SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 1

COMMUNITY SUMMARY:
KELLY LAKE MÉTIS SETTLEMENT SOCIETY

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Fasken Martineau

<contact information removed>

January 2013

Kelly Lake Métis Settlement Society

Kelly Lake Métis Settlement Society (KLMSS) is located at Kelly Lake, 120 km southwest of Dawson Creek, British Columbia and 50 km west of Hythe, Alberta. The community has an approximate population of 349 people, with roughly 160 of them residing in the community's 45 homes.[1] Most of the land at Kelly Lake is privately owned and was acquired under the right of pre-emption by the original Métis settlers. [2]

Until 1952, when it was changed to Kelly Lake, the community's official name was Fritton Lake.[3]

Historical Background

Several families of the KLMSS are closely related to members of the Saulteau First Nations at Moberly Lake.[4]

The KLMSS's language is similar to several nearby Aboriginal communities. The traditional language spoken by most members over 30 years old is a version of Cree, with some modification of words from the community's French ancestry.[5]

Most KLMSS trace their ancestry to Cree women and French Canadian fur traders in the Red River settlements of Manitoba in the early 1800s. A number of families from Red River moved on to settle at Flying Shot Lake, located just outside Grande Prairie, Alberta. Some families then moved from Flying Shot to Kelly Lake, known for its good hunting, fishing, and trapping.[6]

Based on the evidence in the Public History report, *Métis Outpost*, KLMSS did not settle in Kelly Lake until 1910, and at the date of effective legal and political control in B.C., they were part of a historic rights-bearing community residing near Grande Prairie.[7]

People in the community hunted and trapped as far away as the Wapiti Lake area. Community residents continue to make annual pilgrimages to Lac St. Anne, a place that the KLMSS people consider to be a sacred healing place.[8]

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[1] Kelly Lake Métis Settlement Society. 2010. *Historic Overview*. Available at: http://a100.gov.bc.ca/appsdata/epic/documents/p311/d30710/1249942748941_a72e5ac884bf5994eab790d18b2b6e35f61c2f105c9c214aecf182f80bcce09d.pdf. Accessed: December 2012 ("Kelly Lake Métis Settlement Society, Historic Overview").

[2] Kelly Lake Métis Settlement Society, Historic Overview.

[3] Kelly Lake Métis Settlement Society, Historic Overview.

[4] Kelly Lake Métis Settlement Society, Historic Overview.

[5] Kelly Lake Métis Settlement Society, Historic Overview.

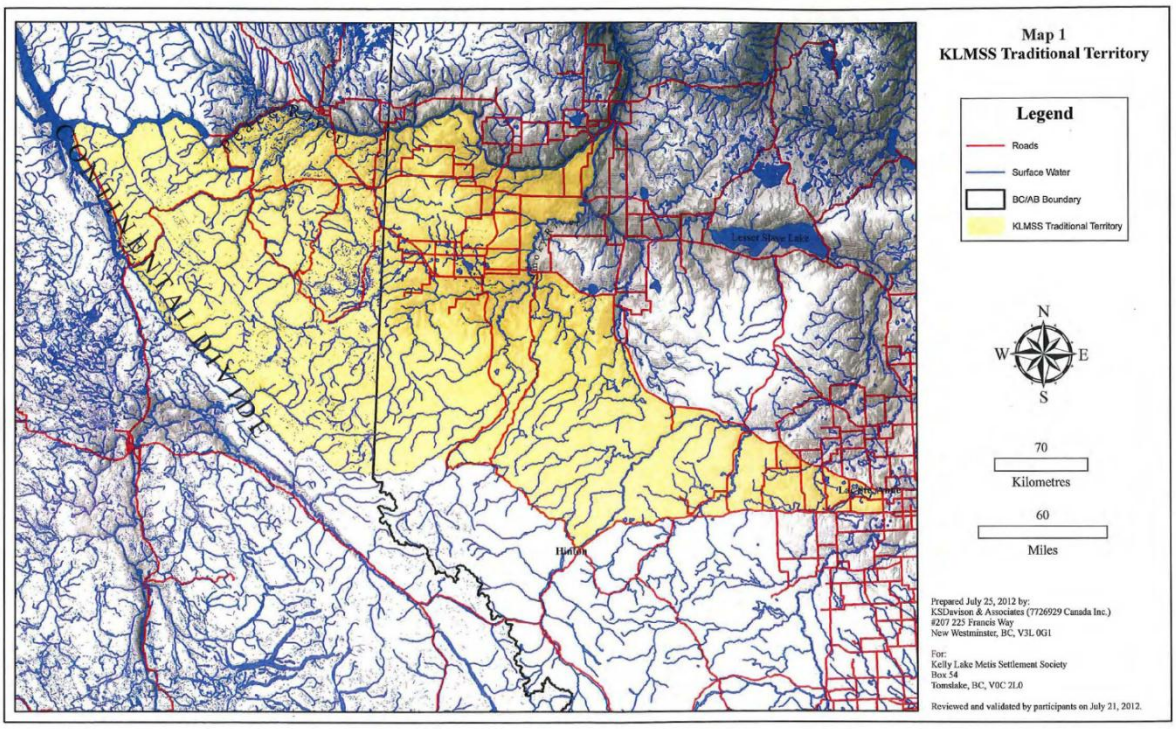
[6] Kelly Lake Métis Settlement Society, Historic Overview.

[7] Public History. 2012. *Site C: Preliminary Historical Research Report*. Prepared for Fasken Martineau DuMoulin LLP, citing Gerry Andrews. 1985. *Métis Outpost: Memoirs of the First Schoolmaster at the Métis Settlement of Kelly Lake, BC 1923-1925*. G. Andrews. Victoria, B.C. at page 11.

[8] Kelly Lake Métis Settlement Society, Historic Overview.

Traditional Territory Map

Davison and Danda. 2012. Kelly Lake Metis Settlement Society Aboriginal Traditional Knowledge Assessment: Figure 1. Vancouver, B.C.



SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 2

BC HYDRO CONSULTATION SUMMARY: KELLY LAKE MÉTIS SETTLEMENT SOCIETY

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.

KELLY LAKE MÉTIS SETTLEMENT SOCIETY

CONSULTATION SUMMARY

Defined terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Golder"	Golder Associates Ltd., consultant to BC Hydro
"Potential Downstream Changes Report" or "Downstream Report"	Site C Clean Energy Project, Potential Downstream Changes (BC Hydro, May 2012)
"Province"	Province of British Columbia

Key events

2009

- September: BC Hydro participated in a community meeting in the Kelly Lake Métis community, which was attended by approximately 25 community members and the President of the Kelly Lake Métis Settlement Society. BC Hydro provided an overview of the Project and responded to questions.

2011

- May: BC Hydro advised Kelly Lake Métis Settlement Society that it had submitted the

Project Description Report and provided a link to the report.

2012

- April:
  - BC Hydro met with representatives of Kelly Lake Métis Settlement Society (President, consultant). BC Hydro advised that it had been instructed by the CEA Agency to consult with Kelly Lake Métis Settlement Society to understand how the Project might affect their asserted rights. BC Hydro explained that over the past several years, it had received instruction from the Province to follow provincial policy regarding Métis, and as such had engaged with Kelly Lake Métis Settlement Society as an interested stakeholder and not as a rights-holding Aboriginal community. BC Hydro clarified that the meeting and the direction from the CEA Agency did not change the Province's policy towards Métis in B.C. BC Hydro provided an update on the status of the Project, and Kelly Lake Métis Settlement Society expressed interest in holding future meetings with BC Hydro in order to have an understanding of the relationship between their organization and Site C and to learn more about downstream impacts. The parties agreed that BC Hydro would provide funding to Kelly Lake Métis Settlement Society to support the collection of traditional land use information, and prepare a report outlining where community members exercise their asserted rights and assessing the potential effects of the Project on their ability to exercise those rights.
  - BC Hydro and Kelly Lake Métis Settlement Society finalized a Letter of Understanding which outlined the parties' agreement with respect to a consultation work plan and budget. The work plan outlined the following activities: meetings between representatives of BC Hydro and Kelly Lake Métis Settlement Society, and a community meeting in Kelly Lake; Kelly Lake Métis Settlement Society to prepare a report regarding the exercise of asserted rights in and around the Project area, including available mapping; and, BC Hydro to consider the Kelly Lake Métis Settlement Society report and conduct an effects assessment.
- May:
  - BC Hydro provided Kelly Lake Métis Settlement Society 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 met with representatives of Kelly Lake Métis Settlement Society (President and Consultant) to provide a Project update and present the results of

the Potential Downstream Changes Report with respect to expected changes in the surface water regime, the ice regime, and geomorphology and sediment transport. BC Hydro advised that downstream studies showed minimal impacts and that additional work was on-going. Kelly Lake Métis Settlement Society's President advised that small streams and tributaries were important areas for gathering traditional medicinal plants, and explained that community members were knowledgeable with respect to traditional plant use and harvesting of plants for traditional medicines. He also described areas used by community members for hunting and gathering.

- BC Hydro wrote to Kelly Lake Métis Settlement Society 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 Kelly Lake Métis Settlement Society.

- <u>August:</u>
  - Kelly Lake Métis Settlement Society submitted a report, titled *Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge Assessment, Final Report,* prepared pursuant to the Letter of Understanding (April 26, 2012). The report included a map of the traditional territory of the Kelly Lake Métis, as well as information and maps with respect to traditional land use and occupancy by the Kelly Lake Métis within the identified study area including trapping, hunting, fishing, medicinal plant harvesting and gatherings, settlements and burial sites (presented with associated mapping). With respect to methodology, the report stated that traditional knowledge was collected through a review of existing literature, participant interviews, and a community report review and validation meeting. The report also included recommendations and concerns expressed by participants regarding potential effects of the proposed Project on the Kelly Lake Métis.
  - BC Hydro participated in a community meeting with Kelly Lake Métis Settlement Society, which was attended by three Elders, eight community members and Kelly Lake Métis Settlement Society's President and consultant. Kelly Lake Métis Settlement Society provided an overview of its Traditional Knowledge Assessment, which included a review of the recommendations and concerns identified in the study and an explanation of the traditional land use and occupancy maps produced for the study. Kelly Lake Métis Settlement Society responded to a number of clarifying questions from BC Hydro about the maps.

- <u>September/October</u>: BC Hydro wrote to Kelly Lake Métis Settlement Society 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 Kelly Lake Métis Settlement Society 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 Kelly Lake Métis Settlement Society's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Kelly Lake Métis Settlement Society's current use of lands and resources, and their exercise of asserted or established Aboriginal 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

2009

On September 9, 2009, BC Hydro participated in a community meeting in the Kelly Lake Métis community, which was attended by approximately 25 community members and the President of the Kelly Lake Métis Settlement Society. BC Hydro provided an overview of the Project and responded to questions from community members on a number of topics, including inundation, impacts of climate change on water flow in the Peace River, wildlife effects (moose and elk), the generation capacity of the Project, alternatives to the Project, and employment and training opportunities.

2010

On June 21, 2010, BC Hydro sent a letter to Kelly Lake Métis Settlement Society advising that Golder had been awarded the contract to conduct the Heritage Assessment for the Project. BC Hydro further advised that Golder would provide a five day heritage training program in Fort St. John in July 2011, and would be looking for Kelly Lake Métis Settlement Society to identify interested community members to attend, with a view to providing employment opportunities to community members as part of the Heritage Assessment.

2011

On March 1, 2011, Golder sent a letter to Kelly Lake Métis Settlement Society in regards to the Heritage Assessment and provided a list of preliminary details for the upcoming field season. Golder advised that arrangements would be made for Aboriginal participation. Golder sent a follow up email on March 30, 2011, and attached a posting for community members interested in participating in the upcoming field work.

On May 18, 2011, BC Hydro sent a letter to Kelly Lake Métis Settlement Society 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 July 15, 2011, BC Hydro met with Kelly Lake Métis Settlement Society (President, consultant) for an update on the Heritage Program. Kelly Lake Métis Settlement Society advised that three of its members had participated as archaeological assistants in the heritage field work, and that the work had been a positive development for the community.

On September 30, 2011, BC Hydro sent an email to Kelly Lake Métis Settlement Society 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 April 12, 2012, BC Hydro met with representatives of Kelly Lake Métis Settlement Society (President, consultant). BC Hydro advised that it had been instructed by the CEA Agency to consult with Kelly Lake Métis Settlement Society to understand how the Project might affect their asserted rights. BC Hydro explained that over the past several years, it had received instruction from the Province to follow provincial policy regarding Métis, and as such had engaged with Kelly Lake Métis Settlement Society as an interested stakeholder and not as a rights-holding Aboriginal community. BC Hydro clarified that the meeting and the direction from the CEA Agency did not change the Province's policy towards Métis in B.C. BC Hydro provided an update on the status of the Project, including the timeline for submitting the EIS. Kelly Lake Métis Settlement Society expressed interest in holding future meetings with BC Hydro in order to have an understanding of the relationship between their organization and Site C and to learn more about downstream impacts. The President stated that community members have hunted on family traplines dating to the 1850s, and explained that they currently hunt without a licence and "without discrimination" by the provincial government. He expressed concern that the Project would impact their hunting grounds. The parties agreed that BC Hydro would provide funding to Kelly Lake Métis Settlement Society to support the collection of traditional land use information, and prepare a report outlining where community members exercise their asserted rights and assessing the potential effects of the Project on their ability to exercise those rights.

On April 16, 2012, Kelly Lake Métis Settlement Society sent a letter to BC Hydro in follow up to the meeting held on April 12, 2012. Kelly Lake Métis Settlement Society attached a capacity funding proposal and a proposed consultation work plan.

On April 16, 2012, BC Hydro sent an email to KCD Consulting Inc., consultant for Kelly Lake Métis Settlement Society, and attached the Downstream Effects Study Update. BC Hydro advised that the full report was expected to be completed in the upcoming months.

On April 20, 2012, BC Hydro sent an email to Kelly Lake Métis Settlement Society and attached a proposed consultation approach with a corresponding budget based on specified tasks and deliverables. Kelly Lake Métis Settlement Society provided feedback later that day, and an agreement on the proposal was reached on April 25, 2012.

On April 26, 2012, BC Hydro sent a letter to the Kelly Lake Métis Settlement Society, and attached a Letter of Understanding to formalize the agreement reached between the parties respecting the consultation work plan and budget. Kelly Lake Métis Settlement Society signed and returned the letter to BC Hydro on April 29, 2012. The consultation work plan outlined the following activities:

- Meetings between representatives of BC Hydro and Kelly Lake Métis Settlement Society, and a community meeting in Kelly Lake (August).
- Kelly Lake Métis Settlement Society to consider the Project information provided by BC Hydro and assemble a report regarding the exercise of asserted rights in and around the Project area, including available mapping.
- BC Hydro to consider the Kelly Lake Métis Settlement Society report and conduct an effects assessment.

On May 4, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society enclosing a capacity funding cheque issued pursuant to the Letter of Understanding (April 26, 2012).

On May 9, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society 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 15, 2012, BC Hydro met with representatives of Kelly Lake Métis Settlement Society (President and Consultant) to provide a Project update and present the results of the Potential Downstream Changes Report. BC Hydro's Senior Engineer and Hydrology Expert reviewed the report's findings with respect to expected changes in the surface water regime, the ice regime, and geomorphology and sediment transport, summarized as follows:

- <u>Surface water regime</u>: BC Hydro reported that it was likely the Project would result in greater fluctuation of water levels near the Site C tailrace with effects diminishing further downstream and no fluctuations being observed at the Town of Peace River. BC Hydro indicated that it expected no seasonal change in the timing of water releases.

- Ice regime: BC Hydro reviewed the expected changes in the ice regime as a result of the Project, explaining that (a) there would be no changes in ice thickness, (b) there would be no change in the timing of ice break-up, (c) there would be a slight delay in ice formation at Shaftesbury, an average of 5 days, and (d) there would be a slight delay in ice front progressions, with an average delay of three days at the Town of Peace River, and greater upstream.

- Geomorphology and sediment transport: BC Hydro explained that geomorphology referred to the river shape, while the sediment regime referred to the quantity, timing, and mode of transport of particulate matter by river flows. BC Hydro indicated that expected changes in flows as a result of the Project were not expected to influence the bedload transport capacity downstream or have any influence on channel erosion or deposition.

BC Hydro advised that downstream studies showed minimal impacts and that additional work was on-going. Kelly Lake Métis Settlement Society's President advised that small streams and tributaries were important areas for gathering traditional medicinal plants, and explained that community members were knowledgeable with respect to traditional plant use and harvesting of plants for traditional medicines. He stated that community members were involved in medicinal plant gathering and hunting with members of Saulteau First Nations and Blueberry River First Nations. He further advised that community members hunt along the Smoky River and in the vicinity of Grande Prairie and that when moose are scarce, community members also eat elk and deer. The parties also discussed potential contracting and employment opportunities associated with the Project. Kelly Lake Métis Settlement Society expressed interest in camp services and catering and advised that it had a joint partnership with a company to provide such services.

On May 16, 2012, BC Hydro sent an email which provided links to the Project Description Report, a map of the Project footprint, and the most recent version of the draft EIS Guidelines.

On May 22, 2012, BC Hydro provided Kelly Lake Métis Settlement Society with access to GIS shape files of the Site C Project activity zones via BC Hydro's File Transfer Protocol website.

On May 23, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society regarding the identification of Valued Components and spatial boundaries for the Environmental Assessment, and expressed its desire to consult further with Kelly Lake Métis Settlement Society 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 Kelly Lake Métis Settlement Society regarding their proposed Valued Components and related spatial boundaries.

On May 25, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society 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 July 23, 2012, BC Hydro sent an email to Kelly Lake Métis Settlement Society advising that BC Hydro could offer bronze level sponsorship for Kelly Lake Métis Settlement Society's community event celebration.

On August 7, 2012, Kelly Lake Métis Settlement Society hand delivered a letter to BC Hydro which enclosed the report titled *Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge Assessment, Final Report,* prepared by KSDavison & Associates pursuant to the Letter of Understanding (April 26, 2012). With respect to methodology, the report stated that traditional knowledge was collected through a review of existing literature, participant interviews, and a community report review and validation meeting. The report included a map of the traditional territory of the Kelly Lake Métis, and provided information regarding:

- The history and traditional lifestyle of the Kelly Lake Métis, as well as traditional foods and traditional medicines, healing and spirituality.
- Observations of baseline conditions for wildlife, fish, vegetation, ecological communities, air quality, human health, and social and economic conditions.
- Traditional land use and occupancy within the identified study area including trapping, hunting, fishing, medicinal plant harvesting, settlements and burial sites (presented with associated mapping).
- Recommendations and concerns expressed by participants with respect to potential effects of the proposed Project on the Kelly Lake Métis.

In the latter section, the report stated that participants had expressed concern about the "direct effects to water levels both upstream and downstream of the Project, and the indirect effects of those changes on the ecosystem that supports the traditional Kelly Lake Métis way of life", and further that "direct and indirect Project effects to the local ecosystem productivity may reduce the number of reliable trapping, hunting, fishing and medicinal plant gathering sites, exacerbating existing conditions and threatening food, income and culture security of current and future generations of Kelly Lake Métis." The report includes recommendations that pre-Project flow levels be maintained throughout the life of the Project, that the pace of development be slowed down in Kelly Lake Métis' traditional

territory, and that employment opportunities be provided to Kelly Lake Métis members and youth.

On August 10, 2012, BC Hydro participated in a community meeting with Kelly Lake Métis Settlement Society, which was attended by three elders, eight community members and Kelly Lake Métis Settlement Society's President and consultant. BC Hydro provided a Project update and responded to questions regarding the extent of the flooding, energy exports, and potential work opportunities associated with the Project. Kelly Lake Métis Settlement Society (President, consultant) provided an overview of its Traditional Knowledge Assessment, which included a review of the recommendations and concerns identified in the study and further explanation of the traditional land use and occupancy maps produced for the study. Kelly Lake Métis Settlement Society responded to a number of clarifying questions from BC Hydro about the maps. Kelly Lake Métis Settlement Society advised that four of the eight major families in the Kelly Lake Métis community had been interviewed for the study, and the parties discussed possible follow-up interviews with the remaining four families.

On August 13, 2012, BC Hydro sent a letter enclosing a capacity funding cheque issued pursuant to the Letter of Understanding (April 26, 2012).

On August 22, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society, 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 Kelly Lake Métis Settlement Society'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 Kelly Lake Métis Settlement Society enclosing a table titled "Preliminary Summary of Construction Phase Workforce" which summarized the timing, type of jobs and number of opportunities that BC Hydro anticipated would be needed to construct the Project. The letter provided a link to the secured file transfer website where additional information regarding project opportunities had been posted.

On August 30, 2012, BC Hydro sent an email to Kelly Lake Métis Settlement Society and confirmed receipt of the following reports:

- Monkman Coal Project – Heritage Resource Impact Management Study (1983)
- Traditional Ecological Knowledge and Land Use Study (2011)

- Traditional Land Use Report for:
  - Proposed Alliance Pipeline Limited Partnership FSJ Lateral Loop Pipeline Project
  - Proposed Nova Gas Transmission Ltd Cutbank/Musreau Area Expansion
- Aboriginal Traditional Knowledge Report: Enbridge Northern Gateway Project

On September 21, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society 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 Kelly Lake Métis Settlement Society, 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 Kelly Lake Métis Settlement Society 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 3, 2012, Kelly Lake Métis Settlement Society sent an email to BC Hydro and attached a proposal for additional work to be conducted on Kelly Lake Métis Settlement Society's Aboriginal Traditional Knowledge Assessment. The proposal included the rationale, objectives and scope of the study, as well as estimate project costs.

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

On November 15, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society which sought to address potential gaps in the information exchange between the parties. The letter requested that Kelly Lake Métis Settlement Society notify BC Hydro of instances

where information requested in meetings or consultations to date had not been provided, and committed to following up on outstanding information requests as soon as possible.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: KELLY LAKE MÉTIS SETTLEMENT SOCIETY

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

July 2013

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

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

KELLY LAKE MÉTIS SETTLEMENT SOCIETY

CONSULTATION SUMMARY

Defined terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Golder"	Golder Associates Ltd., consultant to BC Hydro
"KCD Consulting"	KCD Consulting Incorporated, consultant for Kelly Lake Métis Settlement Society
"the Project"	the proposed Site C Clean Energy Project

Chronology of events

2012

On December 12, 2012, BC Hydro sent an e-mail to KCD Consulting and Kelly Lake Métis Settlement Society to inquire whether the Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge Assessment, Final Report (July 2012), could be appended to the EIS. BC Hydro advised that the document could be viewed by the public, and that other Aboriginal groups had provided documents containing similar types of historical and traditional land use information for the regulatory process. BC Hydro also advised that it could append an amended public version of the report with some sections blacked out or removed for confidentiality. BC Hydro followed up with a voice message and email on December 18, 2012.

On December 13, 2012, BC Hydro sent a letter to Kelly Lake Métis Settlement Society, providing a link to the following draft EIS Technical Data Reports on a secured file transfer website:

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

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

On December 22, 2012, KCD Consulting sent an e-mail to BC Hydro, in reply to the previous correspondence on December 12 and 18, 2012, and approved BC Hydro's request to append the "Aboriginal Traditional Knowledge Assessment, Final Report" to the EIS.

2013

On January 28, 2013, BC Hydro sent a letter to Kelly Lake Métis Settlement Society, 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 other Aboriginal interests of the Project on those asserted or established Aboriginal and interests.

On April 15, 2013, Golder sent a letter to Kelly Lake Métis Settlement Society and thanked Kelly Lake Métis Settlement Society for the efforts made in the completion of the Project's 2012 heritage resources impact assessment field program.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: KELLY LAKE MÉTIS SETTLEMENT SOCIETY

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

<contact information removed>

January 2013

Kelly Lake Métis Settlement Society (KLMSS)

In preparing responses to these questions, a limited range of publicly available and unpublished sources were reviewed for information on Kelly Lake Métis Settlement Society (KLMSS) traditional land and resource uses.[1] The information on current KLMSS use of lands and resources presented here is primarily derived from the Aboriginal Traditional Knowledge Assessment (KLMSS ATKA) undertaken for the KLMSS by KSDavison & Associates and funded by B.C. Hydro.[2]

KLMSS is located at Kelly Lake, B.C., 120 kilometers southwest of Dawson Creek. According to the KLMSS, approximately 160 people reside in Kelly Lake, and an additional 189 people remain connected with the community. The majority of people in Kelly Lake identify as Métis and have membership with KLMSS.[3] The KLMSS ratified its first constitution in 2006 and registered as a not-for-profit organization in April 2012 to advocate for the Aboriginal rights and pursue economic and social benefits of development for the Kelly Lake Métis.[4]

In this report, locations of KLMSS uses of lands and resources are interpreted from the KLMSS ATKA report and maps.[5] Information included in the KLMSS ATKA is largely derived from interviews with four KLMSS members, and from a previous study.[6] The KLMSS ATKA provides six maps reproduced at the end of this report as:

> *Figure 1: KLMSS Traditional Territory;*
> *Figure 2: KLMSS ATKA Local Study Area - an approximately 30 by 55 kilometre rectangle centred on the Project area;*
> *Figure 3: KLMSS ATKA Regional Study Area. Shows the relative locations of KLMSS Traditional Territory and the Local Study Area, and the area where the highest likelihood of interactions between the Project and KLMSS traditional use and occupancy sites exists;[7]*
> *Figure 4: Kelly Lake Métis Trapping Heartland;*
> *Figure 5: Kelly Lake Métis Furthest Trapping Extent; and*

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[1] The sources consulted for this study are set out in the References.

[2] Davison, Kelly S, and Michelle C. Danda. "Site C Clean Energy Project Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge Assessment Final Report." Reviewed by Keith Henry, KCD Consulting Incorporated. New Westminster, BC: KSDavison & Associates, 2012.

[3] Kelly Lake Métis Settlement Society. "Stewards of Our Traditional Lands, Kelly Lake, British Columbia - Historic Overview." Tomslake, B.C.: Kelly Lake Métis Settlement Society. p. 1.

[4] Davison and Danda, *KLMSS ATKA*. p. 25.

[5] Davison and Danda, *KLMSS ATKA*.

[6] Cited in Davison and Danda, *KLMSS ATKA* as: Robinson, M. "Monkman Coal Project Infrastructure Stage III: Heritage Resource Impact Management Study. The Land Use and Occupancy System of the Métis Trappers of Kelly Lake, British Columbia." Calgary, Alberta: Petro-Canada Coal Division, 1983.

[7] Davison and Danda, *KLMSS ATKA*. p. 8.

Figure 6: KLMSS ATK; shows the relative locations of KLMSS Traditional Territory, Local Study Area, Community Trapline Area and Belcourt Lake Refuge.

Although the report establishes a Local Study Area and a Regional Study Area (Figures 2 and 3), no further reference to them is made in the report.

In summary, the ATKA report and maps provide general information about KLMSS members hunting, fishing, trapping and other traditional activities. There are references to traditional activities occurring in the KLMSS Traditional Territory, the Kelly Lake Métis Trapping Heartland, the Kelly Lake Métis Furthest Trapping Extent, and the Belcourt Lake Refuge. Other than portions of the KLMSS Traditional Territory, these areas are located outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs. There are few specific references to traditional activities occurring within the LAAs or RAAs.

1. **What is the KLMSS'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?**

KLMSS Traditional Territory (Figure 1) is portrayed as including the portions of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs that lie to the south of the Peace River, and between the Williston Reservoir and Peace River, Alberta. KLMSS Traditional Territory is described as an area that has been used by the Métis people of Kelly Lake since the early 1800s for purposes such as guiding, trapping, hunting, fishing and spiritual practices. The KLMSS traditional reliance on the "Bush Economy" is described as including hunting, trapping and fishing. Game animals include moose and bear. Species that are trapped include beaver, muskrat, lynx, marten, squirrel, weasel, otter, wolf, fisher, coyote, mink, wolverine, and fox.[8]

One KLMSS ATKA project interview provided information about a KLMSS member's moose harvesting activity at Charlie Lake that extended as far as Beatton River in the Current Use of Lands and Resources (Wildlife Resources) RAA. This activity occurred while visiting relatives at Blueberry First Nation; permission to harvest in this territory was asked and granted according to cultural protocols.[9] The KLMSS ATKA does not include other specific references to hunting, fishing or trapping activities at locations in

[8] Davison and Danda, *KLMSS ATKA*. pp. 17 – 25.
[9] Davison and Danda, *KLMSS ATKA*. p. 34.

the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs.[10]

2. **What is the KLMSS'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?**

KLMSS Traditional Territory is portrayed as including the portions of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs that lie to the south of the Peace River and between the Williston Reservoir and Peace River, Alberta. The ATKA presents information about KLMSS traditional use activities other than hunting, fishing, and trapping that include berry picking, medicinal plant harvesting, gathering areas, settlements, trails, and burials. There are no specific references to any of these activities currently occurring at locations within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs.[11]

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

KLMSS members identify as Métis and do not take Aboriginal rights with Treaty 8 or any other First Nation group. KLMSS members assert their constitutionally-protected Section 35 rights as Métis people that include harvesting rights.[12]

KLMSS Traditional Territory is portrayed in Figure 1 as including the portions of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs that lie to the south of the Peace River and between the Williston Reservoir and Peace River, Alberta. The KLMSS Traditional Territory is described as an area that the Métis people of Kelly Lake have used since the early 1800s to sustain their economic, social, spiritual and cultural way of life. The Traditional Territory includes lands that are subject to traditional use

[10] The *KLMSS ATKA* (p. 34) states that detailed harvesting information is not included due to the limited nature of the study as well as due to its sensitive legal and political nature.

[11] See footnote 10. Information about KLMSS medicinal plant harvesting is considered sacred in nature, and protected by community members. Davison and Danda, *KLMSS ATKA*. p. 35.

[12] Kelly Lake Métis Settlement Society. "Stewards of Our Traditional Lands, Kelly Lake, British Columbia - Historic Overview." Tomslake, B.C.: Kelly Lake Métis Settlement Society, 2012.

and occupancy by KLMSS members such as guiding, trapping, hunting, fishing and spiritual practices.[13]

The KLMSS ATKA includes descriptions and maps that show areas of importance within the Traditional Territory: a Kelly Lake Métis Trapping Heartland, a Kelly Lake Métis Trapping Furthest Extent, a Kelly Lake Community Trapline Area, and a Belcourt Lake Refuge. None of these areas include any portion of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs.

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

The Kelly Lake Métis trace their ancestry back to Métis groups who migrated westward in the 1800s, and some of whom settled in the vicinity of Flying Shot Lake in Alberta. The first Métis settler at Kelly Lake is said to have arrived in the 1800s[14] or sometime after 1909,[15] and was followed by other Cree-speaking Métis families, some of whom arrived around 1918 from Lake St. Ann, and from Flying Shot Lake near Grand Prairie.[16] These Métis first built log trapping cabins at Kelly Lake, and later moved to the area as it was good for hunting and trapping.[17] The Kelly Lake Métis earned money by trapping for the fur trade and working on local farms or other jobs.[18] They also supported themselves by following a traditional lifestyle, hunting for game, fishing, collecting berries and medicinal plants, raising horses and cattle.[19].

KLMSS Traditional Territory is portrayed in Figure 1 as including the portions of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs that lie to the south of the Peace River and between the Williston Reservoir and Peace River, Alberta. The KLMSS Traditional Territory is described in the ATKA report as an area that the Métis people of Kelly Lake have used since the early 1800s to sustain their economic, social,

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[13] Davison and Danda, *KLMSS ATKA*. p. 2.

[14] KLMSS. *Stewards of Our Traditional Lands*. 2012.

[15] Calverley, Dorothea. "01 - 137: The Kelly Lake Métis Settlement." Website. http://www.calverley.ca/Part01-FirstNations/01-137.html: Calverley Collection, 1973.

[16] Calverley, Dorothea. "01 - 135: The Kelly Lake Métis Settlement." http://www.calverley.ca/Part01-FirstNations/01-135.html: Calverley Collection, 1973.; Calliou, Dave. "18 - 105: Dave Calliou, Interviewed by Dorothea Calverley." Website. http://www.calverley.ca/Part18-Interviews/18-105.html: Calverley Collection, 1979.

[17] Calliou. *18 – 105: Dave Calliou Interview.*

[18] Gladu, Mrs. Mary. "18 - 027: Mrs Mary Gladu of Kelly Lake, Interviewed by Rick Belcourt." Website. http://www.calverley.ca/Part18-Interviews/18-027.html: Calverley Collection, 1973.

[19] Calliou. *18 – 105: Dave Calliou Interview.*

spiritual and cultural way of life. The Traditional Territory includes lands that are subject to traditional use and occupancy by KLMSS members such as guiding, trapping, hunting, fishing and spiritual practices.[20]

The Kelly Lake Métis traditional economy has been referred to as "the Bush Economy" and is centred around fur trapping and trade; relies on fresh water; game for food, clothing and supplies; and furbearing animals for revenue. The Kelly Lake Métis followed a traditional round that included trapping, bear hunting, egg collecting, working on local farms or other summer employment, berry picking, moose hunting, pemmican-making, and guide-outfitting.[21]

Traplines are central to the Bush Economy. Trapline boundaries were negotiated informally before traplines were officially registered by the Province of B.C. in the 1930s; some traplines were owned by Kelly Lake Métis. Small trapping camps and cabins, occupied seasonally, were connected by a network of trails.[22] The Kelly Lake Métis were self-supporting before a collapse in the fur market during World War II.[23] Commercial trapping was carried on by Kelly Lake Métis until the 1980s when prices for furs dropped so low that people were forced to find other sources of income.[24] Other Kelly Lake Métis traditional practices include harvesting of berries and traditional plants, and fishing. Beyond their main settlement, Kelly Lake Métis occupied camps and cabins related to trapping and berry picking activities within their Trapping Heartland (Figures 5).

Although not used as frequently as in the past, these locations continue to be important to the Kelly Lake Métis; there are burials associated with some of these sites.[25] The Belcourt Lake area (Figure 6) is highly valued by Kelly Lake Métis for its ecological productivity and purity, and as a cultural and ecological refuge which can support the traditional lifestyle and culture of Kelly Lake Métis now and in the future, should other harvesting areas continue to decline. There are limited descriptions of current KLMSS hunting or trapping activities.

The people interviewed for the KLMSS ATKA project identified a number of concerns or observations related to the Project.[26] These include:

- effects on water levels upstream and downstream of the Project, and the indirect effects of those changes on the ecosystem that support the traditional Kelly Lake Métis way of life;

[20] Davison and Danda, *KLMSS ATKA*. p. 2.
[21] Davison and Danda, *KLMSS ATKA*. pp. 18– 25.
[22] Davison and Danda, *KLMSS ATKA*. p 20.
[23] Calverley. *01 – 135: The Kelly Lake Métis Settlement.*
[24] Davison and Danda, *KLMSS ATKA*. p 34.
[25] Davison and Danda, *KLMSS ATKA*. p 35.
[26] Davison and Danda, *KLMSS ATKA*. pp. 36 -38.

- upstream flooding of creeks and drainages, indirectly affecting beaver and other wildlife;
- increase in the amount of stagnation in ground water and slow-flowing surface water upstream of the dam;
- reduction in water quality in the Peace River directly, as well as downstream, tributary, creek, muskeg and groundwater indirectly, affecting ecological productivity and fish populations; surface water downstream of the Project will dry up;
- the possibility of dam rupture, and the resulting loss of human life;
- de-siltation of the Peace River downstream of the Project;
- high levels of emissions during Project construction will settle, and then contaminate the ecosystem and Kelly Lake Métis food, drinking water and medicinal plant sources, ultimately affecting human health;
- effects on ecological communities upstream and downstream of the Project, including muskegs and moose licks;
- direct disturbance of sensitive ecological areas by road or facility construction and operation, or indirect interruption or disturbance of surface water flow will reduce ecological productivity and health; and,
- employment opportunities, if offered to Kelly Lake Métis people, would be beneficial.

The KLMSS ATKA asserts that direct and indirect Project effects to the local ecosystem may reduce the number of reliable trapping, hunting, fishing and medicinal plant gathering sites, exacerbating existing conditions and threatening food, income, and culture security of current and future generations of Kelly Lake Métis.
The ATKA report also notes that:[27]

- other projects have produced impacts, including the WAC Bennett Dam, the Peace Canyon Dam, the Teck Wolverine (formerly Quintette) Coal Mine Project, the Encana Steeprock and Conoco-Phillips Noel gas plants and general clear-cutting;
- These projects have caused a decline in air quality, linked to declining health of KLMSS members, and to vegetation health. Incidents have occurred where community members have not been notified of threats to safety;
- The disturbance, destruction and contamination of the natural environment is extensive and the Project will add to these effects, damaging the ecosystem and contributing to further declines in human, wildlife and ecological health;
- KLMSS members have observed changes in weather patterns and precipitation, increase in winds, and decreases in the duration of wintertime lows; and
- KLMSS elders have prophesied dire effects related to development activities, including dams.

[27] Davison and Danda, *KLMSS ATKA*. p. 39.

5. Is there any information relating to the exercise of asserted Aboriginal rights by KLMSS outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs?

The KLMSS ATKA report and maps identify and describe a number of areas that relate to the exercise of Aboriginal 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. These include:

- KLMSS Traditional Territory: Much of the Traditional Territory, portrayed in Figure 1, falls outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs. The KLMSS describe their traditional territory as an area that has been used by the Métis people of Kelly Lake since the early 1800s for purposes such as guiding, trapping, hunting, fishing and spiritual practices.
- Kelly Lake Métis Trapping Heartland (Figure 4), described as an area of intensive use, and trapping community sites, is located outside the Current Use of Lands and Resources (Wildlife Resources) LAA or RAA.[28]
- Kelly Lake Métis Furthest Trapping Extent (Figure 5), is located outside the Current Use of Lands and Resources (Wildlife Resources) LAA and RAA. The map shows lands subject to traditional use and occupancy by Kelly Lake Métis, and was developed with community elders in the early 1980s. The map shows the furthest reaches of Kelly Lake trappers, as remembered for the period 1920 to 1940.[29]
- Community Trapline Area (Figure 6), not described in the KLMSS ATKA, is located outside the Current Use of Lands and Resources (Wildlife Resources) LAA and RAA.[30]
- Belcourt Lake Refuge (Figure 6), is highly valued by Kelly Lake Métis because of its ecological productivity and purity, and is considered a cultural and ecological refuge by KLMSS as it can support the traditional lifestyle and culture of the Kelly Lake Métis now and in the future should other harvesting areas continue to decline.[31] The Belcourt Lake Refuge is located outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs.

[28] Davison and Danda, *KLMSS ATKA*. p. 20, 21.
[29] Davison and Danda, *KLMSS ATKA*. p. 20 – 22. The map appears to be incorrectly labelled on page 22 of the KLMSS ATKA as "Kelly Lake Métis Trapping Heartland," but correctly identified in the KLMSS ATK List of Figures as "Kelly Lake Métis Furthest Trapping Extent."
[30] Davison and Danda, *KLMSS ATKA*. p. 27.
[31] Davison and Danda, *KLMSS ATKA*. p. 27.

KLMSS members fish at locations that are outside the Current Use of Lands and Resources (Fish and Fish Habitat) LAA and RAA. The fish harvested are dolly varden, rainbow trout, bull trout, walleye, and suckers.[32]

[32] Davison and Danda, *KLMSS ATKA*. p. 35.

Figure 1: KLMSS Traditional Territory

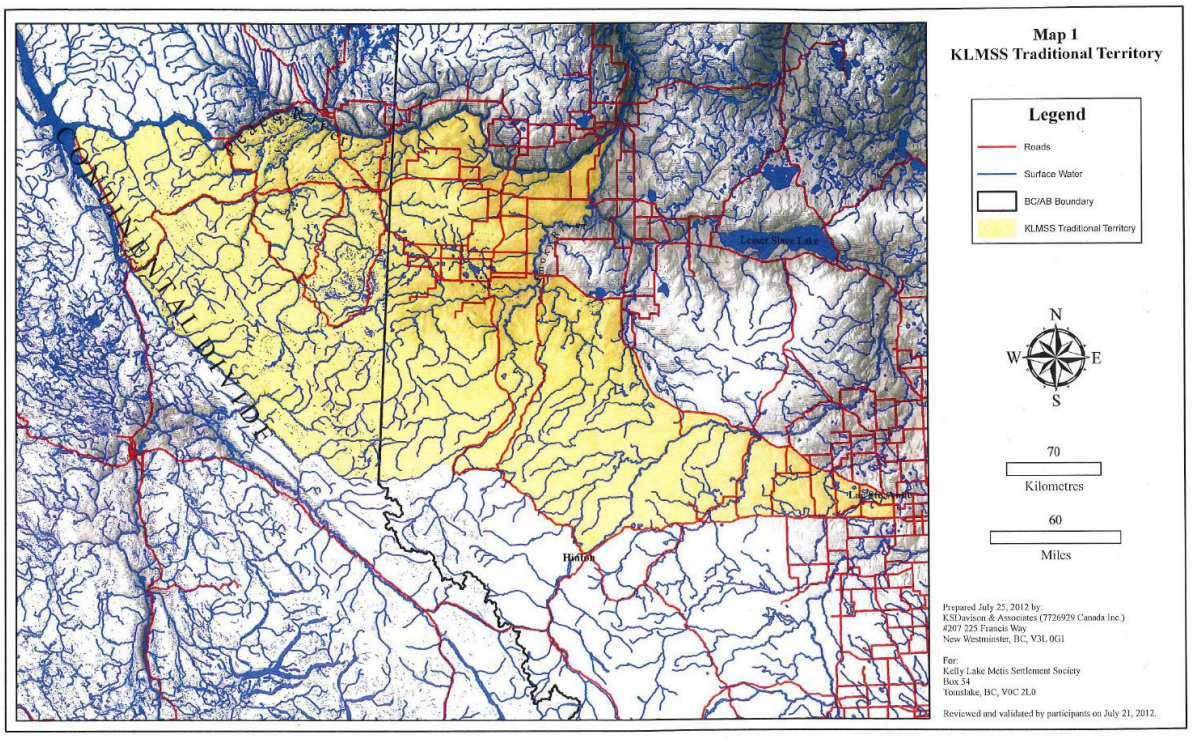


Figure 2: KLMSS ATKA Local Study Area

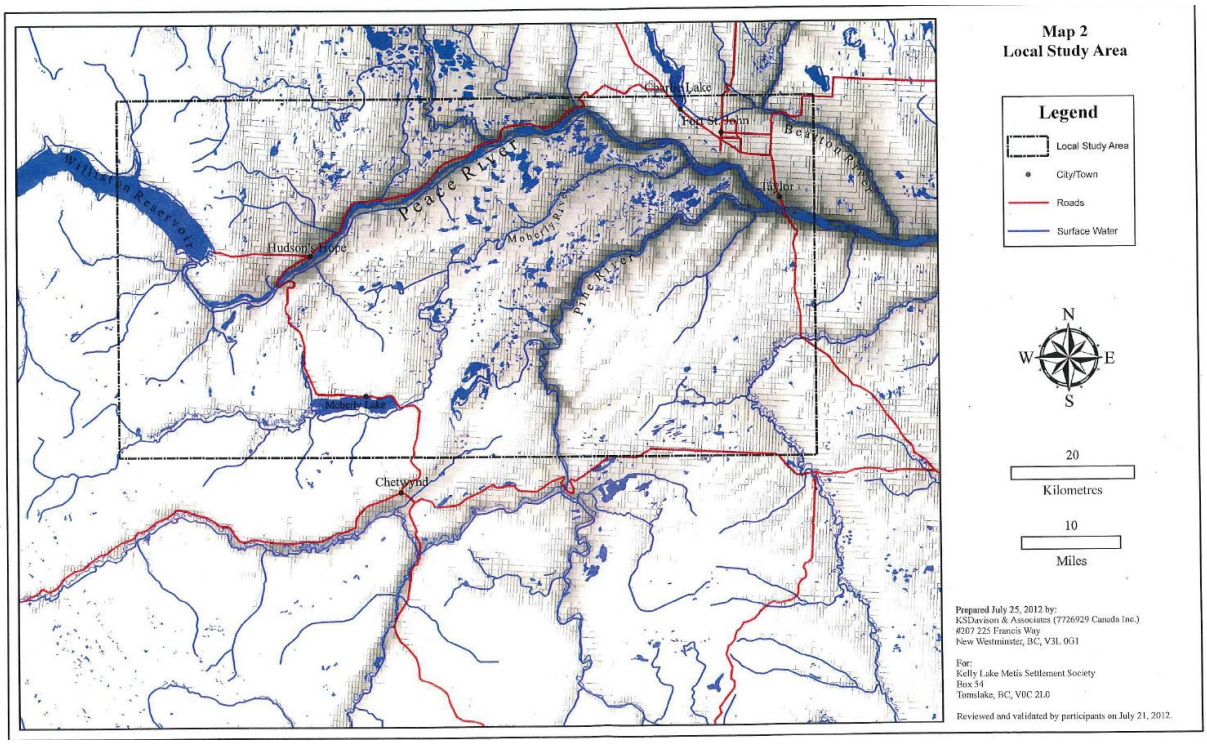


Figure 3: KLMSS ATKA Regional Study Area

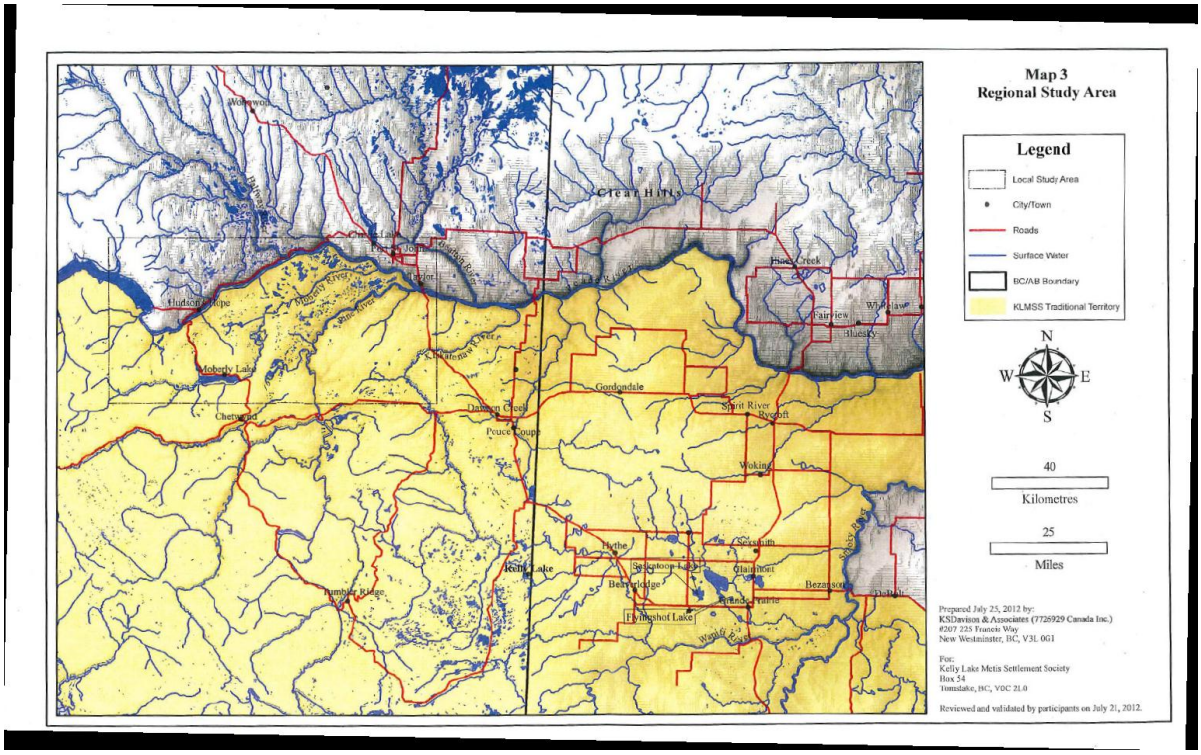


Figure 4: Kelly Lake Métis Trapping Heartland

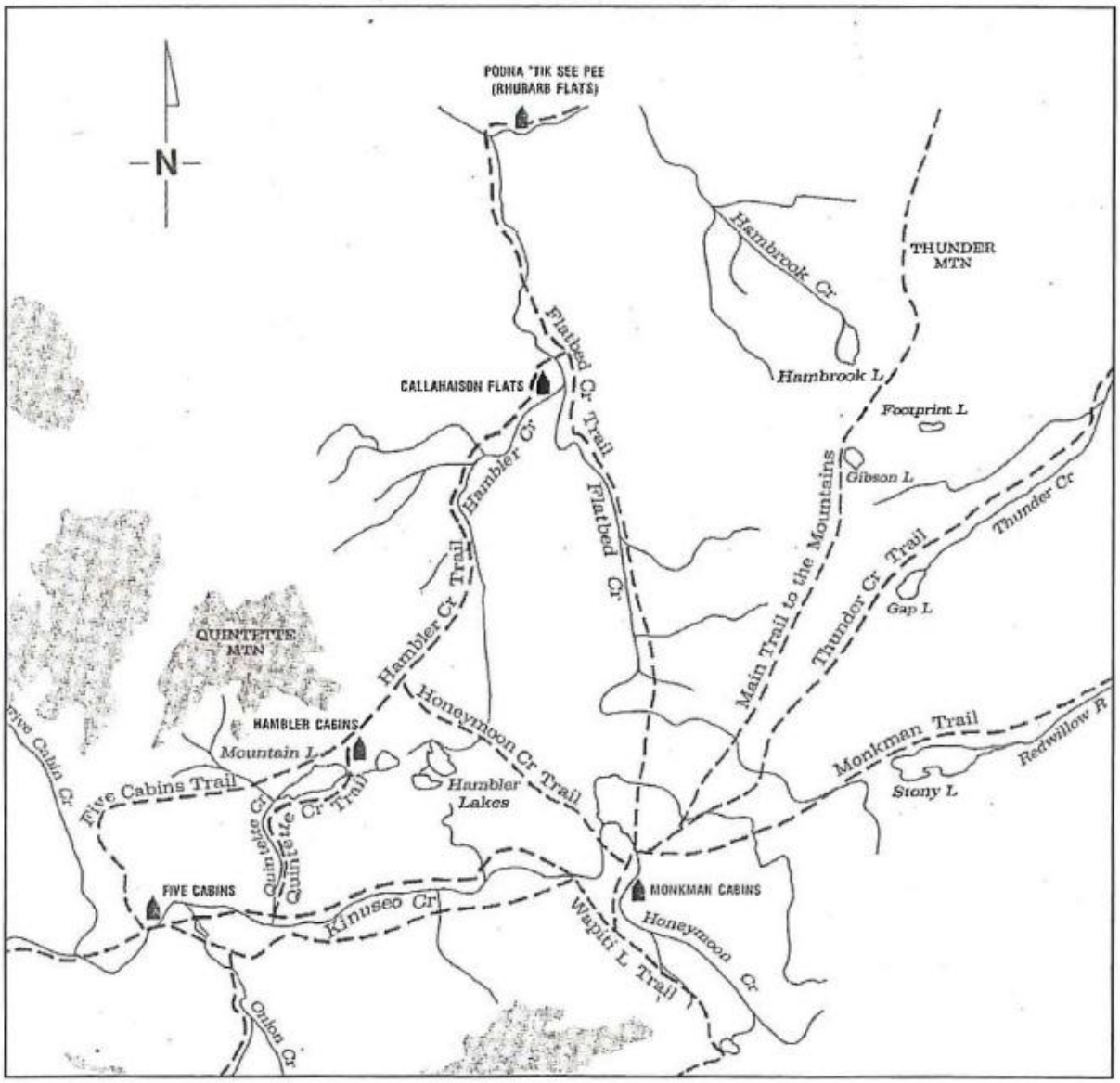


Figure 5: Kelly Lake Métis Furthest Trapping Extent

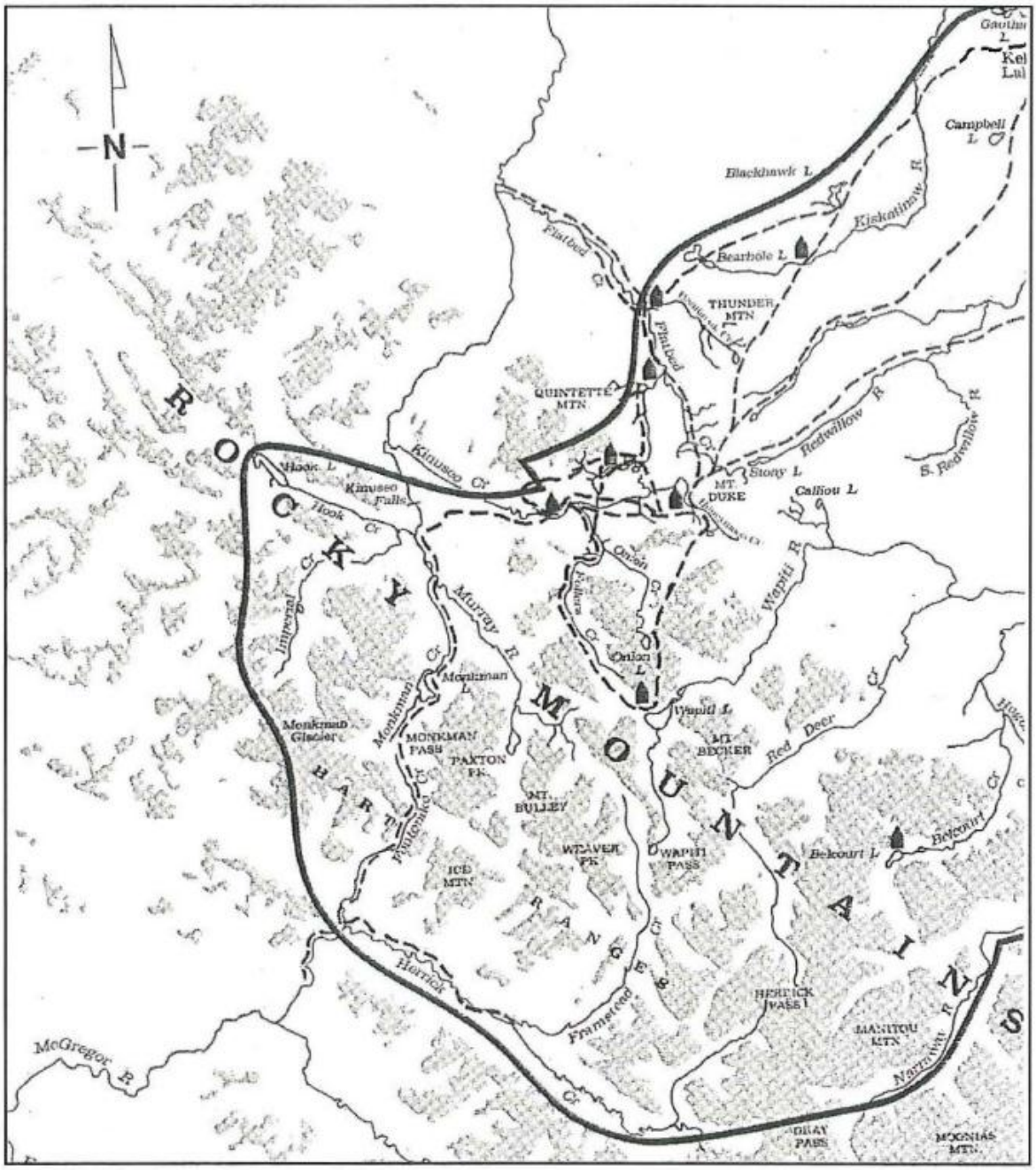
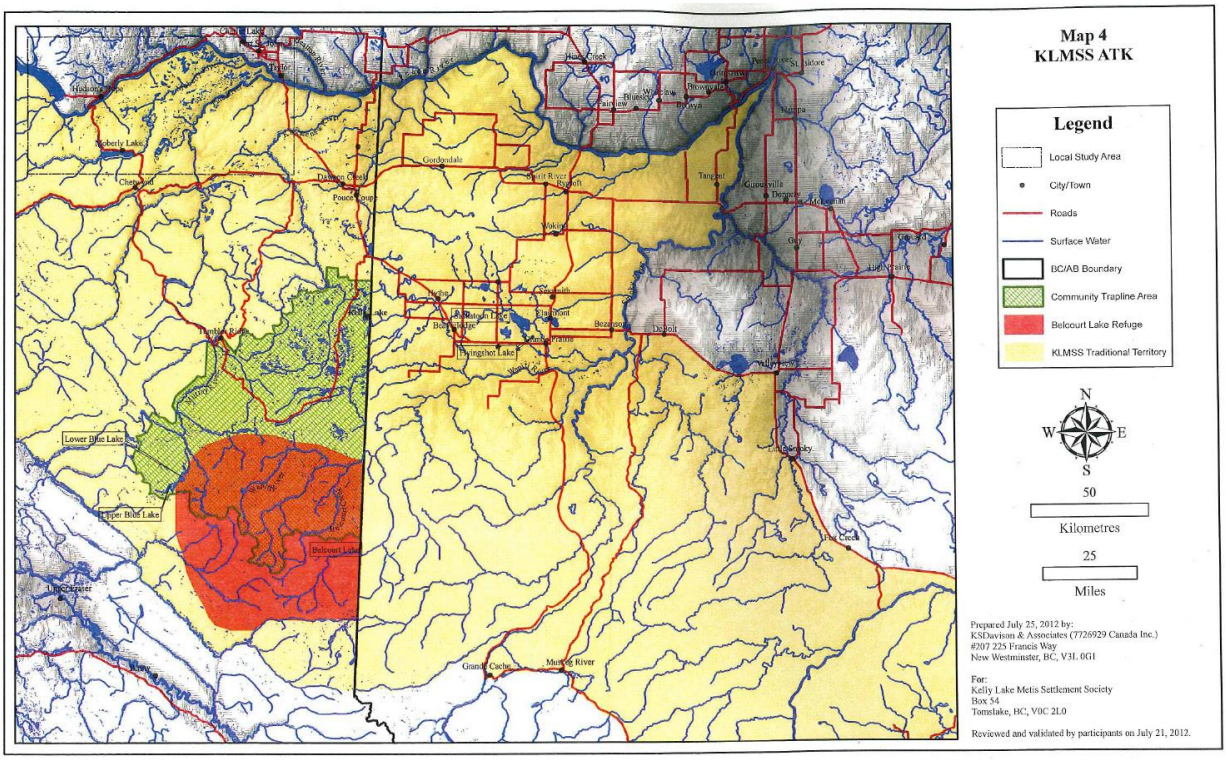


Figure 6: KLMSS ATK; with relative locations of KLMSS Traditional Territory, Local Study Area, Community Trapline Area, and Belcourt Lake Refuge



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SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 4

ABORIGINAL SUMMARY:
KELLY LAKE MÉTIS SETTLEMENT SOCIETY

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

January 2013

Kelly Lake Métis Settlement Society

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

Kelly Lake Métis Settlement Society's Asserted or Established Aboriginal Rights

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

The Kelly Lake Métis Settlement Society is one of six groups listed in Table 34.1 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements that asserts rights as a Métis group. The six groups consist of two located in British Columbia (Métis Nation British Columbia, Kelly Lake Métis Settlement Society), three located in Alberta (Métis Nation of Alberta – Region 6, Paddle Prairie Métis Settlement Society, Fort Chipewyan Métis Local 125), and one in the Northwest Territories (Northwest Territory Métis Nation). At the time of filing the EIS, no Métis rights-bearing communities in British Columbia have been recognized by a court.

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

Kelly Lake Métis Settlement Society's Concerns with Respect to the Project

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

Alternatives to the Project
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.

Alternatives to the Project
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.
Water – Surface Water Regime
Concern about potential downstream effects of the Project on water flow and water levels, including in the Peace River, Slave River, McKenzie River, Salt River and the Peace Athabasca Delta.
Concern about the 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.
Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Air – Air Quality
Concern about the potential effects of Project-related activities on air quality, including dust, emissions and pollution.
Wildlife Resources
Concern about the potential effects of the Project on ungulates and ungulate habitat, including moose, elk, deer, caribou, bison and Stone Sheep.
Current Use of Lands and Resources for Traditional Purposes
Concern about the potential effects of the Project on berry harvesting and plant gathering.
Heritage Resources
Concern that construction and operation of the Project will damage or destroy archaeological, unidentified or non-archaeological (e.g., spiritual) heritage sites.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
Aboriginal Interests – Aboriginal employment, contracting and business development
Interest in contracting and procurement opportunities for local contractors and Aboriginal businesses.
Requirements for the Federal Environmental Assessment – Potential Accidents and Malfunctions
Concern that the dam could fail or rupture.

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 Kelly Lake Métis Settlement Society's Asserted or Established Aboriginal Rights

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

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

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

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A12 PART 5

TLUS PUBLIC REPORT:
KELLY LAKE MÉTIS SETTLEMENT SOCIETY

FINAL REPORT

Prepared for BC Hydro Power and Authority

Prepared by Kelly Lake Métis Settlement Society

July 2012

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SITE C CLEAN ENERGY PROJECT

Kelly Lake Métis Settlement Society
Aboriginal Traditional Knowledge Assessment

FINAL REPORT

Prepared for:
BC Hydro
<contact information removed>

Prepared by:
KSDavison & Associates (7726929 Canada Inc.)

<contact information removed>

and

KCD Consulting Incorporated

<contact information removed>

July 2012

KELLY LAKE MÉTIS SETTLEMENT SOCIETY

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Environmentally Safe Forever

KCD Consulting Incorporated

KSDAVISON & ASSOCIATES

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Our thanks to Lyle Letendre, Sandra Belcourt, Landon Letendre, Shirley Letendre, Lloyd Gladue, Edward Letendre and the Kelly Lake community members who made this study possible.

Cover Photo: Group interview with male participants in Kelly Lake, BC. May, 2012.

EXECUTIVE SUMMARY

The Métis of Kelly Lake have a long and interesting history in the Peace region. Generations of Kelly Lake Métis have displayed unparalleled resilience and adaptability to rapidly changing social and environmental conditions, and have remained deeply connected to their Traditional Territory through their culture and way of life; they are its stewards.

This report presents the Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge assessment of the proposed BC Hydro Site C Clean Energy Project, and was prepared by KSDavison & Associates for one-time use in the proposed project's harmonized environmental assessment. Methods used to collect study data follow the introduction, and are followed by a discussion of results: baseline cultural, historic, environmental, social and economic conditions, potential effects of the proposed project, and cumulative effects from the perspective of participants.

LIST OF ACRONYMS

ATK ..... Aboriginal Traditional Knowledge
BCEAA ..... *British Columbia Environmental Assessment Act*
BCEAO ..... British Columbia Environmental Assessment Office
CEAA ..... *Cumulative Environmental Assessment Act*
DEM ..... Digital Elevation Model
EA ..... Environmental Assessment
EIS ..... Environmental Impact Statement
KLMSS ..... Kelly Lake Métis Settlement Society

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1 INTRODUCTION

This report presents the Aboriginal Traditional Knowledge (ATK) assessment of BC Hydro's proposed Site C Clean Energy Project (the Project). Data for this study was collected during meetings and interviews with members of Kelly Lake Métis Settlement Society (KLMSS), and was facilitated by KSDavison & Associates (7726929 Canada Inc.) in collaboration with KLMSS leadership and General Management. This report was prepared for BC Hydro for one-time use in the broader Environmental Impact Statement (EIS) document as part of the harmonized environmental assessment (EA). It documents baseline environmental conditions, cumulative effects, and assesses potential project effects from the perspective of KLMSS.

1.1 REGULATORY SETTING

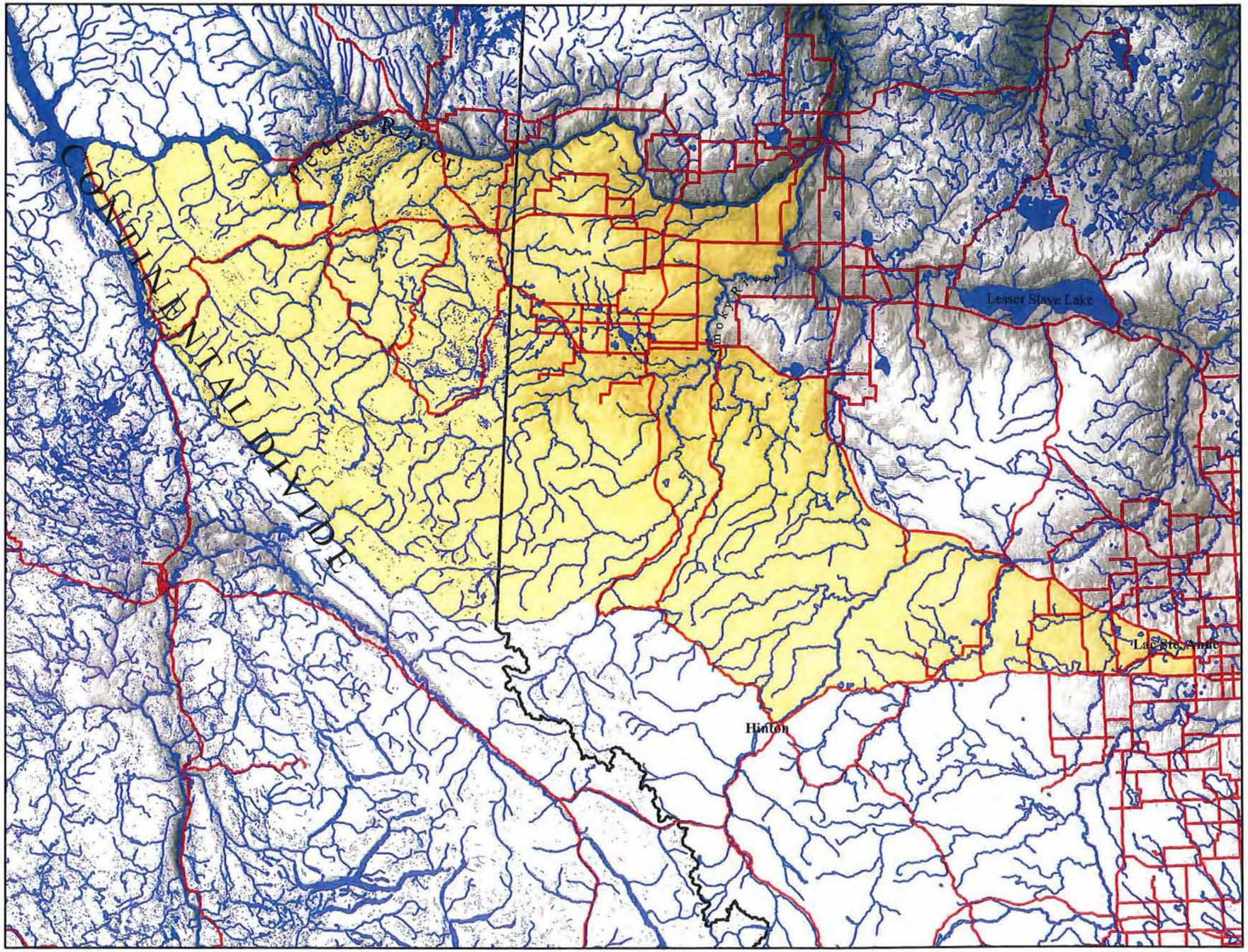
This report was designed to fully address the requirements for an environmental assessment as outlined by the *British Columbia Environmental Assessment Act* (*BCEAA*) and the *Cumulative Environmental Assessment Act* (*CEAA*). Unlike other regulatory jurisdictions in Canada (i.e. Yukon, and the *Yukon Environmental and Socio-economic Assessment Act*), neither *CEAA* nor *BCEAA* mandate the inclusion or integration of ATK into the EA process (Department of Justice, 2012; Queen's Printer, 2012). *BCEAA's* consideration of Aboriginal rights is somewhat limited in scope, and ought to be more inclusive of non-treaty Aboriginal peoples. Aboriginal rights exist without formal definition or management under treaty, and ATK can strengthen and validate EA. Under *CEAA,* responsible authorities have been given the discretion to consider ATK in EA: "...aboriginal traditional knowledge may be considered in conducting an environmental assessment (Department of Justice, 2012). However, *CEAA* does require the consideration of effects to lands used for traditional purposes by Aboriginal people (Department of Justice, 2012). Aboriginal case law in British Columbia in recent decades has made it clear that it is the duty of proponents to uphold the Honour of the Crown and identify, mitigate or avoid potential impacts to Aboriginal and Treaty Rights. This can be a difficult and expensive task given BC's complex Aboriginal-political environment. Nevertheless, the CEA Agency (2010) has provided some interim guidelines on the use of ATK in EA, and acknowledge that:

> *. . . Aboriginal peoples have . . .unique knowledge about the local environment, how it functions, and its characteristic ecological relationships. This Aboriginal traditional knowledge. . . is increasingly being recognized as an important part of planning, resource management, and environmental assessment...*

1.1.1 Traditional Land Use and Occupancy

Potential project effects to KLMSS Traditional Territory must be considered under *CEAA* (Department of Justice, 2012). The Project falls within the Traditional Territory of KLMSS, an area that the Métis people of Kelly Lake have used since the early 1800s to sustain their economic, social, spiritual and cultural way of life. KLMSS Traditional Territory includes the lands that are subject to traditional use and occupancy by KLMSS members such as guiding, trapping, hunting, fishing, and spiritual practices. The boundaries of KLMSS Traditional Territory presented in this report are based on reviewed literature and detailed discussions with participants and KLMSS leadership; they are dynamic in nature and change over time.

Generally, KLMSS Traditional Territory extends from the Continental Divide in British Columbia east to the Smoky River in the northern portion of the territory, and to Lac Ste. Anne in the southern, following common travel routes. North-south, it encompasses lands from the Peace River south to about the latitude of Hinton, Alberta. A visual representation of KLMSS Traditional Territory as described and verified by study participants and KLMSS leadership, is presented in Map 1.



Map 1
KLMSS Traditional Territory

Legend

- Roads
- Surface Water
- BC/AB Boundary
- KLMSS Traditional Territory

N
W E
S

70
Kilometres

60
Miles

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Reviewed and validated by participants on July 21, 2012.

2 METHODS

KLMSS ATK was collected through review of existing literature, participant interviews, and a community report review and validation meeting. Interviews were held in late May, 2012 and review meeting was held in mid July, 2012. The following sections outline the cultural framework that guided study design, the research principles that guide ATK research, the process by which ATK was collected, the nature of ATK, and the collaborative nature of the research.

2.1 FRAMEWORK

ATK is increasingly being recognized as a valuable source of local and environmental (or ecological) knowledge. Proponents can use ATK to increase the amount of information considered in their EA, strengthen and legitimize project design and operations decisions, and document, clarify and mitigate or avoid potential effects of a proposed project on an Aboriginal People's traditional lands, environment, economy and community. For Métis people, ATK is,

> *...built from community practices which form the foundation for understanding the natural world, building skills and behavior adaptable and applicable to other facets of Métis life, maximizing use and benefit of natural resources within community accepted ethical boundaries, and contributing to personal and community spiritual, physical, intellectual and emotional health and development . . . in everyday life* (MNEC, 2011).

Perhaps the most distinctive characteristic of Aboriginal cultures in Canada, and in the world, is a complex relationship with the land and all components of the environment (Oakes et al., 1998). As Lyle Letendre, President of KLMSS explains,

> *The land is sacred to Kelly Lake Métis people because we need it to survive. My Grandfather used to say that nobody owns the land. If the land takes care of you, then you have the responsibility to take care of it. The people of Kelly Lake moved here because they knew they could survive. Mother Earth "ni mama aski," as we say in our language, provides clothes, medicine, berries, water, clear air, food, shelter and income for our people today, just as she has for generations* (personal communication, July 7, 2012).

Kelly Lake Métis people are stewards of their Traditional Territory. In a time of rapid change and development, participation in EA supports this stewardship role, and fosters positive mutual outcomes for

government, industry proponents and Kelly Lake Métis people who deeply value self-reliance, self-determination, and safety and security of their traditional way of life.

2.2 RESEARCH PRINCIPLES

The collection and use of ATK for the Project are guided by the following principles, derived from World Intellectual Property Organization (WIPO, 2001) guidelines, professional experience, and informed consent:

- ATK is the intellectual property of individual participants and, collectively, the community;
- Decisions regarding the distribution and release of this intellectual property of those of the participants and the community;
- Community leadership, in consultation with community members, select the participant cohort;
- Use of ATK in the EA by the proponent is established only through permission by the community;
- ATK can strengthen and compliment western scientific biophysical environmental and social assessment, and includes potential effects on the lands used for traditional purposes by the community and its members;
- The results of the study are reviewed and verified by participants before release of the report to support confidentiality and validity; and
- Original materials generated by the study are the intellectual property of the community and are returned to the community on study completion.

2.3 STUDY FACILITATION

Project personnel served as facilitators, and worked collaboratively with Aboriginal community members to scope and coordinate the study and the study participants, document baseline information and cumulative effects, and assess potential Project effects to the biophysical, social and economic environments, as well as to the Traditional Territory, practices, customs and values of the community.

ATK is fully recorded, documented, and compiled in a professional report. Participant identities are codified in the final report to maintain anonymity and support freedom of speech and expression during interviews. The report is reviewed and verified by the participants to ensure its accuracy and suitability

for public release. Provided that the community has granted consent, the report is released to the proponent, who may then integrate the knowledge provided therein into the broader EA and Project design. Proponents may also add responses to the report, but original comments, recommendations and content must remain unchanged.

2.4 NATURE OF ABORIGINAL TRADITIONAL KNOWLEDGE

ATK and, more specifically, Métis traditional knowledge is holistic and qualitative in nature. It is based on lived-experience, and an intimate knowledge of and direct relationship with the natural environment (MNEC, 2011). It has ensured the survival and adaptation of generations of Métis people, and has supported their adaptation to environmental, political and social challenges since the start of the fur trade. Métis traditional knowledge includes an understanding of the sacred interconnection between all components of the social, biophysical and spiritual environments.

Métis traditional ecological knowledge is detailed and vivid, and is accrued over many decades – generations - of observation. It focuses on trends in the biophysical and social environments such as the effects of land development, changes in air quality, condition and quality of surface and ground water sources, fluctuations in fish and wildlife health and/or populations, changes in vegetation and ecology, etc. As such, it can be useful in understanding and assessing both cumulative and potential project-specific changes, and can provide "...realistic evaluations of local needs, environmental constraints, and natural resource production systems" (Birkes, 2008: 44).

Métis use and occupancy is the temporal and geographic distribution of harvesting, settlement, travel, sacred or other sites within a community's Traditional Territory. These sites have the potential to be affected directly and indirectly by proposed development projects. In turn, food security, cultural security and the livelihood, health and well-being of the community itself may be affected.

Recommendations for mitigation or avoidance of negative effects from the community can help proponents navigate environmental, social, and legal risk associated with negative effects of project development, and support equity and justice with regard to potential positive effects.

Both Métis ecological knowledge and use and occupancy information can add validity to proponents' assessment of potential project and cumulative effects, and can provide the basis for meaningful and mutually beneficial relationships between proponents and Aboriginal communities throughout all phases of a proposed development project (i.e. the planning and design phase, construction phase, operations

phase and decommissioning and reclamation phase). Table 1 presents a list of common EA components that Métis traditional knowledge can support.

Table 1: ATK and Effects Assessment

	Biophysical	Social	Economic
Potential Project Effects	• Land • Water • Air • Wildlife • Insects • Fish Habitat • Vegetation • Ecology	• Traditional Use • Human Health • Well-Being • Sacred Sites • Spirituality • Archaeology • Heritage	• Local • Regional • Provincial
Cumulative Effects	• Environmental	• Socio-cultural	• Economic

2.4.1 Direct Effects

Direct effects related to the Project footprint, primary structures and/or ancillary structures, and are caused by Project construction, operation, or decommissioning (e.g. changes in water quantity; increased fog; reduction in air quality due to heavy machinery operation during construction, etc.) They are a change the Project makes to the environment, or a change the environment makes to the Project (CEA Agency, 2011).

2.4.2 Indirect Effects

Indirect effects are not directly causal in nature. They often result from direct effects (e.g. river stream diversion could affect fish habitat which, in turn, could indirectly affect commercial fishing jobs). They are related to direct effects secondarily attributable to those changes (CEA Agency, 2011).

2.4.3 Cumulative Effects

Cumulative effects are the sum total effects of the Project being considered in the current assessment in combination with other past, present and future projects and activities (CEA Agency, 2011). Cumulative effects are the result of all human development and activities over all time.

2.4.4 Mitigation, Restitution and Compensation

Mitigation, restitution and compensation measures are put in place by responsible authorities to reduce or control the nature, significance and/or duration of direct, indirect and cumulative effects, or eliminate the effect (CEA Agency, 2011).

2.4.5 Residual Effects

Residual effects are what remain of effects after mitigation measures have been applied (CEA Agency, 2011).

2.4.6 Positive Effects

Positive effects can be direct, indirect and cumulative, and relate to the economic, environmental and social benefits of Project development.

2.5 Spatial and Temporal Boundaries

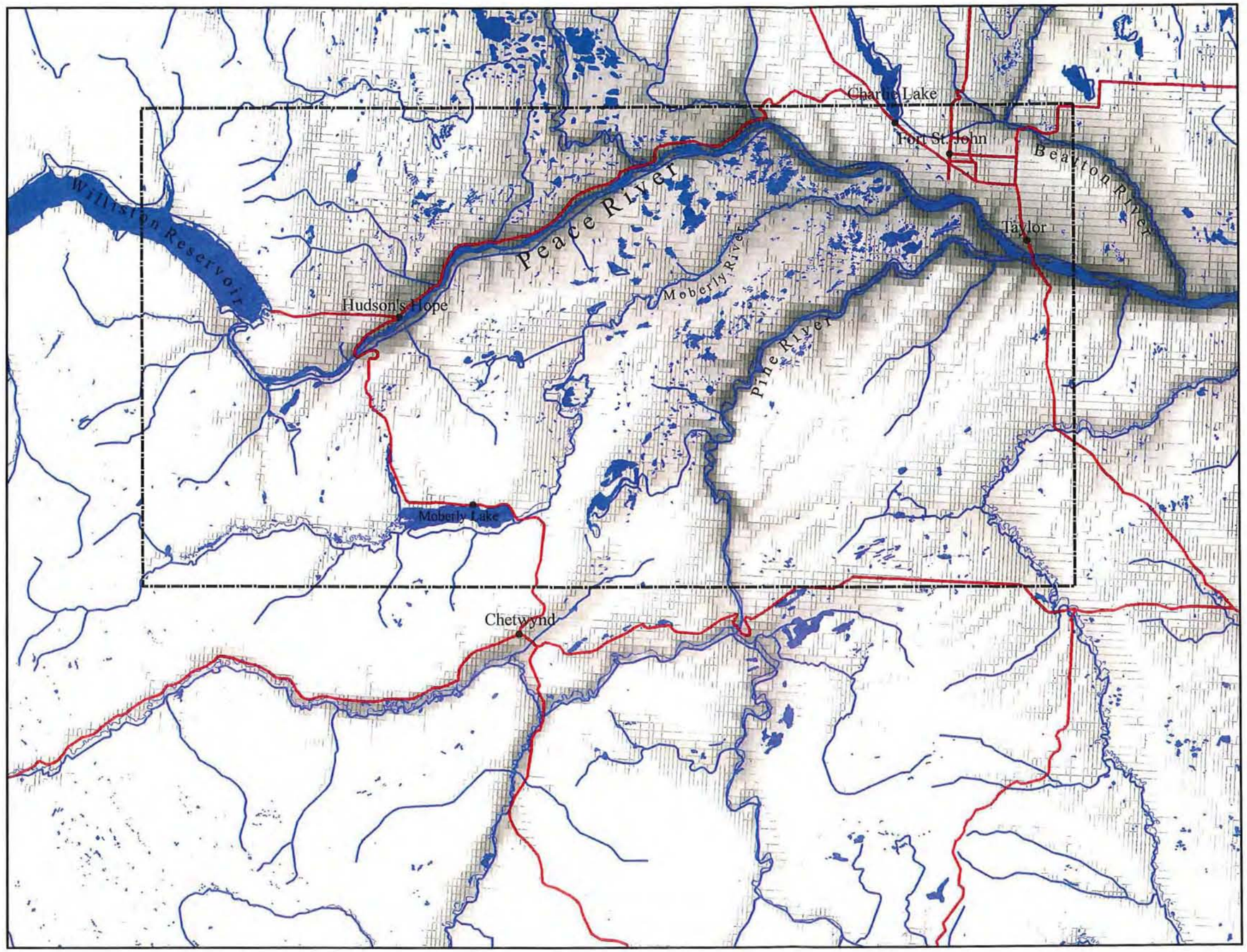
The spatial and temporal parameters used for this study were developed through background research and discussions with KLMSS leadership and participants.

2.5.1 Local Study Area

The local study area encompasses the lands and waters subject to potential direct or indirect project effects, and includes the Project footprint, ancillary structures, access roads, transmission lines, the Peace River and its major and minor tributaries including Lynx Creek, Farrell Creek, the Moberly River, and the Pine River and the Beatton River (Map 2).

2.5.2 Regional Study Area

The regional study area is the geographic area where the highest likelihood of interactions between the Project and KLMSS traditional use and occupancy exists, and encompasses the local study area (Map 3).



Map 2
Local Study Area

Legend

- Local Study Area
- City/Town
- Roads
- Surface Water

N
W E
S

20
Kilometres

10
Miles

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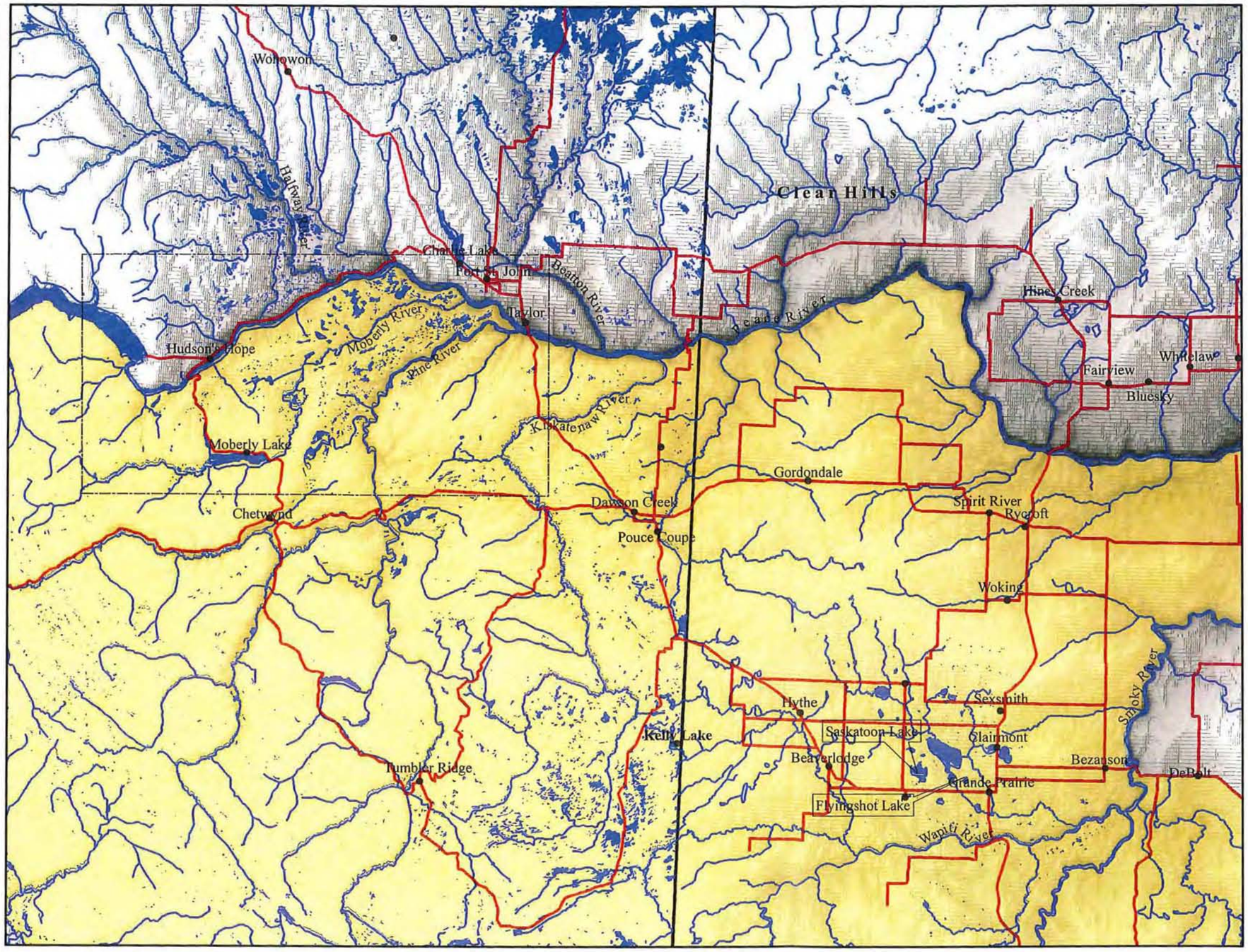

Map 3
Regional Study Area

Legend

- Local Study Area
- City/Town
- Roads
- Surface Water
- BC/AB Boundary
- KLMSS Traditional Territory

N
W E
S

40
Kilometres

25
Miles

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2.5.3 TEMPORAL CONSIDERATIONS

This study considers current, historic and future land use and occupancy. Future use ultimately relates to Aboriginal cultural security and continuity – the ability of young and future KLMSS generations to lead the life they choose free from discrimination and ill health, maintain their spiritual and cultural values and identity, and have access to the resources necessary to do so. Based on the perspectives of participants, the period from which incremental change is measured is the turn of the 20th century when documentation of Kelly Lake Métis occupancy began.

2.6 DATA COLLECTION

The approach for this study was collaborative in nature, incorporating information and guidance provided by KLMSS leadership throughout its stages. Data for the study were collected through key informant, or participant interviews held with KLMSS members and Elders, a report review and validation meeting, through discussions with KLMSS leadership, and through a review of relevant cultural, historic, government and environmental publications and reports was conducted. Research materials used for the study were developed with and reviewed by KLMSS leadership.

2.6.1 STUDY COMPONENTS

The scope of this study was determined through discussion with KLMSS leadership in May 2012, and was constrained by participant availability, funding and Project EA schedule. Typically, ATK studies include ground reconnaissance or investigation. Since ground reconnaissance was not possible in this study due to constraints, inclusion of ground-verified occupancy and use information presented by Robinson (1983) is used. Sample size and composition was determined by KLMSS.

2.6.2 RESEARCH MATERIALS

Research materials were developed for this study with goal of supporting free, prior and informed consent. They included available visual and written Project information, an interview guide, consent form, Project description and mark-up maps. Materials were prepared in advance of each interview, and individual packages containing these materials were prepared for and presented to each participant. The interview guide and Project description were created using assessment information provided by BC Hydro, as well as that available to the public through the British Columbia Environmental Assessment Office (BCEAO) website. The consent form was based on professional experience, and world intellectual property standards and expectations of traditional knowledge holders (see WIPO, 2001).

Interviews were recorded using digital voice recorders. A digital photograph of each participant was taken, as a record of participation. Original study materials were returned to and stored by the community. Plant and animal species identified by participants during the course of data collection were cross-referenced with photos and descriptions found in the following publications:

- Udvardy, M. D. F. and Farrand Jr., J. 1994. *National Audubon Society Field Guide to North American Birds, Western Region.* Alfred A. Knopf, New York.
- Whitaker Jr., John O. 1996. *National Audubon Society Field Guide to North American Mammals.* Alfred A. Knopf, New York.
- Marles, R. J., Clavelle, C., Monteleone, L., Tays, N. and D. Burns. 2008. *Aboriginal Plant Use and Canada's Northwest Boreal Forest.* Natural Resources Canada, Canadian Forest Service, Northern Forestry Centre, Edmonton, Alberta.

MAPS

Two interview maps (mark-up maps) were approved by KLMSS leadership for the purposes of this study. One map focused on the Project footprint; this map was set on a white background, and presented major surface water drainages, existing infrastructure and the proposed Project footprint including the dam structures, reservoir boundaries, access roads, transmission line, borrow pits, etc. The other map was set on a Digital Elevation Model (DEM) background, and presented surface water, Provincial boundaries, BC trapline boundaries and cities/towns within KLMSS Traditional Territory.

Following interviews, mark-ups documented on maps were compiled, cross-referenced with the interview transcript, and digitized using ESRI geographic information system software for presentation in report maps. Standard symbols, line widths, colours and textures representing sites or use areas of certain types were selected for appropriateness and clarity of presentation in the final report.

2.6.3 KLMSS PARTICIPATION

Participant interviews were held with KLMSS Elders and members in their homes, or in the homes of their relatives, within the communities of Kelly Lake, and in Hythe, Alberta. Interviews were facilitated by a KSDavison & Associates traditional knowledge and wisdom facilitator (Kelly S. Davison) and Project Assistant (Michelle C. Danda), and were coordinated by KLMSS leadership (Lyle C. Letendre). Lyle Letendre provided interpretation services during the interviews, and assisted with Project

description. All interviews began with an overview description of the Project and the review and signing of consent forms, of which each participant was provided a copy. Specific questions regarding Project details were addressed where possible, through reference to the Project Description Report (BC Hydro, 2011). Interviews were semi-structured in nature and included the following topics:

- Historic, current and future condition of biophysical, social, economic, cultural and spiritual environments;
- Description of historic, current and future use and harvesting patterns, and changes in them;
- Potential changes to the environmental, social and economic environments as the result of the Project, and of development in general; and
- Mitigation, compensation and restitution measures.

Participants were encouraged to lead interview discussion to topics they deemed significant, and were asked to identify and provide recommendations regarding potential Project effects. Identities have been codified in this report to protect participant identities (i.e. KLM01; KLM02, etc.).

TRADITIONAL KNOWLEDGE INTERVIEWS

Participant interviews were held on May 26 and 27, 2012, in Kelly Lake with the following Elders and community members:

- Elder Shirley Letendre;
- Lyle Letendre;
- Elder Lloyd Gladue; and
- Elder Edward Letendre.

REPORT REVIEW AND VALIDATION

The report review and validation meeting was held on July 21, 2012, and attended by the following participants:

- Lyle Letendre;

- Elder Lloyd Gladue; and
- Elder Edward Letendre.

Elder Shirley Letendre was unavailable during the report review and validation meeting, but was provided the opportunity review and comment on the final draft by Lyle Letendre.

2.7 INTELLECTUAL PROPERTY CONSIDERATIONS

The knowledge and information contained in the final report constitutes the intellectual property of participants and, collectively, KLMSS. KSDavison & Associates has entered into a written consent agreement regarding the approval, release, and use of this report for the purposes of this. This report was prepared for KLMSS and the proponent, BC Hydro, for exclusive one-time use as part of the harmonized EA for the Project. No other use of the information in this report is permitted except with the consent of KLMSS.

2.8 BASELINE INFORMATION

This section presents baseline information collected from literary and participant sources.

2.8.1 BACKGROUND RESEARCH

A review of published (electronic and non-electronic) literature resources was conducted to identify and summarize KLMSS history, traditional knowledge, land use, occupancy and the current context for this ATK study. A list of sources reviewed is presented in the following section, and is followed by the cultural and historic background of Kelly Lake Métis. Participant knowledge that arose during this study is also included in this section.

2.8.2 REVIEW OF EXISTING LITERATURE

Project-specific reports reviewed include:

- Robinson, Michael. 1983. *Monkman Coal Project Infrastructure Stage III: Heritage Resource Impact Management Study: The Land Use and Occupancy System of the Métis Trappers of Kelly Lake, British Columbia.* Petro-Canada Coal Division, Calgary, Alberta.
- Stantec Consulting. 2010. *Kelly Lake Métis Settlement Society Aboriginal Traditional Knowledge Study for the Enbridge Northern Gateway Project.* Calgary, Alberta.

- Stantec Consulting. 2011. *Traditional Ecological Knowledge and Land Use Study: Kelly Lake Apetokosan Nation Grande Prairie Mainline Loop (Karr North Section) Pipeline Project.* Calgary, Alberta.
- Tera Environmental Consultants. 2011. *Traditional Land Use Study for the Proposed Alliance Pipeline Limited Partnership Fort St. John Lateral Loop Pipeline Project: Kelly Lake Métis Settlement Society.* Calgary, Alberta.
- Tera Environmental Consultants. 2011. *Traditional Land Use Study for the Proposed Nova Gas Transmission Ltd. Cutbank/Musreau Area Expansion: Kelly Lake Métis Settlement Society.* Calgary, Alberta.

Other publications reviewed include:

- Andrews, G. (1985). *Métis Outpost: Memoirs of the First Schoolmaster at the Métis Settlement of Kelly Lake, BC, 1923-1925.* Victoria, BC.
- Leonard, D. W. 1995. *Delayed Frontier: The Peace River Country to 1909.* A production of the Edmonton & District Historical Society. Published by Detselig Enterprises Inc., Calgary.
- Leonard, David W. 2005. *The Last Great West: The Agricultural Settlement of the Peace River Country to 1914.* Published by Detselig Enterprises Inc., Calgary.

Internet publications reviewed include:

- Kelly Lake Métis Settlement Society (KLMSS). 2012. *Historic Overview.* Kelly Lake, British Columbia.
- KCD Consulting Inc. and Kelly Lake Métis Settlement Society (KLMSS). 2010. *Community Information Pamphlet.* Kelly Lake, British Columbia.

Robinson, in his 1983 report for the Petro-Canada Monkman Coal Project gathered traditional knowledge, use and occupancy information, and spatial information from Elders and key informants. The majority of participants in Robinson's study are now deceased, but Robinson's contribution represents valuable research for the community in terms of substantiating historic use in the region and elucidating the Kelly Lake Métis traditional way of life and its features, including activities that make up the seasonal round, the historic extent of the Kelly Lake Métis Trapping Heartland, and Furthest Trapping extent and Trapping Community Sites. Cultural, genealogical and land tenure information can be found in Andrews

(1985), along with colourful descriptions of the Kelly Lake Métis history and traditional way of life, as remembered by the schoolteacher.

A review of regulatory-based traditional knowledge and land use reports produced very little in terms of documented community concerns and effects assessments despite the fact that there is a significant body of regulatory work that KLMSS members have participated in since the early 2000s. However, it was not all available at the time of this study. An analysis of information gaps related to Kelly Lake Métis traditional occupancy and use, and biophysical, social and economic effects, beyond those reviewed for this study, would be prudent for future researchers to conduct. The most detailed and thorough regulatory work with KLMSS has been published by Stantec Consulting. KLMSS has documented the following knowledge with regard to Project-specific and cumulative effects within KLMSS Traditional Territory:

- Declines in the purity and abundance of surface water due to civic and industrial contamination (Stantec, 2010; Stantec, 2011);
- Extensive, progressive and ongoing wildlife habitat and sensitive ecological feature (i.e. moose lick) destruction, disturbance by industry (Stantec, 2010; Stantec, 2011); and
- Ongoing threats and impacts to food and culture security through encroachment of non-Aboriginal harvesters, destruction of high-yield harvesting sites and cumulative environmental decline (i.e. moose licks and muskegs) (Stantec, 2010; Stantec 2011).

The KLMSS information brochure, published in 2010, is based on research conducted by KCD Consulting Inc., now general manager of KLMSS. The document provides an introduction to socio-economic and historical information about the community, and is an important resource for understanding community needs, resources and challenges including the following points:

- Residents of Kelly Lake often have to leave the community to obtain gainful employment, in spite of tremendous resources and development within KLMSS Traditional Territory (KLMSS 2010);
- The average income of KLMSS members in 2005 was estimated to be between $20,000 and $25,000 per annum (KLMSS 2010);

- The community suffers from a lack of access to Provincial and Federal funding that provides important facilities and services (including emergency services) to the community (KLMSS 2010);
- There is a shortage of adequate housing in Kelly Lake – approximately 80% of residents have mould in their homes, and the majority of people have inadequate insulation (KLMSS 2010).
- Potable water is a concern for the community (KLMSS 2010); and
- Less than 70% of community members are estimated to have graduated high school (KLMSS 2010).

2.9 HISTORIC BACKGROUND

The families of Kelly Lake have a long history in the region. Unlike many other Métis families, who moved west as the result of the Métis exodus from the Red River Settlement in the late 1800s, the families of Kelly Lake can trace their presence in the region to the late 1700s. Baptiste Bission Senior and Joseph Landry (Letendre) – voyageur guides hired for their knowledge of the country and bush skills - reportedly accompanied Alexander Mackenzie from Lac Ste. Anne northwest on his 1793 Voyage into Peace Canyon (Lyle Letendre, personal communication, July 21, 2012; Tanner, 1977:55). Napolean Thomas, an Iroquois freeman and guide accompanied David Thompson on his 1811 journey through Athabasca Pass (Lyle Letendre, personal communication, July 21, 2012; Parks Canada, 2009). These men, skilled indigenous entrepreneurs and ancestors of Kelly Lake Métis, helped build the country we know today.

The Métis families that would come to settle at Kelly Lake first came from Lac Ste. Anne, located just west of Edmonton, and then in the late 19th century, Flying Shot Lake, located near Grande Prairie. Scrip land taken at Flying Shot Lake was transferred back to the Government and sold to non-Aboriginal settlers after the founding Métis were driven out through economic boycott and increasing non-Aboriginal settlement around the turn of the 20th century (KLMSS 2012). The rich hunting and trapping grounds south and west of Kelly Lake were known to families at this time, and so they moved to Kelly Lake (KLMSS 2012). Founding members of the settlement include Narcisse Belcourt, St. Pierre Gauthier, and the families Calliou, Campbell, Gladu, Gray, Hamelin, Letendre and Supernat (Andrews, 1985; KLMSS 2012). Kelly Lake was selected for homesteading based on food and income security, the local natural abundance of clean water, food, relative ease of access to supplies at Beaverlodge, and access to rich

trapping country (Robinson, 1983; Andrews, 1985; KLM02). Kelly Lake provided a strong home-base for the unique Métis way of life. Robinson (1983: 50) states,

> *In a true sense, the Kelly Lake homesteads and the trapping heartland communities represent the westernmost advance of the Métis people in Canada. . . Fearing reprisals after the Riel rebellion, many Métis families chose to move north and west from Saskatchewan, seeking land that could support the trapping economy. . . While some of the Métis forebears, like Mr. Alex Monkman, chose a farming lifestyle, the Kelly Lake people are descended from those who chose to continue trapping.*

Title at Kelly Lake was eventually granted for families who applied under existing pre-emption laws (KLMSS 2012).

2.9.1 THE TRADITIONAL LIFESTYLE OF THE KELLY LAKE MÉTIS

Robinson (1983: 6) refers to the economy of the Kelly Lake Métis as "the Bush Economy." This remains an accurate characterization of the traditional Métis way of life, since it is centred around fur trapping and trade, and relies almost exclusively on fresh water from local sources, small and large game for nutrition, clothing and supplies, and furbearing animals for trade revenue (KLM02; Robinson, 1983; Andrews, 1985). Since the late 19th Century, the Métis of Kelly Lake have sustained their culture, values and community using the Bush Economy. The Bush Economy involves detailed knowledge and specific bush skills learned from generations past, unique to the Métis people, and made available by the purity and abundance of the natural environment and trapping, the primary activity used by Métis entrepreneurs for monetary income. Robinson (1983:50) describes a "love" of the bush life by the trappers of Kelly Lake, and a necessary heartiness:

> *...They do not view the bush as wilderness; rather it is seen as a place for shared work and raising a family. . . the prospect of a nigh alone in the bush at 40° below zero was not daunting; it was part of life on the trapline.*

The seasonal round of the Kelly Lake Métis described the general pattern of life from season to season in a given year (Figure 1). Trapping was conducted throughout the fall and winter months, from September to April break-up, with a week or two spent at home in Kelly Lake for the Christmas season (Robinson, 1983; Andrews, 1985). Often, trappers would take their wives and families to assist with the work and

learn from knowledge holders. Métis children learned to snare rabbits, weasels and muskrat at an early age (Andrews, 1985).

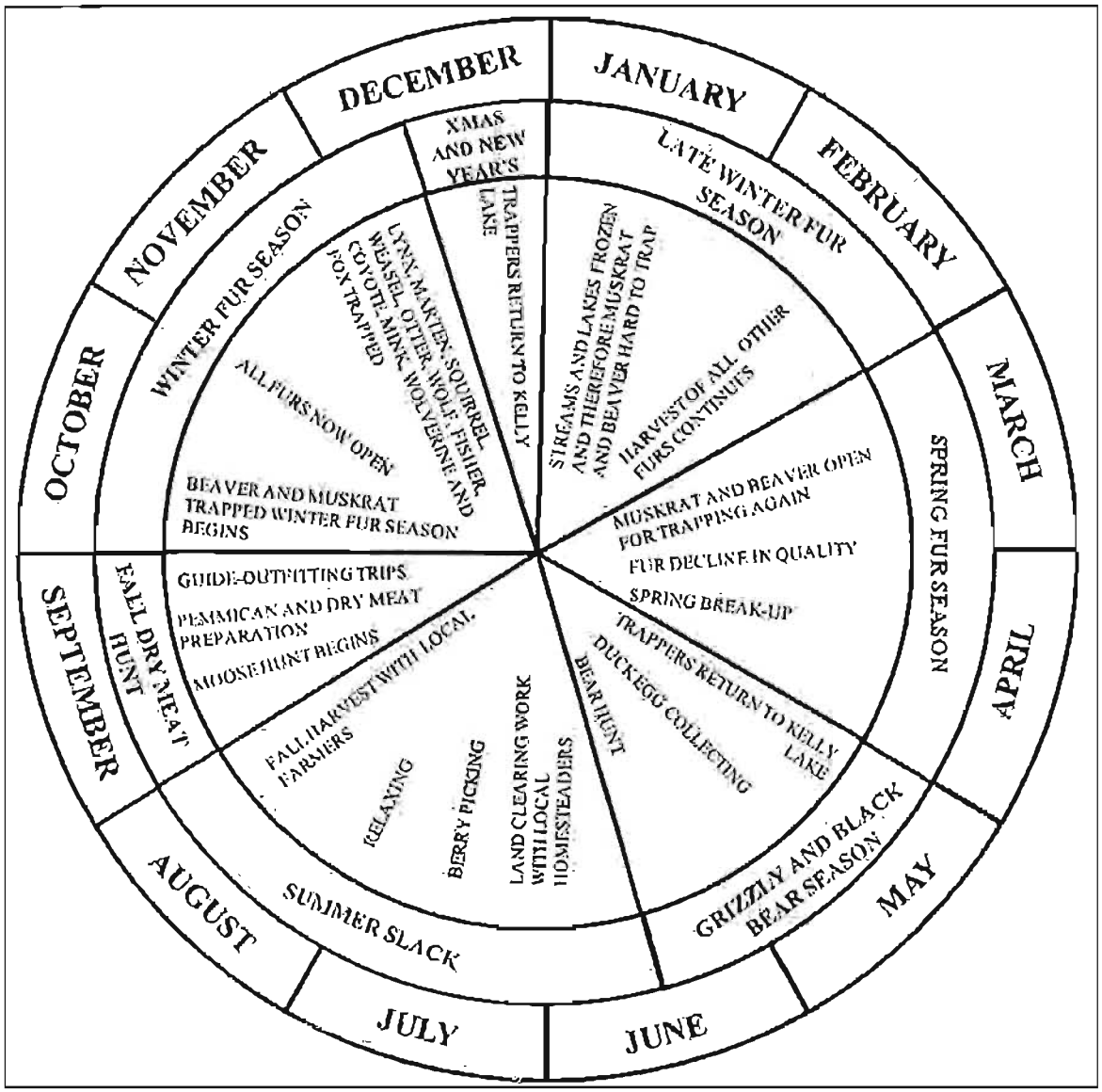


Figure 1: Kelly Lake Métis Seasonal Round (Robinson, 1983)

The natural environment met all of the needs of the Métis Trappers of Kelly Lake and their families, who wanted for nothing materially outside of the necessities:

> *Horses, dogs, traps, knives, axes, matches, snare wire, rifles and ammunition, wool clothing and cooking pots and pans basically filled out the list of outside needs. Whatever else was required could be made from scratch, using designs passed down through families and friends, and honed by Lyle preference* (Robinson, 1983: 48).

In April, trappers would return to Kelly Lake for the bear hunt. They would spend summers working for farmers in the region in more recent decades, working in the lumber and oil and gas industries. Preparations for the next trapping season began in the mid-late summer, with picking berries, hunting moose and making pemmican (Robinson, 1983). Beaver were trapped throughout the year beginning in October and ending in May, before the return home, except when creeks, rivers and ponds were iced over (KLM01). Other species trapped include muskrat, lynx, marten, squirrel, weasel, otter, wolf, fisher, coyote, mink, wolverine and fox (Robinson, 1983).

Traplines are central to the Bush Economy. They are geographic areas housing various productive ecological communities that support furbearing animal species. Before trapline registration in the Province of British Columbia in the 1930s, trapline boundaries were negotiated informally and seasonally through verbal agreements between in Kelly Lake Métis entrepreneurs (Robinson, 1983). Small, seasonal settlements, each housing a small number of cabins and outbuildings were used as base camps for the trapping season (Robinson, 1983; KLM02). These Trapping Community Sites are presented in the context of Kelly Lake Métis Trapping Heartland, an area of intensive use documented by Robinson (1983) (Figure 2). The Kelly Lake Métis Trapping Heartland includes the Trapping Community Sites of Rhubarb Flats, Calahaison (Calabasen) Flats, Hambler Cabins, Five Cabins and Monkman Cabins, and includes "...the middle reaches of Flatbed Creek and the adjoining creek systems to the west, namely Hambler Creek, Quintette Creek, Five Cabin Creek and Kinuseo Creek" (Robinson, 1983: 4). Trapping Community Sites are connected by a well-worn network of trails and were occupied intensively on a seasonal basis until the 1950s, when winter residence patterns changed due to increased access and mechanized modes of travel. Before this time, sled dogs and pack horses were used to travel, and travel between sites generally took much longer requiring longer stays at the settlement sites (Robinson, 1983; Andrews, 1985). Figure 3 presents a map of lands subject to traditional uses and occupancy by Kelly Lake Métis developed by Robinson in consultation with community Elders in the early 1980s. It

represents "...the furthest reaches of the Kelly Lake trappers, as remembered for the period 1920 to 1940." This early trapping area extends in British Columbia from Gauthier Lake (north of Kelly Lake on the Alberta Provincial border) southwest past Bearhole Lake and Quintette Mountain to Kinuseo Creek,

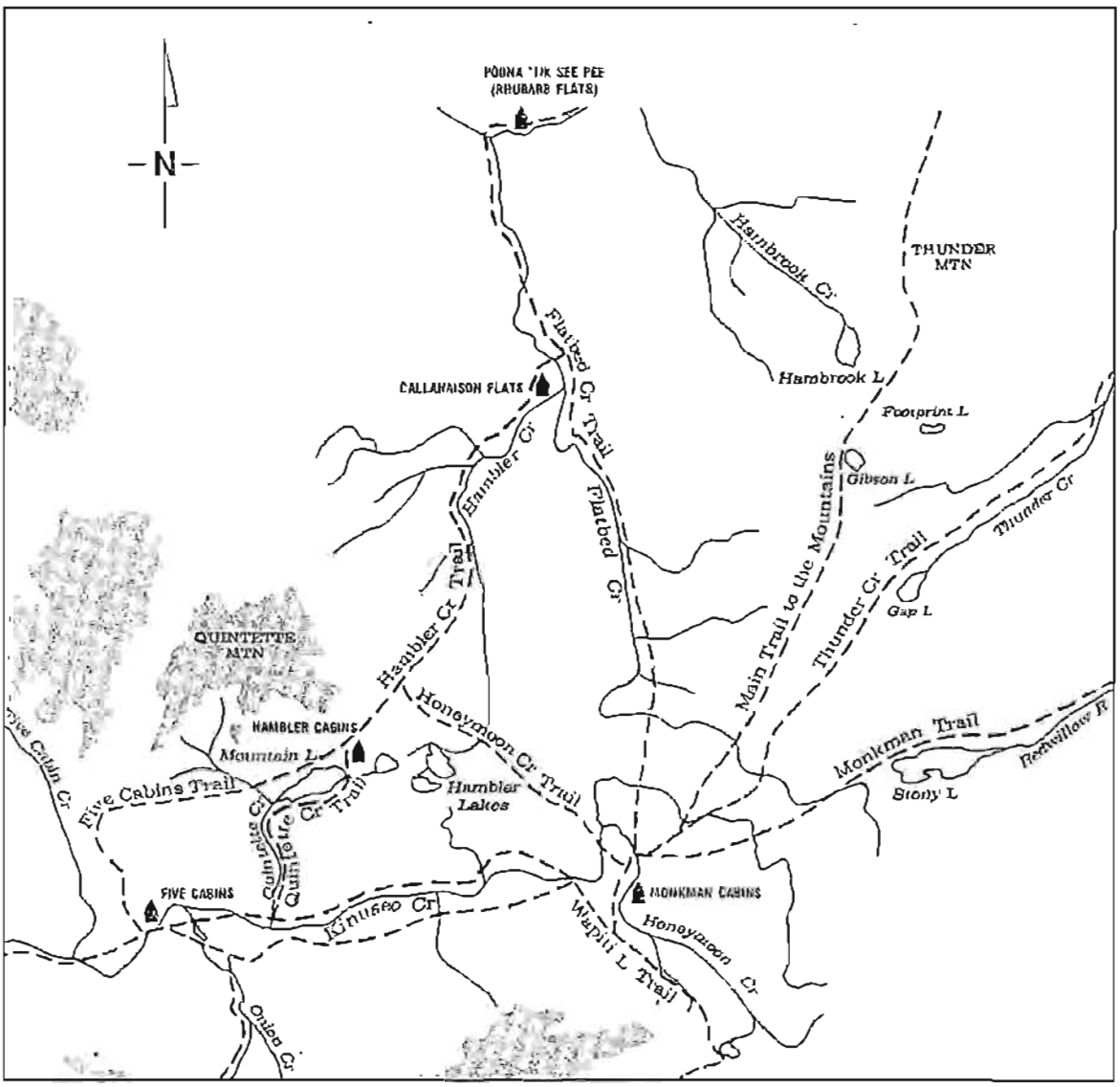


Figure 2: Kelly Lake Métis Trapping Heartland (Robinson, 1983)

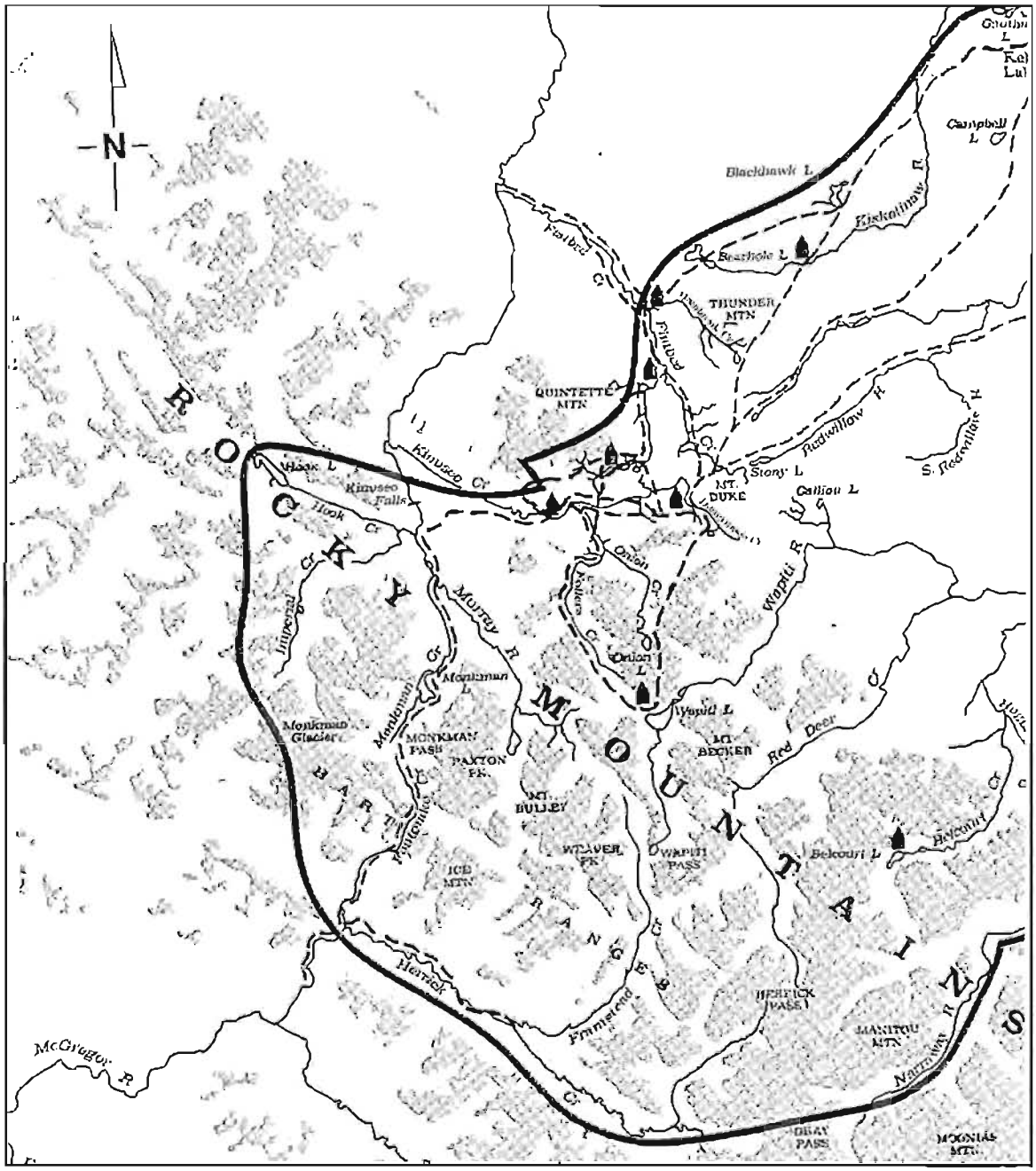


Figure 3: Kelly Lake Métis Trapping Heartland (Robinson, 1983)

then west to Hook Lake, south past Monkman Glacier in the Heart Ranges to the confluence of Fontaniko and Herrick Creeks, southeast along Herrick Creek and then northeast to along the Narraway River to the Alberta provincial border. Trapping remains an important traditional activity help Kelly Lake Métis people maintain knowledge and skills central to their culture, reinforce cultural values, support stewardship, and ground the identities of Kelly Lake people.

TRADITIONAL FOODS

Traditional foods are obtained from the natural environment by Kelly Lake Métis through harvesting, and include: mallard duck, and mallard duck eggs; Canada goose and eggs; moose; porcupine; deer; elk; spruce hen; ruff grouse; rabbit; blueberries and cranberries, and saskatoon berries. Traditional foods are nutritious, natural, and inexpensive, making up the vast majority of many Kelly Lake Métis' diet: "We live off the land" (KLM04). Food is shared amongst harvesters, family, friends and visitors, and nothing harvested goes to waste (KLM02; KLM04). Traditional foods have been an important part of Kelly Lake Métis culture since time immemorial. Store-bought food, or produce grown locally and harvested from agricultural fields and gardens, along with flour, sugar and lard, supplement traditional foods today, as they have historically. Obtaining traditional foods requires detailed cultural knowledge, values (i.e. humane harvesting practices) and skills that have been passed down through generations; activities that are key to maintaining the health and culture of Kelly Lake Métis. Harvesting remains a contentious issue that some Kelly Lake Métis choose to avoid by marrying women with Treaty status, who can lawfully hunt food. Food security is increasingly becoming an issue for Kelly Lake Métis: in addition to legal challenges surrounding harvesting, industrial development is increasing access for a growing number of non-Aboriginal harvesters. As a result, wildlife populations are being reduced (KLM01; KLM02; KLM04).

TRADITIONAL MEDICINE, HEALING AND SPIRITUALITY

Traditional medicine – cultural knowledge regarding the preparation and administration of medicines harvested from the natural environment for the purposes of establishing, maintaining or promoting physical, emotional or spiritual health – is widely utilized and practices by the Métis in Kelly Lake (KLM02; KLM04). Knowledge related to traditional medicines is highly ritualized, very sacred and very specific; it has been passed through generations of healers since time immemorial (KLM02; KLM04). Kelly Lake Métis healers have encyclopaedic knowledge regarding traditional medicinal plant species, including specific growing times and stages, appropriate substrates, harvesting times, locations, habitat

conditions, and prevalence as well as very culturally-specific and ritualized ways of harvesting, preparing, administering and mixing medicines (KLM02; KLM04). Like traditional foods, traditional medicines are important to the cultural and individual well-being of Kelly Lake Métis. Along with prayer, they are used to treat emotional, spiritual and physical ailments from the common cold, heart disease and acne (KLM02). Purity – medicines free from chemical, environmental or spiritual pollutants – is directly linked with the efficacy and potency of Kelly Lake Métis traditional medicines, and is therefore directly linked with health and well-being (KLM02; KLM04). The names and locations of traditional medicinal plant species have not been listed in this study out of respect for their sacredness.

Plate 1: Traditional Medicine

Many Kelly Lake community members participate in the annual pilgrimage to Lac Ste. Anne, a sacred healing place for the Métis of Kelly Lake and many other Aboriginal people across western Canada (KLMSS 2012). For the families of Kelly Lake, Lac Ste. Anne is also an historic settlement, and filial ties to the community remain strong. The pilgrimage to Lac Ste. Anne is held in late July.

LANGUAGE, STORYTELLING AND PROPHECY

The Cree language is spoken by most KLMSS members over 30 years of age. It is coloured with French terms reminiscent of Michif – a traditional Métis language (KLM04; KLMSS 2012). Language, cultural values and mores, community history and culture is passed from generation to generation through storytelling (KLM02; KLM04):

> *When we were kids, every night we sat by the stove and that's all you'd hear is stories. The same stories over . . . so you never forgot that story. And then the next night it would be, you know, it was like one night was about the rebellion. The next night was about why we got here. The next night is where we come from.* (KLM02).

Prophecy plays an important role in the oral history of Kelly Lake Métis. Stories told by Elders decades ago, based on their observations and experiences, lend credence to phenomena that are observed today, and can serve as warnings for subsequent generations (KLM02). To this day, prophecies from Elders born before the turn of the 19th Century are coming to fruition and, through interpretation, are offering current generations a glimpse into the future and the motivation to work for change through stewardship of KLMSS Traditional Territory (KLM02; KLM04).

2.9.1 KELLY LAKE MÉTIS SETTLEMENT SOCIETY

KLMSS is a not-for-profit organization, registered under the *Societies Act* on April 26, 2012 to advocate for the Aboriginal rights and pursue economic and social benefits of development for Kelly Lake Métis as a response to increasing environmental (i.e. commercial and industrial development) and social pressures (i.e. Aboriginal rights issues) felt by Kelly Lake Métis community members. KLMSS members continue to assert their "...constitutionally protected Section 35 Aboriginal rights as Métis people" (KLMSS 2012). KLMSS is governed by bylaws. It ratified its first official constitution in 2006. Many KLMSS members have ancestral and familial ties to Blueberry, West Moberly and Saulteaux First Nations, and maintain their proud Métis identity.

3 RESULTS

KLMSS ATK regarding baseline environmental, social and economic conditions and potential project-specific and cumulative effects is presented in the following sections. Map 4 presents information associated with this section.

3.1 ENVIRONMENTAL BASELINE CONDITIONS

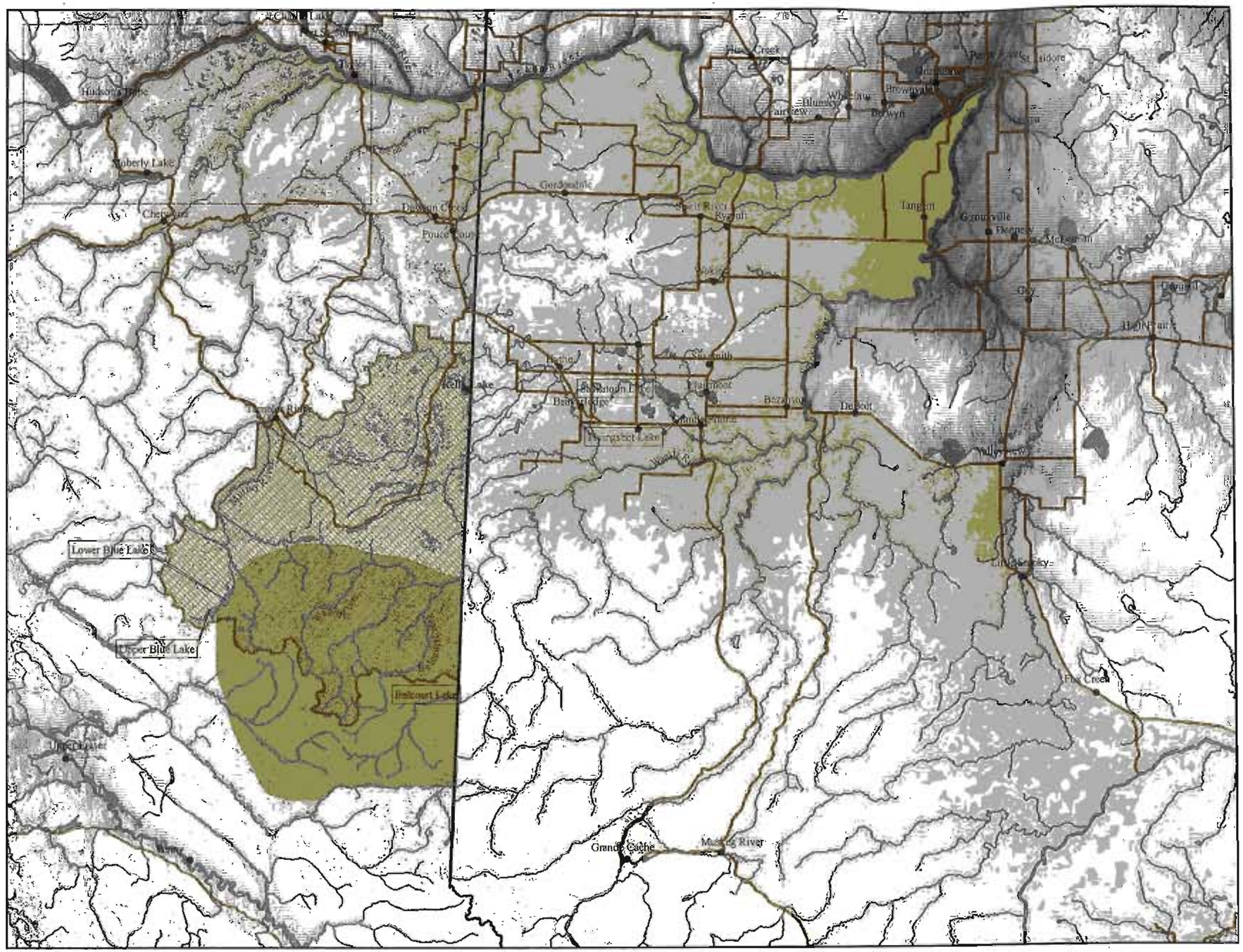
This section presents participants' ATK regarding environmental baseline conditions within KLMSS Traditional Territory.

3.1.1 WATER

Participants in the study report declines in both water quality and water quantity, and link the decline to observed changes in vegetation and ecological health.

WATER QUANTITY

The average quantity of rivers and creeks within Kelly Lake Métis territory has declined (KLM01; KLM02; KLM03; KLM04). There has been a significant decline in the quantity of water in local creeks and rivers, like the Hythe River (unidentified) and Beaverlodge River: "...[a] long time ago. . . you [couldn't] even go across they were so deep. . . today all you see is just rocks" (KLM04). Water levels in the Peace River have declined dramatically since the 1950s (KLM02; KLM04): "It. . . used to be a big, big river. . . now. . . There's nothing" (KLM04). The decline is the cumulative effect of dams on the Peace River (i.e. the W.A.C. Bennett Dam) and lower average seasonal precipitation in recent years (KLM01; KLM04). Many of the creeks in KLMSS Traditional Territory were already dry at the time of interviews for this study, a phenomenon that typically occurs later in the year, in late July or early August (KLM01; KLM03). Similar observations have been made in local lakes: KLM02 reported that water levels in Horse Lake, east of Kelly Lake, have declined. The decline is attributed to man-made changes to surface water flow (KLM02). Shortly after interviews for this study were held, KLM02 contacted the author and reported drainage of Horseshoe Lake, a pristine teardrop lake in the Belcourt Lake Area. The drainage of this lake was a shock to KLM02, and nearly brought him to tears (KLM02). Surface water decline is linked to declines in vegetation and ecological health



Map 4
KLMSS ATK

Legend

- Local Study Area
- City/Town
- Roads
- Surface Water
- BC/AB Boundary
- Community Trapline Area
- Belcourt Lake Refuge
- KLMSS Traditional Territory

N
W E
S

50
Kilometres

25
Miles

Prepared July 25, 2012 by:
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Reviewed and validated by participants on July 21, 2012.

WATER QUALITY

Water is sacred to Kelly Lake Métis people, and is the source of all life (KLM04). Pure, clean sources of water are not only important for drinking, but also for the nourishment of wildlife species that are harvested for food, plants that are used for tea and medicine, and for farmers that depend on it for economic well-being (KLM04). Water quality in Kelly Lake was "clean," meaning it was pure enough to drink untreated, until the 1950s (KLM01; KLM02; KLM03; KLM04). Today, children can not swim in the lake because the water is contaminated from various sources including sewage from a school built in the town of Taylor (KLM01; KLM02) and drilling activity that has occurred on its banks in recent years (KLM02; KLM04). Industrial activity has also affected the quality of artesian well water of KLMSS members, resulting in the collapse of drinking wells (KLM04). Water drawn from local sources reportedly has an oil-like scent (KLM04) and KLM02 has observed combustible gas (through ignition) in local water pipes. Changes in water quality linked to industrial activity are contributing to decreased human and ecological health by participants.

Groundwater sources (i.e. mountain springs) identified as the purest drinking water sources by Kelly Lake Métis Elders because they have been filtered through the ground (KLM04). Water sources such as these are important for the survival of Kelly Lake Métis people who may need to rely on them for drinking water should other sources become more polluted or not drinkable (KLM02). No groundwater sources were identified on mark-up maps during the course of this study.

3.1.2 AIR

Participants report a decline in local air quality, and attribute the decline to local industrial operators. Furthermore, participants reported a dire need for emergency planning, as air quality related industrial accidents have put the lives of community members at risk in a number of incidents in recent years. Changes to air quality are linked by participants to an increased incidence of respiratory diseases amongst community members (KLM01; KLM03).

AIR QUALITY

Flaring and emissions from the local Encana Steeprock and Conoco-Phillips Noel gas plants are linked by participants to declines in the natural environment, particularly browning in plant species, and declines in wildlife health (KLM01; KLM02; KLM04). Coal dust from the Quintette (now Wolverine) Coal Mine, near Kelly Lake, is affecting air quality in Kelly Lake, and is linked by participants to changes in human health (KLM01; KLM03).

SAFETY

The safety of Kelly Lake community members is presently at risk due to failure of industrial operators communicating with KLMSS leadership in the event of sour gas leaks and explosions (KLM02). KLM01 frequently smells sour gas from the Encana Steeprock gas plant located three kilometres from his house when there is a wind from the north (KLM01). Air monitors have been installed, but KLM01 and community members have not been informed about whether or not sour gas concentrations are potentially harmful to human health and safety (KLM01). KLM02, an experienced driller, recalled a company truck recently stationed at the local school, where the air quality monitor is located. The perception of KLM02 is that there was a sour gas leak at the time, and that the situation was being monitored by the workers in the truck. Encana did not notify the community (KLM02). KLM02 reported that a Conoco-Phillips sour gas well rig exploded approximately 10 kilometres west of Kelly Lake in 2009; the community was informed of the explosion four days afterward through a call from Treaty 8. There was "...absolutely no communication. The first that should have been done was to come to the community. . . because it was exactly straight west of Kelly Lake" (KLM02). KLM02 states that KLMSS leadership can act as an emergency contact, in case the community needs to be evacuated in the event of risks to community safety.

3.1.3 FISH AND FISH HABITAT

Participants reported natural changes in fish and fish habitat in Kelly Lake: average fish size in Kelly Lake has decreased in the past 20 years due to two "winter kills" (KLM02). A winter kill is a phenomenon where a layer of oxygen-poor water trapped under the ice kills fish in the lake. As a result, average fish size (walleye) has decreased (KLM02). This natural process is viewed by Elders in the community as one way in which the lake "cleans itself" (KLM02).

3.1.4 VEGETATION AND ECOLOGICAL COMMUNITIES

Participants linked changes to vegetation and ecological communities as the result of industry, and commented on berry production in 2011 (KLM01; KLM02; KLM04). Destruction of sensitive ecological features decreases food security for current and future generations, and increases the cost, and therefore the burden, of obtaining traditional food species (KLM01; KLM02; KLM04).

VEGETATION

Sour gas emissions from the Encana Steeprock gas plant near Kelly Lake are suspected to be the cause of wilting plants (willows) observed in the general vicinity (KLM01).

KLM04 reported a decrease in the average height of crops in recent decades, and attributes the change to a decrease in water available for growth as a result of current dams on the Peace River (KLM04). The W.A.C. Bennett Dam has caused "everything" (i.e. the local ecosystem) to decline (KLM04).

Berry production in 2011 was very good (KLM01; KLM02). Berries are an important traditional food for KLMSS participants, and have been harvested and used in various ways in the traditional diet for generations. Berry production depends on the amount of precipitation received in a given year. 2011 was a particularly good year for berries because "...it rained all summer" (KLM02).

ECOLOGICAL COMMUNITIES

Mineral (moose) licks were emphasized as important ecological communities by KLM02 and KLM04. KLM04 has observed an increasing incidence of dried out moose licks, and attributes the change to ATVs being driven through them (KLM04). KLM02 has observed drainage of moose licks from nearby drilling activity. KLM01 and KLM02 recommend a 200m no-disturbance buffer around mineral licks for all operators drilling in Kelly Lake Traditional Territory. Moose licks, as habitat for ungulates and high-yield harvesting locations are a valuable food source for KLMSS participants (KLM02). Damage and destruction of moose licks threatens current and food security because it decreases the number of high-success harvesting locations available to harvesters (KLM02).

3.1.5 WILDLIFE

Participants reported changes in wildlife populations and declines in health (i.e. moose), and commented on predator-prey relationships and the importance of food species to their way of life. Participants also explained the link between contamination of the environment, declines in the health of food species, and declines in human health.

MOOSE AND MOOSE HEALTH

Moose – a very commonly consumed food species – have declined in numbers since the 1950s (KLM01; KLM04). KLM04 reports, "...we used to get a lot of moose [a] long time ago. Today, it's very hard to even kill one." The decline has been more pronounced during the last two years (KLM01):

> *I couldn't find any moose last summer. I drove for two months, almost every day up and down road. I think I only seen about three moose. . . there was just no moose anywhere. And this winter I noticed like driving to Dawson [Creek], that in the deep snow you'll see moose tracks crossing the road. This year there wasn't any* (KLM01).

KLM04 attributes the decline to increased industrial activity and habitat disturbance: "I think they all get chased out of the bush." KLM01 and KLM03 attribute the change to an increase in access caused by industry road construction, and overhunting by non-Aboriginal hunters. Wolf populations have also increased, and may be another factor in moose decline (KLM01). Another factor potentially affecting moose populations is the severity of winter: "You get a tough winter, cold winter, and the moose get ticks. You can tell in the spring time. . . their hair falls[s] off and they turn kind of [a] grey whitish colour" (KLM01). Moose with ticks can be in "...poor shape" and are "...not very good to eat" (KLM01).

Harvesters in Kelly Lake have observed an increase in the incidence of sick moose (KLM01; KLM04). KLM01 reported shooting a cow moose that had "...lumps on it. All over..." in 2011. "Skinny," "starving," moose have been observed by community harvesters, who attribute the change directly to "cesspools" of liquid contaminated with industry-borne chemicals such as invert mud and diesel fuel dumped by operators (KLM01; KLM02; KLM03; KLM04). KLM01 stated, "...that can't be very healthy for them." One indication that a moose is in poor health foraging near the roadside; moose tend to favour shelter (KLM04). Common practice regarding protection of wildlife from drilling-related contamination is to erect orange snow fencing around contaminated sites (KLM01; KLM02; KLM03). Snow-fencing is floppy, short and ineffective, and is simply stepped-over or moved by wildlife species wanting to access the mineral-rich contaminated soils (KLM01; KLM02; KLM03). KLMSS participants recommend using sturdier (i.e. steel) fence around contaminated sites, or removing contaminated soils altogether and transporting it to a safe disposal site (KLM02; KLM03). Removal of the contaminated soil altogether preferred, since prolonged maintenance of contaminated sites puts underground water quality at risk (KLM01). Moose and other food species contaminated by chemicals are linked by participants to a decline in human health (i.e. increased cancer incidence) because wild moose meat is perhaps the most important traditional food in the community, and is commonly ingested (KLM01; KLM02; KLM03).

Birds

KLM04 has observed a general decline in the abundance of birds "...like robins and. . . these little chickadees and stuff like that" (KLM01; KLM02; KLM04). Indigenous duck and goose species were so

populous in the 1950s "...you [couldn't] even see the sun" when they took flight (KLM04). Their numbers have since declined, most notably over the last two decades, with the decline attributed to habitat destruction caused by the W.A.C Bennett Dam (KLM03; KLM04).

Grouse populations are not as robust as they were in recent years because a large snowfall in the early spring buried, and killed, a large percentage of the eggs (KLM01). KLM01 and KLM02 report that bald eagles, a species not normally found in Kelly Lake, are regularly observed in the community beginning in 2009.

FURBEARERS AND FLYING MAMMALS

Rabbit populations cycle between periods of abundance and scarcity (KLM01; KLM02). When KLM02 he was as child in the 1960s, rabbits were so populous, and food competition so fierce, he observed rabbits eating each other (KLM02). Rabbit populations are presently rebounding after a period of decline in the last two to three years (KLM01; KLM03). Lynx populations are directly correlated with rabbit populations, and also cycle every six years between scarcity and abundance (KLM01). Similarly, coyote and chicken (spruce hen and ruff grouse) populations are also directly correlated (KLM01). Currently, coyote populations are healthy according to KLM01. Marten, a species important for trappers, have declined due to clear-cutting: "They're in the heavy timber. . . they go after the squirrels" (KLM01). Squirrel middens have decreased in size since KLM04 was a child, which indicates that squirrel population has declined (KLM04).

Bat populations have declined since the 1940s (KLM02; KLM04). KLM04 and KLM02 recalled stories of teasing, and then being forced to crawl on the ground to avoid, bats.

3.1.6 SOCIAL AND ECONOMIC CONDITIONS

Participants discussed social and economic conditions in the community, including loss of culture, discrimination in the employment market, and threats to community cohesion and spirit.

Kelly Lake Métis are suffering from culture loss (KLM01; KLM02). In addition to cumulative environmental effects and legal challenges that constrain the Kelly Lake Métis traditional way of life, youth interest in traditional teachings is declining (KLM02). Loss of access to Elders and knowledge holders due to sickness and death is exacerbating the problem (KLM04).

Previous development projects, specifically the Williston (W.A.C. Bennett) Dam, provided employment for KLM01 and other members of the community, who "...were kind of glad to have a job then..." (KLM01). KLM01, KLM02 and KLM03 have witnessed discrimination in hiring practices, and report that in spite of an abundance of local demand for employees within KLMSS Traditional Territory, Métis people aren't hired. KLM03 also worked on the Bennett Dam project. He stated that "...whoever worked was lucky to get [it]" (KLM03). KLMSS members presently struggle to find and maintain meaningful work with industry close to home, and are increasingly having to seek employment opportunities away from the community (KLM01; KLM02). Fragmentation of families and increased economic pressure threaten community cohesiveness and spirit (KLM01; KLM02).

3.1.7 Human Health

Participants discussed increased rates of sickness and death in the community, and link the changes to industrial contamination of the environment and lifestyle.

Respiratory Conditions

The incidence of "breathing problems" such as asthma amongst community members has increased in recent years, and is attributed by participants to dust from the local coal mine (Teck Wolverine) (KLM01; KLM02; KLM03).

Cancer and Diabetes

Cancer and diabetes mortality and morbidity rates amongst community members have dramatically increased in recent decades (KLM01; KLM02; KLM03; KLM04). Cancer mortality rates amongst community members have increased since 2000 (KLM02; KLM04). KLM04 states:

> *Everybody's having cancer. They're just dying out with cancer. A whole bunch of people. . . 30 years ago. . . nobody even knew what sugar diabetes was. Heart problems, anything like that, absolutely nothing. . . Not too many people die in Kelly Lake, but we've lost 20 to 25 people.*

The current rate far supersedes the previous death rate due to cancer (KLM02; KLM03). Tobacco smoking, consumption of contaminated traditional foods and medicines and reduced air quality are potential contributors identified by participants (KLM01; KLM02; KLM03).

3.1.8 Traditional Land Use and Occupancy

The following section describes traditional land use and occupancy information collected during this study, as well as that presented in Robinson (1983). Detailed harvesting information is not included due to the limited nature of this study, as well as due to its sensitive legal and political nature.

Trapping

KLM01, KLM02 and KLM03 identified traplines historically owned by Kelly Lake Métis families (Map 4). Many of these traplines have been sold to buyers since the decline of the fur industry in the 1980s, but their importance to the culture and way of life of Kelly Lake Métis remains (KLM01; KLM02).

KLM01 is a Kelly Lake Métis Elder who discussed making a living solely from trapping from 1959 to 1980. The trapline has been used by his family since the late 1800s, and has been passed through the generations since that time, and is included within the community trapping area (Map 4; KLM01). The decline of the fur industry, and the traditional Métis way of life that depended so much on fur income, is attributed to the actions of Greenpeace and anti-fur lobby groups in the 1980s; actions which drove the price of furs so low that people in Kelly Lake were forced to find other sources of income (KLM01). The decline of the fur market marks the time in which Kelly Lake Métis people became more likely to seek wage labour jobs in resources industries.

Hunting

Moose are the most important traditional food species harvested by KLMSS participants (KLM01; KLM02; KLM03; KLM04). They are harvested year-round, except during the spring, when they are infested with ticks and in are poor health after a long winter (KLM02). July is the month when moose are in the best condition for harvest (KLM01; KLM02; KLM03). KLM04 identified a recent moose harvest near Fort Saint John, "...towards Charlie Lake" (KLM04). At one time, this area was used "...all the time" by KLM04 and her late husband, when they would visit relatives at Blueberry First Nation (KLM04). Permission to harvest in this territory was asked and granted, according to cultural protocols. The Beatton River marks the furthest extent that KLM04 and her husband have travelled for harvesting (Map 4).

Declining moose populations and increasing non-Aboriginal hunting pressure are increasing the burden of harvesting. At one time, Kelly Lake Métis people did not have to travel far (perhaps two miles) to harvest a moose (KLM04). Today, it is not uncommon to have to travel 80 miles (128 kilometres) to spot a moose

(KLM01; KLM04). Moose harvesting locations and scouting routes discussed in this study include the Heart Highway, Two Lakes Road, Grande Cache, the Continental Divide, Beaten River, Fort St. John, Kelly Lake, the Clear Hills (North of Hythe, Alberta), the Little Smoky River, and the Wapiti River.

Inhumane harvesting practices were discussed by KLM01, who has friend nearby in Alberta who had to destroy a moose that had an arrow in its lung (KLM01). KLMSS participants value humane hunting practices and minimize suffering of harvested animals (KLM04).

Fishing

Fort participants in this study, fishing is not a primary means of obtaining food. However, it is for many Kelly Lake Métis, who harvest fish from Belcourt Lake and Onion Lake (unidentified) (Map 4). Belcourt Lake is habitat for wild Dolly Varden, and Onion Lake is stocked with Rainbow Trout (KLM01; KLM03). Upper and Lower Blue Lakes are also used for fishing Bull Trout (KLM02). Steep Rock Creek (unidentified), near Kelly Lake is frequently used by Kelly Lake Métis for harvesting walleye and suckers (KLM02).

Medicinal Plant Harvesting

KLM04 reported that medicinal plant species are harvested from Kelly Lake, Tumbler Ridge and Grande Prairie, among other places within KLMSS Traditional Territory. Information related to medicinal plant harvesting and preparation is sacred in nature, and protected by community members. KLM04 made it clear to facilitators that Project-specific or cumulative changes in vegetation and ecological communities will affect traditional medicines and their use by Kelly Lake Métis (KLM04).

Gatherings, Settlements and Burials

Before the creation of Saskatoon Lake Park, Saskatoon Lake was an important seasonal gathering area used by Kelly Lake Métis people during the late summer and early fall. Families would gather here to harvest and dry berries and meat, and prepare for pemmican and dry meat used during the winter trapping season (KLM02; KLM04). In the fall, Kelly Lake Métis would venture out to seasonal Trapping Community Sites for the winter (Figure 2) (KLM01; KLM02; KLM03; KLM04; Robinson, 1983). Seasonal occupancy patterns have changed since changed, and these Trapping Community Sites are not used as intensively as they were in decades passt (Robinson, 1983). However, these sites remain sacred to Kelly Lake Métis because they connect the people of Kelly Lake with their ancestors, and the traditional Kelly Lake Métis way of life (KLM02). Sites that house burials are presented in Figure 2, and include:

- Gunn Lake (Big Slough) has one gravesite (KLM01; KLM02; KLM03);
- Five Cabins has one, possibly three, gravesites (KLM01; KLM02; KLM03);
- Calahasen Flats has six gravesites (KLM02);
- Flatbed Creek has one gravesite (KLM02); and
- Calliou Flats has three potential gravesites (KLM02).

REFUGE AREAS

The "Ojay," a term commonly used by industry to describe the Belcourt Lake area highly valued by Kelly Lake Métis because of its ecological productivity and purity. The lands and waters in this area are considered a cultural and ecological refuge by KLMSS because they can support the traditional lifestyle and culture of Kelly Lake Métis now and in the future, should other important harvesting areas within KLMSS Traditional Territory continue to decline. This area has been known to Kelly Lake Métis since use and occupancy in the region began, and has been trapped by the Belcourt family for generations (Map 4).

3.2 ABORIGINAL TRADITIONAL KNOWLEDGE ASSESSMENT

The assessment of potential Project effects on the biophysical, social and economic environment, from the perspective of participants, is presented in the following section. Participant recommendations follow each point.

3.2.1 WATER

Grave concern was raised by participants regarding direct effects to water levels both upstream and downstream of the Project, and the indirect effects of those changes on the ecosystem that supports the traditional Kelly Lake Métis way of life (KLM01; KLM02; KLM03; KLM04).

KLMSS Recommendation: Do not approve the Project.

The Project will cause upstream flooding of the creeks and drainages, indirectly affecting beaver and other semi-aquatic wildlife such as muskrat and weasel (KLM01; KLM04). Participants also anticipate that the Project will indirectly affect and increase the amount of stagnation in ground and slow-flowing surface water (i.e. muskeg) upstream of the dam because the natural rate of flow will be impeded

(KLM04). One way to avoid stagnation is to maintain minimum flows through the dam near current levels (KLM04).

The Project will reduce water quantity in the Peace River directly, as well as downstream tributary, creek, muskeg and groundwater levels indirectly, affecting ecological productivity and fish populations (KLM02; KLM04). Surface water downstream of the Project will "dry up" (KLM04). As a result, "There will be nothing. Nothing will grow" (KLM04).

KLMSS Recommendation: Maintain pre-Project flow levels throughout the life of the Project.

Participants discussed the possibility dam rupture. In the event of a world war, Kelly Lake Métis feel that attackers would, strategically, destroy dams (KLM01; KLM02). There is a lingering concern that if any one of the two dams currently on the Peace River break, or if the Project breaks, people who live along the Peace River and its major tributaries would be killed (KLM02).

A potential positive effect of the Project noted by KLM02 will be de-siltation of the Peace River downstream of the Project.

No further recommendations regarding water were forthcoming.

3.2.2 Air

High levels of emissions during Project construction will settle into local waters, and on the land, and contaminate the ecosystem and Kelly Lake Métis food, drinking water and medicinal plant sources, ultimately affecting human health (KLM02).

KLMSS Recommendation: Employ knowledgeable environmental monitors from local Aboriginal communities to monitor air and water quality during Project construction.

3.2.3 Vegetation and Ecological Communities

Broadly, KLM04 anticipates that the Project will have grave effects on ecological communities both upstream and downstream of the Project (KLM04). Muskegs and mineral licks are particularly sensitive (KLM02; KLM04). Direct disturbance of sensitive ecological areas through road or facility construction and operation, or indirect disturbance of them through interruption or disturbance of surface water flow will reduce ecological productivity and health (KLM02; KLM04).

KLMSS Recommendation: Identify and document muskeg and mineral licks within the Local Study Area.

KLMSS Recommendation: Avoid muskeg and mineral licks within the Local Study Area by 200m.

3.2.4 Social and Economic Effects

Community members are increasingly forced to seek employment and entertainment outside of the community, and so leaving home: "There's no jobs for people to work. Kids - they don't have nothing for the kids to do" (KLM04). The Project "...would be good for families, because it's a long period of time," provided that employment is offered to Kelly Lake Métis people (KLM04). Participants also anticipate that the Project will improve the price of electricity (KLM01; KLM03). Ongoing consultation regarding Project status will aid KLMSS in making employment and training decisions for its members (KLM02).

KLMSS Recommendation: Provide long-term employment opportunities for KLMSS members and youth.

KLMSS Recommendation: Provide employment opportunities for KLMSS youth.

KLMSS Recommendation: Provide an update of Project status for KLMSS members at the end of June, 2017.

3.2.5 Traditional Land Use and Occupancy

Direct and indirect Project effects to the local ecosystem productivity may reduce the number of reliable trapping, hunting, fishing and medicinal plant gathering sites, exacerbating existing conditions and threatening food, income and culture security of current and future generations of Kelly Lake Métis (KLM01; KLM02; KLM04). KLM04 does not approve of the Project and anticipates that it will have negative effects on the natural environment, including vegetation, wildlife, furbearers, and the future well-being of humans: "...what are you going to eat in the future because you're holding that water back?" (KLM04).

KLMSS Recommendation: Slow down the pace of development within KLMSS Traditional Territory.

KLMSS Recommendation: Do not prevent KLMSS members from accessing harvesting locations within KLMSS Traditional Territory.

3.3 CUMULATIVE EFFECTS ASSESSMENT

Projects discussed during the course of the study contributing to cumulative effects, as observed and reported by participants, include the W.A.C Bennett Dam, the Peace Canyon Dam, the Teck Wolverine (formerly Quintette) Coal Mine Project, the Encana Steeprock and Conoco-Phillips Noel gas plants and general clear-cutting practices.

A cumulative decline in air quality is linked by KLMSS to declining health of Kelly Lake Métis community members, and to vegetation health. Incidents where the safety of the community has been threatened, yet where the community was not notified, have occurred.

KLMSS Recommendation: Support emergency contact and evacuation planning, and input into Provincial and/or regional emergency planning efforts.

Disturbance, destruction and contamination of the natural environment is currently extensive, and the Project will add to these effects, damaging the ecosystem and contributing to further declines in human, wildlife and ecological health. Conservation of highly productive and sensitive ecological areas and features is a priority of KLMSS.

KLMSS Recommendation: Support input into Provincial and/or regional land use planning and conservation efforts within KLMSS Traditional Territory.

KLMSS members have observed changes in the seasonal weather patterns in Kelly Lake including a decline in the amount of average seasonal precipitation, and an increase in the amount and intensity of wind, and decreases in the duration of wintertime lows. Lective Campbell, a Kelly Lake Métis Elder who passed away in 1989 prophesied that there will be absolutely no snow with tropical temperature in six generations (approximately 120 years) from his time. To his grandchildren he said, "...you won't see it and your grandkids won't see it, but their grandkids will" (KLM02). KLM02 was advised by his grandfather not to have children for this reason. Prophecies that have not yet been realized paint a bleak picture for generations of Kelly Lake Métis to come. KLM04's grandmother predicted an increase in roads associated with "things ending." KLM04 interprets this statement to mean the development that is occurring within Kelly Lake Métis territory today, including dams. KLM02 spoke of an Elder that prophesied development west of Kelly Lake (KLM02). She prophesied "veins" on the land doing a lot of damage one day (KLM02). KLM02 interprets this prophecy to represent oil and gas transportation pipelines and road development within KLMSS Traditional Territory (KLM02).

4 LETTER OF CLOSURE

KSDavison & Associates, on behalf of KCD Consulting Inc. as General Manager of KLMSS, has prepared this report for BC Hydro so that they can include KLMSS ATK in the harmonized Site C Clean Energy Project EA. The report may not be used by any person or entity outside of its intended purpose without the express consent of KLMSS.

This report represents the best professional judgement of KSDavison & Associates, and presents participant ATK. The author(s) reserve the right to modify the contents of the report to reflect new information.

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