory. BC Hydro advised, however, that the draft EIS Guidelines did not minimize the importance or relevance of Treaty 8 rights, and noted that impacts on treaty rights would be assessed in section 20.3. BC Hydro advised that it was still in the process of preparing responses to T8TA's other comments on the EIS Guidelines. The parties reviewed the ToR for the First Nations Community Assessment. T8TA suggested that the ToR be appended to the *EAPA*, requiring a Letter of Agreement signed by both parties.

On January 25, 2012, BC Hydro sent an email to T8TA advising that BC Hydro had uploaded the following study outlines and work plan summaries to the secured file transfer website for T8TA : (1) Fish and Aquatics; (2) Heritage Assessment (4) Physical Environment (5) Socio-economic Assessment (6) Wildlife.

On February 3, 2012, BC Hydro sent an email to T8TA providing links to:

- BC Hydro's written response to suggested alternative routes for the Site C transmission line;
- Revised draft of T8TA's issues scoping table (impact pathway analysis), with suggested linkages to the EIS Guidelines.

Regarding the first document, BC Hydro had considered two alternatives routes for the transmission line: (a) locating the transmission corridor on the North side of the Peace River, and (b) a submarine transmission cable connection between Site C and the Peace Canyon (proposed by Saulteau). BC Hydro concluded that it could not justify pursuing the first alternative (north transmission corridor) because of the significant cost of property acquisition and the associated impacts on the land holdings, and that the second alternative (submarine transmission cable connection) was not considered feasible due to cost and reliability factors.

On February 6, 2012, BC Hydro sent an email to T8TA 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 9, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- Letter Report, AIA of Proposed Exploratory Adit 5 and Spoil Stockyard Area, South of Fort St. John, BC (Permit #2009-0262)
- Interim Report, BC Hydro Reservoir Slopes North Bank Preliminary Field Reconnaissance (Permit #2009-0262)
- Letter Report, 2011 Assessment of Archaeological Sites HbRf-43 and HbRf-90, South (Right) Bank of the Peace River (Permit #2011-0102).

On February 9, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant). The parties reviewed the EA Committee task list and discussed BC Hydro's response regarding alternative routes for the transmission line (February 3, 2012). The parties reviewed T8TA's issues scoping table, and suggested linkages to the EIS Guidelines. T8TA provided further comments on the EIS Guidelines and sought clarification from BC Hydro on the scope of the term "current use". T8TA agreed to provide further comments on the local/regional assessment area boundaries, and the

chapters in the EIS Guidelines related to fish and wildlife. T8TA also agreed to prepare a memorandum outlining the T8FNs' harvest rights, following the submission of the EIS Guidelines.

On February 10, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Director of Administration, Firelight Group consultant, Camerado Energy consultant). The parties discussed funding issues related to the rolling work plans and the permitting process. The parties also reviewed the ToR for the Socio-economic Assessment, and agreed to make revisions based on the discussion. BC Hydro provided an update on the training initiative with the North East Native Advancing Society and Northern Lights College.

On February 10, 2012, the Archaeology Branch sent a letter via fax to T8TA and the T8FNs advising that AMEC had requested an amendment to Permit #2010-0378, to include any potential outlying project quarries, borrow areas or access roads that had not been captured within the current study. The Archaeology Branch requested that any comments be provided by March 12, 2012.

On February 13, 2012, the Archaeology Branch sent a letter via fax to T8TA and the T8FNs advising that Golder had requested an amendment to Permit #2009-0262, seeking a revised and expanded study area. The letter also identified the following amendments sought by Golder:

- additional data sources to be reviewed during AOAs;
- commitments to report the results of desktop overviews and preliminary field reconnaissance,
- provision for ploughing as a site discovery method;
- commitments to map test locations and describe them in terms of size, defining characteristics, stratigraphy, and number of tests placed;
- a commitment to quantitatively evaluate the effectiveness of shovel testing programs,
- provision for excavations required for development to be used for site discovery (i.e., monitoring of development excavations), in areas the Archaeology Branch had recognized as low potential and in locations that had been adequately shovel tested with negative results;
- provision for 'facing' existing exposures to clarify stratigraphic profiles;
- increasing the minimum depth of winter tests from 10 to 20 cm;
- provision for machine testing to define deeply-buried sites;

- provision for quarterly & annual reports;
- a commitment to identify and assess specific avoidance options where avoidance through redesign is recommended.

The Archaeology Branch requested that any comments be provided in writing by March 14, 2012.

On February 13, 2012, T8TA sent an email to BC Hydro attaching an income statement for expenses incurred pursuant to the *EAPA*, for the ten periods ending January 31, 2012.

On February 21, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, EA Coordinator, Advisor, Executive Assistant, Camerado Energy consultant). The parties reviewed recent revisions to the ToR for the First Nations Community Assessment, including T8TA's proposed budget allocation (Appendix B).

On February 22, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant, others). The parties reviewed further revisions to the ToR for the First Nations Community Assessment, and came to an agreement on the proposed budget allocation (Appendix B).

On February 24, 2012, Golder sent an email to T8TA attaching Rolling Work Plan #5 under Licence of Occupation #814864. The scope of the work involved excavation of a new exploratory adit on the south bank of the Peace River. Golder requested that any comments be provided by March 16, 2012.

On February 24, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AOA: Adit 5 (Revision 1) (Permit #2009-0262) (February 22, 2012).

On February 24, 2012, Golder sent an email to T8TA and the T8FNs, providing a link to the following:

- Annual Report for 2009, 2010 and 2011 (Permit #2009-0262) (February 23, 2012).

On February 24, 2012, BC Hydro sent an email to T8TA following up on T8TA's list of questions regarding alternative sites (which T8TA provided to BC Hydro on December 8, 2011). BC Hydro attached a document containing BC Hydro's first set of responses to T8TA's questions (18 responses). BC Hydro advised that it would continue to work on finalizing the remaining responses in the coming weeks.

On February 27, 2012, BC Hydro sent an email to West Moberly (cc: T8TA) in response to West Moberly's request for information on mercury and its effect on fish and the reservoirs. BC Hydro provided a link to the requested reports. BC Hydro noted that the 2010 mercury report contained sampling data (Dinosaur Reservoir) that confirmed mercury levels at 1/5 of

Health Canada's guideline levels, and an order of magnitude lower than other lakes in British Columbia.

On February 29, 2012, BC Hydro sent an email to T8TA, following up on T8TA's memorandum of January 20, 2012, which contained T8TA's preliminary comments on the draft EIS Guidelines. BC Hydro provided a link to a document with written responses to 19 questions raised in T8TA's memorandum.

On February 29, 2012, BC Hydro sent an email to T8TA responding to T8TA's request for clarification on the meaning of the term "current use" within the phrase "Current Use of Lands and Resources for Traditional Purposes" in the draft EIS Guidelines. BC Hydro advised that it understood the term "current use" as requiring a factual determination of how the land and resources are actually being used for traditional purposes by Aboriginal persons, in contrast to how they could be used in the future, potential future uses grounded in claims to Aboriginal rights or territory, or an investigation into what rights Aboriginal persons may have to use the lands and resources.

On February 29, 2012, T8TA sent an email to BC Hydro attaching a copy of a second letter from T8TA to the CEA Agency and the BCEAO regarding the nature and scope of Treaty 8 rights and duties (dated February 24, 2012). The letter summarized a selection of the scholarly literature and perspectives concerning land-based rights and duties under Treaty 8.

On February 29, 2012, T8TA sent an email to BC Hydro following up on previous discussion regarding alternative routes for the transmission line. T8TA provided a link to the website for the Champlain Hudson Express Project, one aspect of which involved the construction of a submarine transmission cable. T8TA advised that the proposed submarine cable for the Champlain Hudson Express Project appeared to be both economic and competitive with other land-based proposals, despite being considerably longer than the proposed Site C reservoir. T8TA suggested that BC Hydro's methods of analyzing alternative routes for the transmission line might not be up-to-date or complete. T8TA expressed concern that a prior decision by BC Hydro (to purchase and maintain the existing right-of-way), which it took without consulting T8TA, was now being used by BC Hydro to justify the exclusion of other alternatives. T8TA suggested that the costs paid to date by BC Hydro to purchase and maintain the existing right-of-way, or equivalent costs to purchase it today, were relevant to the proper comparison of alternative routes.

On March 5, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant). The parties discussed the next steps in finalizing the *First Nations Community Assessment ToR*. BC Hydro agreed to advance funding to T8TA with the understanding that the T8TA and the T8FN Chiefs would sign the ToR and associated Letter of Understanding. BC Hydro

provided an update on recent permit applications and Rolling Work Plan #5. The parties discussed other items related to budgeting and scheduling.

On March 8, 2012, BC Hydro sent an email to T8TA attaching signed copies of the ToR and Letter of Understanding for the First Nations Community Assessment, and advised that the documents would be couriered to T8TA that day. The parties agreed that the ToR would be defined as a "specific project" pursuant to section 14.2 of the *EAPA*, and would be appended to the *EAPA* (Appendix D). The ToR established the objectives, principles, scope, deliverables/timeframes, and budget for the T8FNs' First Nations Community Assessment. Under the ToR, the parties agreed that the T8FNs would be responsible for preparing a baseline community profile report for each First Nation, and the T8FNs collectively, as well as a report identifying potential impacts pathways between the Project and the T8FNs. Specifically, the T8FNs would be required to deliver the following items to BC Hydro:

(1) a Baseline Scoping and Training Stage report, on or before May 18, 2012;

(2) a T8FN Baseline Community Profile report, on or before July 3, 2012; and,

(3) a T8FN Initial Impact Pathway Identification Report, on or before August 24, 2012.

The information gathered in the baseline work "would inform the assessment of the Environmental Effects of the Project on the T8FNs, their Reserves, the Future T8FN Lands, and the exercise of their Section 35(1) Rights", and the impact pathways report "would prepare the T8FNs for discussion with BC Hydro of the Environmental Effects of the Project."

On March 14, 2012, BC Hydro met with representatives of T8TA (Director of Administration, Camerado Energy consultant). The parties discussed budgeting issues under the *EAPA* for 2012-2013. T8TA expressed concern that the current level of funding would not be sufficient for the work anticipated in the coming year. BC Hydro expressed interest in presenting the results of baseline studies to First Nations for consultation purposes, prior to the finalization of the study documents. T8TA wondered whether such a discussion would be meaningful, given that BC Hydro had already identified VCs in the EIS Guidelines. T8TA indicated that it would be more comfortable with identifying the VCs in the Joint Review Panel Agreement once they were finalized, rather than in the EIS Guidelines. The parties discussed funding for T8TA's participation in the IRP process.

On March 14, 2012, T8TA, on behalf of Prophet River, Doig River and West Moberly, sent a letter to Golder providing comments on Rolling Work Plan #5 and requesting information regarding Rolling Work Plans #1 - #4 and historic geotechnical investigations in the Project area. With respect to Rolling Work Plans #1 - #4, T8TA requested updated information on what work had been completed, what remained to be done, and whether any work had been deleted from the work plans. With respect to historic geotechnical investigations, T8TA noted that BC Hydro had drilled hundreds of refraction holes and numerous boreholes over the past several decades, and asked why further drilling was necessary given the volume of information already

available. With respect to Rolling Work Plan #5, T8TA noted that the work plan mainly involved relocating Adit 5 and sought an explanation for why that was necessary, particularly given the proximity between the existing Adit 3 and the new location of Adit 5. T8TA noted that Adit 5 was being relocated to an area with high wildlife values and requested that (1) a bird survey be undertaken prior to commencing work; (2) efforts be made to ensure that there were no denning bears or newborn cubs in the vicinity of blasting; and (3) any work be stopped if caribou were spotted in the area.

On March 16, 2012, T8TA sent an email to BC Hydro attaching T8TA's income statement for expenses incurred pursuant to the *EAPA*, for the 12 periods ending March 31, 2012. T8TA also attached a budget for its work under Rolling Work Plan #5 (Climate Monitoring Stations and Portage Mountain East).

On March 21, 2012, BC Hydro sent a letter to T8TA in response to T8TA's letter of March 14, 2012. The letter addressed information requests with respect to Rolling Work Plans #1 - #4 and historic geotechnical investigations in the Project area, and responded to comments on Rolling Work Plan #5. Specifically, the letter stated that:

- BC Hydro had provided the T8FNs with a document titled "Field Season Summary – 2011 Engineering Field Investigations" that identified which portions of work from Rolling Work Plans #1 – #4 had been completed to date. To ensure that T8TA had a copy of the document, BC Hydro would bring a CD containing the report, maps and related data to T8TA on March 23, 2012.

- No work from any previous Rolling Work Plans had been deleted; nor would it be.

- BC Hydro had relied on information from historic geotechnical investigations to develop a geological model of the proposed dam site. Recent investigations had focused on a new layout for the right bank structures, which was significantly different from the historic layout. Historic drill holes did not provide adequate coverage of the new layout, therefore additional investigations were necessary.

- Information from Adit 5 was required for the design of the powerhouse foundation structures. BC Hydro could not rely on previous testing in Adit 3, which involved obtaining information for the historic design. While BC Hydro had attempted to open up Adit 3 in 2010 and 2011, it had deteriorated in the intervening period and was therefore unsafe.

- Prior to commencing work at Adit 5, Golder's biologists would visit the site to (1) confirm the finding in the environmental overview assessment that no bear dens were located in the area; (2) conduct a bird survey prior to any vegetation clearing; and (3) observe and record other wildlife use. In addition, wildlife activity near Adit 5 would be monitored before, during and after any blasting activity.

The letter also advised that vegetation clearing work would begin on March 26, 2012, with the remainder of the work at Adit #5 (geotechnical investigations) commencing in early June 2012.

On March 19, 2012, BC Hydro sent a package to T8TA containing a draft copy of the Site C Project Overview Map, dated March 15, 2012.

On March 19, 2012, BC Hydro sent an email to T8TA provided a link to a list of studies being completed to support the EIS.

On March 26, 2012, BC Hydro couriered a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *First Nations Community Assessment ToR*.

On March 27, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, Director of Administration, Camerado Energy consultant, advisor). The parties reviewed the EA Committee task list. BC Hydro provided an overview of BC Hydro's mandate from Cabinet to negotiate IBAs for the Project. BC Hydro outlined the potential elements of IBAs as defined in the mandate, which included financial considerations, environmental mitigation measures, transfers of provincial Crown lands, and potential land protection and special management zone designations. BC Hydro confirmed that historical grievances would not be dealt with through IBAs, and that equity interests would not be included in IBAs. BC Hydro was prepared to provide funding to First Nations interested in engaging in IBA negotiations, and hoped to conclude IBAs prior to the submission of the EIS. BC Hydro provided T8TA with a copy of its speaking notes regarding the IBA mandate. The parties engaged a brief discussion regarding T8TA's submission to the regulators on the draft EIS Guidelines, including the possibility of "culture" or "way of life" being a VC. T8TA advised that its primary concern was the definitions of VCs and spatial boundaries, asserting that VCs should be locked down only at the time the panel was struck, not before.

On March 28, 2012, Golder sent an email to T8TA and the T8FNs attaching the following:

- AIA, Rolling Work Plan #4, Liquefaction Investigations (Permit #2009-0262) (March 22, 2012).

On April 3, 2012, Golder sent an email to T8TA and T8FNs attaching the following archaeological reports completed under Permit #2009-0262:

- Reservoir Slopes Geotechnical Investigations ADHB-5 and ADHB-6 (March 27, 2012) (revised report addressing comments received by T8TA and the Archaeology Branch)
- Highway 29 Geotechnical Investigations (ADHBF-3) (March 30, 2012)
- Post-Impact Assessment Report, Geotechnical Investigations ADHG-5 (March 30, 2012)

On April 5, 2012, BC Hydro sent a letter via email to T8TA (cc: T8FNs), which included an offer of capacity funding for the following:

- Permit review and related activities for Portage Mountain East including (1) File No. 8015510, Map Reserve for Portage Mountain East, and (2) File No. 8015495, Temporary Permit for Geotechnical Investigations - Portage Mountain East.
- Review and related activities for Rolling Work Plan #5 (February 24, 2012), and Rolling Work Plan #6 (to be issued in May 2012).

BC Hydro also referenced the need to provide funding to the T8FNs for the following:

- Permit review and related activities for six climate monitoring stations: File No. 8015514 (Crying Girl Prairie); File No. 8015497 (Pink Mountain); File No. 8015515 (Muskwa-Kechika River); File No. 8015511 (Beryl Prairie); File No. 8015512 (Townsend) and File No. 8015513 (Dowling Creek).

BC Hydro advised that, given the complexity of arranging a site visit to the six climate monitoring stations, it would like to have further discussions with T8TA regarding a site visit and funding support for the T8FNs' review of the six applications.

On April 9, 2012, T8TA sent an email to BC Hydro in response to BC Hydro's letter of April 5, 2012, and the offer of capacity funding. T8TA advised that the funding offer was insufficient given the amount of work to be done, and respectfully declined the offer. T8TA further advised that it had not received a copy of Rolling Work Plan #6, and therefore could not comment on the amount of work involved under Rolling Work Plan #6, nor the amount of funding required to perform the work.

On April 10, 2012, BC Hydro sent a letter to T8TA advising that BC Hydro had revised the GIS shape file data and PDF map of the project footprint (originally provided to T8TA in June 2011). BC Hydro attached the revised map of the Project footprint, as well as a memorandum describing the details of the new or amended information. BC Hydro advised that it could also offer access to the GIS shape file data, and that a BC Hydro representative would be in touch with T8TA to arrange the data transfer.

On April 10, 2012, the Archaeology Branch sent a letter to AMEC (cc: T8TA and T8FNs) advising that it had granted AMEC's application to amend Heritage Inspection Permit #2010-0378 to expand the study area, and attached the amended permit.

On April 11, 2012, BC Hydro sent an email to T8TA in follow up to BC Hydro email of February 24, 2012, attaching the final set BC Hydro's responses to T8TA's questions regarding alternative sites.

On April 13, 2012, BC Hydro called T8TA (Land and Resources Director) regarding funding for Rolling Work Plans #5 and #6, the climate monitoring stations and Portage Mountain East. BC Hydro clarified that its funding offer (April 5, 2012) was limited to T8TA's review of the two rolling work plans, and for Portage Mountain East. Regarding the climate monitoring

stations, BC Hydro required further discussion with T8TA in order to coordinate the logistics of helicopter site visits. BC Hydro expressed interest in having its subject experts attend the site visits so that the T8FNs' comments or questions could be addressed at the time. T8TA suggested that the T8FNs would not be comfortable with BC Hydro or the Province attending field visits, but agreed to consult with the communities to see if they would be amenable to BC Hydro arranging and attending the site visits. On the issue of funding, T8TA stated that it would revise the funding amounts and submit a proposal to BC Hydro, after the parties had resolved the issue around the site visits.

On April 13, 2012, BC Hydro sent an email to T8TA providing links to the following:

- Project Definition Consultation, April 10 to May 31, 2012, Discussion Guideline and Feedback Form (BC Hydro had prepared this document for upcoming public consultation sessions; it contained information on transmission lines, worker accommodation, preliminary impact lines and land use, Highway 29 preferred realignments, outdoor recreation, and 85th Avenue industrial lands).
- Information Sheet: Preliminary Impact Lines and Land Use (Update, April 2012).
- Maps showing preliminary impact lines and Highway 29 preferred realignments.

On April 16, 2012, T8TA sent an email to BC Hydro, attaching the final TLUS Data and Methodology Report (March 28, 2012), prepared by Firelight Group / T8TA.

On April 16, 2012, BC Hydro met via teleconference with representatives of T8TA (EA Coordinator, advisor, Project Assistant, legal counsel and consultants) to receive an update from T8TA regarding IBA discussions, the socio-economic study, and BC Hydro's training initiative; to review the EA Committee task list and schedule wildlife discussions. T8TA advised that it had not received a mandate from the T8FNs to engage in IBA discussions concerning the Project. T8TA explained its understanding that matters respecting lands could be part of the accommodation and cumulative effects discussions under the *EAPA*, and not solely as part of IBA discussions. BC Hydro advised that lands could be discussed as part of accommodation, but that it also had a mandate to consider lands of interest to First Nations as part of IBA discussions. T8TA stated that it would not be engaging in discussions with BC Hydro outside of the context of the *EAPA* at this time.

On April 17, 2012, T8TA sent an email to BC Hydro regarding budgeting for Rolling Work Plan #5, the Climate Monitoring Stations and Portage Mountain East. T8TA confirmed that the T8FNs preferred to visit the climate monitoring stations without a BC Hydro representative being present, as it would allow everybody involved to speak freely. T8TA attached a copy of a proposed budget for the review, discussion and written submission for Rolling Work Plan #5, field trips to the six climate monitoring stations, and the report write-up and field trip to assess Portage Mountain East.

On April 18, 2012, BC Hydro met via teleconference with T8TA (Director of Administration, Camerado Energy consultant) to discuss funding and budgeting under the *EAPA*. BC Hydro advised that it was not prepared to increase the budget at this time, and asked if the next round of funding should be issued to T8TA. T8TA advised it would need to seek direction from the T8FN Chiefs. T8TA asked if BC Hydro's funding decision was related to T8TA's decision to decline IBA discussions. BC Hydro confirmed that the two issues were not related. BC Hydro felt that adequate funding was available to T8TA, and noted that the option for IBA discussions remained open. T8TA indicated that the Chiefs were unhappy with the amount of funding, and advised that if funding did not increase all discussions on Site C might come to a halt.

On April 18, 2012, T8TA sent an email to BC Hydro, which presented a chronology of previous discussion regarding the *EAPA* budget for 2012/13. T8TA expressed concern that BC Hydro had not provided a response to T8TA, despite committing to do so on March 27, 2012, and noted that the matter was not included as an agenda item for the teleconference earlier that day. T8TA assumed it was reasonable to expect a prompt response from BC Hydro, given that the *EAPA* required the parties to develop a budget by March 31, 2012.

On April 18, 2012, BC Hydro responded to T8TA's earlier email regarding the *EAPA* budget. BC Hydro felt that T8TA's chronology generally reflected the process that had taken place regarding the *EAPA* budget, but offered some clarifications. BC Hydro acknowledged that the March 31, 2012 deadline had passed, but felt that the relationship between BC Hydro and T8TA was strong enough to allow a couple of weeks' grace.

On April 19, 2012, BC Hydro responded to T8TA's email of April 17, 2012, in which T8TA had declined BC Hydro's offer to facilitate helicopter site visits to the six climate monitoring stations. BC Hydro expressed disappointment with T8TA's decision to decline the offer, but remained hopeful that the parties could progress to a more collaborative relationship. BC Hydro attached a letter dated April 19, 2012, which included a revised funding offer for costs incurred by the T8FNs in their consideration of the Portage Mountain East permit application, the six climate monitoring stations, and Rolling Work Plan #5 (including any field visits or monitoring that the T8FNs wished to carry out related to the field work). The letter advised that BC Hydro would bring forward Rolling Work Plan #6 in May 2012, and would be prepared to discuss funding to support the T8FNs' review of that rolling work plan at that time. The letter requested that T8TA indicate acceptance of the funding offer by signing the letter and returning it to BC Hydro by April 25, 2012. On April 25, 2012, T8TA sent an email to BC Hydro attaching a signed copy of BC Hydro's letter, indicating acceptance of BC Hydro's funding offer. T8TA advised that although the offer was less than the amount identified by the T8FNs, they would nevertheless enter into consultations in good faith. On May 1, 2012, BC Hydro sent a letter via courier to T8TA enclosing a capacity funding cheque issued pursuant to the signed Letter of Agreement, dated April 19, 2012.

On April 24, 2012, the T8TA consultant (Camerado Energy) sent an email to BC Hydro in response to BC Hydro's email of April 18, 2012, regarding *EAPA* funding. T8TA submitted a revised request for capacity funding under the *EAPA* for 2012-2013. T8TA had reviewed its eligible costs incurred over a six month period (October 1, 2011 to March 31, 2012), which reflected a period in which T8TA was fully "ramped up". T8TA indicated the reviewed costs were a good indicator of the costs to be incurred by T8TA for the upcoming twelve month period. T8TA advised that it was not prepared to incur expenses beyond April 30, 2012, unless BC Hydro provided adequate funding to enable the T8FNs to fulfill their obligations under the *EAPA*.

On April 25, 2012, BC Hydro and two if its consultants (Golder, Big Sky) participated in the First Nations Community Assessment "What Matters Most" workshop in Fort St. John, attended by representatives of T8TA (lead researcher, archivist, two researchers, Firelight Group consultant) and representatives of Prophet River, West Moberly and Halfway River. BC Hydro presented a Project overview, including information on Project activity zones, Project design, major Project components, the regulatory process, and field work taking place in 2012. The parties engaged in discussions on a number of related topics (e.g., impact lines, road realignment in relation to sacred sites, impacts on Peace River tributaries from reservoir inundation, use of power from the Project for LNG plants, methodology for the Heritage Assessment, employment opportunities). Golder provided an overview of the Socio-economic Assessment (including objectives, assessment approach study components and information sharing), and Big Sky presented information on the First Nations Community Assessment (including objectives, potential project interactions with the T8FNs' interests, information needs for the community baseline profile, the effects assessment methodology, and linkages between the First Nations Community Assessment and the EIS). Representatives of T8TA and the T8FNs provided comments on the two presentations, and offered suggestions for possible revisions related to the geographic scope, methodology and information requirements of the studies.

May 1 to September 30, 2012

On May 1, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, legal advisor, Director of Administration, Firelight Group consultant, Camerado Energy consultant). The parties reviewed the status of deliverables under the *TLUS Agreement*. T8TA advised that it had not created a Confidential Report because it would have been identical to the Public Report. BC Hydro noted that the Confidential Report was a deliverable under the *TLUS Agreement*. BC Hydro expressed interest in receiving buffered information for sacred/cultural/spiritual sites, as provided for under section 8 of the *TLUS Agreement*. T8TA advised that the outstanding map deliverable (Loss of Use) would take a couple of weeks to generate. BC Hydro inquired if the TLUS maps and information could be disaggregated by First Nation, and T8TA agreed to forward the request to the T8FN Chiefs for direction. The parties expressed differing views on whether the

disaggregated information would be needed to assess the effects of the project on the exercise of treaty rights. BC Hydro agreed to provide T8TA with the remaining funding under the *TLUS Agreement*, subject to a holdback for the Loss of Use map. The parties also addressed the issue of capacity funding under the *EAPA*. BC Hydro was committed to remaining at the same level of capacity funding as the previous year. BC Hydro reiterated its commitment to providing additional funding for consultation on alternatives to the Project and alternative sites. T8TA advised that it could not continue working for less than the offer tabled in its email of April 24, 2012. BC Hydro requested that T8TA consider its capacity funding proposal.

On May 9, 2012, BC Hydro sent a letter to T8TA 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 9, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA, Interim Report, South Bank Moberly Bedrock Mapping (Revision 1) (Permit #2009-0292) (April 12, 2012)

On May 10, 2012, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *TLUS Agreement*.

On May 17, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant). T8TA accepted BC Hydro's offer of enhanced funding under the *EAPA* for the current fiscal year (2012-2013). The parties discussed scheduling for future meetings, and BC Hydro inquired about a previous request to meet with the T8FN communities. BC Hydro advised that when it consulted on issues that could impact the exercise of rights, it would be valuable to hear directly from community members. T8TA agreed to seek direction from the communities and respond to BC Hydro.

On May 23, 2012, BC Hydro sent a letter to T8TA regarding the identification of VCs and spatial boundaries for the Environmental Assessment, and expressed its desire to consult further with T8TA on these issues. The letter explained the process and rationale used to identify VCs in the draft EIS Guidelines, and attached a graphic representation of the VC identification methodology. The letter also explained the process of defining spatial boundaries for each VC. The letter expressed interest in receiving feedback from T8TA regarding the proposed VCs and related spatial boundaries.

On May 24, 2012, BC Hydro sent an email to T8TA attaching copies of BC Hydro's letter regarding the identification of VCs and spatial boundaries. BC Hydro requested that T8TA forward the attached letters to the T8FN Chiefs as appropriate.

On May 25, 2012, BC Hydro sent a letter to T8TA 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 May 29, 2012, Golder sent an email to T8TA and the T8FNs attaching the Quarterly Progress Report Q1: January 1 to March 31, 2012 (May 22, 2012) (Permit #2009-0262).

On May 31, 2012, BC Hydro sent an email to T8TA following up on T8TA's information requests from the "What Matters Most" workshop (April 25, 2012). BC Hydro attached responses to several of the information requests.

On June 6, 2012, BC Hydro met via teleconference with representatives of T8TA (EA Coordinator, Camerado Energy consultant) to discuss the EA Committee task list, T8TA's issues list, the outstanding TLUS map, and meeting schedules.

On June 11, 2012, Golder sent an email to BC Hydro advising that it had sent the following report to T8TA and the T8FNs: Rolling Work Plan 6, Licence of Occupation 814864 (June 11, 2012). The scope of the work included drilling twelve boreholes on the south bank to conduct liquefaction investigations.

On June 13, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Project Assistant, Camerado Energy consultant). The parties reviewed the EA Committee task list and the latest draft of the T8FNs' issues scoping table (impact pathway analysis). BC Hydro presented information and sought input on the following topics:

- Clearing plan: BC Hydro (Forester) reviewed issues related to the clearing plan, including the objectives of the clearing plan, clearing volumes including volumes of merchantable timber, uses of merchantable timber, debris management, access plans for clearing activities, etc. T8TA asked whether bridge access would be needed to facilitate clearing and how the clearing would affect habitat and culture/heritage areas. BC Hydro requested that T8TA review the presentation and follow up with any questions that may arise.

- Off-site construction materials: BC Hydro (Engineering Team Lead) provided information regarding the materials needed to construct the dam, potential sources of the materials, proposed site investigations in 2012, and, options for transporting the materials. BC Hydro explained that construction material options would be included in an appendix to the EIS.

- Roads/Highway 29: BC Hydro (Engineering Team Lead) presented information on potential realignment options Highway 29 at Lynx Creek, Farrell Creek, Halfway River and Bear Flat, and sought input from T8TA. T8TA described the realignment options Halfway River and Bear Flat as being most important, due to the presence of

cultural/spiritual sites in those areas. BC Hydro indicated that opportunities would be identified to mitigate potential impacts. T8TA advised that it would consider the information presented and respond with comments/questions.

- Reservoir Impact Lines. BC Hydro's consultant, Klohn Crippen Berger, explained that BC Hydro used the information from its reservoir shoreline field investigations to produce preliminary impact lines and impact line maps. BC Hydro was now prepared a technical data report on impacts lines to be included as an appendix to the EIS. BC Hydro described the impact line approach and explained how it differed from the historic safeline approach. BC Hydro reviewed a schematic cross-section depicting the preliminary erosion, flood, and stability impact lines, and responded to questions. The parties discussed BC Hydro's approach to monitoring potential landslides in the Halfway River area.

On June 14, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, Advisor, Camerado Energy consultant). The parties engaged in a detailed review of T8TA's issues scoping table (impact pathway analysis), and BC Hydro identified which issues would be addressed in the EIS Guidelines. The parties reviewed meeting minutes from the Site C Open House on May 9, 2012, hosted by the CEA Agency and the BCEAO, and discussed concerns raised by T8FN members. T8TA advised that the comments made by community members at the forum might not reflect the thoughts of the T8TA leadership or communities.

On June 19, 2012, BC Hydro sent an email to T8TA and the T8FNs, following up on T8TA's submission of the TLUS Data and Methodology Report. BC Hydro attached letters directed to T8TA and the T8FN Chiefs, and requested that the letters be forwarded to the appropriate parties. The letters advised that BC Hydro had retained Traditions Consulting to review the TLUS report of the various First Nations, including T8TA's Data and Methodology Report. The letters enclosed a report assessing the completeness of the deliverables set out in the *TLUS Agreement*, and a report identifying potential information gaps in the TLUS. The letters invited T8TA and the T8FNs to provide any comments on the enclosed reports, any answers to the questions raised in the reports, or, any additional traditional knowledge or TLUS information.

On June 20, 2012, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *EAPA* and the Letter of Understanding regarding *EAPA* funding (2012-2013), dated May 23, 2012. The letter requested that T8TA forward a final copy of the Letter of Understanding to BC Hydro, once all signatures had been received. On July 12, 2012, T8TA sent an email to BC Hydro attaching a copy of the Letter of Understanding, signed by the T8FN Chiefs. The hard copy was received by BC Hydro on July 20, 2012.

On June 25, 2012, T8TA sent an email to BC Hydro attaching the First Nations Community Assessment, Baseline Scoping and Training Stage Report (June 11, 2012), submitted as

the first deliverable pursuant to the *First Nations Community Assessment ToR*. Section 2 of the report provides an overview of the activities undertaken by the T8FNs' Community Assessment Team since the inception of the project, including project planning, training sessions, scoping sessions with Community Advisors and the T8FN communities, secondary data collection and collation, and the beginning of the primary data collection. Section 3 describes the nature of the "scoping inputs", which included seven days of public forums and focus groups in the T8FN communities where community members and others identified priority issues related to the Project. Section 3 explains that two main "scoping themes" emerged from the scoping inputs, namely "concerns about current effects of industrial development and other human-caused activities…on the ability of Dunne Za/Dane zaa to meaningfully practice their mode of life in and around the Peace River Valley" and "concerns related to impact equity and the ability of Dunne Za/Dane zaa to take advantage of the proposed dam should it proceed". Section 3 also includes a detailed list of priority issues categorized under the following headings: culture, traditional economy (harvesting), society, health, water, public safety, in-migration effects, economy, and education/training.

On June 27, 2012, BC Hydro sent an email to T8TA, in response to T8TA's request for information regarding dam break studies for the W.A.C. Bennett and Peace Canyon dams, as well as related emergency response plans and inundation mapping. BC Hydro attached a written response to T8TA's request, and provided links to Terrestrial Ecosystem Mapping on the secured file transfer website for T8TA.

On June 27, 2012, BC Hydro met via teleconference with representatives of T8TA (EA Coordinator, EA Planner, Firelight Group consultant, legal advisor, others). The parties reviewed outstanding items related to the TLUS. T8TA indicated that it had generated the "Loss of Use" map, but was still reviewing the content. T8TA advised that the T8FNs were not prepared to provide disaggregated TLUS information to BC Hydro. The parties discussed BC Hydro's request for additional TLUS information, based on the assessment conducted by Traditions Consulting. T8TA advised that it would provide a written response to BC Hydro's request. The parties continued previous discussions regarding T8TA's issues scoping table (impact pathway analysis). T8TA advised that the T8FN Chiefs would be prepared to receive BC Hydro at a meeting on September 19, 2012, and requested that BC Hydro provide an agenda for the allotted time.

On June 29, 2012, BC Hydro sent a letter to T8TA in follow up to the T8FN Chiefs' offer to meet with BC Hydro. The letter suggested alternative dates for the meeting and included a list of potential discussion topics, including: update on the EA process; IBAs; relationship between IBAs and provincial initiatives in northeast British Columbia; training opportunities; procurement and contracting opportunities; and, meetings with the T8FN communities.

On July 5, 2012 representatives from T8TA and West Moberly participated in a workshop in relation to BC Hydro's draft IRP in follow up to an earlier workshop on March 16, 2011.

BC Hydro tabled a draft IRP and requested feedback on the draft. During the workshop, BC Hydro sought input on the complete set of draft recommended actions, including a draft recommendation specific to the Project: "Build Site C to add 5,100 gigawatt hours of annual energy and 1,100 megawatts of dependable capacity to the system for the earliest in service date, subject to environmental certification and fulfilling the Crown's duty to consult and, where appropriate, accommodate Aboriginal groups."

On July 5, 2012, T8TA (on behalf of Prophet River, Doig River and West Moberly) sent an email to Golder, attaching a letter (dated July 3, 2012) providing comments on Rolling Work Plan #6, Licence of Occupation #814864. T8TA noted that the work under Rolling Work Plan #6 included 12 boreholes on the right (south) bank, five boreholes on Central Island, and a borehole on the left (north) bank. T8TA expressed concern that Golder had characterized the south bank work as re-opening existing access, despite the fact the original access was created in the 1970s and the areas would now be overgrown and filled in. T8TA requested specific information about access to borehole DH12-C, and asked for further information about historic geotechnical activities (1970s, 1980s) undertaken by BC Hydro in the specific areas within each rolling work plan. T8TA suggested that BC Hydro had already undertaken a great deal of geotechnical work in these areas, but had offered little justification for repeating work. T8TA requested information about helicopter flight paths in relation to nesting areas, as well as wildlife assessments and proposed mitigation measures. T8TA asked whether an AIA would be conducted for the south bank, given that Golder had only conducted a desktop review.

On July 5, 2012, Golder sent an email to T8TA attaching:

- AIA Report, Rolling Work Plan #6 – Right (South) Bank Drill Locations (Permit #2009-0262) (July 2, 2012).

On July 10, 2012, BC Hydro couriered a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *First Nations Community Assessment ToR*.

On July 11, 2012, T8TA sent a letter to the CEA Agency and the BCEAO, in response to BC Hydro's responses to T8TA's comments on the draft EIS Guidelines. The letter noted that several issues had been clarified by BC Hydro's responses, which provided the basis for a common understanding and expectation with respect to the content of the EIS. However, several issues were not likely to be resolved through further written responses, and would therefore benefit from direct discussion between the T8FNs and the Crown. The letter outlined a number of unresolved issues related to the draft EIS Guidelines. T8TA provided this letter to BC Hydro on July 17, 2012.

On July 17, 2012, BC Hydro met with representatives of T8TA (EA Coordinator, Advisor, Camerado Energy consultant, Wildlife Information Metrics consultant) to provide a presentation on wildlife. BC Hydro explained that the purpose of offering the wildlife

presentation prior to providing the Stage 3 reports was to initiate discussions on wildlife, and indicated that the discussion would continue in future meetings. BC Hydro advised that it was compiling the wildlife data into one comprehensive Technical Data Report over the next two to three months, which would be used in the wildlife effects assessment for the EIS. BC Hydro (Senior Environmental Coordinator) described the methodology for the wildlife effects assessment, and reviewed baseline information for moose, elk, deer, game birds, bald eagles and beaver. BC Hydro reviewed tables outlining possible mitigation options for various wildlife species, and sought input from T8TA. T8TA agreed to review the tables, but suggested that the mitigation measures were directed at a small portion of the habitat that would be affected by the Project. T8TA committed to submitting comments on the Stage 2 wildlife reports, providing feedback on the VCs, and provided written requests for further information on wildlife studies by late July 2012. The parties reviewed the EA Committee task list.

On July 20, 2012, BC Hydro sent a letter to T8TA in response to T8TA's letter of July 3, 2012, providing comments on Rolling Work Plan #6, Licence of Occupation #814864. With respect to access, the letter clarified that the use of the terminology "non-maintained historic routes" was not intended to be misleading: BC Hydro differentiated between historic and newly proposed access because historic routes had been previously disturbed and generally required less vegetation clearing. The letter provided an overview of historic geotechnical work undertaken at Site C from the 1970s to the present. The letter explained the need for the additional drill holes identified in Rolling Work Plan #6, and responded to T8TA's questions and concerns regarding the Environmental Overview Assessment, the Interim AIA report, proximity of helicopter access to bird nesting, and fluid spills. BC Hydro requested that the letter be circulated to Doig River, Prophet River and West Moberly.

On July 20, 2012, T8TA sent a letter via email to BC Hydro, in response to BC Hydro's letter of June 29, 2012, regarding a potential meeting with the T8FN Chiefs. T8TA advised that the best date for this meeting would be September 12, 2012. T8TA expressed concern about the agenda items proposed by BC Hydro, as the T8FN Chiefs had made it clear that they would not be entering into IBA discussions with BC Hydro. T8TA proposed the following items for discussion: update on the Project EA process; establishing an environmental baseline for conditions prior to the W.A.C. Bennett and Peace Canyon dams; cumulative environmental effects; BC Hydro's IRP; and, potential BC Hydro participation in meetings in the T8FN communities.

On July 23, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA, Climate Monitoring Stations (Permit #2009-0262) (July 19, 2012).

On July 25, 2012, T8TA sent an email to BC Hydro attaching T8TA's income statement for expenses incurred pursuant to the *EAPA*, for the four periods ending July 31, 2012.

On July 30, 2012, T8TA sent a letter to BC Hydro in response to BC Hydro's letter of June 19, 2012, requesting additional information and clarification concerning the TLUS Data and Methodology Report. T8TA provided responses to BC Hydro's inquiries regarding deliverables (number of questions, confidential report, number of maps, harvest survey maps) and its specific questions about the TLUS methodology and results (prior studies, map symbols, environmental use values, site-specific values, categories without representation in the maps).

On July 31, 2012, T8TA sent an email to BC Hydro attaching T8TA's comments on BC Hydro's Stage 2 Baseline Vegetation and Wildlife Report, as described in *A Review of Phase 2 Baselines Studies on Ungulates* (July 30, 2012). T8TA explained that the T8FNs had reviewed the reports as part of discussions with BC Hydro through the EA Committee, established pursuant to the *EAPA*. T8TA clarified that its comments might be supplemented or revised after further review by the T8FNs.

On August 8, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA Report, Rolling Work Plan #6 Right (South) Bank Drill Locations - Version 2, August 8, 2012 (Permit #2009-0262).

On August 9, 2012, T8TA sent an email to BC Hydro attaching questions from the T8FNs' Community Assessment Team regarding the Socio-economic Assessment.

On August 9, 2012, BC Hydro sent an email to T8TA, attaching its response to T8TA's request in the June 27, 2012, conference call respecting the Project's draft Project Component/Activity – Valued Component Interactions Matrix ("Matrix"). The response was an explanatory note prepared to assist in understanding how the Matrix was developed and how it should be interpreted. The document advised that the potential interactions between the Project and Valued Components that required further assessment were identified in the Matrix and that Section 8.3.2 of the April 10, 2012, version of the draft EIS Guidelines described the requirement to include such a matrix in the EIS. The document explained the steps taken to evaluate the potential for an interaction between the various Project components, activities and the VCs, as well as the how the interactions were rated by BC Hydro and its consultants.

On August 13, 2012, T8TA sent a letter to BC Hydro which summarized the T8FNs' comments on the draft IRP including the potential implications of the draft IRP for the Project. The T8FNs' comments focus on consultation issues (e.g., inadequate time and funding for consultation, inadequate consultation plan, consultation not commensurate with potential impacts) and energy planning issues (e.g., deterministic versus preventive approaches to planning, demand projections, voluntary conservation programs, provincial objectives concerning LNG export, contingency planning, electrification and fuel-switching,

cumulative effects not considered in the IRP, environmental attributes used to compare alternatives, customer-side generation sources). The T8FNs reiterated their concern, which they initially raised in a letter of April 29, 2011, that the IRP process was prejudiced in favour of the Project.

On August 15, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- Archaeological Quarterly Progress Report Quarter 2 for April 1, 2012 to June 20, 2012 (August 14, 2011) (Permit #2009-0262).

The report described archaeological work completed in support of geotechnical engineering investigations for Site C in the previous quarter.

On August 16, 2012, T8TA sent an email to BC Hydro in response to BC Hydro's email of June 27, 2012, where BC Hydro responded to T8TA's information request regarding dam break studies and inundation maps for the W.A.C. Bennett and Peace Canyon dams. T8TA requested clarification from BC Hydro on two additional points.

On August 21, 2012, BC Hydro sent a letter via email to T8TA advised that Golder had prepared a Management Plan to support investigative work at "Site C Road" (a proposed 34 km route that would parallel the existing transmission corridor for approximately 27 km and then farther east, parallel the CN Rail right-of-way for another 7 km). BC Hydro advised that the Management Plan supported a concurrent application for a Section 16 Map Reserve to temporarily withdraw Crown land from disposition under the *Land Act*, while confirming the suitability of the proposed road access along the existing transmission corridor and obtaining necessary tenure and other approvals. BC Hydro attached a copy of the Management Plan, and advised that Golder had submitted the tenure application that day to FrontCounter BC. BC Hydro advised that it was prepared to meet with the First Nations to provide information about the proposed investigations, and to discuss capacity funding and potential site visits.

On August 21, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA Report: Portage Mountain East Geotechnical Investigations - Version 2, August 17, 2012 (Permit #2009-0262).

On August 21, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA Report: Rolling Work Plan #6 - Right (South) Bank Drill Locations - Version 3 (Permit #2009-0262).

On August 21, 2012, BC Hydro met with representatives of T8TA (Coordinator, advisor, Project Assistant and consultant) for a fisheries presentation. BC Hydro expressed interest in hearing from T8TA as to which species of fish were important to the T8FNs and why. BC Hydro (Fisheries Lead) presented baseline information with respect to current fish species, composition and numbers, and reviewed the species life history, migrations and habitat use for bull trout, Arctic grayling, mountain whitefish, rainbow trout and walleye. BC Hydro described its approach to predicting changes in fish resulting from the Project, and listed a number of predicted changes. T8TA asked several questions about the predicted changes in fish. T8TA described lake trout as an important fish and explained that they were present in Moberly Lake. BC Hydro advised it had not studied fish populations in Moberly Lake and the upper watershed, because of a determination that the effects of the Project would not extend to that far, but agreed to follow up with further information regarding potential impacts on Moberly Lake. T8TA identified lake trout, mountain white fish, Arctic grayling, bull trout and walleye as the species that the Dane-zaa people had relied on in the past and expected to rely on in the future. BC Hydro also described potential mitigation measures for

the reservoir, tributaries, dam site and downstream river, and sought input from T8TA. BC Hydro explained that the effect assessment was ongoing and therefore mitigation options had not been finalized. T8TA also expressed concern about BC Hydro's focus on mitigation options which, according to T8TA, implied a determination that the dam would be built, rather than potentially built. BC Hydro explained that it had a responsibility to consider questions of mitigation/avoidance as part of the EA process. With respect to Treaty 8 rights, T8TA expressed concern that Crown representatives did not have a good understanding of Treaty 8 rights, and listed three outstanding questions on which it sought clarification from the Crown. BC Hydro advised that it would have a discussion with its legal counsel with respect to the issues raised around Treaty 8 rights, and agreed to inform the BCEAO of those issues.

On August 21, 2012, BC Hydro sent an email to T8TA attaching a fact sheet regarding an archaeological site at Boucher Lake.

On August 22, 2012, BC Hydro met with representatives of T8TA (EA Coordinator, Camerado Energy consultant). BC Hydro provided an update on BC Hydro's Visual Resources Assessment and described the process of selecting visual receptor sites, with T8TA agreeing to provide input on the selection of visual receptor sites. Other topics of discussion included: update on engineering field work, scheduling and structure of heritage consultations, possible involvement of West Moberly and Saulteau in work at the Boucher Lake archaeological site, and contracting opportunities including BC Hydro's recent meetings with T8FN businesses (Renegade Construction, Dunne Za Ventures).

On August 27, 2012, BC Hydro sent a letter to T8TA enclosing a table titled "Preliminary Summary of Construction Phase Workforce" which summarized the timing, type of jobs and number of opportunities that BC Hydro anticipated would be needed to construct the Project. The letter provided a link to secured file transfer website where additional information regarding project opportunities had been posted.

On August 27, 2012, T8TA sent an email to BC Hydro attaching maps of buffered cultural use data, in relation to BC Hydro's four preliminary impacts lines, in response to a request made by BC Hydro on May 1, 2012, pursuant to the *TLUS Agreement*.

On August 30, 2012, BC Hydro sent an email to T8TA, following up on previous discussions regarding the visual resources assessment for the EIS. BC Hydro noted that T8TA had expressed interest in identifying sites from the south side of the Peace River. BC Hydro advised that, based on Golder's visibility analysis and supporting field program, five "receptor sites" were chosen for the visual resources assessment. The five receptor sites were considered representative of the baseline landscape and Project components. BC Hydro attached "digital photomontages" depicting the "base case" for the five receptor sites, and requested that T8TA review the photomontages and provide suggestions for additional

sites. BC Hydro advised that photomontages would also be created for the construction and operation phases.

On September 5, 2012, BC Hydro sent an email to T8TA providing a link to BC Hydro's response to T8TA's information request regarding potential impacts to Moberly Lake, arising from the meeting of August 21, 2012. BC Hydro advised that creation of the reservoir would result in flooding of approximately 10 km of the lower Moberly River channel immediately upstream of the Peace River. Since Moberly Lake was located more than 100 km farther upstream from the reservoir, with an elevation change of more than 230 m, there will be no impact (flooding, inundation, hydraulic influence) of the reservoir on Moberly Lake.

On September 8, 2012, T8TA sent an email to BC Hydro attaching the TLUS Loss of Use maps, submitted as deliverables pursuant to the *TLUS Agreement*.

On September 11, 2012, BC Hydro and Golder met with representatives from T8TA (Tribal Chief, Advisor, EA Coordinator, Executive Assistant, Administrative Director, Community Members, Camerado Energy and Firelight Group consultants, community members from Halfway River and West Moberly). Discussion items included:

- Vegetation: BC Hydro began the meeting with an overview of the vegetation baseline which included a review of habitat and vegetation mapping, and field study results with respect to the occurrence and distribution of rare plants. A West Moberly community member suggested that BC Hydro should give more consideration to rare medicinal plants, emphasizing the importance of rare medicinal plants to the T8FNs and advising the specific plants are used as medicine for lung and heart problems. He explained that only herbal healers from the respective communities would be able to identify the locations of rare medicinal plants. In response to request from BC Hydro for a meeting with Elders and herbal healers, he explained that such information was rarely shared beyond the community, but suggested that general information might be provided. BC Hydro requested buffered maps of the locations of rare medicinal plants so that it could assess whether they were found within the Project footprint, and initiate discussions on mitigation/avoidance options. BC Hydro continued with an overview of the potential effects of Project on habitat and vegetation and potential mitigation options, and sought input from T8TA. BC Hydro indicated that it was in the process of assessing the significance of potential habitat / rare plant losses, and that mitigation options were still under review.

- Heritage: Golder provided an overview of the findings of the heritage program to date, and sought input from T8TA regarding the findings, any significant sites or areas that may have been missed, and potential mitigations measures. The presentation included an overview of the results of palaeontology, archaeology, and historical field work, and reviewed potential mitigation options. It also included information on T8TA's

participation in the heritage program, indicating that 64 persons had been employed for a total of 923 days in Year 2 and Year 3. With respect to mitigation options, T8TA stated that their preferred approach was avoidance, and expressed interest in hearing how BC Hydro could avoid, reduce or minimize impacts in a meaningful way. BC Hydro responded that, where possible, avoidance would always be considered and identified opportunities for redesigning parameters to create avoidance. BC Hydro suggested that the best opportunity for avoidance would be in the area of the transmission line, with T8TA replying that most of the archaeology sites of concern were found in the reservoir area.

The parties reviewed the EA Committee Task List. T8TA provided BC Hydro with a copy of its audited financial statement for fiscal year 2012.

On September 12, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, Advisor, EA Coordinator, Project Assistant, Camerado Energy consultant) for a discussion of need for/alternatives to the Project. BC Hydro provided an update on the IRP, expressing its intention to file the IRP on December 3, 2012, and advising that an analysis of the IRP would be included in the need for/alternatives to section of EIS. BC Hydro requested clarification with respect to several questions raised in T8TA's letter of August 13, 2012 (comments on the draft IRP), with T8TA providing preliminary responses and committing to provide further information in writing.

On September 12, 2012, BC Hydro attended a meeting of the T8FN Chiefs, with representatives of T8TA (Tribal Chief, Project Assistant, and consultant), Doig River (Chief), Halfway River (Chief, Councillor), Prophet River (Councillor), and West Moberly (proxy for Chief). BC Hydro provided a Project update and advised that it aimed to submit the EIS in early 2013. BC Hydro described recent consultation activities with T8TA including discussions on fish, wildlife, vegetation and heritage. BC Hydro explained that a key objective of its recent consultation with T8TA was to assess the potential effects of the Project on the T8FNs and their exercise of treaty rights. BC Hydro requested the T8FN Chiefs share their concerns about potential impacts and suggestions for mitigation options, and expressed interest in having individual meetings with the respective band councils of the T8FNs to discuss the Project. The Chiefs of Halfway River and Doig River agreed to present BC Hydro's request to their respective band councils and communities.

On September 14, 2012, T8TA sent an email to BC Hydro attaching T8TA's income statement for expenses incurred pursuant to the *EAPA*, for the six periods ending September 30, 2012.

On September 17, 2012, T8TA sent an email to BC Hydro in follow up to T8TA's letter of August 13, 2012 (comments on the draft IRP), and BC Hydro's requests for clarification in the meeting on September 12, 2012. T8TA provided further information on the following items raised in the previous letter: deterministic versus preventative approaches to energy

planning; demand projections; voluntary conservation programs; electrification and the role of natural gas; policy changes not considered in the IRP; disruptive technologies on the customer side of the meter; and, Site C compared to other "clean" resources.

On September 17, 2012, Halfway River sent a letter to BC Hydro with comments on the Management Plans and Licences of Occupation for the six climate monitoring stations (Crying Girl Prairie; Pink Mountain; Muskwa-Kechika River; Beryl Prairie; Townsend and Dowling Creek). The letter expressed concern about the length of tenure, suggesting that it be no longer than 5-10 years, and emphasized the need to develop an environmentally acceptable removal plan prior to consultation. The letter also included specific comments with respect to each of the six climate monitoring station, expressing particular concern about the Muskwa Kechika climate monitoring station and suggesting that it be relocated. The letter requested that BC Hydro contact Halfway River to set up meeting to discuss alternatives to the Muskwa Kechika site, and respond to the other concerns raised in the letter.

On September 21, 2012, BC Hydro sent a letter to T8TA advising that the EIS Guidelines had been issued 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 T8FNs, 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 T8FNs 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 21, 2012, Golder sent a letter to T8TA attaching:

- Rolling Work Plan #7 - Licence of Occupation #814864 - Geotechnical Test Pit Investigations on the South (Right) Bank of the Peace River (September 21, 2012).

The scope of the work involved 22 test pit excavations on the south bank of the Peace River. Golder requested that comments be directed to BC Hydro or Golder by October 12, 2012.

On September 26, 2012, BC Hydro met via teleconference with T8TA to review and schedule agenda items for future meetings. BC Hydro advised an announcement had been made regarding funding provided by BC Hydro to Northern Lights College Foundation for trades training. BC Hydro explained a portion of the bursaries would be set aside for Aboriginal people.

On September 27, 2012, BC Hydro sent a letter to T8TA in follow-up to the TLUS Data and Methodology Report (March 28, 2012), and the maps of buffered cultural use data submitted by T8TA on August 27, 2012. The letter advised that BC Hydro was making a written request as required under the *TLUS Agreement*, that T8TA and T8FNs provide most of the buffered information in an actual and unbuffered form for the purposes of assisting in the planning, investigation, evaluation and development of the Project, and identified two exceptions to the request. The letter included a chart identifying Project components that appeared to overlap with the buffered areas, in order to assist T8TA and the T8FNs in their consideration of the request.

On September 27, 2012, BC Hydro sent a letter to T8TA attaching a table with responses to T8TA's comments submitted on July 31 regarding the Stage 2 Baseline Vegetation and Wildlife Report (as described in *A Review of Phase 2 Baselines Studies on Ungulates*). The letter explained that the Stage 2 Wildlife Report summarized baseline data collected between 2005 and 2009 and reflected the focus of these studies on the proposed reservoir (Peace River Valley) and the transmission line, but did not reflect the requirements of the EIS Guidelines as it was completed prior to the drafting of the EIS Guidelines. The letter further explained that BC Hydro had completed a two-year ungulate telemetry study in 2010 to address data gaps in the ungulate baseline, and advised that the final ungulate report would be comprehensive and would include the results of the two year telemetry program as well as other new information. The letter advised a draft of the updated ungulate report would be forthcoming and provided to T8TA when available.

On September 27, 2012, BC Hydro sent an email to T8TA providing a link to a press release which announced BC Hydro's support for a trades training program with Northern Lights College, dated September 20, 2012.

On September 28, 2012, BC Hydro sent an email to T8TA providing a link to the Peace River Valley Ungulate Study report. BC Hydro noted that the report, although marked as "final", would have other sections added in the future, notably the executive summary and conclusions.

October 1 to November 30, 2012

On October 5, 2012, BC Hydro sent an email to T8TA attaching a “save the date” sheet which outlined the dates for Business Information Sessions to be held in November, 2012. BC Hydro explained that the sessions were to provide information on procurement strategy and potential contracting opportunities related to the Project.

On October 5, 2012, BC Hydro sent a letter to T8TA enclosing a CD with photos of rare plants observed in the Project area, and requesting information from T8TA on whether T8FN community members used any of the identified plants, had alternate names for them, or could provide additional information regarding the plants.

On October 5, 2012, BC Hydro sent a letter to Halfway River in response to Halfway River’s letter of September 17, 2012, regarding the six proposed climate monitoring stations. The letter advised that FLNRO had issued 30-year Licence of Occupation tenures for five of the proposed climate monitoring stations (Crying Girl Prairie; Pink Mountain; Muskwa-Kechika River; Beryl Prairie; and, Dowling Creek) on August 9, 2012. Regarding the length of tenure, the letter explained that data from the climate stations would be required through construction of the Project in the event of Project approval, but suggested that the climate monitoring network in the region would be reduced after construction, as the data requirements for inflow prediction during operation would be less. The letter advised that the determination of which stations would be retained and which would be removed would be based on an assessment of the quality of data collected and the usefulness of the data in the watershed modelling. The letter further advised that, if the Project was not approved, it was likely that there would be a reduction of the climate monitoring network. Regarding the climate monitoring station at Muskwa-Kechika, the letter explained that the Environmental Overview Assessment for the climate monitoring stations contained a series of mitigation measures to minimize the potential effects of the stations on wildlife resources, and listed several of the mitigation measures.

On October 10, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, advisor, EA Coordinator, Project Assistant, and Camerado Energy consultant). The parties reviewed BC Hydro’s letter of September 21, 2012, requesting additional information from T8TA for inclusion in the EIS. With respect to BC Hydro request for a traditional territory map, T8TA inquired about the reason for the request and what purpose it would serve in the environmental assessment. BC Hydro advised that while it accepted that the T8FNs exercised rights and harvested resources in the Project area, it had a responsibility to understand the total area in which rights were exercised in order to inform its assessment the potential effects on the Project on the T8FNs. BC Hydro acknowledged the cultural sensitivity and confidentiality around traditional territory, but noted its obligation to set out the information in the EIS. T8TA agreed to follow up with the T8FNs with respect to sharing a traditional territory map. The parties also discussed the screening matrix for candidate

VCs with T8TA expressing concern that issues previously raised by T8TA were not reflected in the VCs, and suggesting that the VCs might be too high level. T8TA indicated that it would respond with written comments on the discussion.

On October 11, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, advisor, Project Assistant, Camerado Energy consultant) to continue its review of the T8FNs issues scoping table (impact pathway analysis). T8TA elaborated on a number of issues and concerns identified in the table, including potential impacts on burial sites, changes to culture including reliance on the wage economy, loss of oral history and language, loss of merchantable timber and forest land, increased public access to recreation sites, impacts on harvesting and treaty rights, and implications of the Project for cultural wellbeing and mental health. With regard to burial sites, BC Hydro expressed interest in identifying burial sites and inquired if many burial sites were expected to be found within the T8FN territory. BC Hydro noted that the T8FNs' mode of burial would reduce the likelihood of discovery of burial sites. T8TA stated that while there may not be physical evidence of burial grounds, the oral history existed. T8TA agreed to provide further information pertaining to the T8FNs' tangible and intangible heritage/cultural resources. With respect to harvesting, T8TA explained that agricultural activities in the Peace River valley had encroached on the potential for the T8FNs to carry out traditional activities by, among other things, displacing wildlife. T8TA briefly described the history of traplines in Peace River valley and the displacement of T8FN trappers. BC Hydro requested a meeting with T8TA to review the trapline maps to better understand the history. T8TA advised that the issue of traplines appeared to be a matter of active negotiations between the T8FNs and the government, and thus any further information sharing with BC Hydro would require the consent of the T8FNs. With respect to oral history, T8TA explained that when sites are no longer accessible, the place that would evoke a name/memory is lost. T8TA explained that that in order for a culture to remain resilient, it had to be connected to the land in the minds of the practitioners. As a potential mitigation option, BC Hydro suggested getting Elders to come together to record and retain cultural stories about the valley, but did not know how such a proposal would be received by the T8FN communities. T8TA stated that such an approach would not amount to effective mitigation, expressing the view that the loss of sites in the Peace River valley could not be mitigated. With respect to treaty rights, the parties discussed various issues related to the interpretation of Treaty 8, including the scope of the Crown's right to "take up" lands, and assertions by T8TA concerning commercial rights (guide outfitting) and rights to occupy land for grazing.

On October 12, 2012, T8TA, on behalf of West Moberly, Prophet River and Doig River sent a letter to BC Hydro providing comments on Rolling Work Plan #7 - Licence of Occupation #814864 - Geotechnical Test Pit Investigations on the South (Right) Bank of the Peace River (September 21, 2012), provided to T8TA by Golder on September 21, 2012.

On October 16, 2012, BC Hydro sent an email to T8TA attaching an invitation to Business Information Sessions scheduled for November 2012, and included a link for registration. BC Hydro advised that the purpose of the sessions was to provide an update on the procurement strategy and some of the potential contracting opportunities associated with the Project.

On October 18, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- 2012 Assessment of the Existing Access Road Located within Archaeological Site HbRf-040, North (Left) Bank of the Peace River, Northeast BC (HCA Section 12 Site Alteration Permit 2009-0267)

On October 19, 2012, BC Hydro sent a letter to T8TA and Halfway River by email in response to T8TA's letter dated October 12, 2012, regarding Rolling Work Plan #7 for Licence of Occupation 814864. In the letter, BC Hydro provided an overview of the test pit excavations, addressed T8TA's questions regarding wildlife, aviation, access, schedule and archaeology.

On October 19, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- Rolling Work Plan #7 – Geotechnical Test Pit Investigations on the South Bank of the Peace River: Phase 1- Version 2 (Permit 2009-0262) (October 10, 2012).

On October 23, 2012, BC Hydro sent an email to T8TA providing links to the following reports:

- Peace River Valley Ungulates Study Program, Final Report
- Aquatic Productivity Technical Data Report
- Water Quality Technical Data Report

On October 24, 2012, BC Hydro sent a letter to T8TA advising the BC Hydro had updated the Project footprint map for Site C. The letter noted that in April 2012, BC Hydro had provided T8TA 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, which included a reduction in the area of the proposed Site C dam site from 3907 hectares (April 2012) to 2025 hectares (October 2012).

On October 25, 2012, BC Hydro met via teleconference with T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant, others) to continue its review of the T8FN

issues scoping table (impact pathway analysis). T8TA agreed to follow up on BC Hydro's request for information regarding Halfway River's trapline cabins.

On October 25, 2012, BC Hydro sent a letter to T8TA enclosing a capacity funding cheque issued pursuant to the *EAPA* and the Letter of Understanding dated May 23, 2012.

On October 25, 2012, BC Hydro sent a letter to T8TA in follow up to BC Hydro's letter of September 21, 2012, which had invited T8FNs to provide any relevant information for consideration in preparing the EIS. The letter advised that BC Hydro remained interested in receiving information from T8FNs to support the preparation of the EIS.

On October 26, 2012, Firelight Group (consultant to T8TA) sent an email to BC Hydro attaching a draft copy of the T8FNs' Community Baseline Profile report, *Telling a Story of Change: the Dane-zaa Way*, prepared pursuant to the *First Nations Community Assessment ToR*.

On October 28, 2012, T8TA sent an email to BC Hydro attaching photos of T8TA's suggested sites for consideration as receptor sites in the Visual Resources Assessment. Regarding the locations proposed by BC Hydro for the Visual Resources Assessment, T8TA indicated that it was challenging to determine the location or appreciate the visual impacts for some of the proposed sites, and that the proposed sites appeared to omit locations that would be inundated. T8TA requested further discussion with BC Hydro on those two items.

On October 30, 2012, BC Hydro met via teleconference with representatives of T8TA (Tribal Chief, Director of Administration, EA Coordinator, Camerado Energy consultant, Firelight Group consultant, advisor) to review T8FNs' Community Baseline Profile report titled *Telling a Story of Change the Dane-Zaa Way*. Firelight Group provided a high level overview of the report and responded to input from BC Hydro on

On October 31, 2012, BC Hydro sent an email to T8TA providing background information with regards to the proposed south bank (Jackfish) ungulate study. BC Hydro advised it was proposing to carry out an ungulate collaring study. BC Hydro advised it was seeking a permit to "capture, collar and release" up to 40 animals between December 2012 and March 2013; and requested that the parties discuss the study at upcoming meetings in November.

On October 31, 2012, T8TA sent a letter to BC Hydro in response to BC Hydro's letters of September 21, 2012 and October 25, 2012, which had invited the T8FNs to provide further information for inclusion in the EIS. The letter described BC Hydro's timeline for receiving information (October 31) as unreasonable given the depth and breadth of information requested. The letter stated that T8TA was only in a position to provide a preliminary response and would provide further responses in upcoming meetings. In the letter, T8TA

listed BC Hydro's information requests and identified where relevant information had already been provided in the T8FNs' TLUS and Community Baseline Profile, and would be subsequently provided as part of the ongoing First Nations Community Assessment. Regarding BC Hydro's request for a traditional territory map, the letter advised that T8TA planned to discuss the request at an internal meeting in early November and respond to BC Hydro following that meeting. Regarding BC Hydro's request for information about tenured trap lines, the letter explained that the history of trapping the Peace River was complex, sensitive and the subject of ongoing discussion between the Crown and the T8FNs. While T8TA was not prepared to disclose trapline information in response to a request from a provincial Crown proponent, it was prepared to have further discussion with BC Hydro about the scope of information required for the environmental assessment. Regarding BC Hydro's request for information on guide outfitting operations, the letter advised that guide fitting operations were limited to non-existent in the Peace River Valley, which T8TA attributed to the threat of construction of the Project and unwillingness on the part of the Province to promote the region for tourism. The letter did not include new information for incorporation into the EIS.

On November 1, 2012, BC Hydro sent an email to T8TA providing links to the following:

- A map of traplines in the Project area, categorized by First Nation;
- A draft layout of the EIS volumes, chapters and appendices;
- A table of BC Hydro's responses to information requests made by the EA committee; and,
- Project Traffic Analysis Report, prepared for BC Hydro by NovaTrans Engineering Inc. (October 2012), which described potential changes in traffic, traffic operations and safety generated by the Project during construction on existing transportation facilities, provided technical traffic analyses information in support of the effects assessment on Transportation (see EIS Volume 4 Section 31 Transportation), and presented management strategies to be implemented during construction and operations.

On November 6, 2012, BC Hydro sent an email to T8TA attaching a draft discussion paper which outlined BC Hydro's views on the history and interpretation of Treaty 8, and the scope of substantive and procedural rights under Treaty 8.

On November 7, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant). The parties reviewed the EA Committee task list. BC Hydro provided speaking points regarding the delay of the IRP with T8TA, advising that the delay was generally attributed to uncertainty in the Province's approach to LNG, and would not affect the EIS timeline. T8TA questioned the utility of reviewing the EIS without a finalized IRP, expressing both technical and consultation related concerns in

terms of having to repeat the review and receiving incomplete information from the outset to be updated at a later date. A representative from FLNRO and T8TA's wildlife biologist joined the meeting to have an exploratory discussion on the approach to permitting for the Project. The FLNRO representative explained FLNRO's roles and responsibilities in the permitting process and outlined the difference between concurrent and synchronized permitting, stating that BC Hydro had decided to pursue the latter and therefore FLNRO will be ensuring that consultation is completed on behalf of the Province.T8TA advised that FLNRO should be looking at permitting in terms of what is beneficial to the First Nations as well as what is beneficial to the Project and to the Province, and expressed concern that FLNRO will be pressed for capacity with the quality and quantity of consultation suffering as a result. FLNRO confirmed its desire to have permitting discussions early to look at the best way to start engaging with First Nations. T8TA committed to following up with FLRNO. The discussion moved to the topic of roads and highways with the project manager and author of BC Hydro's Project Traffic Analysis report on hand to provide a high level overview, including the studies undertaken and the results. T8TA committed to reviewing the report and following up with any questions. T8TA provided two maps to BC Hydro. The first map was provided in response to BC Hydro's request for a traditional territory map to inform the EIS, with T8TA indicating that that the T8FNs did not have individual territory maps and were proposing that the regional area, which T8TA used for the TLUS, also be used for the purpose of the EA. The parties agreed to delay further discussion on the map until after the meeting on treaty rights scheduled for November 8. The second map was provided in response to BC Hydro's request for unbuffered TLUS data in its letter of September 27, 2012. T8TA proposed that the spiritual and cultural sites within the inundation and erosion zones remain buffered, as they would be flooded if the Project is built, but that T8TA could provide BC Hydro with the number of sites in these zones. T8TA advised that it was also prepared to provide BC Hydro with unbuffered information for spiritual and cultural sites, outside of the inundation and erosion zones, which BC Hydro may have the opportunity to avoid. T8TA committed to providing BC Hydro with letters outlining the context of the two maps.

On November 8, 2012, BC Hydro and its legal counsel met with representatives of T8TA (Tribal Chief, EA Coordinator, Camerado Energy consultant, legal counsel, advisor) as well as the Chief and Council of West Moberly. Discussion items included:

- Treaty 8 rights: BC Hydro provided a draft paper regarding Treaty 8 rights for discussion (November 2012), explaining that the context was derived from section 20 of the EIS Guidelines, which required BC Hydro to outline its understanding of Treaty 8 rights. BC Hydro provided an overview of the paper, drawing on case law and the text of Treaty 8 to support its position, while recognizing that there were some ambiguities and points for discussion with T8TA. The parties discussed the paper, focusing on the role of BC Hydro versus the role of the Crown, the interpretation of key court decisions, and BC Hydro's decision to use of the current baseline as the starting point for its assessment

of cumulative effects. T8TA sought clarification on the distinction between BC Hydro's role and the Crown's role in relation to the consultation process. BC Hydro confirmed its role as the proponent and also an agent of the Crown, but acknowledged the existence of a potential grey area and agreed to give T8TA's question further consideration.

- Peace Moberly Tract: Representatives of West Moberly expressed concern about potential effects of the Project on the Peace Moberly Tract, explaining that the best hunting for moose, such as Farrell Creek and Del Rio, had already been heavily impacted by industry, which left its members with a diminished area for harvesting activities (focused on the Peace Moberly Tract) which could not sustain everyone. BC Hydro stated that this information was helpful and would contribute to its assessment of current use in the EIS. BC Hydro described its efforts to engage with T8TA in discussions of mitigation and accommodation options with respect to potential effects of the Project, including possible options for the Peace Moberly Tract, such as land protection measures and special management designations. T8TA reiterated that it had no interest in discussion about accommodation because of its opposition to the Project, and explained that its opposition was grounded in the determination that impacts could not be avoided. T8TA stated that it was focused on pursuing reconciliation of competing rights, rather than mitigation. BC Hydro confirmed that it wished to have a discussion about the Peace Moberly Tract in relation to Project, and expressed the view that a meaningful discussion could be held as part of the EA process.
- Medicinal plants: BC Hydro inquired about mitigation options for medicinal plants. T8TA questioned the utility of relocating medicinal plants, explaining that the spiritual value and medicinal quality of a plant was connected to how one picks the plant and its location *in situ*. BC Hydro emphasized that it was important to know the effect the Project on specific sites for medical plants.
- Maps: Discussion was continued from the November 7 meeting regarding the maps requested by BC Hydro from T8TA. Regarding the buffered TLUS data map, T8TA committed to provide buffered information on cultural and sensitive sites outside of the erosion and inundation zones with information such as the number and nature of the sites within those zones. Regarding the map provided by T8TA in response to BC Hydro's request for a traditional territory map, it was confirmed that the map did not represent the T8FNs' traditional territory, but instead represented the portion of the lands around the Project, the Williston Reservoir and the Peace River which T8TA believed was relevant to a discussion around the T8FNs' rights and interests. T8TA confirmed that it was the map found in Appendix D of the TLUS, and agreed to provide written clarification to BC Hydro regarding what the map represented.

On November 9, 2012, BC Hydro met with representatives of T8TA (EA Coordinator, Camerado Energy consultant, advisor, wildlife consultant) to discuss BC Hydro's response to T8TA's comments on the Stage 2 Baseline Vegetation and Wildlife Report, provided on

September 27, 2012. Discussion focused on BC Hydro's use of the industrial baseline rather than the ecological baseline as proposed by T8TA, with BC Hydro requesting that T8TA provide their questions in writing for consideration. BC Hydro presented information regarding the proposed Jackfish Lake Ungulate Study and permit application, and reviewed the work plan, including the purpose and scope of the study. T8TA committed to providing BC Hydro with comments on the work plan, as well as comments on the *Peace River Valley Ungulates Study Program Final Report*. BC Hydro also provided T8TA with printouts of the draft EIS layout.

On November 9, 2012, BC Hydro sent an email to T8TA providing a link to BC Hydro's response to T8TA's information request (August 16, 2012) regarding dam break studies.

On November 13, 2012, BC Hydro sent an email to T8TA providing a link to the Jackfish Ungulate Study Detailed Workplan. BC Hydro advised that it had applied to the province of BC to carry out the ungulate collaring study on the south bank of the Peace River, in the Jackfish Lake road area. BC Hydro explained that the purpose of the study was to assist in filling a data gap respecting ungulate movement in the area and asked Blueberry to advise of its concerns/questions. BC Hydro noted that, pending approval of its application, there would be an opportunity for First Nations to participate in the work.

On November 14, 2012, BC Hydro met via teleconference with representatives of T8TA (EA Coordinator, Firelight Group consultant, Camerado Energy consultant) to review BC Hydro's questions respecting T8TA's draft Community Baseline Report, which pertained to the following components of the report: labour market, regional economic development, land and resource use, and population.

On November 15, 2012, BC Hydro sent a letter to T8TA which sought to address potential gaps in the information exchange between the parties. The letter requested that T8TA 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 15, 2012, West Moberly sent a letter to BC Hydro regarding contracting opportunities related to the Project. The letter stated that West Moberly, notwithstanding its opposition to the Project, expected to benefit from contracting opportunities should the Project be approved. In particular, West Moberly expected that Black Diamond Cygnus LP would be offered a contract for workforce accommodation (camps) and modular offices. The letter explained that West Moberly had entered into a 50/50 equity partnership in Black Diamond Cygnus LP, which acted as the contracting party for business transpiring in West Moberly's traditional territory and provided equitable benefits to the West Moberly community.

On November 18, 2012, Firelight Group sent an email to BC Hydro attaching the *Site C Project: Initial Impact Pathways Identification Report*, dated November 16, 2012, prepared by the T8FNs' Community Assessment Team pursuant to the *First Nations Community Assessment ToR*. The report identifies initial impact pathways between the proposed Project and the T8FNs' society, economy and culture, and includes (1) an Impact Pathways Identification Table, and (2) a Development Component/Valued Component Interaction Matrix, to assist T8TA and BC Hydro in engaging in further dialogue on the potential effects of the Project.

On November 19, 2012, BC Hydro sent an email to T8TA attaching BC Hydro's speaking points with respect to the delay in the IRP, as requested by T8TA.

On November 21, 2012, BC Hydro (legal counsel) sent a letter to T8TA (legal counsel), in response to questions raised at the meeting of November 8, 2012, regarding the respective roles of BC Hydro and the BCEAO in the consultation process, and the appropriate entity with which to discuss mitigations options and accommodation. The letter explained that BC Hydro, as the Crown actor responsible or the development, construction and operation of the Project, was also responsible for consulting with First Nations in respect of the Project generally, which included discussions regarding mitigation options and accommodation, where appropriate. The letter stated that mitigation discussions could be held at any time, and described three recent meetings (July 17, August 21, September 11) at which BC Hydro sought input from T8TA regarding mitigation options. With respect to accommodation, the letter explained that BC Hydro had provided the T8FNs' with an overview of its benefit mandate on March 27, and had expressed willingness to engage in benefit discussions on several subsequent occasions. BC Hydro's understanding was that the T8FNs had declined to engage in benefit discussions on the basis of their opposition to the Project, and their view that such discussions would be inconsistent with that position. The letter confirmed that BC Hydro remained willing to meeting with the T8FNs to discuss potential accommodation. The letter advised that the T8FNs were not precluded from engaging directly with the BCEAO in discussions regarding the potential effects of the Project, potential mitigation options and potential accommodation, as part of the EA process, and encouraged the T8FNs to avail themselves all opportunities within that process to express their views and engage with government regarding the Project.

On November 23, 2012, T8TA sent a letter to BC Hydro further to the meeting of November 7, 2012, in which BC Hydro had suggested that it would apply for "synchronized" permitting prior to the receipt of the Environmental Assessment Certificate. The letter asserted that proceeding in this manner would be inconsistent with the *Environmental Assessment Act* (British Columbia), the *Agreement to Conduct a Cooperative Environmental Assessment for the Site C Energy Project*, between Canada and the Province, and the *Collaborative Management Agreement*, between the Province and the Doig River, Prophet River and West Moberly First Nations. The letter suggested that proceeding in such a manner would

be premature, not an efficient use of the T8FNs' limited resources, and inconsistent with the honour of the Crown. The letter asserted that whether BC Hydro proposed a "synchronized" or concurrent permitting process, the underlying presumption was that the Project would be approved. The letter advised that the T8FNs continued to have concerns about the adequacy of the consultation process and the Joint Review Panel process to achieve reconciliation, and requested that BC Hydro "abandon this attempt to subvert the Joint Review Panel process."

On November 27, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- Archaeology Quarterly Progress Report Q3: July 1 to September 30, 2012 (Permit #2009-0262)

On November 28, 2012, T8TA sent an email to BC Hydro attaching the final version of the T8FNs' Community Baseline Profile report, *Telling a Story of Change the Dane-zaa Way*, dated November 27, 2012, and prepared pursuant to the First Nation Community Assessment ToR. The report includes information regarding: the values and valued components of the T8FNs; the way of life of the T8FNs, and how this has changed over time; history of the T8FNs and causes and effects of change over time on the Nations; current social, economic and cultural conditions in the T8FNs today, and how this has changed over time; and, goals, aspirations and concerns for the future of the T8FNs, including examination of resilience and vulnerability of the T8FNs to future change. The purpose of the report is described as (1) developing a baseline community profile for each of the T8FNs, (2) characterizing the current and trend status of VCs, and, (3) identify goals, aspirations, and issues/concerns common to the four T8FNs, and create a foundation against which to identify potential pathways and effects of the Project on the T8FNs' rights and interests.

On November 30, 2012, BC Hydro sent an email to T8TA providing a link to BC Hydro's response to T8TA's suggestions for alternative receptor sites for consideration in the Visual Resources Assessment. In its response, BC Hydro advised that its subject matter lead had reviewed each of the sites suggested by T8TA, and explained how each site had been considered.

On December 3, 2012, T8TA (Camerado Energy) sent an email to BC Hydro in follow-up to the BC Hydro's November 15, 2012 letter. T8TA thanked BC Hydro for its inquiry with the T8FN Chiefs respecting outstanding information requests.T8TA noted that there were several items on the EA Committee's task list that still needed to be addressed. T8TA advised that it anticipated having additional information requests and revisions to prior information requests going forward.

On December 3, 2012, T8TA (Camerado Energy) sent an email to BC Hydro attaching a document titled "T8TA's Review Comments – Aquatic Baseline Studies (December 3, 2012)". The document containing 69 pages of comments on 37 fish and aquatics baseline studies conducted in relation to the Project from 2003 to 2012. The comments were prepared by North South Consultants Inc. on behalf of T8TA.

On December 4, 2012, BC Hydro sent a letter to T8TA in response to T8TA's letter of November 23, 2012 regarding BC Hydro's proposed approach for seeking the required permits to construct the Project. Regarding the interpretation of the *Environmental Assessment Act* (British Columbia), the letter stated that while permits and approvals to construct the Project could not be issued unless and until an Environmental Assessment Certificate has been issued, it was entirely lawful for BC Hydro as the proponent to commence the process in advance of the issuance of an Environmental Assessment Certificate. The letter clarified that by proposing to submit permit applications to the

applicable provincial agencies in advance of receiving an Environmental Assessment Certificate, BC Hydro was not attempting to "subvert the Joint Review Panel process" as stated by T8TA. Rather, BC Hydro was seeking to develop a pro-active approach that would allow the various government agencies and decision-makers to be in a better position to consider the outcome of the EA process in relation to the permit applications, to determine any conditions that may be imposed in permits, and to issue those permits in an efficient way. The letter noted that questions about how the proposed permitting approach would work within the context of the Collaborative Management Agreements (between the Province and Doig River, Prophet River and West Moberly First Nations) would be best addressed by the Province.

On December 4, 2012, BC Hydro sent an email to T8TA which attached BC Hydro's written responses to T8TA's comments and questions regarding the draft IRP (as set out in T8TA's letter of August 13, 2012 and clarified by email on September 17, 2012). BC Hydro's responses addressed only comments or questions which had a connection to Site C.

Distribution of Field Studies Overview

BC Hydro sent emails to T8TA providing the *Field Studies Overview* outlining the field studies taking place in the coming month. Emails were sent on the following dates:

- 2009: July 2, August 4, October 2, November 3, December 2
- 2010: February 1, March 3, April 6, May 4, June 2, July 2, August 3, September 1, November 2, December 3, December 30
- 2011: January 27, February 4, February 22, March 4, March 24, April 4, April 29, June 1, June 28, July 29, August 22, September 29, October 24, November 28
- 2012: January 27, March 1, May 1, October 5, November 2

Distribution of Weekly Environmental and Archaeological Reports

Golder sent emails to T8TA providing the *Weekly Environmental and Archaeological Reports*. The reports summarize Golder's investigation and monitoring activities, identifying any environmental and archaeological issues or incidents, as well as any mitigation measures implemented to address the issues/incidents. Emails were sent on the following dates:

- 2010: April 6, April 8, June 7, June 8, June 28, July 6, September 20, September 28, October 12, October 26
- 2011: June 27, June 30, July 4 , July 15, July 29, August 8, August 15, October 3, October 7, October 14, October 25, November 3

- 2012: July 24, July 26, August 1, August 8, August 31, September 11, October 5, October 18

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A06 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: DOIG RIVER FIRST NATION (AS A MEMBER OF TREATY 8 TRIBAL ASSOCIATION)

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

July 2013

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

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

TREATY 8 TRIBAL ASSOCIATION

The list of Aboriginal groups in Section 20.1 of the EIS Guidelines does not specifically include tribal councils, associations or other collective entities. However, the Doig River, Halfway River, Prophet River and West Moberly First Nations (collectively known as the "Treaty 8 First Nations" or "T8FNs") indicated to BC Hydro that they wished to be consulted respecting the Project through a collective entity called the Treaty 8 Tribal Association ("T8TA").

CONSULTATION SUMMARY

Defined terms	
"AIA"	Archaeological Impact Assessment
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"Camerado Energy"	Camerado Energy Consulting Inc., consultant for the Treaty 8 Tribal Association
"CEA Agency"	Canadian Environmental Assessment Agency
"Community Baseline Profile report"	*Telling a Story of Change the Dane-Zaa Way,* A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation and West Moberly First Nations, November 27, 2012, prepared by the Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative
"Doig River"	Doig River First Nation
"EA"	environmental assessment

"EAPA"	Environmental Assessment Participation Agreement between the Treaty 8 First Nations (being the Doig River First Nation, Halfway River First Nation, Prophet River First Nation, and West Moberly First Nations) and BC Hydro, dated April 21, 2012
"EIS"	Environmental Impact Statement
"EIS Guidelines"	Environmental Impact Statement Guidelines, formerly called the Application Information Requirements
"GIS"	Geographic Information Systems
"Golder"	Golder Associates Ltd., consultant for BC Hydro
"Halfway River"	Halfway River First Nation
"IRP"	Integrated Resource Plan
"Keystone Wildlife"	Keystone Wildlife Research Ltd., consultant for BC Hydro
"Prophet River"	Prophet River First Nation
"the Province"	Province of British Columbia
"the Project"	The proposed Site C Clean Energy Project
"TDR"	Technical Data Report
"TLUS"	Traditional Land Use Study
"*TLUS Agreement*"	Traditional Land Use Study Agreement between Treaty 8 Tribal Association, the Member First Nations (being Doig River First Nation, Halfway River First Nation, Prophet River First Nation, and West Moberly First Nations) and BC Hydro (December 16, 2010)
"T8FNs"	Treaty 8 First Nations (Doig River First Nation, Halfway River First Nation, Prophet River First Nation, and West Moberly First Nations)
"T8TA"	Treaty 8 Tribal Association, representative body of the Treaty 8 First Nations (as defined above) in relation to the consultation process for the Project
"Traditions Consulting"	Traditions Consulting Ltd., consultant for BC Hydro
"VC"	Valued Component
"West Moberly"	West Moberly First Nations
"Wildlife Infometrics"	Wildlife Infometrics Inc., consultant for Treaty 8 Tribal Association

Key events

2012

December:

- BC Hydro met with representatives of T8TA on December 5. BC Hydro reviewed a document setting out its proposed methodology for Section 19 of the EIS (Current Use of Lands and Resources for Traditional Purposes) and expressed interest in receiving T8TA's comments. The parties also discussed the EA Committee Task List, T8TA's Issues List, the EIS draft layout document, and concerns raised by T8TA regarding procurement and employment opportunities.

- BC Hydro met with representatives of T8TA and North South Consultants Inc. on December 8 to discuss T8TA's comments on the fish and aquatics baseline studies and other matters.

- By email on December 7, BC Hydro provided links to the following documents: (1) BC Hydro's methodology overview for Section 19 of the EIS (Current Use of Lands and Resources for Traditional Purposes); (2) EIS layout document; and (3) "Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association" (November 30, 2012), prepared by Traditions Consulting, which summarized information on the T8FNs' use of lands and resources.

- By email on December 17, BC Hydro provided a link to the following draft Technical Data Reports: Aquatic Productivity Reports; Downstream Ice TDR; Contaminated Sites TDR; Fluvial Geomorphology and Sediment Transport TDR; Microclimate TDR; Noise TDR; Peace River Valley Ungulates Study Program TDR; Water Quality TDR; Air Quality TDR.

- By email on December 18, T8TA submitted two documents containing: (1) comments on three documents setting out BC Hydro's approach to the selection of VCs and spatial boundaries for the EIS (Letter from BC Hydro to T8TA dated May 23, 2012; Candidate Valued Component Initial Screening Matrix; Project Valued Component Interaction Matrix); and (2) input on the T8FNs' understanding of the term "intangible heritage resources".

  - In the first document, T8TA provided a number of general and specific comments regarding the EA methodology for the identification of VCs and related spatial boundaries. T8TA listed six VCs that were identified by in the T8FN Community Baseline Profile report, and asked BC Hydro to identify how these issues would be considered in the EIS. T8TA suggested

that the number of candidate VCs proposed by BC Hydro was too large. T8TA reiterated concerns raised previously with respect to the proposed spatial boundaries for the assessment of effects on the terrestrial environment and on the current use of lands and resources, noting that the spatial boundaries lacked an ecological basis or a basis in the exercise of Aboriginal and treaty rights and did not sufficiently capture the historical context of previous developments. T8TA provided comments on the Candidate VC Initial Screening Matrix and the Project VC Interaction Matrix, and specific comments on the following topics: the Peace-Athabasca Delta; fish species; carnivores and grizzly bears; local versus regional economic development; business, employment, training and advancement; exclusion (or downplaying) of healthy living; consideration of public safety; omission of social cohesion; agriculture resource and regional food security; omission of Aboriginal land stewardship; scope of heritage resources; omission of cultural continuity; and, omission of equitable distribution of impact and benefits.

- In the second document, T8TA identified sections of the Initial Impact Pathways Identification Report that presented information on heritage resources, and provided a list of types of “intangible heritage resources” as well as further clarification on their nature and importance.

- By letter on December 18, T8TA provided updated information in response to BC Hydro’s letter of September 21, 2012, in which BC Hydro had requested information for inclusion in the EIS. The letter clarified where information related to the various topics aligned with the EIS had or had not been provided by T8TA, as well as recommendations for additional areas of study. The letter confirmed that the T8FNs had not mapped their traditional territories for the Project or any other purpose, and advised that the map provided to BC Hydro (“TLUS — Area of Interest”) represented the regional study area that the T8FNs believed should be used when assessing the cumulative effects of the Project.

- By letter on December 19, T8TA’s legal counsel responded to a letter from BC Hydro’s legal counsel dated November 21, 2012, regarding the respective roles of BC Hydro and the Crown in the consultation process and other matters. The letter asked BC Hydro to clarify whether the view held by the T8FNs that Treaty 8 “establishes an ongoing Crown obligation to secure a continued supply of game and fish for the support and subsistence of the First Nations”, as well as the effect of previous Crown authorizations on the supply of game, should be addressed as part of the consultation process with BC Hydro or in a separate process with the Provincial Crown.

- By email on December 20, T8TA provided comments prepared by its consultant, Wildlife Infometrics, on the Jackfish Lake Ungulate Study Work Plan.

- By letter on December 20, T8TA's legal counsel provided comments on BC Hydro's Draft Discussion Paper on Treaty 8 Rights.

- By email on December 21, T8TA provided comments on BC Hydro's methodology overview for Section 19 of the EIS (Current Use of Lands and Resources for Traditional Purposes). Topics addressed in the comments included reasonably anticipated future use, spatial and temporal boundaries, and characterization of residual effects and determination of significance. T8TA suggested that four criteria in addition to those listed in section 8.3 of the EIS Guidelines, be considered in the characterization of residual effects (significance of use, importance of landscape or area, multiplicity of practical uses, and multiplicity of cultural uses).

- By email on December 21, T8TA provided comments on the draft EIS Project and Activity Inclusion List. T8TA suggested that several additional projects and activities be included on the List and taken into account in the cumulative effects assessment, and reiterated concerns regarding the baseline for the cumulative effects assessment.

- By email on December 21, 2012, T8TA provided comments in response to the document titled "Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association", November 30, 2012, prepared by Traditions Consulting. T8TA stated that owing to the recent receipt of the Traditions report and the fact that BC Hydro planned to submit the EIS at the end of January 2013, the T8FNs would review the detailed aspects of the Traditions report in the course of their review of the EIS. T8TA noted that Traditions report contained references, materials and maps from prior studies of lands and resources by the T8FNs, and identified limitations to the use of prior information alongside the information provided by the T8FNs in the TLUS and Community Assessment reports.

2013

January:

- By letter on January 8, BC Hydro responded to T8TA's comments on the Jackfish Lake Study Work Plan, submitted on December 20, 2012.

- By email on January 17, T8TA provided comments prepared by its consultant, Wildlife Infometrics, on the Peace River Valley Ungulates Study Program, Interim Report (Keystone Wildlife).

- BC Hydro met with representatives of T8TA and Wildlife Infometrics by teleconference on January 17 to discuss T8TA's comments on the Jackfish Lake Ungulate Study Work Plan.

- By letter on January 24, BC Hydro responded to T8TA's letter of December 18, 2012, in which T8TA provided information in response to BC Hydro request for additional information to be considered in preparing the EIS.

- By letter on January 28, BC Hydro advised T8TA that it had submitted the EIS to the CEA Agency and the BCEAO.

- By letter on January 29, BC Hydro responded to T8TA's comments submitted on December 12, 2012, regarding the Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association (November 30, 2012), prepared by Traditions Consulting. The letter stated that a copy of T8TA's December 21, 2012 letter had been provided to Traditions Consulting for consideration in preparing the Aboriginal Land and Resource Use Summary for the EIS, and that that BC Hydro looked forward to receiving comments from T8TA regarding the Aboriginal Land and Resource Use Summary.

- By email on January 31, BC Hydro provided a link to BC Hydro's responses to T8TA's review comments on the Peace River Valley Ungulates Study Program, Interim Report, submitted on January 17, 2013.

- By letter on January 31, BC Hydro responded to input received from T8TA on December 18, 2012, regarding intangible heritage resources. BC Hydro explained how intangible heritage resources had been considered in the assessment of the effects of the Project on current use of lands and resources for traditional purposes in the EIS (Section 19).

<u>February:</u>

- By letter on February 6, BC Hydro responded to comments submitted by T8TA on December 21, 2012 regarding BC Hydro's methodology overview for Section 19 of the EIS (Current Use of Lands and Resources for Traditional Purposes).The letter noted that BC Hydro had considered the four criteria

proposed by T8TA for characterizing residual effects (significance of use, importance of landscape or area, multiplicity of practical uses, and multiplicity of cultural uses), and took them into account in developing specific sub-criteria for the general "Context" criterion, as set out in Table 19.13 of the EIS.

- BC Hydro met with representatives of T8TA on February 20 to discuss the EA Committee Task List, the budget for fiscal year 2013-2014 under the *EAPA*, and other matters.

- BC Hydro met with representatives of West Moberly on February 20 to discuss the permit application for the Jackfish Lake Road ungulate collaring program.

- By letter on February 27, BC Hydro's legal counsel responded to a letter from T8TA's legal counsel dated December 19, 2012, which raised the issue of the respective roles of BC Hydro and the Provincial Crown in consultations regarding the effect of past decisions on the supply of game. The letter confirmed BC Hydro's view that the historical context, which may include the effects of previous or other Crown decisions, was relevant to understanding the seriousness and severity of the potential effects of the Project, and thus was a proper subject of consultation with BC Hydro. The letter clarified that BC Hydro's role in seeking working accommodations for the effects of the Project did not include accommodating the effects of past Crown decisions on the exercise of treaty rights, nor making accommodations for Crown decisions regarding other projects.

<u>March:</u>

- By letter on March 18, BC Hydro responded to T8TA's letter of December 21, 2012 regarding the draft EIS Project and Activity Inclusion List. The letter addressed T8TA's concerns regarding the methodology for the cumulative effects assessment and provided BC Hydro's response to T8TA's list of additional projects and activities for consideration for the Project and Activity Inclusion List. The letter noted that as a result of the review, four projects would be added to the Project and Activity Inclusion List.

<u>April / May:</u>

- BC Hydro met with representatives of T8TA on April 9, May 8 and May 16 to discuss the budget for the 2013-14 fiscal year under the *EAPA*. By email on May 17, T8TA advised that the T8FN Chiefs had accepted BC Hydro's proposed budget. On May 27, BC Hydro sent a draft Letter of Understanding to T8TA / T8FNs to confirm the parties' agreement. The letter set out the funding

amount for the 2013-14 fiscal year and noted that T8TA would also retain the surplus funding from the 2012-2013 fiscal year. The letter stated that additional funding would be provided to support the review of Rolling Work Plan #8 and to support the T8FNs' participation in the permitting process. The letter also stated that BC Hydro was prepared to enter into further discussions with the T8FNs respecting additional funding, if the T8FNs were to find themselves in a deficit situation toward the end of the 2013-2014 fiscal year.

- By letter on May 27, BC Hydro responded T8TA's letter of December 18, 2012, providing comments on three documents setting out BC Hydro's approach to the selection of VCs and spatial boundaries for the EIS (Letter from BC Hydro to T8TA dated May 23, 2012; Candidate Valued Component Initial Screening Matrix; Project Valued Component Interaction Matrix). The letter noted that the responses to many of T8TA's comments were provided in the EIS as well as in BC Hydro's responses to information requests on the EIS and related technical memoranda. The letter explained how BC Hydro had considered materials provided by T8TA in the EIS, and described where in the EIS the VCs suggested by the T8TA in its Community Baseline Profile report had been accounted for. The letter described the methodology for determining the spatial boundaries, and how the environmental background was considered in the identification of boundaries for selected VCs. The letter addressed several comments from T8TA regarding the Candidate Valued Component Initial Screening Matrix and Project Valued Component Interaction Matrix, and specific comments on the following topics: the Peace-Athabasca Delta; fish species; carnivores and grizzly bears; local versus regional economic development; business, employment, training and advancement; exclusion (or downplaying) of healthy living; consideration of public safety; omission of social cohesion; agriculture resource and regional food security; omission of Aboriginal land stewardship; scope of heritage resources; omission of cultural continuity; and, omission of equitable distribution of impact and benefits. For all of these responses, the location of where each issue was considered in the EIS was identified, where appropriate.

Chronology of events

2012

On December 5, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Executive Assistant, Advisor) and Camerado Energy to review the EA Committee Task List, the T8TA Issues List, the EIS draft layout document dated November 30, 2012, dam break analysis and the approach to the assessment of impacts on land and resource use and treaty rights. The parties reviewed the EA Committee Task List and the T8TA Issues List. Camerado Energy updated the T8TA Issues List

with BC Hydro's responses throughout the discussion. The parties discussed issues raised by T8TA, including BC Hydro's procurement plan and T8TA's assertion that BC Hydro had not significantly contributed to training or employment programs that generated meaningful results for First Nations people in the Peace Region. BC Hydro advised that it was making a strong effort to improve its approach with Aboriginal groups. BC Hydro advised that it was committed to getting First Nations companies involved in opportunities respecting the Project and referenced work underway by First Nations companies on Site C investigations and other BC Hydro projects. The parties also discussed issues relating to discussions on Impact Benefit Agreements, specifically respecting land selection and rights to common territory between First Nations. BC Hydro advised that all First Nations would be consulted on lands proposed for inclusion in Impact Benefit Agreements. BC Hydro distributed a document titled "EIS Document (Draft Layout) (November 30, 2012 draft)" for discussion and indicated that it was a prescribed set up per the EIS Guidelines, noting that changes had been made to the document which had been originally shared at the November meeting. The parties reviewed the document and T8TA advised that it had received the format in which its comments were to be submitted from the CEA Agency and the BCEAO. BC Hydro confirmed receipt of T8TA's document on the topic of dam break analysis and read through a series of speaking points. BC Hydro distributed copies of a document titled "Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, Current Use of Lands and Resources for Traditional Purposes (December 4, 2012)" and provided an overview of the document, explaining that it focused on the current use of lands and resources for traditional purposes. BC Hydro indicated that it was interested in T8TA's comments. BC Hydro asked for an update on its request for unbuffered maps and T8TA committed to following-up and providing a response.

On December 5, 2012, T8TA (Camerado Energy) sent an email to BC Hydro attaching an updated version of the T8FNs' Issues Scoping Table.

On December 6, 2012, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Executive Assistant, Advisor), Camerado Energy and North South Consultants Inc. The parties discussed BC Hydro's responses provided on December 4, 2012, to T8TA's questions regarding the IRP. T8TA sought clarification on one technical point and indicated that it would wait until the EIS was submitted to add any further comments on system alternatives. T8TA indicated that a lack of comments did not indicate agreement with responses provided by BC Hydro on December 4, 2012. The parties also discussed the document titled "T8TA's Review Comments – Aquatic Baseline Studies (December 3, 2012)". North South Consultants Inc. provided an overview of T8TA's document titled "T8TA's Review Comments – Aquatic Baseline Studies (December 3, 2012)". North South Consultants Inc. noted some concerns about the studies (looking at radio tag results only; the lack of discussion of equipment failure/malfunction; urged caution in interpreting the movement information as some

conclusions might not be supported by the data) but advised that, overall, the studies were well done. BC Hydro's Fisheries Lead explained that the best information could be found in the three middle reports as BC Hydro had pit tagged adult bull trout, rainbow trout and whitefish during the inventory and the thousands of pit tags provided an indication of movement. BC Hydro provided an overview of the appendices related to fish and fish habitat, per T8TA's request for clarification on December 5, 2012.

On December 7, 2012, BC Hydro sent an email to T8TA, providing links to the following documents on its secured file transfer website:

- "Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, 'Current Use of Lands and Resources for Traditional Purposes'" (A discussion document on the methodology used for the assessment of effects on the current use of lands and resources for traditional purposes by Aboriginal people).
- EIS layout document, November 30, 2012.
- "Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association", November 30, 2012, prepared by Traditions Consulting (The document summarized information on the T8FNs' use of lands and resources provided in the TLUS Data and Methodology Report, the T8FNs Community Assessment, and other publically available sources of TLU information).

BC Hydro also included the speaking points regarding the dam break information request response from the December 5, 2012 meeting.

On December 10, 2012, BC Hydro sent a letter to T8TA, enclosing a capacity funding cheque issued pursuant to the First Nations Community Assessment Terms of Reference, dated March 13, 2012, and per BC Hydro's receipt of the Community Baseline Profile report and the T8FN Initial Impact Pathway Identification Report.

On December 10, 2012, Golder sent an email to T8TA and the T8FNs attaching:

- AIA: Project Access Road Geotechnical Investigations (Permit 2009-0262).

On December 12, 2012, BC Hydro sent an email to T8TA (Camerado Energy) in response to T8TA's inquiry regarding the inclusion in the EIS of its comments on the document titled "Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association", November 30, 2012, prepared by Traditions Consulting. BC Hydro indicated that it was interested in T8TA's comments and advised it would appreciate receiving them as soon as possible for consideration in the EIS. BC Hydro noted that it intended to include the Traditions document in the EIS and that comments could be

incorporated in advance of filing if received in the following weeks, or incorporated afterwards into the final iteration of the EIS in the summer of 2013.

On December 17, 2012, Golder sent an email to BC Hydro (cc: T8FNs) attaching:

- 2012 AOA Sites HbRf-43 and HbRf-90, South (Right) Bank of the Peace River, Northeast BC (*Heritage Conservation Act* Section 12 Site Alteration Permit 2011-0102).

On December 17, 2012, BC Hydro sent an email to T8TA, providing a list of descriptions of the EIS appendices as requested at the December 5 and 6, 2012 meetings. BC Hydro also provided a link to the following draft EIS TDRs on a secured file transfer website:

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

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

On December 18, 2012, T8TA (Camerado Energy) sent an email to BC Hydro attaching two documents: (1) comments on three documents setting out BC Hydro's approach to the selection of VCs and spatial boundaries (Letter from BC Hydro to T8TA dated May 23, 2012; Candidate Valued Component Initial Screening Matrix, dated August 9, 2012; Project Valued Component Interaction Matrix, dated August 9, 2012); and (2) input on the T8FNs' understanding of the term "intangible heritage resources" used in section 18 of the EIS Guidelines.

In the first document, T8TA provided a number of general and specific comments regarding the EA methodology for the identification of VCs and related spatial boundaries. T8TA listed six VCs that were identified by the T8FNs in the T8FN Community Baseline Profile Report, and asked BC Hydro to identify how these issues would be considered in the EIS. T8TA suggested that the number of candidate VCs proposed by BC Hydro and contained in the EIS Guidelines was too large, and emphasized that the EIS should focus on "the overall functioning of the environment and its suitability for use by First Nations", and "the *implications* of significant environmental effects" (emphasis in original). T8TA identified concerns raised previously with respect to the proposed spatial boundaries for the assessment of effects on the terrestrial

environment and on the current use of lands and resources, noting that the boundaries lacked an ecological basis or a basis in the exercise of Aboriginal and treaty rights. T8TA raised a concern that the spatial boundaries did not sufficiently capture the historical context of previous developments that would be necessary to understand potential effects of the Project. In addition, T8TA provided comments on the Candidate VC Initial Screening Matrix and the Project VC Interaction Matrix related to scope of Project interactions, the temporal scope of Project components and activities, candidate VCs and the selection of VCs, key indicators and appropriate disciplines and impact pathways. T8TA also provided specific comments on the following topics, among others: the Peace-Athabasca Delta; fish species; carnivores and grizzly bears; local versus regional economic development; business, employment, training and advancement; exclusion (or downplaying) of healthy living; consideration of public safety; omission of social cohesion; agriculture resource and regional food security; omission of Aboriginal land stewardship; scope of heritage resources; omission of cultural continuity; and, omission of equitable distribution of impact and benefits.

In the second document, T8TA identified sections of the Initial Impact Pathways Identification Report that presented information on heritage resources, and provided a list of types of intangible heritage resources with further clarification on their nature and importance. T8TA noted that a useful definition of the term “intangible heritage resources” was provided in the Convention for Safeguarding of Intangible Cultural Heritage Resources.

On December 18, 2012, T8TA sent a letter to BC Hydro which provided updated information in response to BC Hydro’s letter of September 21, 2012 requesting information for inclusion in the EIS. The letter supplemented information that was originally provided by T8TA to BC Hydro in a letter dated October 31, 2012. The letter listed BC Hydro’s information requests and identified where relevant information could be found in the T8FNs’ TLUS Data and Methodology Report, Community Baseline Profile report, and Initial Impact Pathways Identification Report. The letter provided responses in the following topic areas: traditional knowledge; VCs; fish species of conservation or ceremonial concern; traditional territory mapping; current and reasonably anticipated use of lands and resources; exercise of treaty and Aboriginal rights; participation in tenured trap line and guide outfitting operations; background information on Aboriginal groups; and, other interests of Aboriginal groups. The letter also identified where additional might be required to supplement the information provide in the TLUS Data and Methodology Report, Community Baseline Profile report, and the Initial Impact Pathways Identification Report. The letter expressed concern regarding the timeline for collection of traditional knowledge information and advised that the T8FNs would consider the need for collecting additional traditional knowledge information upon completing its review of the EIS. With respect to traditional territory mapping, the letter confirmed that the T8FNs had not mapped their traditional territories for the Project or any other purpose. The letter advised that the map provided to BC Hydro titled “TLUS —

Area of Interest" did not represent the traditional territories of the T8FNs, but the regional study area that the T8FNs believed should be used when assessing the cumulative effects of the Project.

On December 19, 2012, T8TA's legal counsel sent a letter to BC Hydro's legal counsel further to the meeting on November 8, 2012, and BC Hydro's letter of November 21, 2012. The letter sought to clarify the context in which T8TA's question regarding the respective roles of BC Hydro and the Province in the consultation process had arisen. The letter stated that the question had arisen during a discussion concerning BC Hydro's Draft Discussion Paper on Treaty 8 Rights, and in particular, BC Hydro's response to the assertion by the T8FNs that Treaty 8 "establishes an ongoing Crown obligation to secure a continued supply of game and fish for the support and subsistence of the First Nations". The letter expressed the view held by the T8FNs that the supply of game was already significantly diminished due to Crown authorizations of previous projects. The letter asked whether this issue should be addressed as part of the consultation process with BC Hydro or in a separate process with the Provincial Crown. In addition, the letter stated that BC Hydro's reference to benefit discussions was misplaced as it was unrelated to ensuring that the consultation process took into account existing impacts on treaty rights in order to properly assess how the Project would affect the ongoing exercise of treaty rights. The letter noted that BC Hydro had not met with T8FN-owned companies regarding procurement opportunities for the Project.

On December 19, 2012, T8TA sent an email to BC Hydro attaching a financial statement pursuant to the *EAPA* for the nine periods ending December 31, 2012.

On December 20, 2012, T8TA (Camerado Energy) sent an email to BC Hydro attaching the T8FNs' comments on the Jackfish Lake Ungulate Study Work Plan. The comments were prepared by Wildlife Infometrics on behalf of the T8FNs.

On December 20, 2012, T8TA's legal counsel) sent a letter to BC Hydro's legal counsel providing comments on BC Hydro's Draft Discussion Paper on Treaty 8 Rights ("Discussion Paper"). The letter expressed concern that the *Halfway River* case was not addressed in the Discussion Paper and stated that *Halfway River* was particularly relevant to the Project given that the treaty rights of the Halfway River First Nation would be adversely affected should the Project proceed. The letter asserted that BC Hydro had misread *Mikisew Cree* with respect to the circumstances in which taking up of land by the Crown would constitute an infringement of treaty rights. The letter argued that the courts had recognized the "site-specific" nature of treaty rights and cited case law to that effect. The letter clarified the basis for T8TA's position that the Crown had an obligation to secure a continued supply of game and fish for the support and subsistence of the T8FNs, citing the oral promises contained in the reports of the Treaty Commissioners and related case law.

On December 21, 2012, T8TA sent an email to BC Hydro attaching comments on the "Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, Current Use of Lands and Resources for Traditional Purposes (December 4, 2012)". The following topics, among others, were addressed by T8TA in the comments:

- Reasonably anticipated future use: T8TA identified sections in the T8FNs' TLUS Data and Methodology Report and Community Baseline Profile report that were relevant to the assessment of reasonably anticipated future use. T8TA asserted that a meaningful assessment of reasonably anticipated future use needed to consider a future scenario without the existing Site C flood reserve.

- Spatial and temporal boundaries*:* T8TA asserted that a regional assessment area inclusive of the W.A.C. Bennett and Peace Canyon Dams, and consideration of baseline conditions prior to the development of these upstream hydroelectric facilities were necessary in order to undertake a meaningful assessment of cumulative effects on current use of lands and resources for traditional purposes by the T8FNs.

- Indicators: T8TA provided a list of potential qualitative and quantitative indicators of current and reasonably anticipated future use of lands and resources by the T8FNs, as set out in section 6 of the T8FNs' Community Baseline Profile report.

- Characterization of residual effects / determination of significance: T8TA suggested that a "capability" approach would be useful in characterizing residual effects on current use of lands and resources, and that the determination of significance of any particular effect should be viewed and weighed from the perspective of Aboriginal land users themselves. T8TA requested that four additional criteria be considered in the characterizing residual effects in addition to the criteria listed in section 8.3 of the EIS Guidelines. These included: significance of use, importance of landscape or area, multiplicity of practical uses, and multiplicity of cultural uses.

On December 21, 2012, T8TA sent an email to BC Hydro attaching comments on the Draft EIS Project and Activity Inclusion List ("List"). T8TA suggested that a number of additional projects and activities be included on the List and taken into account in the cumulative effects assessment, including the Peace Project Water Use Plan, the Northeast Transmission Line, the Alaska Highway Pipeline Project, the Horn River Mainline Loop (Kyklo Creek Section), the Progress Energy/Petronas North Montney Joint Venture, Aeolis Wind, and a number of other projects listed in the B.C. Major Projects Inventory. T8TA also reiterated concerns regarding the baseline for the cumulative effects assessment as set out in section 8.5.3 of the EIS Guidelines. Specifically, T8TA stated that a baseline case "reflecting the effect of all projects and activities that have been carried out" would not adequately consider the historical context to determine the implications of the Project for the T8FNs' Aboriginal and treaty rights,

and that the baseline conditions should be described prior to the development of the W.A.C. Bennett and Peace Canyon dams. T8TA further stated that the Future Case without the Project needed to consider the removal of the existing flood reserve from the Peace River valley.

On December 21, 2012, T8TA (Camerado Energy) sent an email to BC Hydro providing comments in response to the document titled “Final Draft - Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association”, November 30, 2012, prepared by Traditions Consulting, which summarized information on the T8FNs’ use of lands and resources provided in the TLUS Data and Methodology Report, the T8FNs Community Assessment, and other publically available sources of TLU information. T8TA stated that due to the recent receipt of the Traditions report and the fact that BC Hydro planned to submit the EIS at the end of January 2013, the T8FNs would review the detailed aspects of the Traditions report in the course of their review of the EIS. T8TA noted that Traditions report contained references, materials and maps from prior studies of lands and resources by the T8FNs, and identified limitations to the use of prior information alongside the information provided in the TLUS Data and Methodology Report, Community Baseline Profile report, and Initial Impact Pathways Identification Report. In particular, T8TA expressed concern that the methodologies used in the prior studies, and the context in which the prior studies were undertaken, was not described in the Traditions report, and that the prior information was presented without a discussion of the comparative weighting of the evidence.

2013

On January 8, 2013, BC Hydro sent a letter to T8TA in response to T8TA's December 20, 2012 review comments on the Jackfish Lake Ungulate Study Work Plan, prepared by Wildlife Infometrics. The letter addressed comments raised in the consultant’s review, as well as comments raised by West Moberly in a meeting with the Ministry of Forests, Lands and Natural Resource Operations on December 19, 2012. BC Hydro advised it was prepared to discuss the work plan, to address any outstanding questions regarding the permit application, and to meet with West Moberly, as requested at the December 19, 2012 meeting. The letter addressed the following items: issues regarding the quality, scope and duration of the study, issues regarding the proposed work plan, issues that suggest the need for further study, the adequacy of the study to provide basis for understanding the implications of environmental effects on the exercise of treaty rights, a literature review, the justification for any deviations to prescribed methods, the consistency of methods with industry best-practice, and comments raised by West Moberly with Ministry of Forests, Lands and Natural Resource Operations on December 19, 2012. The letter provided BC Hydro’s consideration of suggestions to modify the work plan and noted where particular issues or concerns would be addressed in the EIS and where issues identified were outside of the scope of the work plan or the permit application.

On January 16, 2013, BC Hydro sent an email to T8TA (Camerado Energy) providing a link to the EIS document layout, dated January 15, 2013, on a secured file transfer website. BC Hydro advised that additional updates to the appendix names had been made since the November 30, 2012 version of the document.

On January 17, 2013, T8TA (Camerado Energy) sent an email to BC Hydro, attaching T8TA's review comments on the Peace River Valley Ungulates Study Program, Interim Report, dated December 20, 2012, prepared by Keystone Wildlife. The comments were prepared by Wildlife Infometrics on behalf of T8TA.

On January 17, 2013, BC Hydro met with representatives of T8TA (EA Coordinator, Advisor and Executive Assistant), Camerado Energy and Wildlife Infometrics by teleconference to discuss the Jackfish Lake Ungulate Study Work Plan. BC Hydro advised that a decision was required in the following two to three weeks on whether to undertake the study due to the limited time frame in which the collaring could be done. BC Hydro's Wildlife Lead reviewed the responses provided by BC Hydro in its letter of January 8, 2013. BC Hydro advised that when the data from the ungulate study was analyzed, a data gap was noted with respect to the movement of animals the area of the proposed Jackfish Lake Road. As background, ungulates collared and followed in the Peace River ungulate study did not use areas on the south bank in the area of the proposed Jackfish Lake and Project Access Roads. There is no detailed information on these animals' habitat use and movement patterns in relation to the proposed roads. As a result, this data gap relates only to mitigation. BC Hydro was therefore interested in collaring animals in the area. BC Hydro noted that the focus of the study was on mortality to ungulates and safety of road users, and that the data would be used to develop potential mitigation measures to avoid vehicle collisions. T8TA expressed concern that only two of the four study objectives would be addressed by the study as proposed, and that BC Hydro was not using this opportunity to gather quality information, and had limited the focus to the frequency of crossings. T8TA did not disagree that a data gap existed, but was concerned that BC Hydro was not filling the data gap "within the context in which the gap existed". BC Hydro stated that it respectfully disagreed with T8TA, and emphasized that the collected data would be used to augment the EIS. T8TA also expressed concern about the timeframe and stated that the end of February 2013 was more realistic for a decision. BC Hydro advised that it understood T8TA's concerns, but its wildlife expert had made clear the reasons for applying for the permit to undertake the study. BC Hydro agreed to provide T8TA with information regarding the construction schedule for Jackfish Lake Road to T8TA prior to submitting the EIS. The parties also agreed to schedule a meeting to discuss T8TA's comments on the Peace River Valley Ungulates Study Program, Interim Report (Keystone Wildlife).

On January 18, 2013, BC Hydro sent an email to T8TA (Camerado Energy), advising that the EIS would be filed with the CEA Agency and the BCEAO on January 25, 2013 and that copies would be provided to First Nations. BC Hydro indicated that copies of the EIS would be posted on the CEA Agency and BCEAO websites on January 28, 2013.

On January 23, 2013, BC Hydro sent an email to T8TA, providing a link the construction schedule for Jackfish Lake Road in response to T8TA's information request on January 17, 2013.

On January 24, 2013, BC Hydro sent a letter to T8TA in response to BC Hydro's September 21, 2012 request for additional information for BC Hydro's consideration in preparing the EIS, in supplement to T8TA's October 31, 2012 letter on this subject, as well as in response to BC Hydro's November 15, 2012 letter regarding outstanding information requests. BC Hydro noted that T8TA's letter had clarified where information related to the various topics aligned with the EIS had or had not been provided by T8TA, as well as recommendations for additional areas of study. In response to T8TA's request for specific baseline studies, BC Hydro confirmed that any outstanding studies related to aquatic, terrestrial and socio-economic environment would be included in the EIS. BC Hydro reminded T8TA of BC Hydro's September 27, 2012 request for unbuffered TLUS mapping information, for the purposes of assisting in the planning, investigation, evaluation and development of the Project and noted that any information provided to BC Hydro would be subject to the confidentiality provisions of the *TLUS Agreement*.

On January 28, 2013, BC Hydro sent an email to T8TA attaching letters directed to the attention of the four T8FNs. The letters advised that BC Hydro had submitted the EIS to CEA Agency and the BCEAO. 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 letters included links to CEA Agency and the BCEAO's websites containing the complete EIS. In accordance with Section 20.8 of the EIS Guidelines, each letter attached an Aboriginal Summary, which set out BC Hydro's understanding of asserted or established Aboriginal rights and treaty rights of the T8FNs, and other Aboriginal interests potentially impacted by, and concerns with respect to, the Project. The Aboriginal Summaries 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 January 29, 2013, BC Hydro sent a letter to T8TA in response to T8TA's letter dated December 21, 2012 respecting the draft Response to EIS Questions from Legal Counsel - Treaty 8 Tribal Association (T8TA) (November 30, 2012) which had been provided to T8TA on December 7, 2012. The letter advised that a copy of T8TA's December 21, 2012 letter had been provided to the consultant that prepared Aboriginal Land and Resource Use Summary, Traditions Consulting. With respect to the statement that the T8FNs intended to provide more detailed comments in the course of their review of the

EIS, the letter stated that BC Hydro looked forward to receiving comments regarding the Aboriginal Land and Resource Use Summary that was included in the EIS. The letter noted that the purpose of the Aboriginal Land and Resource Use Summary was to present information, gathered from sources made available to BC Hydro by Aboriginal groups and from publicly-available materials, regarding the current and past use of lands and resources by each Aboriginal group. The letter indicated that BC Hydro looked forward to further discussion of the Aboriginal Land and Resource Summary upon T8TA's review of the EIS.

On January 31, 2013, BC Hydro sent an email to T8TA, providing a link to BC Hydro's responses to T8TA's review comments submitted on January 17, 2013, with respect to the Peace River Valley Ungulates Study Program, Interim Report (Keystone Wildlife). BC Hydro noted that the interim report was intended to present baseline information only and that the data presented in the interim report was considered in the assessment of the potential effects of the Project on ungulates found in Section 14 (Wildlife Resources) of the EIS.

On January 31, 2013, BC Hydro sent a letter to T8TA in response to T8TA's email of December 18, 2012, in which T8TA had provided input on the T8FNs' understanding of the term "intangible heritage resources". The letter noted that "cultural and traditional uses of land" was one of three key aspects considered in the effect assessment for current use of lands and resources for traditional purposes (Section 19). The letter advised that, for the assessment of effects on "cultural and traditional uses of land" as well as the development of related mitigation measures, BC Hydro had considered information included in the baseline that touched on what may be characterized as intangible heritage resources, such as the value of particular places or landscapes for ceremonial, sacred, teaching and other cultural purposes. The letter confirmed that BC Hydro had considered information provided by T8TA in both the Community Baseline Profile report and Initial Impact Pathways Identification Report, among other sources, in characterizing the baseline information in Section 19.

On February 6, 2013, BC Hydro sent an email to T8TA, providing a link to BC Hydro's response to T8TA's information request regarding inundation mapping on the Halfway River. BC Hydro attached a drawing depicting the extension of elevation in the Halfway River and responded to T8TA's questions regarding Halfway River being considered a response agency, the emergency responsibilities of Halfway River, dam incidents, dam alerts and dam safety emergencies in relation to the W.A.C. Bennett and Peace Canyon dams.

On February 6, 2013, BC Hydro sent a letter to T8TA in response to comments submitted by T8TA on December 21, 2012, regarding the "Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, Current Use of Lands and Resources for Traditional Purposes (December 4, 2012)". With

respect to reasonably anticipated future use, the letter advised that the effects assessment in Section 19 of the EIS did consider the current and reasonably anticipated future use of lands and resources with and without the Project, as required by the EIS Guidelines. The letter noted that the T8FNs' TLUS Data and Methodology Report and Community Baseline Profile report were considered as sources of baseline information. In addition, the letter advised that the effects assessment was conducted on the basis that if the proposed Project did not proceed, the lands within the flood reserve would, for the reasonably anticipated future, remain in the same state as they were found in today. With respect to spatial and temporal boundaries, the letter explained that T8TA's proposed modification of the Regional Assessment Areas was inconsistent with the approach to assessment of cumulative effects set out in the EIS Guidelines. With respect to list of proposed indicators included in section 6 of the T8FNs' Community Baseline Profile report, the letter provided a table that described how those proposed indicators were considered within the EIS. With respect to the characterization of residual effects and determination of significance, the letter noted that BC Hydro had considered the four criteria proposed by T8TA for characterizing residual effects (i.e., significance of use, importance of landscape or area, multiplicity of practical uses, and multiplicity of cultural uses), and took them into account in developing specific sub-criteria for the general "Context" criterion, as set out in Table 19.13 of the EIS.

On February 18, 2013, Golder sent an email to the T8FNs and T8TA, attaching:

- AIA Interim Report Site C Clean Energy Project: Project Access Road Geotechnical Investigations – Version 2 (Permit 2009-0262)

- Annual Report: Site C Clean Energy Project – Field Inspections at Archaeological sites HbRf-59, HbRf-61, HbRf-65 and HbRf-67 (*Heritage Conservation Act* Site Alteration Permit 2010-0238).

On February 19, 2013, Golder sent an email to the T8FNs and T8TA, attaching:

- Site C Clean Energy Project Archaeological Quarterly Progress Report Q4, *Heritage Conservation Act* Permit 2009-0262.

On February 19, 2013, T8TA (Camerado Energy) sent an email to BC Hydro, requesting a copy of the report titled "Draft Fish, Wildlife and Ecosystem Resources and Objectives for the Lower Peace River Watershed Site C Project Area" (BC Government, 2011), which was referenced in the EIS. BC Hydro provided T8TA with a link to the report on February 26, 2013.

On February 20, 2013, BC Hydro met with representatives of T8TA (Tribal Chief, EA Coordinator, Executive Assistant, Advisor) and Camerado Energy to review the EA Committee task list, discuss the budget for 2013-2014, and discuss an item raised by T8TA at the Working Group meeting the previous day related to BC Hydro's analysis of

projected economic growth in B.C. The parties reviewed the December 9, 2012 version of the EA Committee task list, and agreed to note the "issues report" item as completed, and to set aside two days at the end of May 2013 for a potential land tour. The parties agreed to initiate discussions with respect to the *EAPA* budget for 2013-2014 and T8TA committed to sending an updated financial report for the 2012-2013 fiscal year.

On February 20, 2013, BC Hydro and its consultant, Keystone Wildlife, met with representatives of West Moberly (Chief, two councillors, Land Manager) to discuss the permit application for the Jackfish Lake Road ungulate collaring program. BC Hydro provided West Moberly with a review of the process that had taken place to date and BC Hydro's reason for the permit application. BC Hydro advised that it did not have appropriate data for the Jackfish Lake area and required the information to develop potential mitigation measures to avoid vehicle collisions with ungulates. The parties discussed the method of ungulate capturing and BC Hydro indicated that the time window for the work was tight, to be completed by the end of March (2013). BC Hydro provided West Moberly with a copy of the application. West Moberly expressed concerns relating to increased traffic on Jackfish Lake Road, the representativeness of the sample size and an increase of non-aboriginal harvesting in the area. At the end of the meeting, West Moberly stated that it would consider the discussion; BC Hydro was committed to hiring a West Moberly member to assist with the study, and conducting interviews to elicit information about ungulate behaviour in the area.

On February 27, 2013, BC Hydro's legal counsel sent a letter in response to a letter from T8TA's legal counsel of December 19, 2012, regarding the respective roles of BC Hydro and the Crown and other matters. The letter addressed the issue of whether the T8FNs' view that "the supply of game is already significantly diminished due to Crown authorizations of previous projects" could be discussed as part of the consultation process with BC Hydro or in a separate process with the provincial Crown. The letter confirmed BC Hydro's view that the historical context, which may include the effects of previous or other Crown decisions, was relevant to understanding the seriousness and severity of the potential effects of the Project, and thus was a proper subject of consultation with BC Hydro. However, the letter clarified that BC Hydro's role in seeking working accommodations for the effects of the Project did not include accommodating the effects of past Crown decisions on the exercise of treaty rights, nor making accommodations for Crown decisions regarding other projects. In response to T8TA's assertion that BC Hydro had not met with T8FN-owned companies respecting procurement opportunities, the letter noted that BC Hydro had met with representatives of Renegade Construction and Dunne-Za Ventures. The letter also described Project-related work undertaken by Renegade Construction and Dunne-Za Ventures under contracts awarded through the public Request for Proposal process.

On March 12, 2013, BC Hydro sent an email to T8TA (Camerado Energy), attaching a link to its secured file transfer site to a report titled "Peace Project Water Use Plan:

Peace River Hydraulic Habitat; Peace River Hydraulic Habitat Study: Study Period September 13, 2009 to August 25, 2011" found at Volume 2, Section 12 of the EIS as requested by T8TA.

On March 15, 2013, T8TA sent an email to BC Hydro, attaching an income statement pursuant to the *EAPA* for the 12 periods ending March 31, 2013.

On March 18, 2013, T8TA (Camerado Energy) sent an email to BC Hydro, requesting:

- a copy of the Peace River Site C Hydro Project, Stage 2 Engineering Services Summary Report, prepared by Klohn Crippen Berger Ltd. & SNC-Lavalin Inc., November 2009, as referenced in the EIS;

- clarification regarding the actual cost of the Project (construction costs, total development costs, other costs); and

- validation of the Project's cost estimate.

On March 18, 2013, BC Hydro sent an email to T8TA, providing a link on a secured file transfer website to the Columbia Dam Footprint Impact study (FWCP) final draft reports, in response to a previous information request.

On March 18, 2013, BC Hydro sent an email to West Moberly further to the meeting on February 20, 2013, attaching a job description for the field assistant role in the Jackfish Lake Road ungulate collaring program. BC Hydro asked if West Moberly could recommend one or more potential candidates for the role.

On March 18, 2013, BC Hydro sent a letter to T8TA in response to T8TA's comments on the draft EIS Project and Activity Inclusion List, submitted on December 21, 2012. The letter addressed T8TA's concerns regarding the methodology for the cumulative effects assessment and provided BC Hydro's response to T8TAs list of additional projects and activities for consideration for the Project and Activity Inclusion List. On cumulative effects, the letter noted that BC Hydro had responded to the concerns identified by T8TA in a letter to the BCEAO and CEA Agency, with a copy to T8TA, on June 26, 2012, when the same comments were raised during the review of the EIS Guidelines. The letter noted that the BCEAO and CEA Agency had also responded to T8TAs concern in a letter dated August 9, 2012, and cited letters sent by the regulators to other First Nations that addressed similar comments on the cumulative effects assessment. The letter also noted that the effects assessment for current use of lands and resources for traditional purposes (Section 19) was carried out on the basis that if the Project did not proceed, the lands within the Flood Reserve would, for the reasonably anticipated future, remain in the same state as they were found in today, whether or not the flood reserve was removed. With respect to the Project and Activity Inclusion List, the letter provided BC Hydro's rationale for whether the additional projects and activities identified by T8TA

should be considered in the cumulative effects assessment. The letter noted that as a result of the review, four projects would be added to the Project and Activity Inclusion List: Horn River Mainline Loop (Kyklo Creek Section), Chetwynd Forest Industries Biomass Project, Highway 2 and 97N Improvements, and Sierra Yoyo Desan Road Upgrades. The balance of the projects suggested were either already included in the Project and Activity Inclusion List, were not as foreseeable as the Project, or were considered in the modelling of baseline conditions.

On March 20, 2013, T8TA (Camerado Energy) sent an email to BC Hydro in follow up to T8TA's email of March 18, 2013, containing three information requests. The email advised that T8TA had found the answer to the question regarding the validation of the costs, but indicated that it would still appreciate responses regarding the other two inquiries (i.e., a request for a copy of the Stage 2 Engineering Services Summary Report and clarification regarding the actual cost of the Project). BC Hydro responded by email and provided a link to the Stage 2 Engineering Services Summary Report on BC Hydro's website. BC Hydro advised that comparative cost estimates were provided in the Site Alternatives Analysis and noted the cost estimate for Site C in F2009 dollars.

On April 9, 2013, BC Hydro met by teleconference with representatives of T8TA (Director of Administration) and Camerado Energy to discuss the *EAPA* consultation funding budget for the 2013-14 fiscal year. The parties reviewed the proposed budget, and BC Hydro advised that it would consider T8TA's budget request. The parties also discussed the timing and status of information requests and the status of Project permitting. T8TA advised that the unbuffered TLUS maps were available and committed to providing them to BC Hydro by April 19, 2013.

On April 15, 2013, Golder sent letters to Doig River, Halfway River and Prophet River, thanking them for their efforts made in the completion of the Project's 2012 heritage resources impact assessment field program.

On April 16, 2013, BC Hydro picked up two maps from T8TA containing Project-related information such as the location of the Site C dam site, transmission line, etc. T8TA requested that BC Hydro review the maps and confirm their accuracy.

On April 18, 2013, BC Hydro sent an email to T8TA, thanking T8TA for the maps provided on April 16, 2013. The email noted that T8TA had not provided the unbuffered TLUS maps and advised that it was BC Hydro's understanding from the teleconference on April 9, 2013 that T8TA would be providing the unbuffered maps by April 19, 2013.

On April 22, 2013, T8TA sent an email to BC Hydro, in response to BC Hydro's email of April 18, 2013, explaining that it was not aware that it had made a commitment to provide unbuffered TLUS maps to BC Hydro. The email indicated that T8TA would require a Band Council Resolution to release the unbuffered maps to BC Hydro, in

accordance with its Traditional Advisory Representatives policy. T8TA noted that it would follow up with Camerado Energy to discuss the matter.

On April 23, 2013, T8TA sent an email to BC Hydro, in follow up to the email of April 22, 2013 regarding BC Hydro's request for unbuffered TLUS maps. The email advised that T8TA would forward BC Hydro's request to its mapping specialist.

On April 26, 2013, T8TA sent an email to BC Hydro, attaching income statements for the periods ending March 31, 2013 and April 30, 2013 pursuant to the *EAPA*.

On May 2, 2013, BC Hydro sent an email to T8TA regarding the T8TA's proposed budget under the *EAPA* for the 2013-2014 fiscal year. BC Hydro expressed the view that there would not be sufficient work to warrant the amount of funding proposed, based on BC Hydro's understanding of how the EA process would unfold. The email provided BC Hydro's counter proposal for the 2013-2014 budget and noted that the proposed amount was in addition to the surplus remaining per T8TA's income statements submitted on April 26, 2013.

On May 3, 2013, Golder sent an email to the T8FNs and T8TA, attaching:

- AIA Site C Clean Energy Project: Rolling Work Plan #7 – Geotechnical Test Pit Investigations on the South Bank of the Peace River, Phase 2.

On May 8, 2013, Golder sent an email to the T8FNs and T8TA, attaching notification of Archaeological work under *Heritage Conservation Act* permit 2009-0262. Golder advised that it would be conducting an archaeological assessment for BC Hydro related to the following projects:

- Rolling Work Plan #8 on the right bank of the Peace River at the proposed dam site

- The portion of a proposed access route within archaeological site HbRf-95.

On May 8, 2013, BC Hydro met with T8TA's Director of Administration and Camerado Energy by teleconference to discuss T8TA's proposed budget for the 2013-2014 fiscal year and BC Hydro's counter proposal. T8TA stated that it would need to bring the matter to the T8FN Chiefs during meetings in the week of May 13, 2013.

On May 8, 2013, BC Hydro sent an email to T8TA further to the teleconference held earlier that day, reiterating BC Hydro's position on the budget for the 2013-2014 fiscal year. The email confirmed BC Hydro's commitment to provide additional funding to support T8TA's review of Rolling Work Plan #8. The email noted that additional funding would be provided if the Joint Review Panel report was released in the fiscal year, or if consultation with respect to Project permitting took place in the fiscal year. The email further noted that if T8TA found itself in a deficit situation toward the end of the fiscal

year, BC Hydro would be prepared to enter into discussions with T8TA respecting additional funding.

On May 14, 2013, BC Hydro sent an email to T8TA, requesting contact information for band-owned companies in the Prophet River and Halfway River communities.

On May 15, 2013, T8TA (Camerado Energy) sent an email to BC Hydro, providing a further budget proposal for fiscal year 2013-2014.

On May 16, 2013, BC Hydro met with T8TA's Director of Administration via teleconference to discuss the budget under the *EAPA* for the 2013-2014 fiscal year. BC Hydro confirmed receipt of T8TA's May 15, 2013 (e-mail) budget proposal, and advised it was remaining firm on its proposal, as outlined in the email exchanges of May 8, 2013. T8TA raised a concern that funding provided by BC Hydro for the next fiscal year would not be sufficient. BC Hydro advised it had determined funding amounts based on the EA process for next year, and reiterated that it would provide additional funds for review of Rolling Work Plans and consultation related to Project permitting. T8TA agreed to update the T8FN Chiefs on BC Hydro's position and provide BC Hydro with a response.

On May 16, 2013, Golder sent an email to the T8FNs and T8TA, attaching a link to its secured file transfer website to:

- *Heritage Conservation Act* Permit 2009-0262 Site C Clean Energy Project: Annual Report for 2012.

On May 17, 2013, Golder sent an email to T8TA attaching Rolling Work Plan #8 pursuant to License of Occupation 814864. The scope of the work involved drilling of up to eight boreholes, one test pit excavation, soil resistivity testing, completion of geophysical seismic surveys, expansion of the existing borrow/relocation area and creation of an additional designated laydown area.

On May 17, 2013, T8TA sent an email to BC Hydro, advising that the T8FN Chiefs had agreed to accept BC Hydro's budget proposal for the 2013-2014 fiscal year, but noted that the budget shortfall would have a direct impact on its ability to fully participate and engage in the EA process.

On May 23, 2013, Golder sent an email to the T8FNs and T8TA, attaching notification for archaeological work to be completed under *Heritage Conservation Act* Permit 2009-0262. Golder advised that it would be conducting an archaeological assessment for BC Hydro related to the Howe Pit Investigations on the left bank of the Peace River near Old Fort.

On May 27, 2013, BC Hydro sent a draft Letter of Understanding to the T8FNs and T8TA confirming the parties' agreement with respect to funding for the 2013-2014 fiscal

year pursuant to the *EAPA*. The letter set out the funding amount and noted that T8TA would retain the surplus funding from the 2012-2013 fiscal years. The letter stated that additional funding would be provided to support the review of Rolling Work Plan #8 and to support the T8FNs' participation in the permitting process. The letter indicated that BC Hydro was prepared to enter into further discussions with the T8FNs respecting additional funding, if the T8FNs were to find themselves in a deficit situation toward the end of the 2013-2014 fiscal year.

On May 27, 2013, BC Hydro sent a letter to T8TA in response to T8TA's email of December 18, 2012, which attached comments on the Environmental Assessment Methodology for Site C Project: Identification of VCs and Spatial Boundaries, letter dated May 23, 2012; and Candidate VC Initial Screening Matrix and Project VC Interaction Matrix, dated August 9, 2012. The letter noted that responses to many of T8TA's comments had been provided in the EIS as well as in BC Hydro's responses to information requests on the EIS and related technical memoranda. With respect to the concern raised by T8TA regarding consideration in the EIS of materials provided by T8TA, the letter identified three key documents (Community Baseline Profile report, Initial Impact Pathways Identification Report, and Draft Issues Scoping Report) that were reviewed and considered by BC Hydro. The letter identified where in the EIS the review of these materials was documented, and appended the Part 7 Community Baseline Profile report and EIS Integration Summary Table -, which provided a summary of where in the EIS the information provided in the Community Baseline Profile report and Initial Impact Pathways Identification Report was considered. The letter noted that Part 7 was omitted from the EIS filing in error; however, where relevant, the information was taken into account in the environmental assessment and was used in the preparation of the EIS. Also attached to the letter was a revised version of the chart included in Appendix B of the T8TA Initial Impact Pathways Identification Report, to which BC Hydro has added a column that sets out where in the EIS the impact pathway identified in that row of the chart is addressed. The letter described where in the EIS the VCs suggested by the T8TA in its Community Baseline Profile report had been accounted for. Five of the six identified VCs were linked to specific sections of the EIS, and one, "meaningful governance and stewardship role for the T8FNs, including meaningful redress of past infringements" was deemed to be outside the scope of the environmental assessment for the Project. With respect to T8TAs concern that there were too many VCs, BC Hydro identified the requirements of the EIS Guidelines with respect to the identification of candidate VCs, and noted that the proposed components had been considered through the two review periods for the EIS Guidelines, and included in the final version of the EIS Guidelines. The letter noted that the EIS Guidelines required BC Hydro to present its assessment of the significance of any residual adverse effects and its rationale for that determination; this did not require BC Hydro to present the "implications" of any significant environment effects. With respect to the concern identified with respect to VC spatial boundaries, the letter noted that the rationale for each boundary was included in the EIS and in the Technical Memo on Spatial Boundary Selection. The letter described

the methodology for determining the spatial boundaries, and how the environmental background was considered in the identification of boundaries for selected VCs. Also described was the consideration of the spatial boundaries for the Fish and Fish Habitat, Vegetation and Ecological Communities, and Wildlife Resources Value Components VCs that were used as the basis for the spatial boundaries of the Current Use of Lands and Resources VC. With respect to consideration of historical context of previous developments, the letter noted that section 11.1 of the EIS provided this narrative, and suggested T8TA review the Technical Memos on Consideration of Historical Context and Cumulative Effects Assessment, both of which had been attached to the letter. The letter addressed several comments from T8TA regarding the Candidate Valued Component Initial Screening Matrix, and provided BC Hydro's responses to comments about the scope of Project interactions, the temporal scope of Project components and activities, candidate VCs and the selection of VCs, key indicators and appropriate disciplines and impact pathways. References to particular sections in the EIS where the comments were addressed were also provided. Comments from T8TA regarding the Project Valued Component Interaction Matrix were also addressed, and responses were provided with respect to assumptions and project-level interactions. BC Hydro provided responses to the specific comments identified in T8TA's letter on the following topics: the Peace-Athabasca Delta; fish species; carnivores and grizzly bears; local versus regional economic development; business, employment, training and advancement; exclusion (or downplaying) of healthy living; consideration of public safety; omission of social cohesion; agriculture resource and regional food security; omission of Aboriginal land stewardship; scope of heritage resources; omission of cultural continuity; and, omission of equitable distribution of impact and benefits. For all of these responses, the location of where each issue was considered in the EIS was identified, where appropriate.

On May 28, 2013, T8TA sent an email to BC Hydro, in response to BC Hydro's email dated May 14, 2013, requesting contact information for band-owned businesses in the Prophet River and Halfway River communities. The email advised that T8TA would follow up with its Community and Economic Development Coordinator for the information.

Distribution of Field Studies Overview

BC Hydro sent emails to T8TA providing the *Field Studies Overview* outlining the field studies taking place in the coming months. Emails were sent to T8TA on the following dates in 2013: January 23, February 12, March 28 and May 14.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A06 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: DOIG RIVER FIRST NATION (AS A MEMBER OF TREATY 8 TRIBAL ASSOCIATION)

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

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Treaty 8 Tribal Association (T8TA)

[Doig River First Nation (DRFN), Halfway River First Nation (HRFN), Prophet River First Nation (PRFN), and West Moberly First Nations (WMFN)]

In preparing responses to these questions, information on current Treaty 8 Tribal Association (T8TA) use of lands and resources was derived primarily from the traditional land use study (TLUS) undertaken for B.C. Hydro by the Firelight Group Research Cooperative with the T8TA, a letter from T8TA responding to questions regarding the TLUS, and a community baseline study.[1] In addition, a range of publicly available published and unpublished studies were reviewed for information on traditional land and resource use by T8TA members.[2]

The four T8TA First Nations include people of Beaver, Cree, Sekani and other backgrounds in their communities, but all consider themselves Dane-zaa.[3] The main community of the DRFN is located at their Reserve, Doig River 206. DRFN has a second Indian Reserve, Beaton River 204 (north half). The registered DRFN population in December 2012 was 293, of who 126 live on-Reserve. The main community of the HRFN is on their Reserve, Halfway River 168. The registered population in December 2012 was 256, of who 145 live on-Reserve. The main community of the PRFN is located at their Reserve, Prophet River 4. The registered PRFN population in December 2012 was 260, of who 103 live on-Reserve. The main community of the WMFN is located at their Reserve, West Moberly Lake 168A. The registered population in December 2012 was 258, of who 103 live on-Reserve.[4]

Information in the TLUS report was derived from interviews conducted with 77 respondents including: 29 DRFN members (11% of community), 21 WMFN members, 17 HRFN members (7% of community) and 10 PRFN members.[5] Each community identified the

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[1] BC Hydro provided the funding for the TLUS. Candler, Craig, and Firelight Group Research Cooperative with the Treaty 8 Tribal Association (2012). Doig River First Nation, Prophet River First Nation, Halfway River First Nation, and West Moberly First Nations Traditional Land Use Study (TLUS) Data and Methodology Report for BC Hydro's Proposed Site C Project. March 28, 2012; Candler, Craig, and Firelight Group Research Cooperative with the Treaty 8 Tribal Association (2011). Disc and hard copies of Doig River First Nation, Prophet River First Nation, Halfway River First Nation, and West Moberly First Nations Traditional Land Use Study (TLUS) Maps (17 Maps). November 7, 2011; Treaty 8 Tribal Association (2012). Letter to Trevor Proverbs Re: Request for Additional Land Use Study Information, July 30, 2012; Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations. Report submitted to BC Hydro, November 27, 2012.

[2] The sources consulted for this study are set out in the References.

[3] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation: 25., Prophet River First Nation, West Moberly First Nations. Report submitted to BC Hydro, November 27, 2012.

[4] AANDC. First Nation Profiles. http://pse5-esd5.ainc-inac.gc.ca.

[5] Percentages of the population were not given for the number of people interviewed in two of the communities. Community profiles of the 4 T8TA First Nations are provided in section 5, Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline

knowledge holders to be interviewed.[6] The TLUS Report and maps represent an amalgamation of information from respondents in the four communities and is not differentiated by community.

For this report, current uses of lands and resources by T8TA members were interpreted from the TLUS maps that accompany the TLUS report.[7] The depictions of use values[8] on the maps depict locations where specific activities (eg. subsistence harvesting) took place. The T8TA caution that each use value recorded in the TLUS is more than the exact location of the recorded value (e.g., a kill site) and that each value has a wider range of associated activities and covers a broader geographic area.[9]

It should be noted that the TLUS Local Study Area (LSA), which was the area of focus in the interviews, covers a larger area than the Current Use of Lands and Resources (Wildlife Resources) LAA. The TLUS LSA encompasses the footprint of the Project with a 5 kilometre buffer whereas the Current Use of Lands and Resources (Wildlife Resources) LAA includes the footprint with a 1 kilometre buffer.[10] The TLUS LSA is totally within the Current Use of Lands and Resources (Wildlife Resources) RAA and the Current Use of Lands and Resources (Fish and Fish Habitat) LAA.

In overview, current T8TA use values recorded for the TLUS and depicted on the Study Results maps are concentrated along the north side of the Peace River at the confluences with the tributaries. Many of the confluence areas are stated to be heavily used ancestral gathering places.[11]

1. **What is the T8TA'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?**

Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations.

[6] TLUS Report: 19.

[7] Overlapping of symbols in several areas on the TLUS Results maps makes differentiation and interpretation difficult. There are also differences in some of the symbols depicting the same resource on the Study Results maps and the Comprehensive Results map. For example on the larger scale map the symbol is for a "chicken" whereas on the smaller scale map the symbol is for a grouse. The symbols used to depict the use values on the maps are of comparable size on the 1:50,000 scale maps and the 1:250,000 scale Comprehensive Study Results map, making accurate location difficult to determine on the latter.

[8] In the TLUS Report, the term "site-specific value" is used, while on the TLUS Maps the term "use value" is used. The latter term is preferred in this report as most of the interpretation of locations for T8TA use values is based on the Maps.

[9] TLUS Report: 16.

[10] TLUS Report: 17. The footprint includes the flood zone, quarry sites, dam construction area, transmission line and associated works.

[11] TLUS Report: 14; 46% of the recorded TLUS values recorded for the study and depicted on the TLUS maps are located within the anticipated flood zone and Project footprint.

Subsistence use values or harvesting locations, including for hunting and fishing, in the TLUS LSA are depicted on the Subsistence Use Study Results Maps.[12] The confluences of tributary rivers/creeks with the Peace River along the north shore are described in the TLUS Report as the preferred fishing and/or hunting areas. Bear Flats and Cache Creek, Farrell Creek, Halfway River, Lynx Creek and Hudson's Hope are noted as being of particular significance.[13] The western portion of the TLUS LSA, encompassing the area from the eastern end of Williston Reservoir to Portage Creek, is depicted as an important area for subsistence use values for elk, white-tailed deer, and moose.[14] This area corresponds with the ungulate habitats (primarily elk) depicted on Environmental Map W-3. Only one hunting ground, located west of Hudson Hope on lower Portage Creek, is depicted on the Subsistence Use Study Results Maps.[15]

Subsistence use values or harvesting locations located outside of the TLUS LSA are depicted on the Comprehensive Study Results map (Figure 1). This map includes sections of the Current Use of Lands and Resources (Wildlife Resources) LAA not in the TLUS LSA and all of the area of the Current Use of Lands and Resources (Wildlife Resources) RAA.

Thirty-five (35) subsistence use values for ungulates depicted on the Subsistence Use Study Results and Comprehensive Study Results maps are located within the Current Use of Lands and Resources (Wildlife Resources) LAA.[16] In order of frequency, the species harvested include: moose (16), white-tailed deer (7), mule deer (6), and elk (6). Small concentrations of ungulates are depicted at Bull Flats, Bear Flats, and east of Taylor. One bear was also depicted at Bear Flats.

Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 95 ungulates depicted on the Subsistence Use Study Results and Comprehensive Study Results maps.[17] In order of frequency, the species harvested include: moose (49), and elk (28), white-tailed deer (12), mule deer (3), caribou (1), mountain sheep (1) and bison (1). Concentrations of ungulates are located between Bullhead and Portage Mountains (mixed), at Farrell Creek (moose), near Carey Creek (elk), at the west end of Moberly Lake (mixed), and south of Taylor (mixed). There are also two bear depicted in the Current Use of Lands and Resources (Wildlife Resources) RAA.

Four subsistence use values for birds, three "chickens" and one grouse, depicted on the Subsistence Use Study Results and Comprehensive Study Results maps are located within the Current Use of Lands and Resources (Wildlife Resources) LAA. Three of the "chicken"

[12] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results. Eleven (11) categories set out in the legend on the maps for Subsistence Use are not depicted in the LSA on the maps including: bison, caribou, duck, eggs, food plants, geese, muskrat, other fur bearers, porcupine, rabbit, and sheep.
[13] TLUS Report: Appendix 2.
[14] Subsistence Use Study Results Map W-5.
[15] Environmental Map W-3.
[16] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results.
[17] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results.

symbols are located at Bear Flats.[18] A number of habitats for eagles, ducks and geese are depicted along the Peace River on the Environmental Study Results maps. Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 19 birds depicted on the Subsistence Use Study Results and Comprehensive Study Results maps. In order of frequency, the species harvested include: "chickens" (10), grouse (6), geese (2) and duck (1).[19]

Four subsistence use values for small mammals, one marten and three beaver, depicted on the Subsistence Use Study Results and Comprehensive Study Results maps are within the Current Use of Lands and Resources (Wildlife Resources) LAA.[20] The marten symbol is located in the mid-Maurice Creek area, one beaver symbol is located north of Bear Flats, one is located on the Peace River west of Bear Flats, and one is located on the lower Pine River.[21] Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 10 small mammals depicted on the Subsistence Use Study Results and Comprehensive Study Results maps. In order of frequency, the species harvested include: beavers (3), three coyotes (3), rabbits, (2) marten (1), and other fur bearer (1).

As there are few depictions of small fur-bearers, either commercial trapping figures were excluded from the TLUS or trapping is currently not a significant activity. There are First Nation registered traplines within the Current Use of Lands and Resources (Wildlife Resources) RAA. No registered traplines held by T8TA members are located within the area of the Current Use of Lands and Resources (Wildlife Resources) LAA on the 1981 trapline map by Brody or the 2012 trapline map by BC Hydro (Figures 2 and 3).[22] The southern portion of a DRFN member trapline is depicted as being within the northeastern part of the Current Use of Lands and Resources (Wildlife Resources) RAA. Two traplines in the area of the Halfway Reserve 168 are also within the Current Use of Lands and Resources (Wildlife Resources) RAA. One is identified as being held by a HRFN member and one by a Saulteau member on the BC Hydro map.[23] In 2000, the WMFN identified three traplines held by the community. Two are located within the Current Use of Lands and Resources (Wildlife Resources) RAA: one located on the south side of the Peace River Canyon; and one located at the west end of Moberly Lake. The third trapline is family owned and is located in Pine Pass southeast of the WMFN Reserve.[24]

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[18] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results.

[19] There is also one eggs symbol depicted within the Current Use of Lands and Resources (Wildlife Resources) RAA.

[20] Porcupine is depicted in the legend but no symbols were identified on the maps.

[21] This is within the LAA. Subsistence Use Study Results Maps W-5 and E-5.

[22] Brody, Hugh (1981). *Maps and Dreams: Indians and the British Columbia Frontier*. Vancouver: Douglas & McIntyre, pgs. 100-1, map 5. Weinstein also included maps of traplines for HRFN (Figure 6, after p.93) and DRFN (Figure 8, after p.126). Hunting grounds are included in the captions but these are not depicted on the maps. Weinstein, Martin (1979). "Indian Land Use and Occupancy in the Peace River Country of Northern British Columbia." Appendix to 1980 UBCIC Report.

[23] BC Hydro Site C Clean Energy Project (2012). Map of Trapline Areas by First Nation - South. Vancouver, B.C. (draft and confidential).

[24] West Moberly First Nations, Traditional Land Use and Occupancy Study Team (2000). West Moberly First Nations Traditional Land Use and Occupancy Study Final Report. West Moberly First Nations: pages 25, 26. In 2012, BC Hydro

Approximately 109 values depicted for fish on the Subsistence Use Study Results and Comprehensive Study Results maps are within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA: whitefish (10), jackfish (7), bull trout (6), lake trout (5), pickerel or walleye (3), sucker (1), and other fish (77).[25] Fish symbols are concentrated at confluences along the Peace River at Portage Creek, Lynx Creek, Halfway River, east of Taylor, and at the mouth of the Beatton River. There is also a small concentration on the Halfway River near Halfway River Reserve 168.[26] Five (5) fish habitat areas on the Peace River depicted on the Environmental Maps are located within the Current Use of Lands and Resources (Wildlife Resources) LAA.[27]

Subsistence areas and subsistence lines are another feature depicted on the Subsistence Use Study Results and Comprehensive Study Results maps.[28] The terms are not defined. No information is provided as to what is being harvested at these locations. Many of the areas are depicted as linear. Six (6) of the subsistence areas follow whole or in part a "limited use road" on the base map. Fourteen (14) subsistence areas depicted on the maps are located within the Current Use of Lands and Resources (Wildlife Resources) LAA. Thirteen (13) of the subsistence areas/lines are located on the north side of the Peace River: three west of Fort St. John Park, two east of Wilder Creek, one at the confluence with the Halfway River, one on the lower Halfway River, two between Halfway River and Farrell Creek, two west of Farrell Creek, one at Coffee Pot, and one at Bull Flats. The other subsistence area is located on the south side of the Peace River west of Boucher Lake. Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, 26 additional subsistence areas/lines depicted on the Subsistence Use Study Results and Comprehensive Study Results maps are located within the Current Use of Lands and Resources (Wildlife Resources) RAA: three south of Boucher Lake, one east of Boucher Lake, three south of Coffee Pot, one at Carbon Lake, four at West Moberly Lake, seven between the east end of Williston Reservoir and Portage Creek, one east of mid-Brenot Creek, one at the mouth of Dunlevy Creek**,** one partially within the RAA on the Graham River, two in the area of Halfway River Reserve 168, and two on the border of the Current Use of Lands and Resources (Wildlife Resources) RAA northeast of the Halfway River Reserve 168.

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identified five registered traplines as either WMFN or Saulteau First Nation: one trapline is located at the east end of Moberly Lake; one trapline is located at the west end of Moberly Lake; one trapline is located on the south side of Peace River Canyon; one trapline is located at the east end and south of Williston Lake; and one trapline is located on the north side of the Peace River adjacent and east of the Halfway River Reserve (BC Hydro Site C Clean Energy Project (2012). Map of Trapline Areas by First Nation - South. Vancouver, B.C. (draft and confidential)).

[25] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results. There are a number of problems in differentiating the symbols for bull trout, jackfish and whitefish on the maps. For example, jackfish have a white belly in the legend but none are so depicted on the maps. However, jackfish are also the only fish depicted with three fins on the belly in the legend. There are a number of fish depicted this way on the maps which have been interpreted to represent jackfish. As fish symbols are heavily overlaid in some areas on the maps it is difficult to get an exact count and/or to differentiate some of the symbols.

[26] Map 9. Comprehensive Study Results.

[27] Environmental Study Results Maps W-3 and E-3.

[28] Subsistence Use Study Results Maps W-5 and E-5; Map 9. Comprehensive Study Results.

2. What is the T8TA'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?

T8TA describe the Peace River valley as a cultural landscape with many place names and associated histories reflecting Dane-zaa (Beaver) ties to the land. Within the Current Use of Lands and Resources (Wildlife Resources) LAA, there are 76 cultural use values depicted on the Cultural Use Study Results maps and the Comprehensive Results map: buffered data areas (44), place names (12), teaching areas (9), cultural areas (3), heritage resources (3), feathers (2), cultural lines (2), and cultural plants (1).[29] The cultural use areas are concentrated along the banks of the Peace River, with a higher concentration at stream confluences on the north shore. Bear Flats and Attachie at the mouth of the Halfway River have the greatest concentration of cultural use values. One feather location corresponds to the location of eagle nests depicted on Environmental Study Results map W-3. The south facing slopes of the Peace River valley are identified with cultural use values for collecting sage and unidentified rare medicinal plants (Key Issue 14). Medicinal plants are buffered data on the Cultural Use Study Results maps and cannot be identified. There is, however, one medicinal plant habitat area depicted on the north shore of the Peace River opposite the confluence with the Moberly River on Environmental Study Results map E-3. Burials associated with the 1919 flu epidemic are reported to be in the Peace River valley at Attachie. The grave of Chief Attachie is reported to be on the south facing slope at Attachie. The valley bottom downstream of Bear Flats is another area reported to be a burial location (Key Issue 8). Multiple burials are also reported to be at Halfway River (Key Issue 11).[30]

Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 27 cultural use values depicted on the Cultural Use Study Results and Comprehensive Study Results maps: buffered data areas (9), place names (6), cultural lines (5), teaching areas (4), heritage resources (1), feathers (1), and cultural plants (1). The locations of the cultural use values are widely dispersed, including at Carbon Lake, East and West Moberly Lake, Rene Lake, Stewart Lake, Butler Ridge, upper Farrell Creek, and mid and lower Kobes Creek.[31]

Thirteen (13) berry or wild fruit use values depicted on the Subsistence Use Study Results and Comprehensive Study Results maps are located within the Current Use of Lands and Resources (Wildlife Resources) LAA. Most are located along the Peace River. Two firewood locations are depicted at Bear Flats and another two locations between Farrell Creek and Halfway River. Outside the Current Use of Lands and Resources (Wildlife

[29] Cultural Use Study Results Maps W-2 and E-2; Map 9. Comprehensive Study Results.

[30] TLUS Report: Appendix 2. In 2000, WMFN identified a burial ground at Hudson's Hope that was destroyed by the Town and Municipality of Hudson's Hope to accommodate a housing subdivision and recreation trail (West Moberly First Nations, Traditional Land Use and Occupancy Study Team 2000: 44).

[31] Map 9. Comprehensive Study Results.

Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 13 berry or wild fruit use values depicted. There is a small concentration of berry or wild fruit symbols west of the Halfway River Reserve 168, and at the west end of Moberly Lake. The other berry or wild fruit use values are scattered about the Current Use of Lands and Resources (Wildlife Resources) RAA. Four (4) firewood locations are depicted outside of the Current Use of Lands and Resources (Wildlife Resources) LAA.

There are 136 habitation use values depicted on the Habitation Use Study Results and Comprehensive Study Results maps that are within the Current Use of Lands and Resources (Wildlife Resources) LAA: 59 gathering places, 53 temporary habitations and 24 permanent habitations.[32] There are concentrations of habitation use values along the north shore of the Peace River at Farrell Creek, Lynx Creek, Halfway River, Bear Flat and Cache Creek, and on both sides of the river at Hudson's Hope. There are smaller concentrations on the north shore of the Peace River opposite Moberly River, at Fort St. John Historic Park, and at Taylor.

Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 57 habitation use values depicted on the Habitation Use Study Results and Comprehensive Study Results maps: 26 temporary, 26 permanent, four gathering places, and one habitation area. There are small concentrations of habitation symbols at the west end of Moberly Lake, on Highway 29 north of West Moberly Reserve 168A, on the Beatton River west of the Doig River Reserve 206, and west of the Halfway River Reserve 168.
In the TLUS Report, the author stated that 30 transportation values were within the Project Activity Zone including: portions of trails, horse crossings, raft or boat crossings and water routes by canoe and motorboat.[33] Two types of transportation use values, transportation lines and water routes, are depicted on the Transportation Study Results maps.[34] Within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are at least four water routes extending along the Peace River from Hudson's Hope eastwards to the confluence with the Beatton River. There are four transportation lines along the Halfway River of which the lower sections are within the Current Use of Lands and Resources (Wildlife Resources) LAA: three roughly follow the river from the mouth to Halfway River Reserve 168, and one extends from the mouth of the river along the height of land on the west side to Halfway River Reserve 168. There are five shorter transportation lines depicted in the area of the Peace River including: two on the south side of the Peace River near the mouth of the Moberly River; one on the lower Pine River; one east of Bear Flats; and one along the west side of lower Farrell Creek.

[32] Habitation Use Study Results Maps W-4 and E-4; Map 9. Comprehensive Study Results.

[33] TLUS Report: 3.

[34] Transportation Study Results Maps W-6 and E-6. The symbol for water routes is a boat, but it does not appear on all water routes. There are no symbols for horse, raft or boat crossings on the Transportation Study Results maps. Two horse crossings on the Peace River are depicted on the Environmental Study Results Map E-3 located south of Fort St. John Historic Park.

Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are four additional transportation lines: two in the area south and west of Bull Flats, one west of mid-Maurice Creek; and one that extends down Dunlevy Creek across Williston Reservoir and south to Moberly Lake.[35]

Ninety-one (91) environmental use values are depicted on the Environmental Study Results maps that are located partially or wholly within the Current Use of Lands and Resources (Wildlife Resources) LAA: environmental features (52), environmental areas (36), and environmental corridors (3). The majority of these values are recorded along the north side of the Peace River. Environmental use values depicted and labelled include: moose, elk, deer and bear habitats; eagle, duck, goose, beaver and fish habitats; river crossings for moose, deer, elk, bear and horses; and sightings of moose, elk, deer, and grizzly bear. There are also a number of calving areas labelled on the islands in the Peace River. Two (2) natural water springs are identified southwest of Bear Flats. Outside the Current Use of Lands and Resources (Wildlife Resources) LAA but within the Current Use of Lands and Resources (Wildlife Resources) RAA, there are an additional 31 environmental use values: environmental areas (21), and environmental features (10).
Four (4) drinking water source locations are depicted on the Subsistence Use Study Results maps within the Current Use of Lands and Resources (Wildlife Resources) LAA, one at the south side of the Peace River at the mouth of Moberly Creek, one west of Bear Flats, and two at Hudson's Hope.[36]

3. What is your understanding of the exercise of asserted Aboriginal rights or treaty rights by the T8TA within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?

Values, areas and resources documented in the TLUS are viewed by T8TA as reflecting the exercise of Treaty 8 rights by T8TA members in the TLUS LSA, which includes most of the Current Use of Lands and Resources (Wildlife Resources) LAA and Current Use of Lands and Resources (Fish and Fish Habitat) LAA. T8TA also note that the information does not represent the extent of the four First Nations' traditional territories nor the extent of the lands over which they exercise their section 35(1) rights, both historically and presently [37]

The current hunting and fishing activities are seen by the T8TA as a continuation of the traditional pattern which they view to be guaranteed in the wording of Treaty 8. The treaty rights are also described as including the ability to sustain the meaningful practice of that right into the future including access to sufficient, in terms of quality as well as quantity,

[35] Transportation Study Results Map W-6; Map 9. Comprehensive Study Results.
[36] Subsistence Use Study Results Maps W-5 and E-5.
[37] Specifically stated in a text box included on each TLUS map. (Candler, Craig, and Firelight Group Research Cooperative with the Treaty 8 Tribal Association (2011). Disc and hard copies of Doig River First Nation, Prophet River First Nation, Halfway River First Nation, and West Moberly First Nations Traditional Land Use Study (TLUS) Maps (17 Maps). 2011).

lands and resources to fulfill the subsistence and cultural needs of the T8TA communities.[38]

In a 2009 report, the WMFN expressed their treaty rights as including their mode of life, based on a traditional seasonal round which targets specific species during different times of the year in specific locations. The same report described hunting and fishing for commercial purposes as an integral part of their way of life and part of their treaty rights.[39] In 2000, the WMFN described the geographic area of Treaty 8 as WMFN Treaty No. 8 Territory.[40]

In a 2010 Report, the Halfway River First Nation's treaty and Aboriginal rights are described as including the ability to meaningfully maintain their spiritual, religious, cultural and traditional practices and to pass these on future generations.[41]

4. Identify past, current and reasonably anticipated future use of lands and resources by T8TA 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 Resources (Fish and Fish Habitat) LAAs and RAAs.

Anthropologist Ridington described the region of the Peace River of British Columbia and Alberta as being the territory of the Beaver (Dane-zaa). Their neighbours to the west were the culturally similar Sekani.[42] In the early nineteenth century, relations between the two peoples were hostile with the Beaver forcing the Sekani back into the Rocky Mountains from the east side.[43] In 1883, Tolmie and Dawson illustrated the southern portion of Beaver territory on a map showing the distribution of Indian tribes in British Columbia (Figure 4).[44] The territory extended north and south of the Peace River, west to the Rocky Mountains, and east into Alberta. In the 1900 report of the Treaty No. 8 Commissioner, the territory of the "Beavers" was depicted on the map of Treaty No. 8 in the same general area as that of

[38] TLUS Report: 11; Treaty 8 First Nations Community Assessment Team 2012: 174.

[39] West Moberly First Nation, Lands Department (2009). "I Want to Eat Caribou Before I Die." Initial Submissions for the Proposed Mining Activity at First Coal Corporation's Goodrich Property, June 2009, p.55.

[40] West Moberly First Nations, Traditional Land Use and Occupancy Study Team 2000: 5.

[41] Halfway River First Nation, Lands Department (2010). Initial Submissions of the Halfway River First Nation to Mineral Titles Division, Energy, Mines and Petroleum Resources Respecting Coal Licences Applications Nos. 417666, 417689, 417691, 417694, 417703, 417704, 417727 and 417742. July 2010: 4.

[42] Ridington, Robin (1981). "Beaver." In June Helm, editor. *Subarctic. Volume 6, Handbook of North American Indians.* Washington, D.C.: Smithsonian Institution, pages 350-360.

[43] Denniston, Glenda (1981). "Sekani." In June Helm, editor. *Subarctic. Volume 6, Handbook of North American Indians.* Washington, D.C.: Smithsonian Institution, pages 433-441; Fladmark, Knut R. (1975). Peace Past – Report on an Archaeological Reconnaissance of the Peace River Basin, British Columbia, 1974 (permit 1974-29). Report submitted to BC Hydro and the Archaeological Sites Advisory Board, February 1975: 18.

[44] Tolmie, W.F. and G.M. Dawson (1883). "Map shewing the distribution of the Indian tribes of British Columbia." The northern limit of Beaver territory is not depicted as this area is located beyond from the coverage of the map.

Tolmie and Dawson (Figure 5).[45] In 1981, Ridington depicted the boundaries of Beaver territory in the year 1800 in his overview article on the Beaver (Figure 6).[46]

In 1937, Jenness noted that it was impossible to draw a sharp line between the Beaver and the Sekani. He also noted that the Beaver at Hudson's Hope could as easily be classified as Sekani.[47] Ridington noted that some anthropologists designate the Prophet River First Nation as Sekani.[48] Two of the four First Nations of the T8TA, West Moberly First Nations and Halfway River First Nation, identify themselves as Mountain Dunne-za reflecting their location in the foothills country of the Rocky Mountains.[49]

The Beaver pursued a traditional economy based on the seasonal round. Group size changed with the seasons as did the areas of the territory occupied. A more permanent residence pattern began in the 1960s with the construction of Department of Indian Affairs housing on the Indian Reserves and relocation of communities.[50] The increase in the number of roads and rights-of-way in the region, as well as access to modern vehicles, have also brought changes to the traditional seasonal round pattern.

In 1981, Brody noted that it would be difficult to compile a list of all the hunting areas used by each community as these areas are not the same each year, and in times of great need people move to distant areas in pursuit of other game.[51] Brody, however, did include maps of the hunting areas used by West Moberly First Nations, Halfway River First Nation Prophet River First Nation and Doig River First Nation in his study.[52] The maps are composites of individual map biographies.

Brody depicted West Moberly Lake Reserve hunting extending along the south side of the Peace River and Williston Reservoir from Fort St. John to Peace Reach, then south to Burnt River. The majority of the hunting areas are located north of the Pine River (Figure

[45] Canada. Department of Indian Affairs (1900). "Map showing the territory ceded under treaty No.8 and the Indian tribes therein." In Report of the Commissioner for Treaty No.8. Annual Report of the Department of Indian Affairs for year ended June 30, 1900. Sessional Paper No. 27, Ottawa.

[46] Ridington 1981: 351.

[47] Jenness, Diamond (1937). The Sekani Indians of British Columbia. *Anthropological Series 20, National Museum of Canada Bulletin 84*, Ottawa: 7, 8. Also see Ridington 1981: 351.

[48] Ridington, Robin 1981: 350-360.

[49] Aasen, Wendy (2010). The Significance of the Peace Canyon and Surrounding Areas to the Mountain (Hudson's Hope) Dunne-za of British Columbia. Report prepared for Devlin Gailus and Halfway River First Nation, June 2010; West Moberly First Nation, Lands Department (2009); Halfway River First Nation, Lands Department (2010); Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations.

[50] Weinstein, Martin (1979). "Indian Land Use and Occupancy in the Peace River Country of Northern British Columbia."

[51] Brody 1981: 191, 192.

[52] In the captions for the maps, Brody uses the term Reserve to describe the First Nation suggesting that the hunting patterns depicted relate to the period of residence on the Reserves which begins in the early 1960s.

7).[53] In 2000, the West Moberly First Nations identified a critical community use area in a traditional land use and occupancy study report[54]. The eastern boundary of this area is the Alberta/British Columbia border, the southern boundary follows the Treaty No. 8 boundary, the western boundary follows the Omineca River to Finlay Arm of the Williston Reservoir then along the Ospika River to the headwaters of the Halfway River, and the northern boundary follows the Halfway River to the confluence of the Peace River then follows the Peace River to the Alberta border (Figure 8).[55] In the 2012 Community Baseline Study, the Area of Critical community interest was identified on the south side of the Peace River (Figure 9).[56]

Currently, West Moberly First Nations members preferentially harvest west of Moberly Lake, up Johnson Creek Road and South Moberly road. There is also a community trapline in the Upper Moberly Watershed.[57]

Brody depicted Halfway River Reserve hunting as being located largely on the north side of the Peace River from Williston Reservoir to Bear Flats, with a small section along the south shore of the Peace River from opposite Hudson's Hope to opposite Bear Flats, and north to the Sikanni Chief River (Figure 10). The western boundary is the Rocky Mountains and the eastern boundary is the height of land between the Blueberry and Cameron Rivers.[58] In the 1980 UBCIC report, a map of Halfway Fishing Areas depicts a concentration of fishing areas along the Halfway River and the western tributaries including the Graham River, Chowade River and Cypress River (Figure 11).[59] In a 2010 report for the Halfway River First Nation, the north side of Peace Reach is noted as an area currently preferred by the Halfway River First Nation to exercise their treaty and Aboriginal rights, as extensive industrial activity in other areas within the Peace Region has constrained their ability to exercise their rights in those areas.[60]

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[53] Brody 1981: 167, map 13. A BRFN elder, who worked with Brody as a map maker, stated in 2010-2011 that the different hunting territory maps published by Brody did not overlap to show respect for the surrounding tribes (BRFN TLUS Report: 82).

[54] West Moberly First Nations, Traditional Land Use and Occupancy Study Team (2000). "West Moberly First Nations Traditional Land Use and Occupancy Study Final Report."
West Moberly First Nations.

[55] West Moberly First Nations, Traditional Land Use and Occupancy Study Team 2000: 5, map p.7. The area is described as a small portion of the WMFN Treaty No. 8 Territory.

[56] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 153.

[57] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 152.

[58] Brody 1981: 169, map 14.

[59] UBCIC 1980: [137].

[60] Halfway River First Nation, Lands Department (2010). Initial Submissions of the Halfway River First Nation to Mineral Titles Division, Energy, Mines and Petroleum Resources Respecting Coal Licences Applications Nos. 417666, 417689, 417691, 417694, 417703, 417704, 417727 and 417742. July 2010: 4, 5.

Areas of current highest use and value by Halfway River First Nation members include: around the Halfway Reserve down the Halfway River to Attachie, Crying Girl Prairie, Chowade River, Farrell Creek between Hudson's Hope and the upper Halfway River, Christina Falls, and the Graham River watershed.[61]

Brody depicted Prophet River Reserve hunting north and west of the Sikanni Chief River (Figure 12).[62] In 2006, Prophet River First Nation identified 36 areas of harvesting importance, as well as a number of areas of environmental concern, during an ethnobotany study. The sites were located within an area roughly 90 km south of the Prophet River First Nation Reserve to 50 km north of the Reserve (Figure 13).[63]

The Prophet River First Nation primary traditional use area is located north of the Sikanni Chief River and Pink Mountain. Prophet River First Nation members have close connections to the people of Halfway River and continue to travel to the Peace River valley for harvesting and annual gatherings held at Attachie and Bear Flats.[64]

Brody depicted Doig River Reserve hunting as being located north and east of Fort St. John. The eastern limit of the hunting is in the area of the Clear Hills in Alberta, the southern limit is north of the Peace River around Goodlow and Cecil Lake, the western limit is the Beatton River, and the northern limit is the Milligan Hills (Figure 14).[65] In the 1980 UBCIC report, the areas depicted on a map of "Doig trapping areas" largely mirror those on the map of hunting areas (Figure 15).[66] Two other maps by Brody depict Doig River Reserve Berry Picking Areas and Doig River Reserve Camping Sites (Figures 16 and 17).[67] Both activities fall within the general area depicted on the hunting map. Doig River Reserve Fishing Areas are depicted along the Peace River and lower Moberly River which are within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA, and along the lower Pine River and up the Beatton River (Figure 18).[68] In 2011, Doig River First Nation declared a 90,000 hectare area east of their Reserve that is bisected by the British Columbia/Alberta

[61] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 121.

[62] Brody 1981: 171, map 15.

[63] Norris, S. (2012). Map of Sites Identified in Schedule C, Bannister, Kelly (2006). Prophet River Ethnobotany. Report prepared for the Oil and Gas Commission and the Prophet River First Nation, April 2006.

[64] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 137.

[65] Brody 1981: 161, map 10.

[66] UBCIC 1980: [136]. It is not stated whether there is a relationship or not between the individual trapping areas from the map biographies depicted on this map and the registered traplines owned by DRFN individuals.

[67] Brody 1981: 154-5, map7; 158-9, map 9.

[68] Brody 1981: 157, map 8.

border as a Tribal Park. Doig River First Nation consider this area less impacted by industrial development than other areas and as a preferred harvesting area (Figure 19).[69]

In the Baseline Study, the preferred areas identified as currently used by Doig River First Nation members are: north of the Reserve to Fontas River; near the Doig and Beatton Rivers; and toward and across the Alberta border including Boundary Lake and Ole Lake. These areas are now used more than the Peace River region. Land alienation is stated as the primary factor for the loss of use of the Peace River area.[70]

The T8TA First Nations oppose the Project as they believe it will add to the constraints already experienced by Treaty 8 Tribal Association members' practice of their treaty rights. Nearly half (368) of the 796 site-specific current use values identified in theT8TA TLUS will be directly impacted by the Project as they are located within the flood zone and footprint of the Project. The site-specific values include: 145 subsistence use values, 77 habitation use values, 74 environmental use values, 42 cultural/spiritual use values, and 30 transportation use values.[71]

No assessment of the likely effects of the Project was undertaken in the TLUS.[72] Sixteen Key Issue Boxes in the TLUS Report, and on two of the TLUS maps, set out T8TA's views of some of the potential adverse impacts of the Project on their members:

- (1) Impact on continued access to the Peace River for future generations;
- (2) Project will add to the cumulative negative effects of previous developments on Treaty Rights;
- (3) Impact on wildlife corridors and habitat for grizzly bear, moose, deer, elk, wolf and other species;
- (4) Impact on Lynx Creek values including ancestral gathering place, camping, habitation, hunting and fishing, oral histories and wildlife habitat;
- (5 & 6) Impact on cultural and historical landscapes - important locations of oral histories including dreamers and spiritual power, place names, and cultural identity (specific areas are set out in subsequent Key Issue Boxes);
- (6) Impact on burial sites from historical battles between Dane-zaa and Cree on the south side of the Peace River;
- (7) Impact on wildlife habitat and sacred areas, particularly moose calving and rearing, on Peace River islands;
- (8) Impact on burial sites at Attachie and other burial sites in the valley bottom downstream of Bear Flats;

[69]Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 112, 113.

[70] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012). Telling a Story of Change the Dane-zaa Way: A Baseline Community Profile of Doig River First Nation, Halfway River First Nation, Prophet River First Nation, West Moberly First Nations: 105.

[71] TLUS Report: 3, 13.

[72] TLUS Report: 3.

- (9) Impact on Bear Flats and Cache Creek values including: ancestral gathering place, camping and habitation, fishing and hunting, travel routes, ceremonial and sacred areas, fresh water springs, oral histories, and very high value ungulate winter range;
- (10) Impact on core habitat for bison, hunted to extinction in the area, a bison jump and oral histories;
- (11) Impact on Halfway River values including: ancestral gathering place, camping and habitation, fishing, burials and sacred areas, oral history and very high value ungulate winter range;
- (12) Impact on Moberly River values: including an ancestral gathering area with camping, habitation, trail and oral histories;
- (13) Impact on Treaty 8 and the solemn assurance of Government that the signatories would be free to continue to hunt and fish, and that the treaty would not interfere with their mode of life;
- (14) Impact on sage and rare medicinal plants that grow on the south facing slopes of the Peace River;
- (16) Impact on Hudson's Hope area values including ancestral gathering place, camping and habitation, multiple burials, sacred and ceremonial areas, fishing, and oral history; and
- (15) Need to address historic and ongoing effects of existing dams on the Peace River including loss of lands and resources.[73]

In the T8FN Community Baseline Survey, the Assessment Team summarized the community member's views of the impacts of past and present developments, including oil and gas, forestry, coal mining, sport hunting, agriculture and hydroelectric development, on T8TA members' traditional way of life.[74] According to the survey, the urban and industrial developments with associated contamination in the regions surrounding their Reserves have required T8FN people to travel farther away to exercise their treaty rights including to harvest traditional foods. The relatively unindustrialized Peace River Valley is stated as being one of the areas that is becoming increasingly important area for traditional use activities as well as a refuge for wildlife.[75]

T8TA identified five key issues relating to the ability to meaningful practise their treaty rights on the land:

- concern about increased non-Aboriginal use of the lands reducing Aboriginal quiet enjoyment of those lands;
- ability to access lands for traditional economic purposes;
- change of migration patterns/ health of wildlife populations/ barriers to wildlife movements;
- reduced access to lands; and

[73] TLUS Report: Appendix 2; Key Issues Maps [W-8 and E-8] – "Our Children Will Use the Peace River in the Future."
[74] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012): 94-99.
[75] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012): 99.

- reduced confidence in country foods.[76]

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?

As the focus of the TLUS was on collecting information relating to traditional land and resource activities within the TLUS LSA, there is only limited information for other areas. What information there is on traditional activities by T8TA members outside the TLUS LSA is mostly located within the Current Use of Lands and Resources (Wildlife Resources) RAA.

There are a few areas of use values outside the Current Use of Lands and Resources (Wildlife Resources) RAA depicted on Map 9, Comprehensive Study Results.[77] On the north side of Williston Reservoir, at Horetzky Point there is an 'other' fish symbol. There is a water route from the east end of Williston Reservoir to the mouth of the Nabesche River where there is an environmental feature and a permanent habitation symbol. North of Williston Reservoir there is a large buffered cultural area depicted in the area of the Hackney Hills. At the north end of this area there is a permanent habitation. At the south end of this area there is an environmental feature value and a berries or wild fruit subsistence use value. There is a concentration of 'other' fish symbols and two temporary habitations at Crying Girl Prairie, and further up the Graham River at Christina Falls there is a permanent habitation, an environmental feature, and a fish symbol. On the upper Halfway River near Brady Ranch there is an elk and a whitefish symbol. Between the confluence of the Halfway and Cameron Rivers there is a cluster of symbols. Because of the scale of the map and the size of the symbols it is difficult to determine whether the values depicted are inside or outside the Current Use of Lands and Resources (Wildlife Resources) RAA. In the area west of Doig River Reserve 206, there is a concentration of subsistence use values including "chickens", grouse, rabbit, bear, mule deer, other fish, moose and drinking water source.

[76] Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012): 174.
[77] TLUS Map 9. Comprehensive Study Results.

Figure 1. Map of TLUS Comprehensive Study Results (Doig River First Nation, Prophet River First Nation, Halfway River First Nation, and West Moberly First Nations Traditional Land Use Study (TLUS) Maps: Map 9).

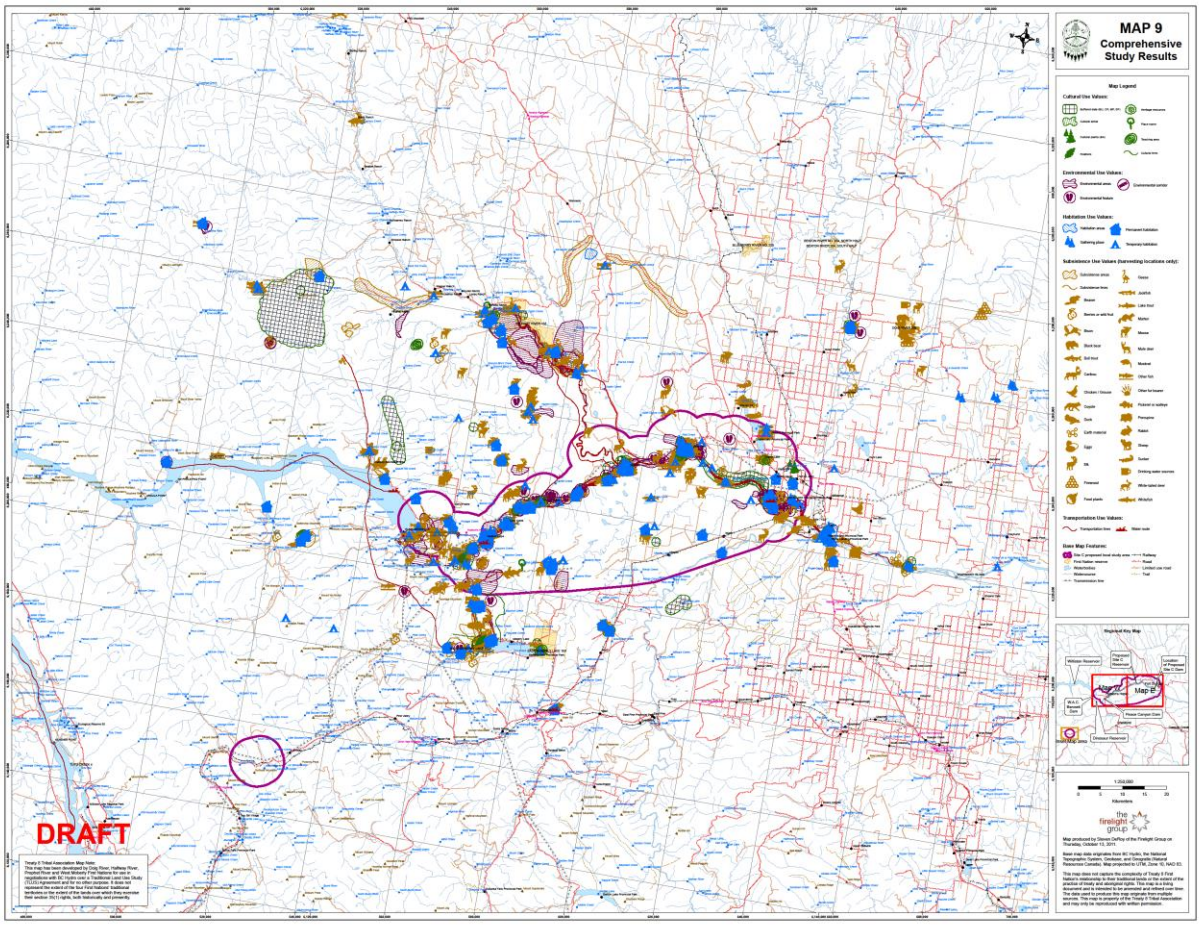


Figure 2: "Traplines Registered to Indians, 1979" (Brody 1981: 101, map 5).

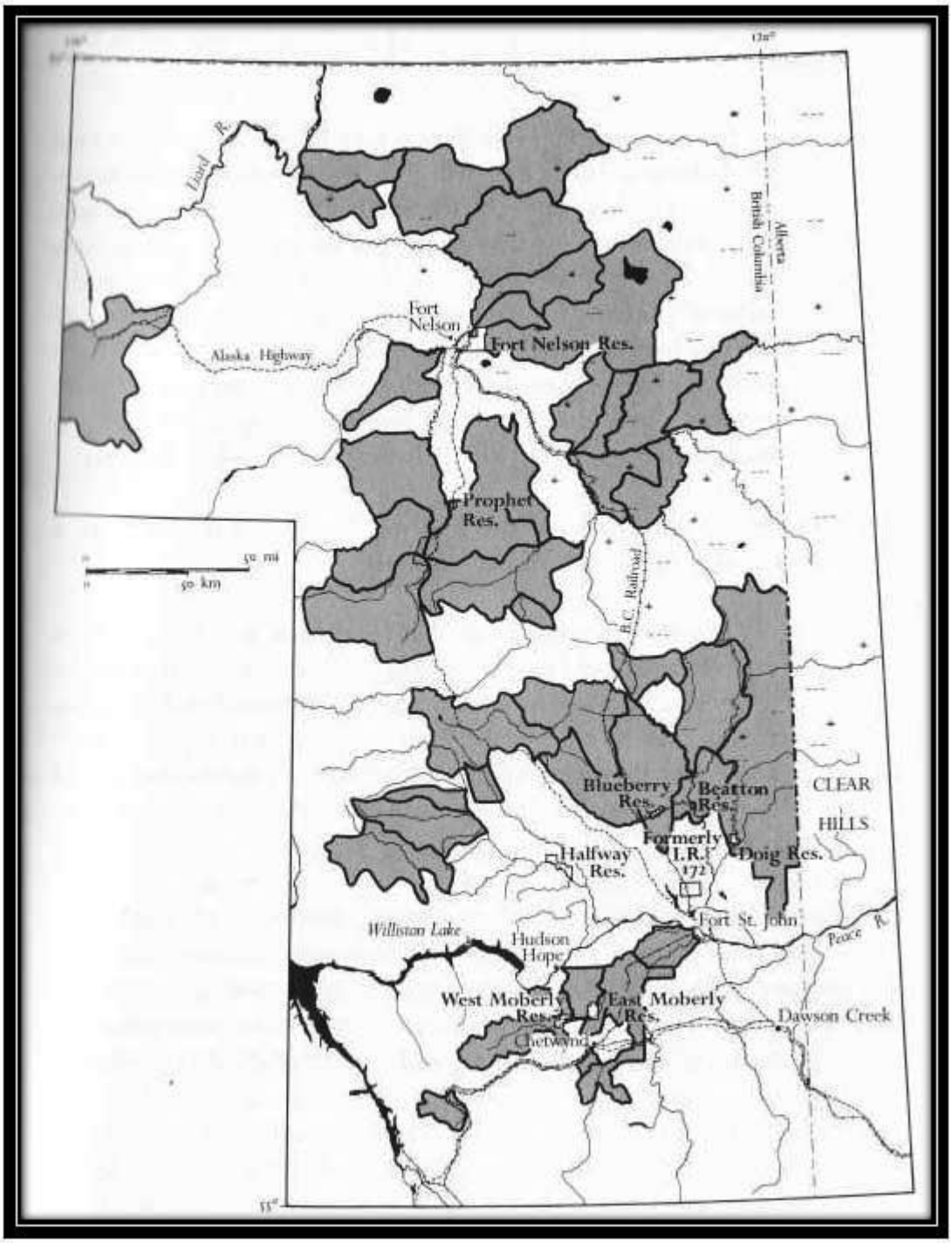


Figure 3. Draft Map of Traplines held by First Nations in the Peace River Region (BC Hydro Site C Clean Energy Project (2012). Map of Trapline Areas by First Nations - South. Vancouver, B.C.).

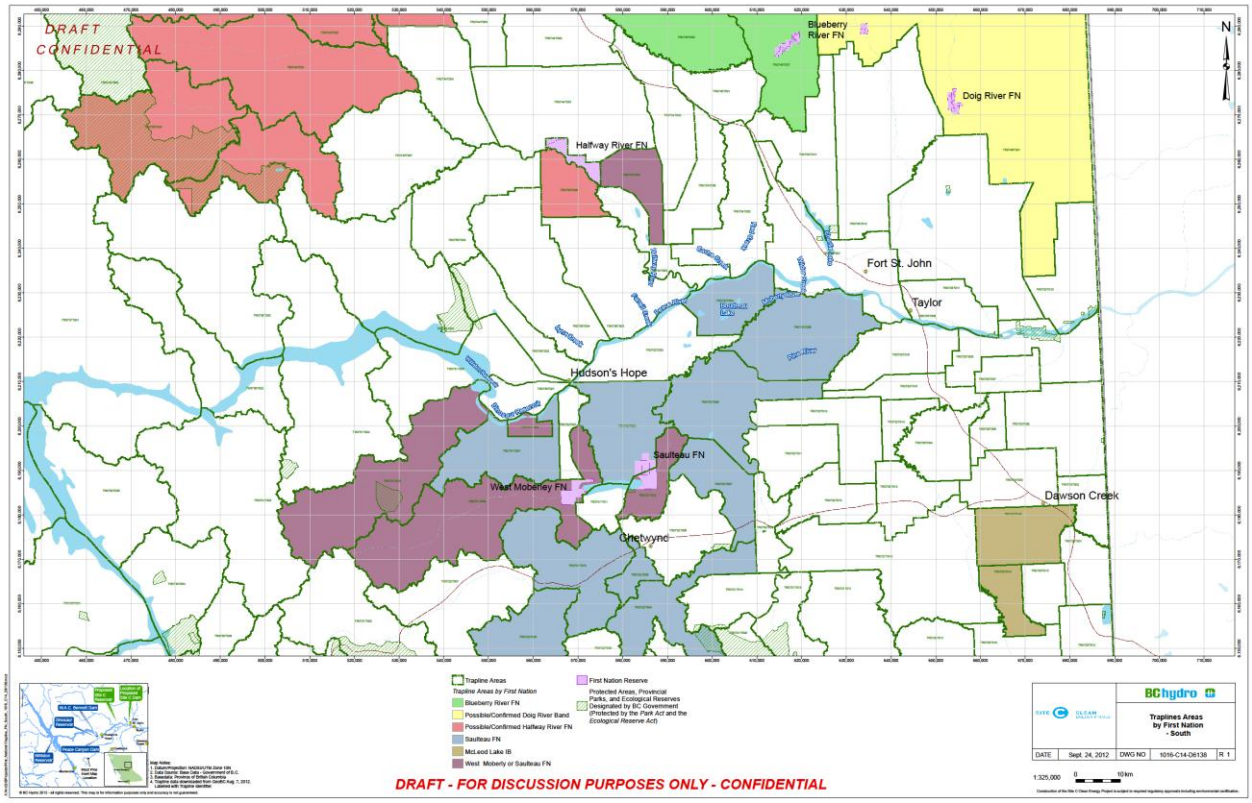


Figure 4. Map of Beaver Territory 1883. Portion of "Map shewing the distribution of the Indian tribes of British Columbia" (Tolmie and Dawson 1883).

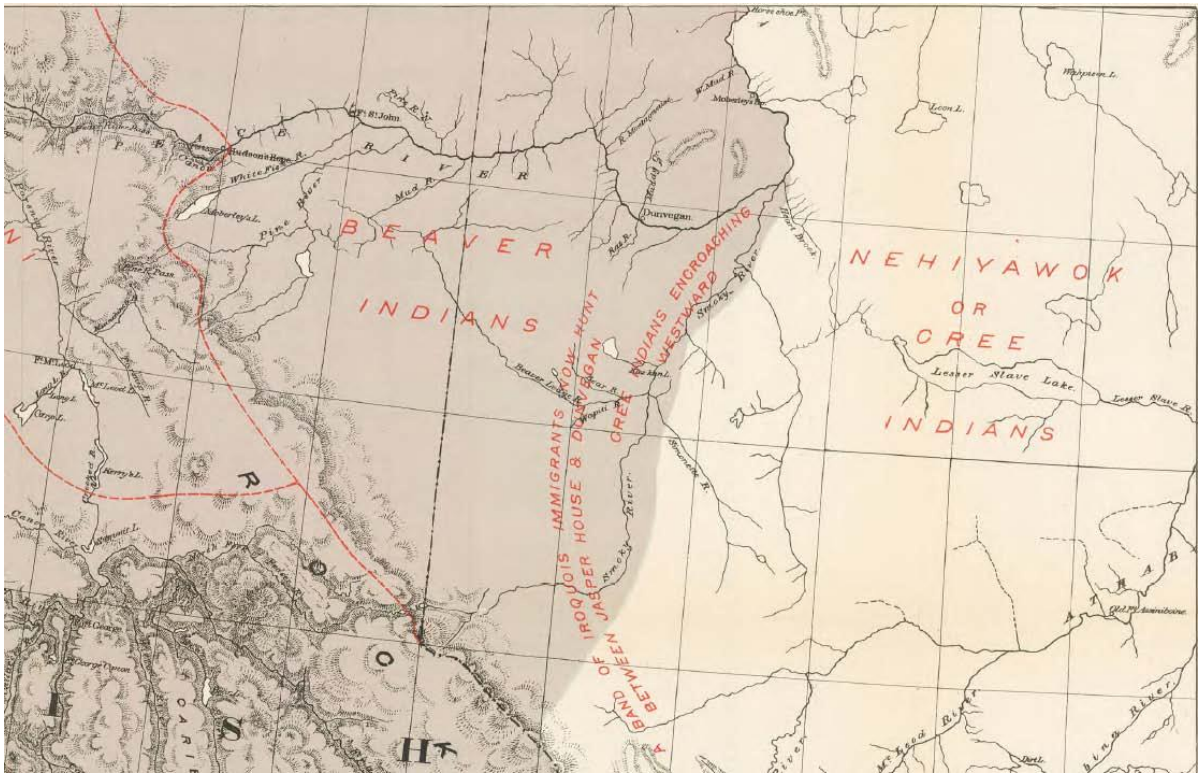


Figure 5: "Map showing the territory ceded under treaty No. 8 and the Indian tribes therein" (Canada. Department of Indian Affairs 1900).

Figure 6: Map of Beaver Territory in 1800 (Ridington 1981: 351).

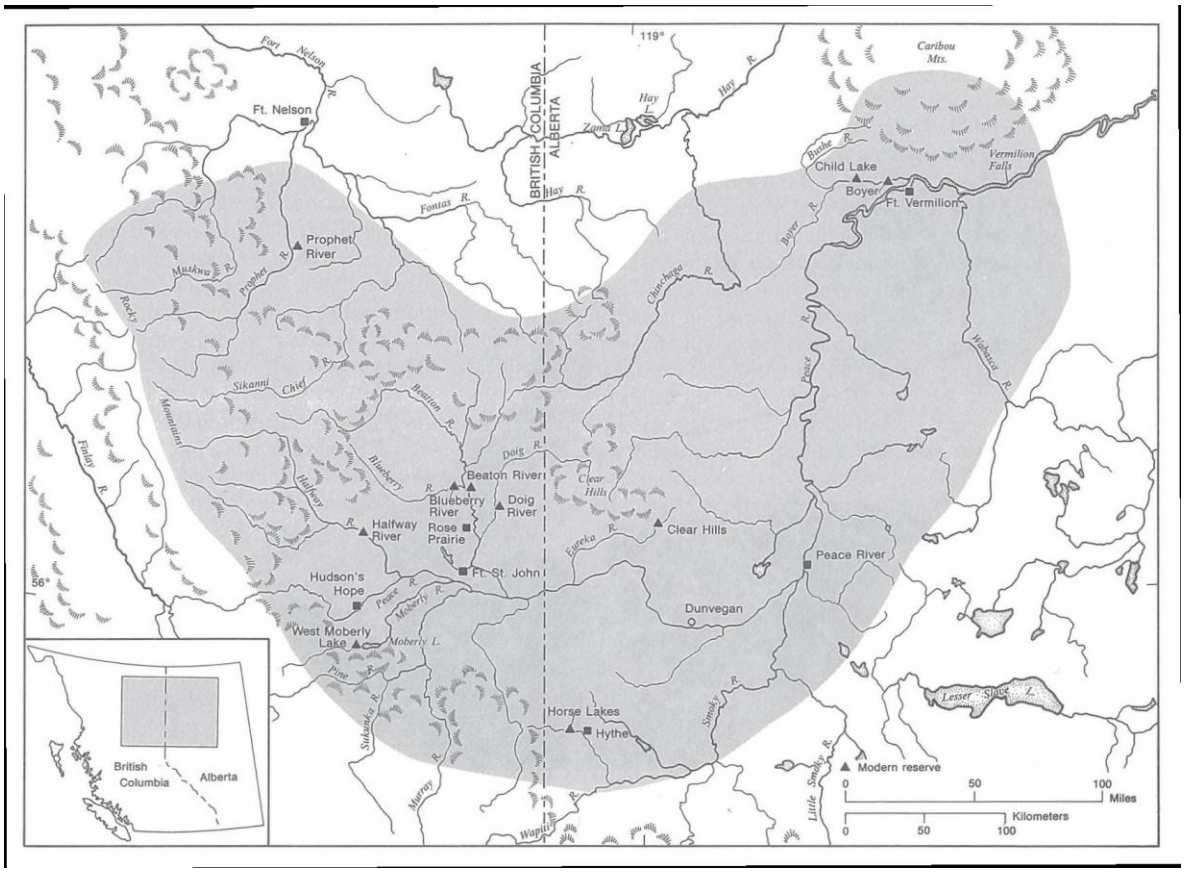


Figure 7: Map of West Moberly First Nation Hunting Territories (Brody 1981: 167, map 13).

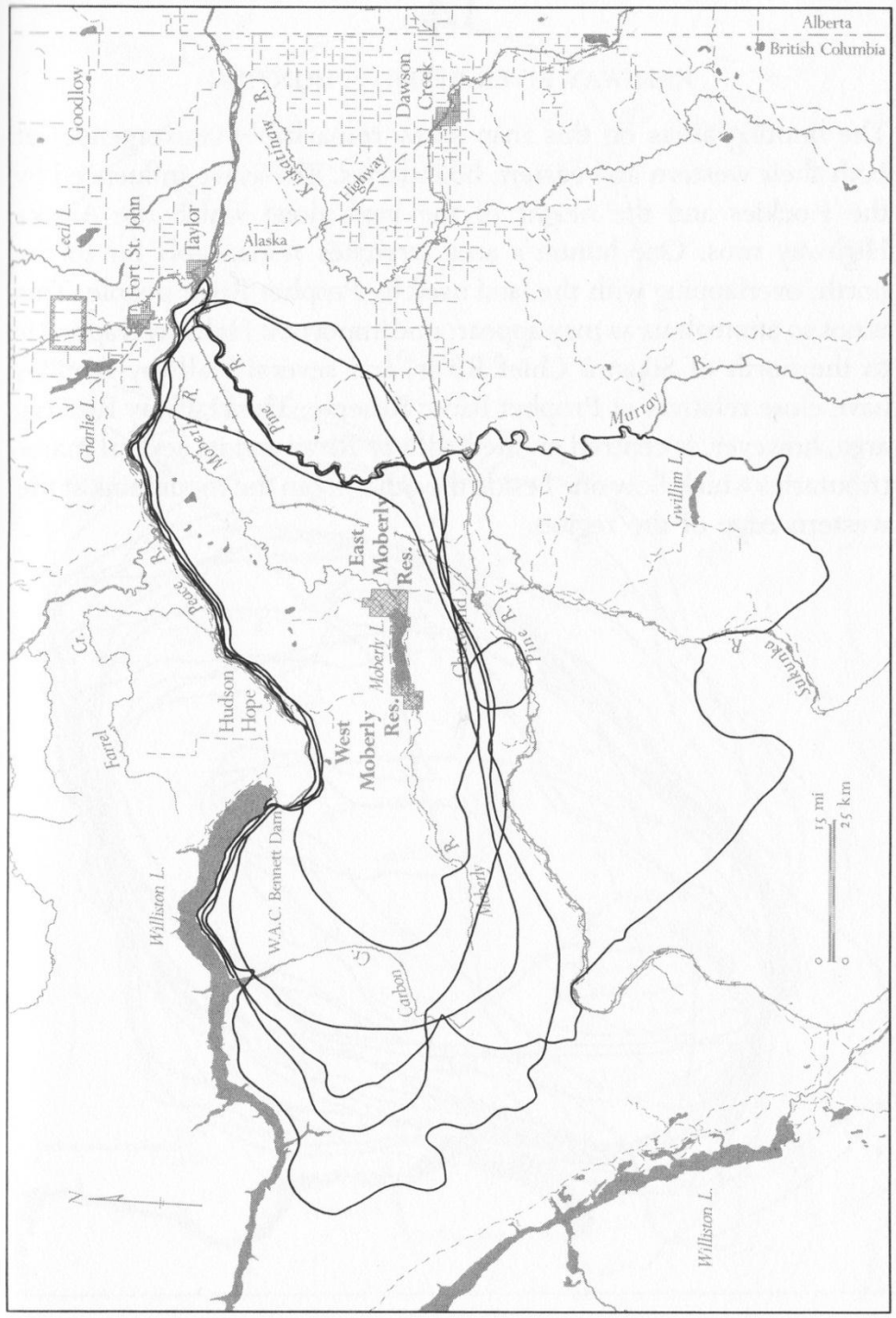


Figure 8. Map of WMFN Critical Community Use Area (West Moberly First Nations, Traditional Land Use and Occupancy Study Team 2000: 5, map p.7).

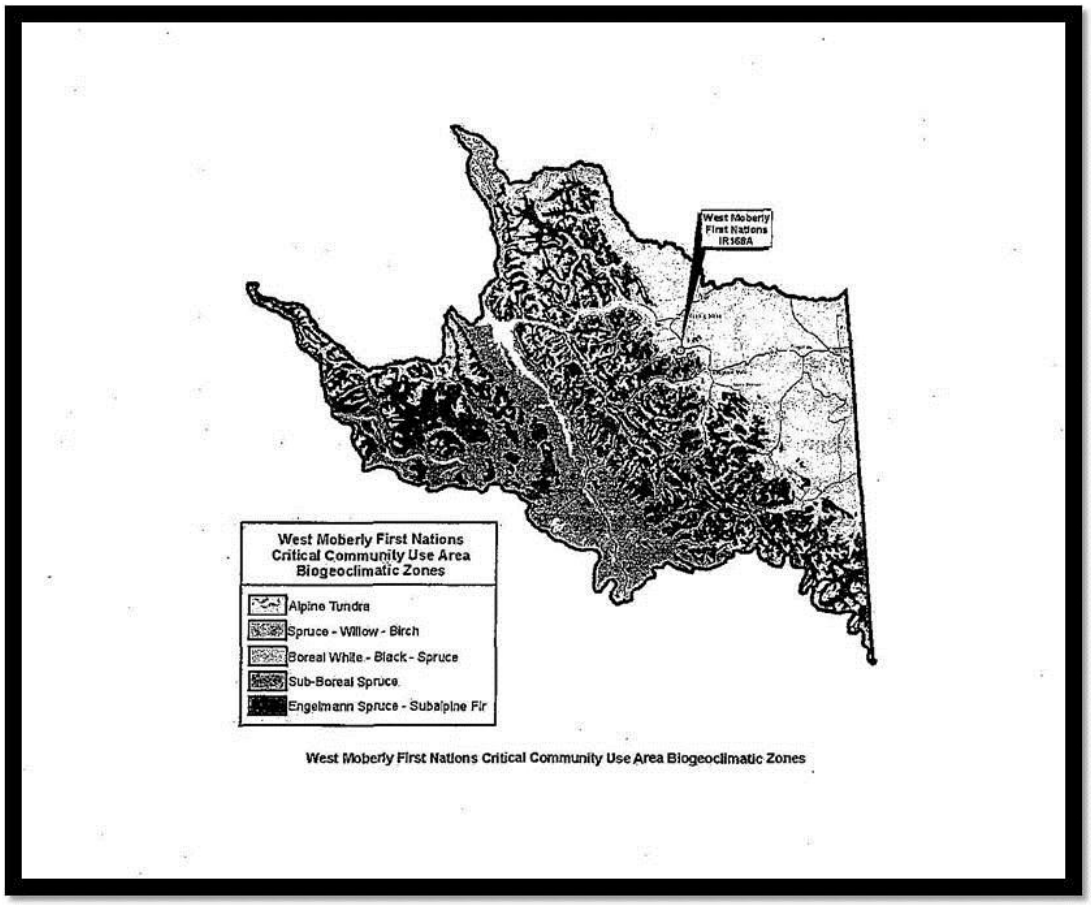


Figure 9: Map of the WMFN Area of Critical Community Interest (from British Columbia, Saulteau FN and WMFN (2006). "The Peace Moberly Tract Draft Sustainable Management Plan." British Columbia, Saulteau First Nation and West Moberly First Nations, July 2006).

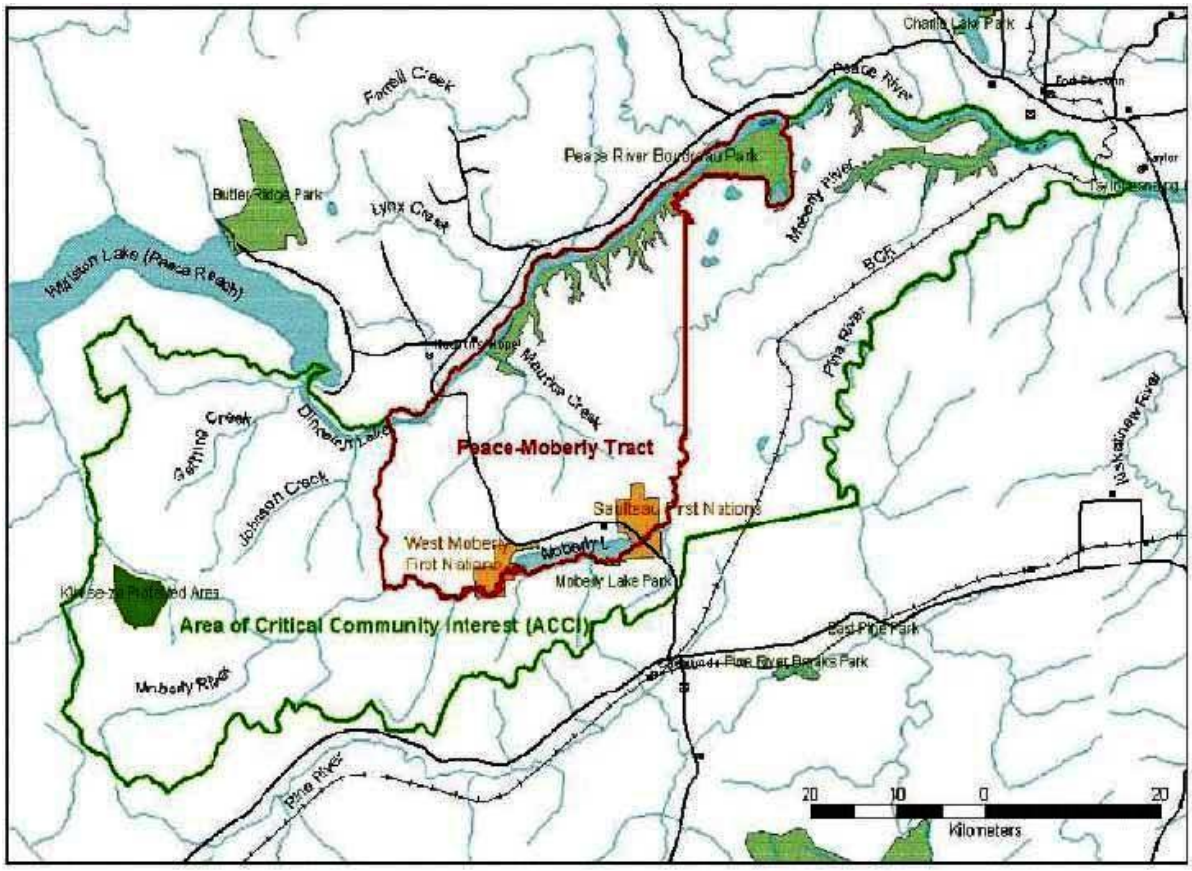


Figure 10: "Map 14. Halfway River Reserve: Hunting" (Brody 1981: 169, map 14).

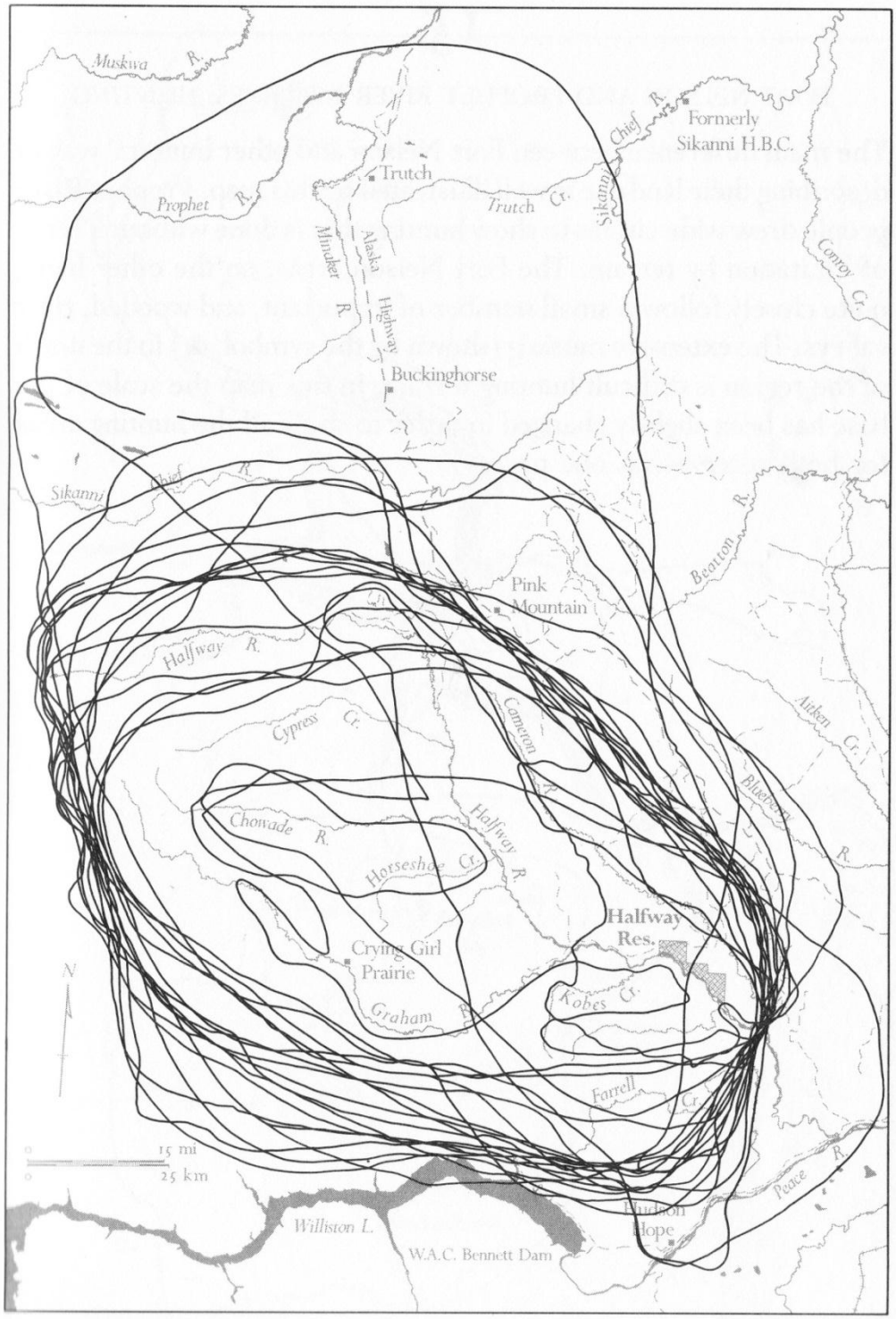


Figure 11. "Halfway Fishing Areas" (UBCIC 1980: [137]).

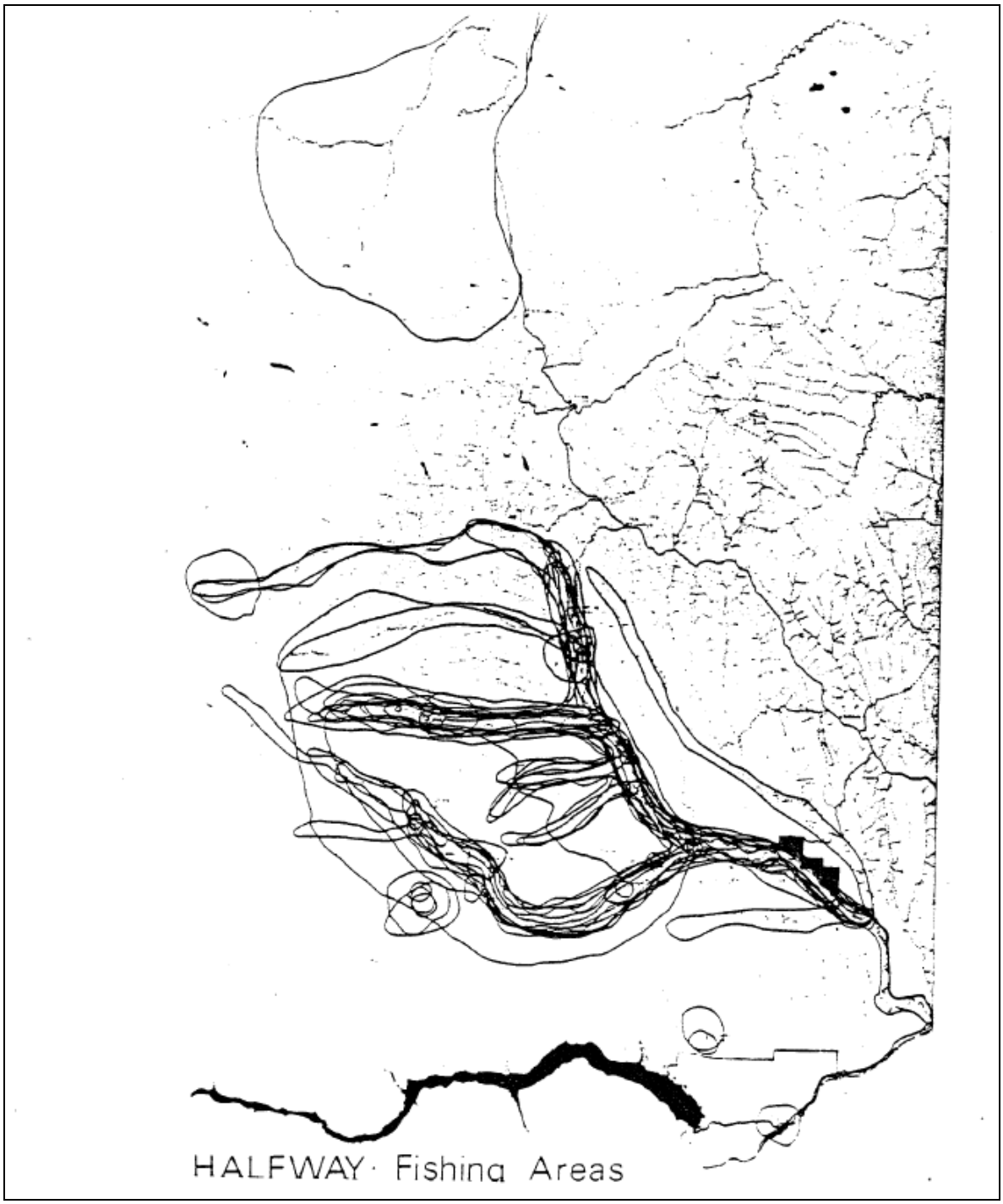


Figure 12: "Map 15. Prophet River Reserve: Hunting" (Brody 1981: 171, south portion of Map 15).

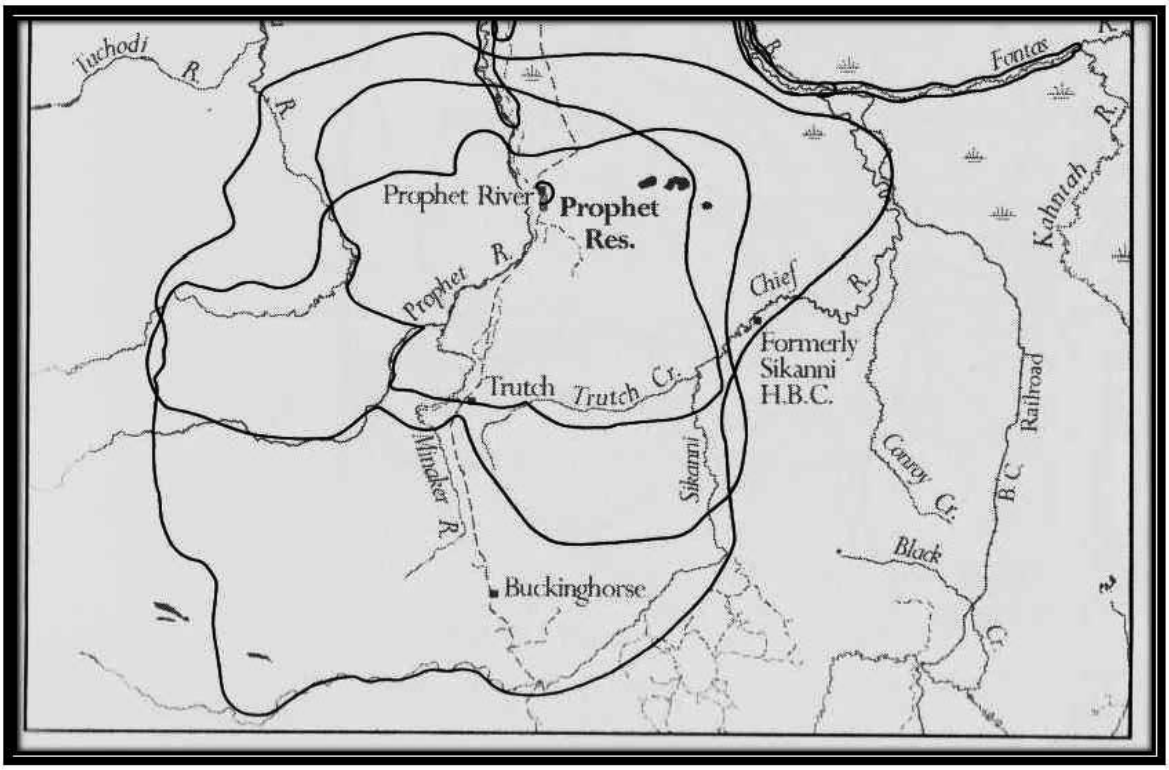


Figure 13: Map of PRFN Sites (Schedule C, Bannister, Kelly (2006). Prophet River Ethnobotany. Report prepared for the Oil and Gas Commission and the Prophet River First Nation, April 2006).

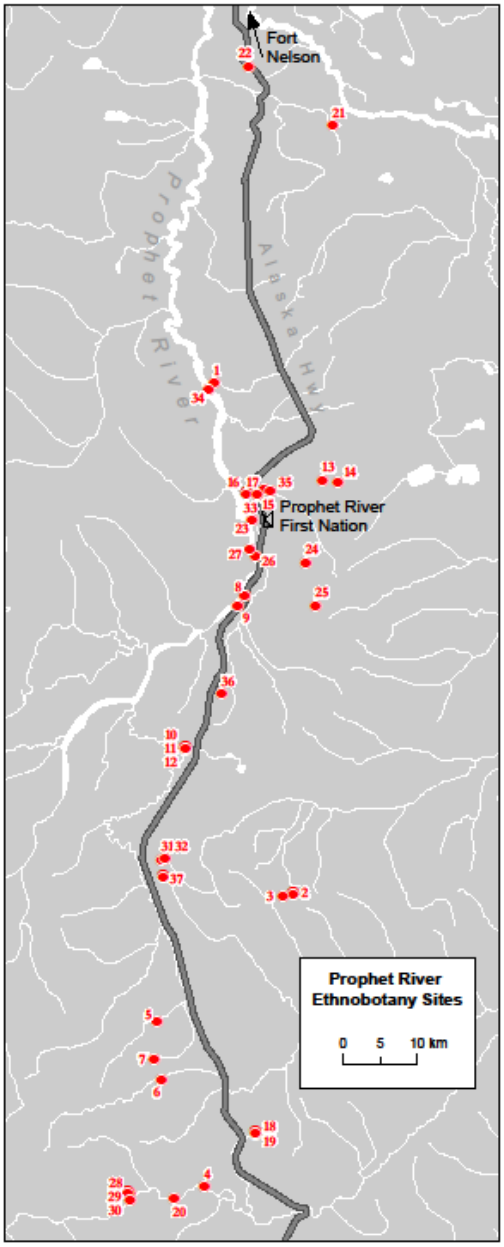


Figure 14: "Map 10. Doig River Reserve: Hunting" (Brody 1981: 160-1, map 10).

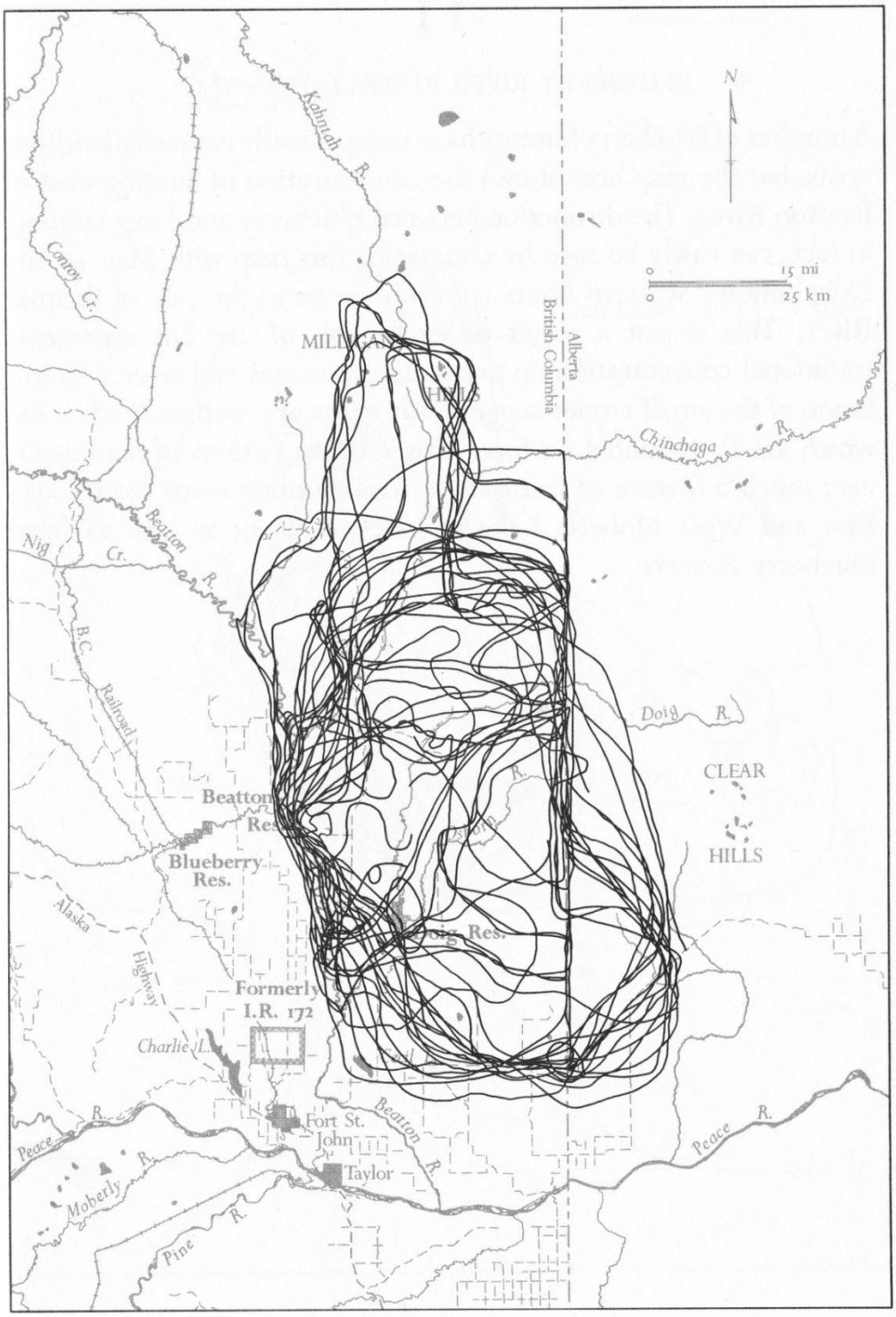


Figure 15. "Doig Trapping Areas" (UBCIC 1980: [136]).

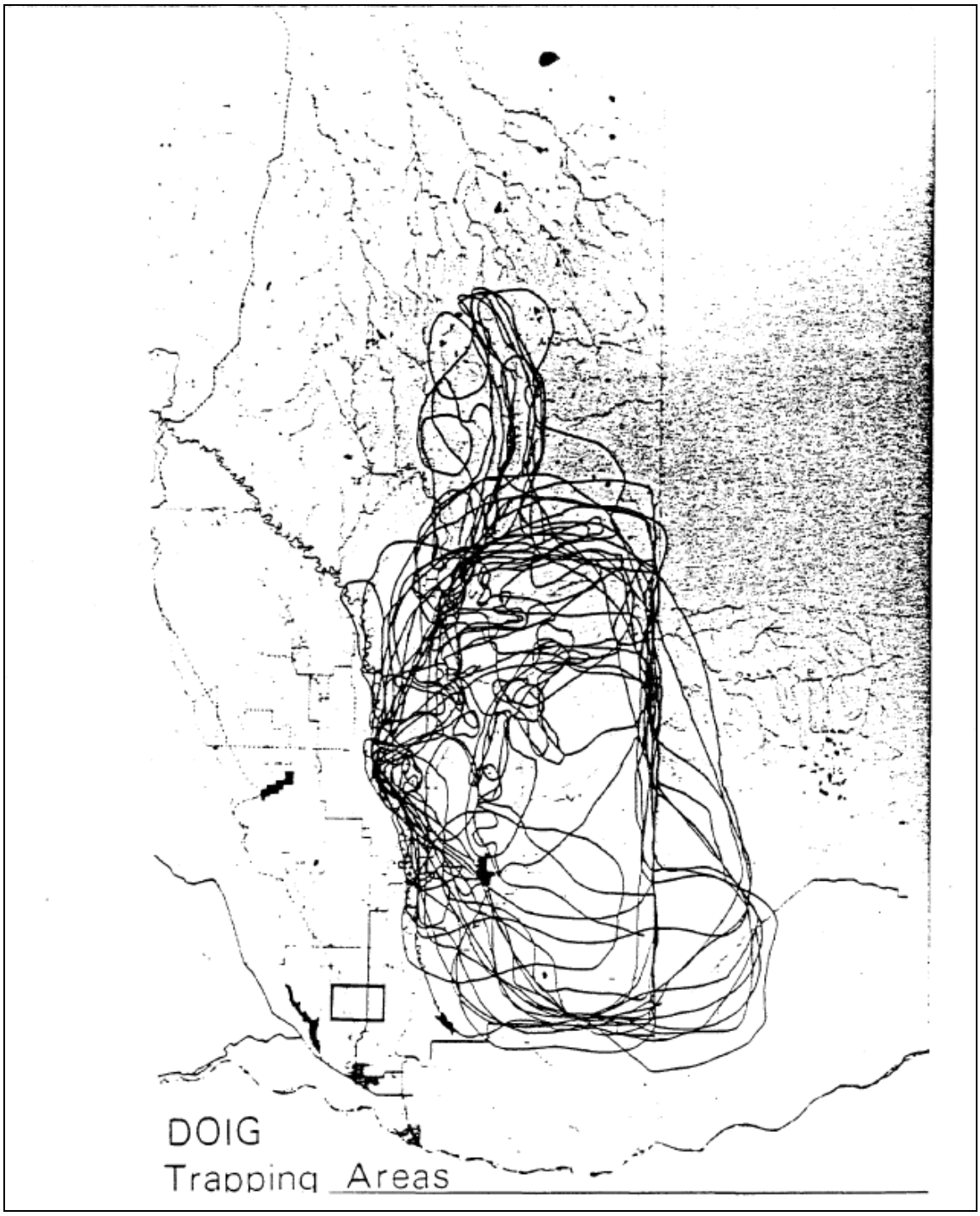


Figure 16. "Doig River Reserve: Berry Picking Areas" (Brody 1981: 154-5, map 7)

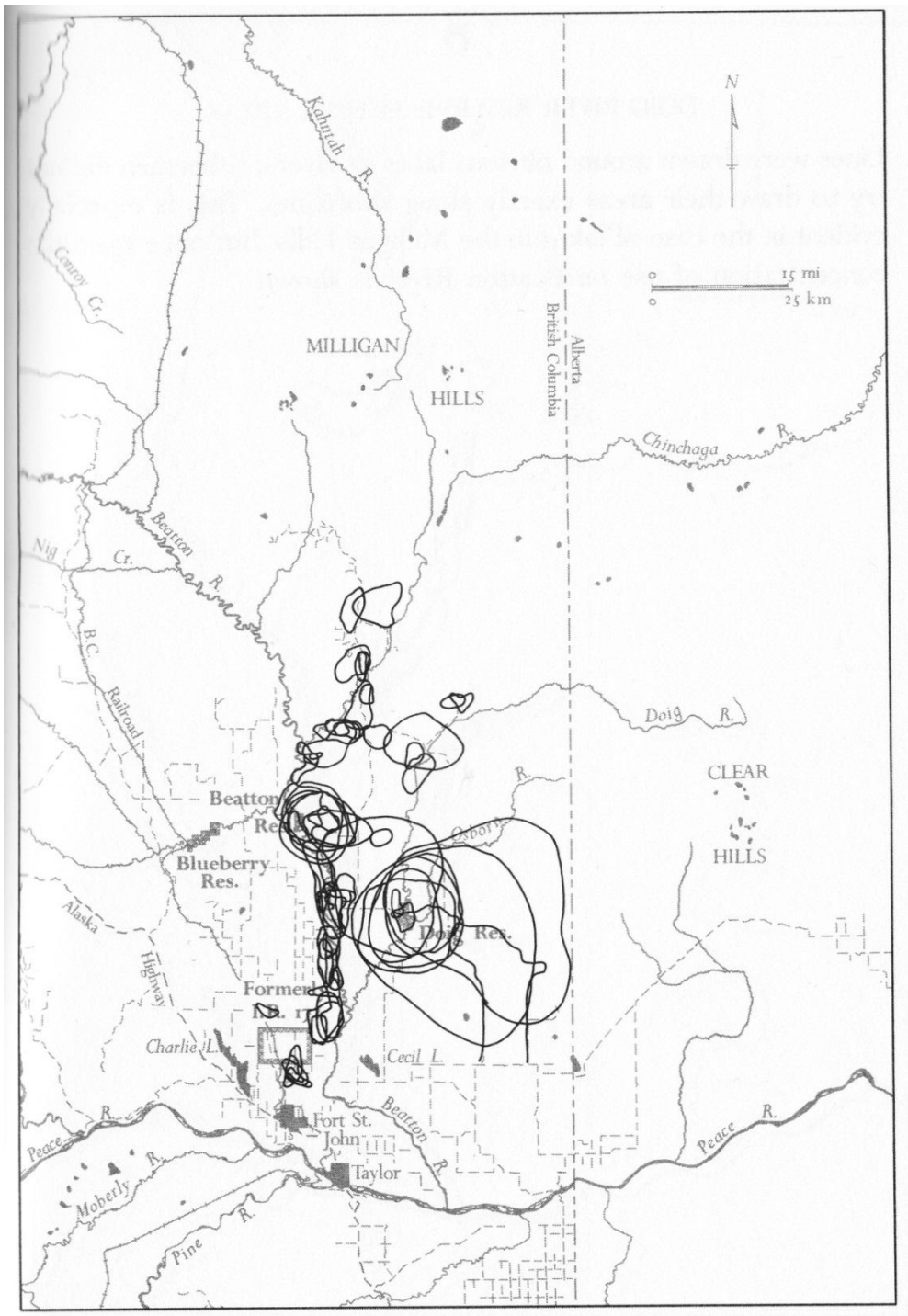


Figure 17. "Doig River Reserve: Camping Sites" (Brody 1981: 158-9, map 9).

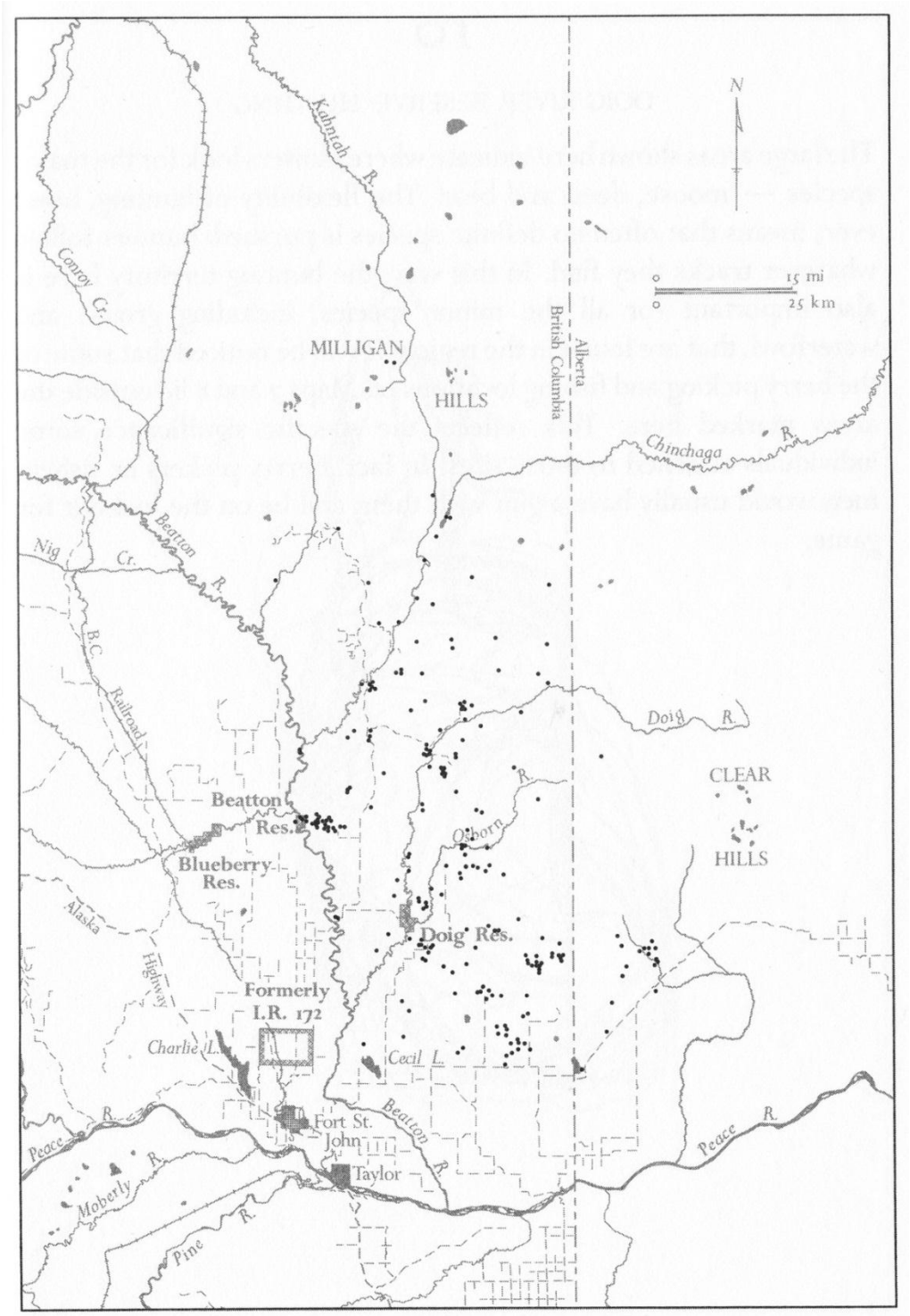


Figure 18. "Map 8. Doig River Reserve: Fishing Areas" (Brody 1981: 156-7, map 8).

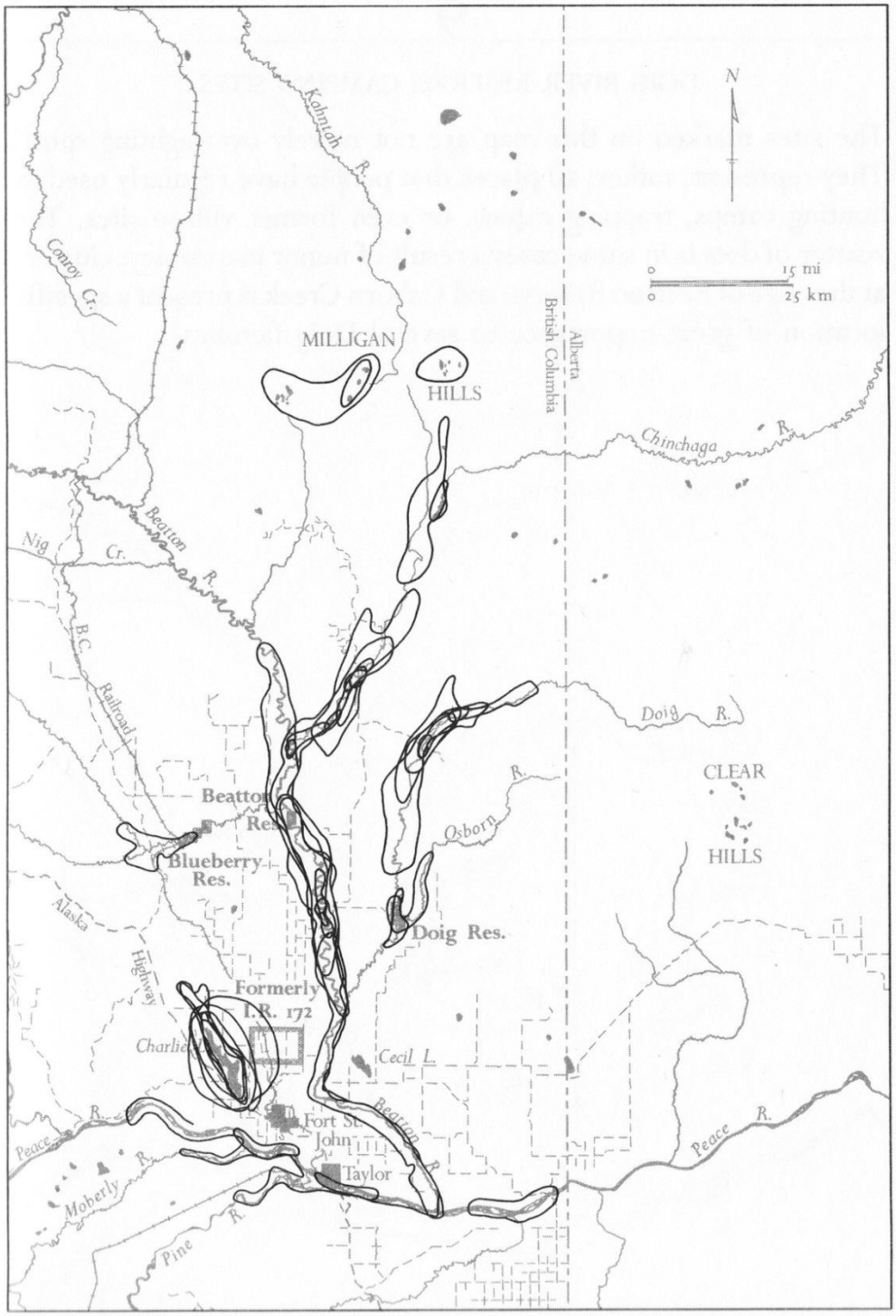
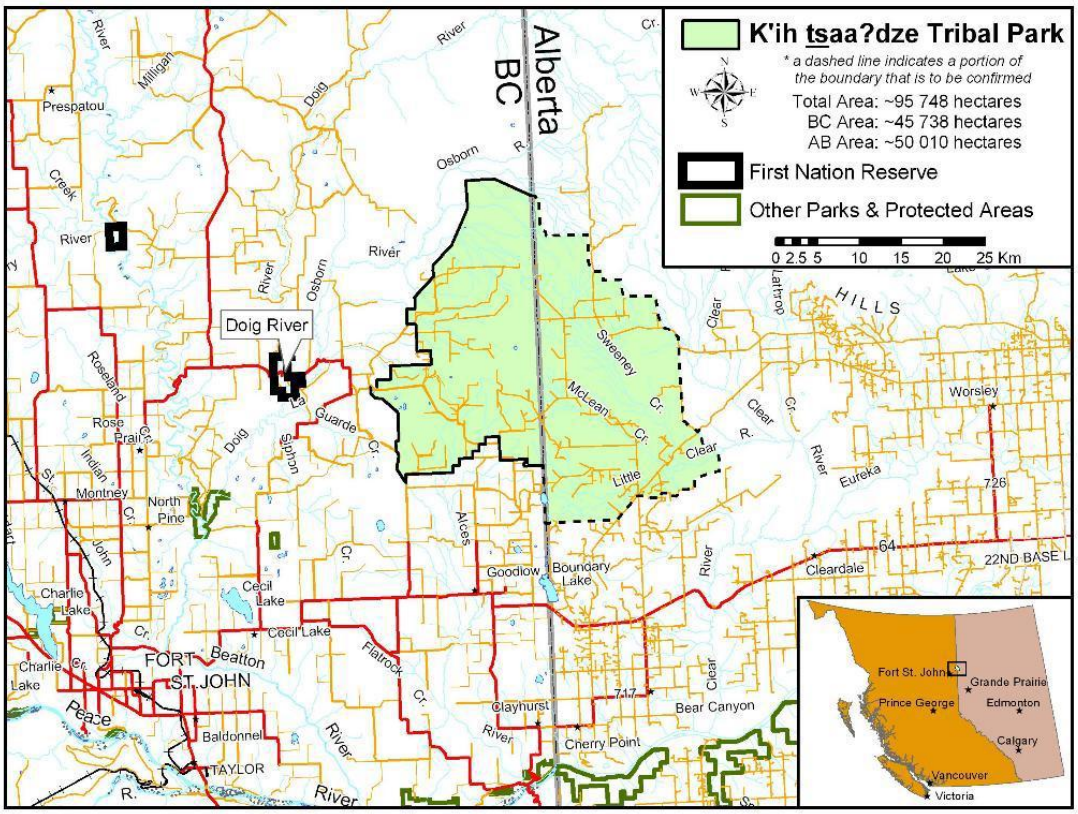


Figure 19. K'ih tsaa?dze Tribal Park, DRFN 2011 (Treaty 8 First Nations Community Assessment Team and The Firelight Group Research Cooperative (2012): 112).



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> *A report on the methodology developed for documenting community knowledge in the field, not on the results of the work*

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SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A06 PART 4

ABORIGINAL SUMMARY:
DOIG RIVER FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Site C First Nations Engagement Team

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January 2013

Doig River First Nation

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Doig River 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 Doig River First Nation.

Doig River 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 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.

Doig River First Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Doig River 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 (e.g., Traditional Land Use Studies, Community Assessments), and in the submissions made during the comment periods for the EIS Guidelines.

Project Overview – Project Components and Activities
Concern with expanding the 138 kV transmission line on the south side of the Peace River, which runs through the Peace Moberly Tract. Preference for pursuing alternative routes for the transmission line, in particular (1) a 500 kV corridor on the north side of the Peace River, or (2) a submarine cable underneath the reservoir.
Interest in the possible construction of a new road to Jackfish Lake and Chetwynd.
Concern with increased access to the South Bank, including the Peace Moberly Tract, as a result of new access roads.
Interest in changes to the alignment of Highway 29, including any changes to Highway 97.
Concern about the impact of Highway 29 road realignment on a sweat lodge located near Bear Flats.
Interest in where worker camps will be located. Concern that the creation of RV parks in the Peace River Valley or other types of worker accommodation for the Project may result in alienation and less time on the land.
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.
Concern with increased access to the South Bank, including the Peace Moberly Tract, as a result of land clearing.
Need for, Purpose of, the Project
Interest in whether the Project is needed for energy self-sufficiency within British Columbia, or for export.
Interest in whether the need for power from the Project could be reduced by decreasing energy exports.
Concern that the Project is "needed" only in relation to the Province's proposed liquefied natural gas strategy.
Interest in the anticipated load growth in the Province, and how the transmission system would need to change to service that potential load growth.
Interest in whether any of the electricity generated from the Project is to serve load in the Lower Mainland and how BC Hydro plans to transmit power there. Interest in what capacity is available on the existing lines from the Peace River region to the Lower Mainland. Interest in whether the power is to be delivered to the Horn River area and the Monteney basins and how this will affect the development of hydroelectric power on the Peace River.
Interest in whether a new transmission line will be needed to export energy from the Project to Alberta and the United States.
Concern with hydroelectric development that pursues the "maximization" policy at the expense of reconciling hydroelectric development with First Nations rights.
Alternatives to the Project
Interest in what other options have been evaluated and considered to establish that the Project is the right solution for energy production.

Interest regarding including industry in BC Hydro's energy conservation plans and if there are any incentives for industry to use more efficient sources of energy and to conserve energy.
Interest in BC Hydro's consideration of alternatives to the Project including wind energy, solar energy, nuclear energy, geothermal energy, gas-fired generation, fiber from the mountain pine beetle kill and upgrading existing generation facilities closer to the Lower Mainland.
Interest in BC Hydro's consideration of other locations for the construction of a large hydroelectric project including Murphy Creek, the Fraser River, the Thompson River and Dunvegan.
Concern that the *Clean Energy Act* limits the consideration or development of feasible alternatives to the Project. Concern that the Integrated Resource Plan de-commits BC Hydro from pursuing other options.
Alternative Means of Carrying Out the Project
Interest in BC Hydro's consideration of different design options for the Project, including low weirs and options that do not impound water.
Interest in why BC Hydro did not consider alternatives that did not develop all the head between the Project and Peace Canyon, including the potential for lower head facilities at the Project location or further upstream of Wilder Creek. Interest in who determined the constraint to develop the entire head between Peace Canyon and the Project.
With respect to BC Hydro's "triple bottom line", given that BC Hydro was constrained to develop the entire head between Peace Canyon Dam and the Project, interest if there is an assumption that somewhere within that river reach there is at least one site alternative that would satisfy BC Hydro's triple bottom line. Interest in whether BC Hydro can provide its triple bottom line policy, how this policy was applied in the analysis of alternatives, and which of the site alternatives analyzed to date satisfy the triple bottom line policy and on what basis.
Interest in a series of small cascading dams as an alternative to the Project.
Interest in how BC Hydro reached the conclusion that the design criteria for dam safety of the cascade of dams and generating stations should be based on values typically used for very high or extreme consequence dam failure and that they could not be developed using lower consequence categories, for example the Canadian Dam Association's low consequence category. Interest in BC Hydro's opinion on the cost implications of this assumption for the cascade options.
Interest in how BC Hydro arrived at the decision to design the proposed Project with a capacity of 1100 MW as opposed to 900 MW.
Concern that BC Hydro completed the analysis of alternatives without proper consideration of First Nations values and land use. Interest in how BC Hydro incorporated First Nation values and land use into the analysis of alternatives and the nature of BC Hydro's assumptions in determining hunting, fishing, trapping, gathering, mode of life and other First Nation land use.

Site C-2 and C-1 have large ancestral landslides. Interest in if BC Hydro were to build at Site C-3 (i.e. Site C), if those potential slide locations would be located inside the reservoir. Interest in how BC Hydro has demonstrated reduction of risk in analyzing the site alternatives, including in relation to smaller cascade facilities, which appear to avoid this hazard. Interest in how BC Hydro has evaluated the impact of landslides in defining the location for the Site C dam site and the other alternatives sites considered in the assessment of alternatives.
From a geological perspective, interest in BC Hydro's opinion on the preferred locations on the reach between Peace Canyon Dam and the Project to construct hydroelectric facilities. Interest in what geological factors were considered in siting the location of alternative hydroelectric facilities on the Peace River, other than the Project.
Concern that geological and geophysical challenges have arisen at the proposed location for the Project resulting in additional costs, which will continue to rise as feasibility studies progress. Interest in how the potential for disproportionate cost increases at the Project as compared to other site alternatives have been accounted for when comparing alternatives.
Interest in how BC Hydro considered the risk of a stranded investment in constructing the Project versus the reduced likelihood (if not the elimination) of the potential of a stranded investment in developing a series of smaller facilities.
Interest in if BC Hydro has evaluated the impact of using more adapted layouts for each site in each alternative evaluation.
Concern that the Integrated Resource Plan process excludes certain options (e.g., the cascade option on the Peace River), from further consideration
Assessment Process – Permitting
Concern that BC Hydro will not be seeking concurrent permitting pursuant to the *Environmental Assessment Act* for the Project and would be applying for permitting prior to receipt of the Environmental Assessment Certificate. Concern that the synchronized permitting process that BC Hydro has proposed undermines the language, spirit and intent of the *Environmental Assessment Act* and the Concurrent Permitting Regulation. Whether BC Hydro proposes a "synchronized" or concurrent permitting process, the underlying presumption is that the Project will be approved.
Cumulative Effects
Concern regarding the Project's potential contribution to the cumulative impacts of development in the region, including pipelines, logging, oil and gas, coal mining and coal bed methane. Interest in how BC Hydro will take into account impacts from other development in the region in assessing impacts of the Project on section 35(1) rights.

Interest in conducting the cumulative effects assessment at the regional planning level. Concern that when cumulative effects assessments are done on a project by project basis, that the most effective means to avoid impacts on section 35(1) rights are precluded simply by the selection of a preferred project.
Interest in using a pre-development, pre-industrial or pre-W.A.C. Bennett Dam baseline in order to assess the cumulative environmental effects of the Project, and to assess the cumulative implications of the Project on the exercise of section 35(1) rights.
Land - Geology, Terrain and Soils
Concern regarding the potential impacts of the Project on the potential for landslides, slope stability, erosion and sloughing, including the proposed inundation zone and upslope areas, old Highway 29 area, Halfway River, other tributaries to the Peace River, the Taylor Hill area the new Highway 29 realignment area. Concern regarding slope stability changes and slides which have the potential to create substantial impacts to traditional practices such as hunting, gathering and spiritual use. Concern regarding the impact that sloughing will have on wildlife attempting to climb the banks of the reservoir.
Concern about the risk of earthquakes at the proposed dam site. Interest in how earthquakes are factored into the design and construction of the Project and whether BC Hydro has undertaken core testing to determine the nature of the rock formations beneath the proposed dam site.
Concern about the structural stability of the dam including a fault line along the Moberly River and the geotechnical conditions at the dam site.
Water – Surface Water Regime
Concern about potential downstream impacts 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.
Interest in how the development of the remaining hydroelectric potential of the Peace River would be impacted by the potential full or partial restoration of the natural flow regime. Concern with the inability to re-establish natural or near natural flow regime due to increasingly anthropogenic controls over previously natural systems.
Concern about the potential effects of the Project on water levels and water flow upstream, including the extent of upstream flooding in the Peace River, Halfway River, Moberly River, Moberly Lake, and Hudson's Hope.
Concern about the potential effects on fish in the event of a spill.
Interest in steps taken by BC Hydro to consider climate change in the Project planning, particularly in regards to future changes in hydrology. Interest in how climate change considerations would be factored into the various studies being undertaken, including modeling of water levels.

Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Concern about the potential effects of Project-related construction activities on water quality, including the inundation of contaminated sites, the submerging of construction materials, and leaching chemicals.
Water – Groundwater Regime
Concerns about the potential effects of the Project on groundwater.
Water – Thermal and Ice Regime
Concern that changes to ice flow and formation have the potential to impact human transportation and animal migration and wintering habitat availability.
Water – Fluvial Geomorphology and Sediment Transport
Concerns about the potential effects of the Project on sediment transport. Concern about the effects of sedimentation on aquatic and terrestrial habitat arising from sedimentation in the reservoir and upstream rivers.
Water – Methylmercury
Concern that mercury will be released from the soil after flooding. Concern about mercury accumulation and contamination in fish. Concern that the perceived risk, observed change and advisories related to bio-accumulation of mercury in fish will likely reduce harvesting and consumption of fish from the reservoir and result in reduced confidence in fish as a food source due to the perception of high levels of mercury.
Air - Microclimate
Concern about the potential impacts of the Project on local climate and weather patterns including changes in cloud, humidity, wind and tornadoes. Concern that impacts on microclimate may result in impacts on wildlife and plant communities, water temperature, ice formation, and farming.
Air – Air Quality
Concern about the potential effects of Project-related activities on air quality, including dust, emissions and pollution.
Air – Noise and Vibration
Concern that the Project will increase noise and noise pollution. Concern about loss of quiet enjoyment due to increased noise and increased human presence on the land in connection with the Project.
Fish and Fish Habitat
Concern about the potential impacts of the Project on fish, fish habitat, and fish species composition, including in the Peace River, Halfway River and Moberly Lake and Alberta.
Concern about the potential impacts of the Project on spawning, including in the Peace

River, Halfway River, Lynx Creek and Cache Creek areas.
Concern about the potential impacts of the Project on fish migration, including in the Peace River, Halfway River and Moberly River.
Concern about the potential impacts of the Project on fish passage, both upstream and downstream of the dam, including fish mortality in turbines and/or spillways.
Concern about the potential effects of the Project on riparian habitat and whether the Project would create new aquatic zones.
Vegetation and Ecological Communities
Concern about the potential effects of the Project on vegetation and plant communities.
Concern about the potential impacts of the Project on regionally rare and important ecosystems including old growth forests, south-aspect grassland, shrub and aspen slopes.
Concern about the potential effects of the Project on wetland habitat.
Concern about the potential effects of the Project on rare and medicinal plants.
Concern about the spread of invasive plant species.
Wildlife Resources
Concern about the potential impacts of the Project on wildlife, wildlife habitat and biodiversity.
Concern about the potential impacts of the Project on wildlife migration and movement, including the ability of wildlife to swim across the reservoir and climb the banks of the reservoir.
Concern about the potential impacts of the Project on amphibians and reptiles, including garter snakes.
Concern about the potential effects of the Project on migratory birds and migratory bird habitat, including warblers, marsh birds, ducks, woodpeckers, red and blue listed neo-tropical migratory birds, Slave River area geese and water fowl.
Concern about the potential effects of the Project on chickens (i.e., grouse and ptarmigan).
Concern about the potential effects of the Project on raptors, including eagles and raptor habitat.
Concern about the potential impacts of the Project on furbearers and habitat for furbearers, including fishers, wolverine, rabbits, muskrats and beaver.
Concern about the potential effects of the Project on ungulates and ungulate habitat, including moose, elk, deer, caribou, bison and Stone Sheep. Specific concern with effects resulting from loss of seasonal ranges, winter habitat, loss of calving and fawning areas on the islands in the Peace River, seasonal movement barriers, loss of the river valley as a wildlife movement corridor.
Concern about the potential effects of the Project on large carnivores and large carnivore habitat, including black bears, grizzly bears, wolves and cougars.
Greenhouse Gases
Concern about the potential impacts of Project on greenhouse gas emissions.
Labour Market
Concern with pressures on local labour supply, as a result of in-migration.

Concern that the “boom and bust” cycle of a Project creates difficulties in developing skills and sustaining lifestyles.
Interest in employment opportunities, including interest in ensuring equitable hiring practices which allow for Aboriginal people to access work opportunities associated with the Project.
Concern that the Project would result in a medium-term (5-10 years) growth cycle in the local economy that could contribute to inflation.
Concern that low quality of work environment, racism, lack of advancement and training, long-distance commuting, destructive nature of work may result in low job satisfaction and negatively influence retention rates of First Nations workers in Project construction.
Interest in what jobs would be available - by skills and job type - that would be realistic for members to consider. Interest in the methods used by BC Hydro in predicting the employment opportunities associated with the Project.
Concern the Project would result in further transfer of wealth away from the reserve as members go to live and work in Fort St. John. Employment away from the reserve for the Project would lead members to permanently relocate in order to obtain seniority.
Economic Effects Assessment – Regional Economic Development
Concern regarding the capacity of Aboriginal businesses to compete with non-Aboriginal businesses in accessing Project contracting opportunities.
Current Use of Lands and Resources for Traditional Purposes
Concern about the potential effects of the Project on access to quality hunting areas, including areas that contain moose, elk, deer, bear and birds.
Concerns about the potential effects of the Project on fishing, including access, water flow, water levels and habitat Concern that the reservoir will cause members to have reduced knowledge of fishing and success at fishing.
Concern that trapping activities will be eliminated within the Project inundation areas and may also be affected by migration and disturbance effects.
Concern about the potential effects of the Project on berry harvesting and plant gathering.
Concern about the potential effects of the Project on ancestral gathering places used for camping and habitation, fishing and hunting, travel routes, ceremonial and sacred areas, burials, trails, fresh water springs, and associated oral history, specifically in the areas of Bear Flats, Cache Creek, Halfway River, Moberly River, the Peace Moberly Tract and the Area of Critical Community Interest.
Concern about increased access for recreation non-Aboriginal harvesters to the area leading to increased pressure on wildlife and fish resources and increased competition for campsites.
Interest in collecting baseline traditional knowledge.

Interest in incorporating traditional knowledge into the environmental assessment.
Concern that off-site infrastructure (roads, transmission lines, quarries, hauling, etc.) will have direct effects during construction and open territory to new industrial activities.
Concern that the Project will lead to a loss of access to certain sites that are associated with specific stories. If the sites are not accessible, the stories will not be told and may get lost over time.
Land and Resource Use Effects
Concern about potential effects of the Project on farmland and agriculture.
Concern about the potential effects of the Project on forest harvesting.
Concern about access to valley bottom timber above the level of the reservoir may be enhanced or reduced by the reservoir.
Concern about loss of income from reduced fish and wildlife harvesting opportunities.
Concern about decreased boating safety associated with making the Peace River Valley into a recreational reservoir and increasing powerboat traffic.
Concern that an increase in population of some fish species has the potential to increase sport fishing and promote charter fishing tours.
Concern that the reservoir would result in increased access and increased boat traffic on waterways.
Concern that the reservoir and boat launches would increase boating access to the upper reaches of the Halfway and Moberly Rivers.
Interest in if BC Hydro has studied ways to restrict access along the water ways of the proposed reservoir and what type of water access restrictions could be put in place to limit the increased influx of recreational users up the Halfway River if the Project goes forward.
Concern regarding loss of visual cultural referents in the form of the visual landscape, which people use to communicate history, knowledge, and elements of culture to next generations.
Social Effects Assessment
Concern that additional workers from outside the region would add pressure on the limited social resources available to Aboriginal communities.
Concern with potential changes to family unity and resources due to out-migration.
Concern with social effects of worker camps and transient workers.
Concern with potential skills drain (i.e., loss of individuals with trades from First Nations to Fort St. John, or less availability of urban-based contractors).
Concern that general population increase results in increased competition for resources and loss of solitude on the land.
Concern that population increase exacerbates the Aboriginal position as a minority and brings about racism, and creates social behaviour or cultural awareness issues.
Interest in the determination of demographic baseline and the analysis of potential demographic effects being performed separately for the affected First Nations communities.
Concern that the Project may cause in and out migration in Aboriginal community populations in relation to Project employment opportunities or housing market pressures.

Concern that an influx of workers would put pressure on housing on and off-reserve. Concern that existing pressures on housing would be exacerbated by additional crowding as First Nations people are forced to return to reserve communities. Concern that housing costs will further increase in Fort St. John, resulting in increased demand for housing on First Nation reserves. Concern regarding increased cost of living as well as increased crowding and associated health and social dysfunction in Fort St. John, including homelessness.
Concern with potential effects of the Project on local services (heath care, education and other social benefits), including increased prices and hindered access to these services.
Concern that influx of workers and increased flow of money into communities could lead to public health and safety concerns; concern regarding impact on availability and response of fire and peace officers in Doig River and Halfway River.
Concern with potential increased wait time for construction, repair, and maintenance of physical infrastructure.
Concern about the potential effects of the Project on increased traffic and change in traffic patterns.
Interest in whether people would be able to drive across the dam. Concern that construction of a permanent bridge across the Peace River may alter the transportation patterns in the region.
Increase in traffic and related effects (noise, smells, vibration, dust) in the various construction and borrow material locations (Project Activity Zones) may impact enjoyment of the land. Concern that increased traffic in and around Fort St. John, Highway 29, around borrow sites and activity zones may increase vehicle collisions as well as wildlife collisions during construction. Concern that increased noise during construction could exacerbate already noisy conditions in Doig River First Nation, Halfway River First Nation and West Moberly First Nations traditional lands. Reduced area available for meaningful practice of Treaty 8 rights; reduced "quiet enjoyment of the land".
Concerns regarding realignment of Highway 29 limiting access to traditional territory; new roads and Highway 29 realignment could increase access for Treaty 8 First Nations and larger numbers of non-Aboriginal recreational users.
Heritage Resources
Concern that construction and operation of the Project will damage or destroy archaeological, unidentified or non-archaeological (e.g., spiritual) heritage sites.
Concern about the potential effects of the Project to burial sites, including:

- Burial sites from historical battles between Dane-zaa and Cree on south side of Peace River - Impact on burial sites at Attachie and other burial sites in the valley bottom downstream of Bear Flats - Multiple unmarked Dane-zaa burials associated with the 1919 flu, including Chief Attachie's, are reported to be located in the Peace River valley - Psycho-social effects associated with "desecration" of Dane-zaa grave sites - loss of the place where Dane-zaa bury their dead
Concern with repatriation of artifacts and desire to have artifacts recovered during heritage work returned to First Nations communities.
Human Health
Concerns that an influx of outside workers could lead to public health and safety concerns.
Concern that exposure to an urban environment by job seekers would increase the consumption of store bought food which could result in increased levels of diabetes, obesity, heart disease and other health issues.
Concern that reduced access to preferred lands could lead to exacerbation of existing reduced social and cultural status of elders and reducing quality of life and mental health.
Concern with the increased in-migration into the Peace River Regional District, especially around Fort St. John, of Project workers and job seekers, overwhelmingly male, could lead to increased sexually transmitted infections, especially among vulnerable sub-populations (women, especially young Aboriginal women in urban environments).
Concern that changes in local weather and seasonal patterns e.g. warmer winters and increased winds may affect people's security and well-being.
Concerns related to noise and vibration, including loss of quiet enjoyment due to increased noise.
Concerns related to the contamination of fish and wildlife resulting in a lack of faith in country foods. Perception of health risk related to methylmercury in country foods.
Treaty Rights (Hunting, Fishing and Trapping)
Concern about the potential impacts of the Project on Treaty 8 rights.
Aboriginal Accommodation
Concern with BC Hydro taking land, then mitigating impacts with other land. Concern about the potential effects of the Project on reducing the land base for the use of lands for traditional purposes including Highway 29 realignment, and land loss as compensation to existing land owners.
Aboriginal Interests – Aboriginal Culture and Way of Life
Concern about potential impacts of the Project on cultural fragmentation, loss of cultural identity, and destruction of traditional way of life.
Concern about the potential impacts of the Project on future generations and families, including: - The ability for youth to sustain themselves and practice traditional activities - Inter-generational respect and loss of time together for youth and elders

- Loss of educational areas for transfer of knowledge to the young - Loss of land used for cultural camps to maintain the heritage of our relationship between Elders and youth - Impacts to opportunities for the transmission of Aboriginal languages - Loss of capacity to pass on and receive traditional knowledge. - Lack of control or voice in future land use
Concern about reduced time on the land and sense of connectedness with the natural landscape. Reduced ability to travel on the land freely and in quiet enjoyment. Psycho-social dysfunction associated with loss of understanding of the land base, loss of connection to it, loss of faith in the health of traditional resources, and loss of control over changes occurring on the land. Concern that increased land alienation may lead to sedentary trend; lack of ability/desire to go out on land.
Concern about the loss of the Peace River islands, which have specific histories, some associated with particular dreamers and spiritual power.
Concern with lack of respect for Dunne Za / Dane zaa culture as the first culture in the area.
Aboriginal Interests – Aboriginal employment, contracting and business development
Interest in contracting and procurement opportunities for local contractors and Aboriginal businesses.
Concerns related to contracting and procurement opportunities including: - Bonding requirements and contract sizes could disqualify First Nations' companies - Insufficient notice of Requests For Proposals (RFPs) related to the Project and lack of meaningful involvement in the RFP process from the outset - Lack of pre-project preparation time, investment and prioritization could contribute to the continuation of existing systemic challenges to taking advantage of beneficial effects
Interest in employment opportunities, including interest in ensuring equitable hiring practices which allow for Aboriginal people to access work opportunities associated with the Project.
Concerns related to employment opportunities, including a belief that opportunities more likely to be entry level work or general labour only, with lower satisfaction and pay.
Interest in the availability of jobs after Project construction. Preference to maximize long-term operations jobs over short term construction phase jobs.
Interest in education and training opportunities related to the Project, including opportunities for youth.
Concerns related to education and training opportunities including: - Too few training/education opportunities are being offered - Inequitable access to education and training may lead to reduced ability to take advantage of job and business opportunities from the Project

- Challenges for youth in taking advantage of training opportunities because of exposure to social dysfunction, poverty, etc.
Interest in funding for trades and apprenticeship programs and concern that funding may not be adequate. Concern that funding required to train First Nation members to work on the proposed Project will not be adequate.
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: - Loss of hunting, fishing and trapping grounds - Inundation of lands homes and burial sites - Impacts on fish, wildlife and vegetation - Impacts on hydrology - Loss of language and connectedness - Impacts on micro-climate and icing - Loss of revenue from guide outfitting - Debris, landslides and sloughing impacting navigation - Increase in non-Aboriginal use of the land - Assertion that BC Hydro did not provide free or inexpensive power to First Nations communities - Assertion that there is lack of dialogue with BC Hydro regarding past grievances related to the W.A.C. Bennett and Peace Canyon dams - Construction of dams provided for expansion of District of Hudson's Hope, which allowed it access to infrastructure funding not made available to First Nations. - 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
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.
Opposition to the Project while past grievances related to the Peace Canyon and W.A.C. Bennett Dams remain outstanding. Interest in addressing past grievances as part of the Project consultations.
Requirements of the Federal Environmental Assessment – Potential Accidents and Malfunctions
Interest in whether BC Hydro has considered installing gates on the roads that provide access to the Project's dam site for safety reasons. Interest in how BC Hydro would ensure security from potential terrorist attacks at the dam.
Interest in the risks to the Project posed by the condition of the W.A.C. Bennett Dam, Peace

Canyon Dam and the Dinosaur Reservoir shorelines.
Concern about whether the Project is designed to withstand the failure of an upstream dam, including: - How the construction of the Project would change the consequences of failure of the W.A.C. Bennett or Peace Canyon Dams. - Request for dam break studies and inundation maps for the W.A.C. Bennett and Peace Canyon dams - Interest in the rationale supporting BC Hydro's inability to publicly release information relating to dam break studies, inundation mapping and emergency preparedness plans
Concern about the perceived risk of a Peace River dam failure as predicted by Dane-Zaa Dreamers and Prophets.
Concern with increased public safety risk of travelling along banks of reservoir and in the reservoir due to debris.

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 the Exercise of Doig River First Nation's Treaty 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, interactions were identified between the Project and the current use of lands and resources for traditional purposes by Doig River First Nation in the Local Assessment Area (LAA). As a result, BC Hydro's understanding of the current use of lands and resources for traditional purposes by Doig River First Nation was brought forward into the effects assessment.

The effects assessment looked at the potential Project effects during the Project construction and operations phases on fishing opportunities and practices, hunting and trapping opportunities and practices, and cultural and other traditional uses of the land.

The following potential Project effects and mitigations measures were identified:

Project Effect	Mitigation Measures
Changes in fishing opportunities and practices	~~Consult with Aboriginal groups respecting the~~ Consider developing~~ment of~~ fish habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies.~~
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~

Project Effect	Mitigation Measures
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect fishing opportunities or access.
	Develop a communications program to inform harvesters of longer-term changes in fish community composition.
	Implement all mitigation measures set out in Volume 2 Section 12 Fish and Fish Habitat.
	Implement measures supporting the development of 3 boat launches along the Site C reservoir accessible via Highway 29 to support navigability and navigable use, and the re-establishment of recreational sites on the Site C reservoir and downstream, and to re-establish and create new use patterns and access, as set out in Volume 3 Section 26 Navigation.
Changes in hunting and trapping opportunities and practices	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ wildlife habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies, such as~~Develop mitigation measures ~~related~~intended to decrease impact on First Nation trap lines in the Project activity zone.
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect hunting opportunities or access.
	Implement mitigation measures set out in Volume 2 Section 14 Wildlife Resources.
	Implement mitigation measures set out in Volume 3 Section 24 Harvest of Fish and Wildlife Resources pertaining to trapping.
Changes to other cultural and traditional uses of the land	Work with Aboriginal groups to ground-truth traditional land use information for specific areas within the Project activity zone prior to commencing construction.
	~~Continue to consult with Aboriginal groups regarding clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events that may affect opportunities to harvest plants, berries, and other resources.

Project Effect	Mitigation Measures
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ habitat compensation projects that align with BC Hydro compensation programs.
	Work with Aboriginal groups to identify permanent habitation structures used in the current use of lands and resources for traditional purposes that may be lost to inundation. Effects on cabins associated with tenured trap lines will be addressed as set out in Section 24.4.9.1 in Volume 3 Section 24 Harvest of Fish and Wildlife Resources. Where untenured cabins may be impacted by the Project, BC Hydro will work with Aboriginal individuals to determine appropriate measures that could be implemented.
	Work with Aboriginal groups to identify potential sites for relocation of medicinal and food plants to compensate for areas that will be inundated.
	Use only indigenous and/or non-invasive plants and grasses in re-vegetation programs associated with the Project.
	Engage with Aboriginal groups around any reclamation phase that may present opportunities to restore ecological communities that support species of high traditional use value.
	Be prepared to ~~P~~provide support for the indigenous plant nursery owned by West Moberly and Saulteau First Nations located at Moberly Lake. The First Nations have a business plan to support propagation of a wide range of indigenous plant species for use in reclamation work.
	Establish a Culture and Heritage Resources Committee to provide advice and guidance on the mitigation of specific effects of the Project on culture and heritage resources. The Committee would consist of BC Hydro officials and Aboriginal members whose communities are in the immediate vicinity of the Project.

Project Effect	Mitigation Measures
	Consider implementing, in consultation with Aboriginal groups and British Columbia where appropriate, the following potential initiatives: • the identification and naming of key cultural sites and the potential to integrate Aboriginal names into Project operations and sites; • recording of stories and history associated with key cultural sites that may be affected by the Project; • the protection and documentation, including mapping, of important Aboriginal trails and sites; • contribute funding to support a youth culture camp that includes transfer of knowledge around medicinal and food plants; • engage with Aboriginal groups to commemorate the lost and inundated places; • engage with Aboriginal groups around potential plans to undertake ceremonies prior to the commencement of construction on key elements of the Project; and • develop and implement an education program respecting Aboriginal culture, history and use of lands and resources in the Project Area to be offered to all workers on the Project.
	Implement all mitigation measures set out in Volume 2 Section 13 Vegetation and Ecological Communities.
	Implement all mitigation measures set out in Volume 4 Section 32 Heritage Resources.
	Implement measures supporting the development of new shoreline recreation sites in Volume 3 Section 25 Outdoor Recreation and Tourism.
	Implement measures supporting the development of 3 boat launches along the Site C reservoir accessible via Highway 29 to support navigability and navigable use, and the re-establishment of recreational sites on the Site C reservoir and downstream, and to re-establish and create new use patterns and access, as set out in Volume 3 Section 26 Navigation.

Key Findings: Current Use of Lands and Resources for Traditional Purposes

Current use of lands and resources for traditional purposes - fishing

Fishing opportunities and practices of Doig River First Nation are expected to be adversely affected during construction and operation due to reduced access to fishing areas (including potentially increased competition with non-Aboriginal anglers), and potentially reduced success in harvest of targeted species. The transformation of the river into a reservoir would create a new and productive aquatic ecosystem. This new aquatic environment is expected to support a community of equal or greater productivity; however the composition of fish species would change.

Although some aspects of the traditional purpose of the activity may be altered by transferring them to another location, fishing practices of Aboriginal people are adaptable, spatially and temporally. For these reasons, a determination of significance has not been made.

Current use of lands and resources for traditional purposes – hunting and trapping

Hunting and trapping opportunities and practices of Doig River First Nation may be adversely affected due to temporary reductions in availability of targeted species and temporarily reduced access to hunting areas during construction. As the effect would be temporary in nature and may be accommodated in other areas of the LAA, the traditional purpose of the activity would not be undermined. Therefore, a determination of significance has not been made for the current use of lands and resources for hunting and trapping.

Current use of lands and resources for traditional purposes – other cultural and traditional uses

Due to permanent loss of use of, and access to certain culturally important places and valued landscapes within the LAA, the use of those areas by Doig River First Nation will be permanently impacted

For Doig River First Nation, the effect on other cultural and traditional uses is expected to be significant at particular high value places along the Peace most notably at Bear Flats, Farrell Creek and Attachie. These highly valued spaces will be inundated and access to them will be permanently changed. For these reasons, a determination of significance has been made for the current use of lands and resources for traditional purposes – other cultural and traditional uses.

Following the methods explained in Volume 1, Section 10 EA Methodology, a cumulative effects assessment was carried out to identify any cumulative interaction between potential residual effects of projects and activities located in the Current Use of Lands and Resources Regional Assessment Area (RAA) with the residual effects of the Project identified above. As a result of that assessment, BC Hydro has determined the Project is

unlikely to result in a cumulative effect on the current use of lands and resources for traditional purposes by the Doig River 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. The assessment of the potential impact of the Project on the exercise of asserted or established Aboriginal rights and treaty rights looked at the potential impacts on the exercise of the rights to hunt, fish and trap, as set out in Treaty 8, as well as impacts to what may be described as ancillary activities, some of which may be reasonably incidental to the exercise of treaty rights to hunt, fish and trap. The following potential impacts and mitigation measures were identified:

Impact on Exercise of Treaty Right	Mitigation Measures
Hunting and Trapping	
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ wildlife habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies, such as~~Develop mitigation measures intended ~~related~~ to decrease impact on First Nation trap lines in the Project activity zone.
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect hunting opportunities or access.
	BC Hydro will consider community-based monitoring programs, which may involve incorporation of local, community, or traditional knowledge, where potential effects and the effectiveness of mitigation measures on hunting and trapping opportunities are uncertain, provided a sound methodology with clear indicators and outcomes is delineated. BC Hydro is prepared to engage with Aboriginal groups to discuss potential community-based monitoring programs, such as programs intended to monitor the productivity and abundance of wildlife species.
Fishing	
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ fish habitat compensation projects that align with BC Hydro compensation programs.

Impact on Exercise of Treaty Right	Mitigation Measures
	~~Seek input from Aboriginal groups respecting mitigation strategies.~~
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect fishing opportunities or access.
	Develop a communications program to inform harvesters of longer-term changes in fish community composition.
	BC Hydro will consider community-based monitoring programs, which may involve incorporation of local, community, or traditional knowledge, where potential effects and the effectiveness of mitigation measures on fishing opportunities are uncertain, provided a sound methodology with clear indicators and outcomes is delineated. BC Hydro is prepared to engage with Aboriginal groups to discuss potential community-based monitoring programs, such as programs intended to monitor the productivity and abundance of fish species.

The assessment of the potential effects of the Project on the traditional activities of fishing, hunting, and trapping demonstrates that the Project may impact the exercise of treaty rights by the Doig River First Nation in the LAA. Doig River First Nation members will, however, continue to have the opportunity to exercise their right to fish, hunt, and trap within the LAA, within their traditional territory, and within the wider Treaty 8 territory.

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