SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A29 PART 1

COMMUNITY SUMMARY:
WOODLAND CREE FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority

<contact information removed>

Prepared by:
Fasken Martineau

<contact information removed>

January 2013

Woodland Cree First Nation

The Woodland Cree First Nation (WCFN) has three reserves on 16,106 ha northeast of Peace River, Alberta.[1]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, WCFN has a registered population of 1,042, with 735 members living on WCFN's reserves and 7 members living on their own Crown land.[2] WCFN has a Chief and four Councillors, and uses a custom electoral system.[3]

WCFN is a member of the Treaty 8 First Nations of Alberta and of the Kee Tas Kee Now Tribal Band.[4]

Historical Background

WCFN is a part of the Algonquian Cree linguistic group.[5]

Treaty Land Entitlement

WCFN entered into a Treaty Land Entitlement Agreement with Alberta and Canada in 1991. Under the Agreement, WCFN received 35,200 acres of land and $5,000,000 and $14,512,000 from Canada. Canada also provided $35,200,000 for capital construction on the new reserve lands and Alberta supplied $3,000,000 for a special training and employment program.[6]

Traditional Territory Map

No map was provided to BC Hydro by WCFN.

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Woodland Cree First Nation*. Available at: http://pse5-esd5.ainc-inac.gc.ca/FNP/Main/Search/FNMain.aspx?BAND_NUMBER=474&lang=eng. Accessed: December 2012 ("AANDC, Woodland Cree First Nation").
[2] AANDC, Woodland Cree First Nation.
[3] AANDC, Woodland Cree First Nation.
[4] Treaty 8 First Nations of Alberta. 2012. *List of Nations*. Available at: http://treaty8.ca/default.aspx?ID=9&page=List of Nations. Accessed: December 2012.
[5] Alberta Ministry of Aboriginal Relations (AB MAR). 2010. *Métis Settlements and First Nations in Alberta: Community Profiles.* Available at: http://www.aboriginal.alberta.ca/documents/MetisSettlement_FirstNation_Profile.pdf. Accessed: December 2012 at 61.
[6] Alberta Aboriginal Affairs and Northern Development. 2000. *Treaty Land Entitlement Claims*. Available at: http://www.assembly.ab.ca/lao/library/egovdocs/alaa/2000/149530.pdf. Accessed: December 2012.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A29 PART 2

BC HYDRO CONSULTATION SUMMARY: WOODLAND CREE 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

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

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

WOODLAND CREE FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Potential Downstream Changes Report"	Site C Clean Energy Project, *Potential Downstream Changes* (BC Hydro, May 2012)
"Site C" or "the Project"	The proposed Site C Clean Energy Project
"Woodland Cree"	Woodland Cree First Nation

Key events

2007

- November: BC Hydro made initial contact with Woodland Cree and expressed its commitment to effective consultation with respect to the Project.

2008

- April: BC Hydro wrote to Woodland Cree and expressed interest in scheduling an introductory meeting to provide an overview of the Project and develop a consultation

plan. The letter attached the Stage 1 Summary Report.

2009

- May: BC Hydro wrote to Woodland Cree advising that it had undertaken further work on downstream changes that might occur with the Project. In light of the new information, BC Hydro was of the view that the introductory meeting proposed in BC Hydro's earlier letter to Woodland Cree might be of little value. However, BC Hydro remained open to meeting with Woodland Cree to review aspects of the proposed Project, and, upon request, would continue to provide relevant new information about the Project to Woodland Cree.

2010

- April: BC Hydro advised Woodland Cree 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.

2011

- May:
  - BC Hydro sent a letter to Woodland Cree advising that BC Hydro had submitted the Project Description Report to the BCEAO and the CEA Agency, and provided a link to the report.

2012

- May:
  - BC Hydro provided Woodland Cree with the Potential Downstream Changes Report (May 2012) and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.
  - BC Hydro wrote to Woodland Cree regarding the process and rationale for identifying the proposed Valued Components and spatial boundaries in the draft EIS Guidelines, and expressed interest in receiving feedback from Woodland Cree.
- September/October: BC Hydro wrote to Woodland Cree 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 Woodland Cree to provide additional information for BC Hydro's consideration in preparing the EIS. The

letter included a specific request for a traditional territory map, as well as requests for information regarding Woodland Cree's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Woodland Cree's current use of lands and resources, and their exercise of asserted or established Aboriginal rights and treaty rights. BC Hydro followed up in late October and advised that it remained interested in receiving additional information to support the preparation of the EIS.

Chronology of Events

2007

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

2008

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

2009

On May 15, 2009, BC Hydro sent a letter to Woodland Cree in follow up to the letter of April 10, 2008. The letter advised that BC Hydro had been able to meet with a number of First Nations in Alberta and the Northwest Territories, with the initial focus being on communities located along the Peace and Slave rivers. The letter advised that BC Hydro had undertaken further work on downstream changes that might occur with the Project; and, in light of the new information, BC Hydro was now of the view that the introductory meeting suggested in BC Hydro's earlier letter to Woodland Cree might be of little value. The letter advised that BC Hydro remained open to meeting with Woodland Cree to review aspects of the

proposed Project, and would continue to provide relevant new information about the Project to Woodland Cree upon request. The letter provided a link to the Project website.

2010

On April 23, 2010, BC Hydro sent an email to Woodland Cree advising that the Government of B.C. had announced that the Project would move forward to Stage 3, the Environmental and Regulatory Review Stage. The email also provided a link to the Project website where the final Stage 2 Report and 35 appended studies and reports had been posted.

2011

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

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

2012

On May 8, 2012, BC Hydro sent a letter to Woodland Cree which attached the updated Potential Downstream Changes Report, and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.

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

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

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

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

On September 21, 2012, BC Hydro sent a letter to Woodland Cree advising that the EIS Guidelines had been issued by the CEA Agency and the BCEAO on September 7, and provided a link to where the document was available online. The letter highlighted the areas of the EIS Guidelines that specifically addressed the incorporation of information from Aboriginal groups. The letter requested any additional information such as mapping of traditional territories, traditional knowledge, concerns regarding potential for adverse effects on the various components of the environment as identified by Woodland Cree, 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 Woodland Cree to continue to identify any interests the community may have had with respect to potential social, economic, health and physical and cultural heritage effects of the Project.

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

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A29 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: WOODLAND CREE 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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July 2013

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

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

WOODLAND CREE FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"LOU"	Letter of Understanding, between BC Hydro and Woodland Cree First Nation, pursuant to funding for Woodland Cree First Nation's review of the EIS, dated April 9, 2013
"Potential Downstream Changes Report"	Site C Clean Energy Project, *Potential Downstream Changes* (BC Hydro, May 2012)
"the Project"	The proposed Site C Clean Energy Project
"TLUS"	Traditional Land Use Study
"Witten LLP"	Witten LLP, legal counsel for Woodland Cree First Nation
"Woodland Cree"	Woodland Cree First Nation

Chronology of events

2012

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

- Aquatic Productivity Reports

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

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

2013

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

On February 8, 2013, BC Hydro sent an email to Woodland Cree and attached the Potential Downstream Changes Report (May 2012), as requested. BC Hydro noted that the report was originally sent to Woodland Cree in May 2012.

On March 7, 2013, BC Hydro met with representatives of Woodland Cree (Chief, four Councillors, Economic Development Officer) and Witten LLP for a Project overview, a review of potential downstream changes, and review of select EIS findings. BC Hydro indicated that there was need for the Project based on the increase in demand for electricity, outlined the major Project components and provided an overview of the estimated number of jobs through all stages of development and construction. BC Hydro outlined the Project's regulatory process and environmental assessment timeline and advised that the EIS was submitted to the CEA Agency and the BCEAO on January 25, 2013. BC Hydro reviewed the potential downstream changes resulting from the Project, summarized as follows:

- Surface Water Regime: BC Hydro indicated that it would not remove water from the Peace River during operations, change the seasonal timing of flow releases, or affect tributary flows. BC Hydro also concluded that if the Project was constructed, the fluctuations in water levels would be more noticeable near the Site C tailrace with effects

diminishing further downstream and no fluctuations being observed at the Town of Peace River. Woodland Cree indicated that it was concerned with the potential for low water levels and poor water quality, advising that it drew fresh water from the Peace River. BC Hydro asked Woodland Cree to provide more information and indicated that it needed to know where it was drawing water from: the top or bottom level.

- Thermal and Ice Regime: BC Hydro indicated that the reservoir was likely to reduce the amount of ice passed downstream, and to influence water temperatures in the Peace River by between 0.0 and 1.5 degrees Celsius. BC Hydro indicated that these changes were likely to lead to: (1) a reduction in the maximum upstream extent of ice cover; (2) a slight delay (3 days on average) in ice formation at the Town of Peace River; (3) no change in break-up timing; and (4) negligible change in ice thickness. Woodland Cree indicated that ice was important to them and that there wasn't enough ice. Woodland Cree asked if the slight fluctuations in water temperature would affect the fish species and BC Hydro indicated that it was not aware of studies that would suggest there would be any effects.

- Fluvial Geomorphology and Sediment Transport: BC Hydro indicated that changes in flows as a result of the Project were not expected to influence the bedload transport capacity downstream or to have any influence on channel erosion or deposition. Woodland Cree inquired about the speed of the water on the Peace River near their reserve and asked BC Hydro how it knew that the Project wouldn't have any effects on them. BC Hydro advised that it wasn't sure what the speed of the water was, but its hydrologist advised that no noticeable changes were expected downstream of the Town of Peace River and stated that the information was based on the assessments that were carried out.

BC Hydro provided an overview of determinations of significance in the EIS. Woodland Cree advised that it wished to have a different opinion and an independent review of the EIS. The parties had a general discussion regarding capacity funding to support Woodland Cree's independent review of the EIS. Woodland Cree asked that BC Hydro work with its legal counsel to obtain its funding proposal. Woodland Cree advised that some of its members were buried near the Peace River and indicated that although the effects may not be as direct as to First Nations in the Project area, they were still affected. Woodland Cree indicated that it had three reserves and that approximately 800 of its 3,000 members lived on reserve. BC Hydro advised that it had sent a letter to Woodland Cree in September of 2012, requesting information on their traditional territory and use of resources and reiterated its request for the information. Woodland Cree advised that it required time and funding to provide the information to BC Hydro and stated that it was a relatively new First Nation that broke away from Lubicon Lake First Nation.

When asked where its members hunted and fished, Woodland Cree advised that its members did most of their trapping and fishing on the Peace River. Woodland Cree indicated that its members were both exercising their rights as well as registered trapline holders. Woodland

Cree advised that it had sent a letter to BC Hydro approximately a year ago and committed to resending it to BC Hydro. Woodland Cree advised that they had campsites on the Peace River and indicated that it was premature for BC Hydro to state that there would be no impact on them. BC Hydro suggested that Woodland Cree review the EIS, and if it wished to provide information on use of lands and resources, the parties could have a further discussion respecting the resources required.

On March 28, 2013, Witten LLP sent a letter to BC Hydro in follow-up to the meeting on March 7, 2013. The letter advised that Woodland Cree would like to fully understand the contents of the EIS so that it could properly understand any effects the Project would have on its Aboriginal and treaty rights. The letter noted that Woodland Cree did not have the resources or the expertise to review the EIS and requested funding to hire its own consultant, as BC Hydro had offered at the meeting. The letter also noted that an agreement and/or funding for a TLUS would assist Woodland Cree in determining the nature and scope of the effects of the Project on its Aboriginal and treaty rights. The letter also enclosed a copy of Woodland Cree's Consultation Protocol.

On April 3, 2013, BC Hydro called Witten LLP regarding BC Hydro's funding offer for a review of the EIS and a desktop TLUS. BC Hydro noted that Witten LLP could exercise flexibility in applying the funds between the EIS review and TLUS. Witten LLP confirmed that there was someone ready to do the EIS review, and a scope of work would be prepared. The parties agreed that given the tight timeline, such a review would be limited in scope. As for the TLUS, BC Hydro noted that the funding would enable Woodland Cree to review existing information in the context of Site C. Witten LLP indicated that it would need to consult with its clients regarding BC Hydro’s funding offer.

On April 8, 2013, Witten LLP sent e-mail to BC Hydro, attaching the scope of work and proposed budget for a review of the EIS by DS Environmental Consulting Inc., on behalf of Woodland Cree. BC Hydro responded by email and advised that it agreed with the proposed scope of work and budget.

On April 9, 2013, BC Hydro sent a letter to Witten LLP which set out the parties’ agreement with respect to funding of Woodland Cree’s review of the EIS. The letter requested confirmation of Woodland Cree's agreement via signature of the letter. The letter was signed and returned to BC Hydro on the following day.

On April 24, 2013, BC Hydro sent a letter Witten LLP, and enclosed a cheque for Woodland Cree’s review of the EIS. BC Hydro advised that the funding was the first payment pursuant to the letter dated April 9, 2013, and that the remaining funds would be paid upon submission of the deliverable to BC Hydro.

On April 26, 2013, Witten LLP sent an e-mail to BC Hydro and attached the report titled: “BC Hydro Site C Clean Energy Project – Information Deficiencies and Key Issues Review”,

pursuant to the letter dated April 9, 2013. The email also attached an invoice from DS Environmental Consulting Inc.

On May 22, 2013, BC Hydro sent a letter to Witten LLP and attached a cheque issued pursuant to the letter dated April 9, 2013. This was the final payment to DS Environmental Consulting Inc., for its review of the EIS on behalf of Woodland Cree.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A29 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: WOODLAND CREE FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Traditions Consulting Services, Inc.

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January 2013

Woodland Cree First Nation (WCFN)

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

The Woodland Cree Band was created in 1989 from a division of the Lubicon Lake Band. The WCFN signed a Treaty Settlement Agreement with Canada in 1991.[2] In this Agreement, three Indian Reserves were established for the WCFN located northeast of Peace River, Alberta: Woodland Cree 226, 227 and 228 (Figure 1).

In December 2012, the registered population of the WCFN was 1,042, of whom 735 lived on-Reserve.[3]

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

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

2. **What is the WCFN'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) LAA and RAA and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

[1] The sources consulted for this study are set out in the References. The research did not encounter any traditional land use (TLU) information that has been made publicly available by the WCFN.
[2] Canada and Woodland Cree Indian Band (1991). Treaty Settlement Agreement, 20 August 1991.
[3] AANDC (2012). Website http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNGovernance.aspx?BAND_NUMBER=474&lang=eng.
The Reserves were approved by Order-in-Council in January 1995.

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

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

   No information was identified on the exercise of asserted Aboriginal rights or treaty rights by the WCFN within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs. No official statement from WCFN was identified on the exercise of asserted Aboriginal or treaty rights by the WCFN.

4. **Identify past, current and reasonably anticipated future use of lands and resources by WCFN 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.**

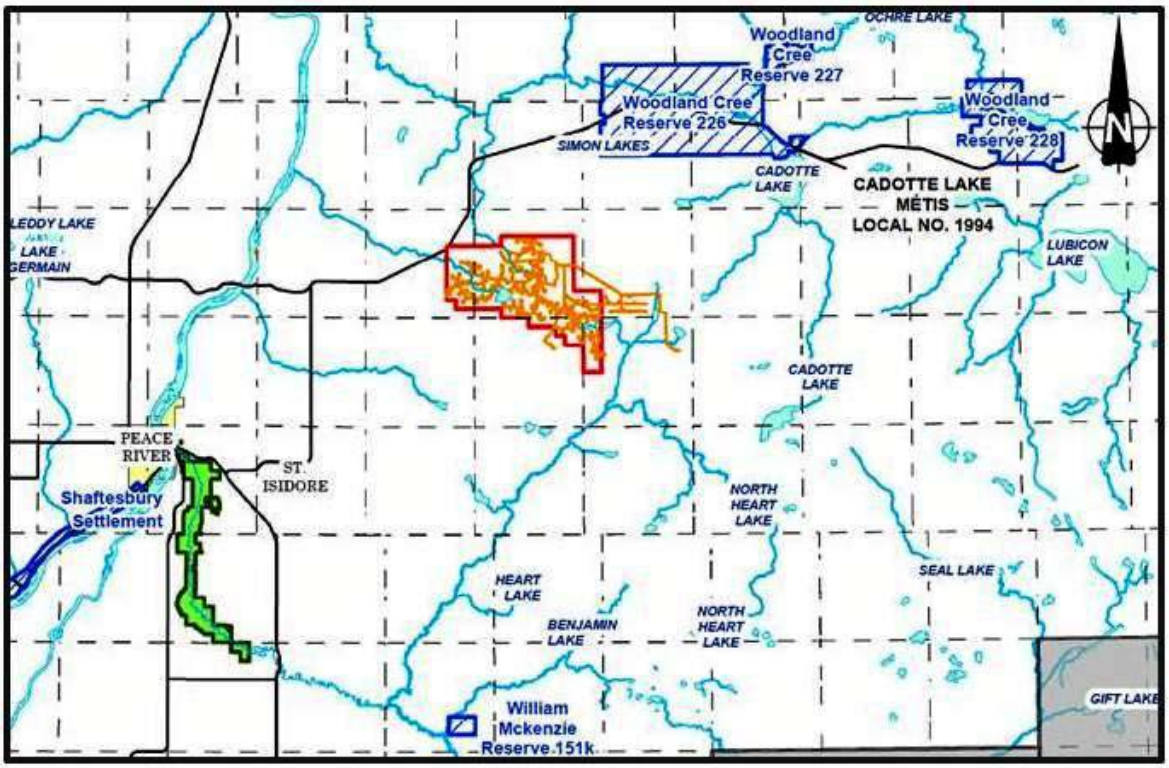
   No past or current use of lands and resources by WCFN members within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs has been identified, nor has any information been identified relating to reasonably anticipated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

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

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

   Negotiations with Canada that resulted in the 1991 WCFN Treaty Settlement Agreement identified the region around Cadotte Lake as the most important to the WCFN. The three WCFN Indian Reserves created in the Agreement were established in this region.

Figure 1: Map Depicting Location of Woodland Cree First Nation Indian Reserves (Portion of map from Shell Canada Ltd. (2009). Peace River In Situ Expansion Carmon Creek Project. Volume IID: Socio-Economics, Cultural Resources and Land Use. Part 4. Traditional Ecological Knowledge and Land Use. November 2009: 23).



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Canada and Woodland Cree Indian Band (1991). Treaty Settlement Agreement, 20 August 1991. INAC. Indian Land Registry No. 234951, 17 August 1995. Ottawa.

Aboriginal Affairs and Northern Development Canada (2012). Website. http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNGovernance.aspx?BAND_NUMBER=474&lang=eng.

Shell Canada Ltd. (2009). Peace River In Situ Expansion Carmon Creek Project. Volume IID: Socio-Economics, Cultural Resources and Land Use. Part 4. Traditional Ecological Knowledge and Land Use. November 2009.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A29 PART 4

ABORIGINAL SUMMARY: WOODLAND CREE 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

Woodland Cree First Nation

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Woodland Cree 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 Woodland Cree First Nation.

Woodland Cree First Nation's Treaty Rights

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

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

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

Woodland Cree First Nation's Concerns with Respect to the Project

Woodland Cree First Nation did not identify any concerns with the Project to BC Hydro during the consultation period between November 1, 2007 and November 30, 2012, nor has it made any submissions during the comment periods for the EIS Guidelines.

Potential Adverse Effects of the Project on Woodland Cree 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, it is BC Hydro's

understanding that the Project will have no adverse effects on the current use of lands and resources for traditional purposes of the Woodland Cree First Nation.

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

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