SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 1

COMMUNITY SUMMARY:
DENE THA' FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority

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Prepared by:
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January 2013

Dene Tha' First Nation

The Dene Tha' First Nation (DTFN) are divided into three communities in Northwest Alberta: Bushe River, Meander River, and Chateh (formerly Assumption).[1] DTFN has seven reserves near High Level and Bistcho Lake totalling 30,038 ha.[2] The reserves are accessible in different ways including winter road, road, water, and rail.[3]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, DTFN has a total registered population of 2,865 with 844 people living off-reserve.[4] DTFN has a Chief and eight Councillors, and uses a custom electoral system.[5]

DTFN is a member of the North Peace Tribal Council (NPTC), incorporated in 1987. Beaver First Nation, Little Red River Cree First Nation, Tallcree First Nations and Lubicon Lake Nation are the other members of the NPTC. The NPTC is governed by a Board of Directors consisting of a Chairman and the Chiefs of the member First Nations.[6]

DTFN's on-reserve facilities include a First Nation offices, public works buildings, and Four Chiefs Complex. DTFN provides municipal services, including water and sewer systems, a fire truck, a water truck, and a sewer truck.[7]

DTFN's economic activities include a gas station and food store, other stores, a laundromat, a post office, a bottle depot, a coffee shop, Dene Tha' Construction, and natural gas distribution. There are also member-owned businesses that provide a taxi service, home building and electrical services, and small engine repair.[8]

Historical Background

DTFN is part of the Athapaskan Slave linguistic group.[9]

DTFN is a signatory to Treaty 8. DTFN is also a member of the Treaty 8 First Nations of Alberta.[10]

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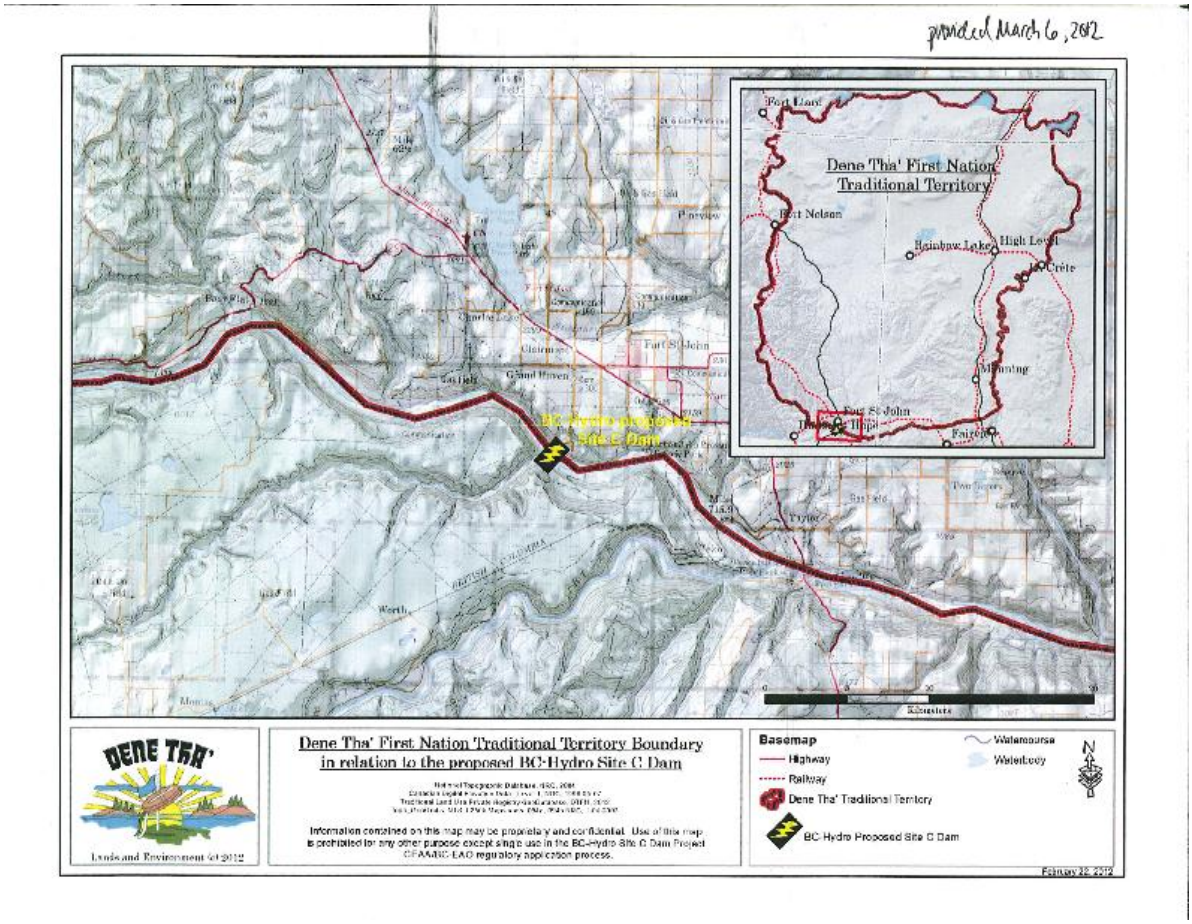
[1] Dene Tha'. 2012. *Home*. Available at: http://www.denetha.ca/. Accessed: December 2012. ("Dene Tha', Home").
[2] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Dene Tha'*. Available at: http://pse5-esd5.ainc-inac.gc.ca/FNP/Main/Search/FNReserves.aspx?BAND_NUMBER=448&lang=eng. Accessed: December 2012 ("AANDC, Dene Tha'").
[3] Dene Tha', Home.
[4] AANDC, Dene Tha'.
[5] Dene Tha', Home.
[6] North Peace Tribal Council. 2012. *About us*. Available at: http://www.nptc.ab.ca/about-us. Accessed: December 2012.
[7] Dene Tha'. 2012. *About Us*. Available at: http://www.denetha.ca/governance/. Accessed: December 2012 ("Dene Tha', About Us").
[8] Dene Tha', About Us.
[9] Alberta Ministry of Aboriginal Relations (AB MAR). 2010. *Métis Settlements and First Nations in Alberta: Community Profiles.* Available at: http://www.aboriginal.alberta.ca/documents/MetisSettlement_FirstNation_Profile.pdf. Accessed: December 2012 at 26.
[10] Treaty 8 First Nations of Alberta. 2012. *List of Nations*. Available at: http://treaty8.ca/default.aspx?ID=9&page=List of Nations. Accessed: December 2012.

Traditional Territory Map

Dene Tha' First Nation. 2012. Acting Lands and Environment Manager, Matt Munson. Email. March 7, 2012.



SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 2

BC HYDRO CONSULTATION SUMMARY: DENE THA' FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Site C First Nations Engagement Team

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January 2013

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

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

DENE THA' FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"Athabasca Chipewyan"	Athabasca Chipewyan First Nation
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"Dene Tha'"	Dene Tha' First Nation
"EIS"	Environmental Impact Statement
"Fasken Martineau"	Fasken Martineau DuMoulin LLP, legal counsel for BC Hydro
"JFK Law"	Janes Freedman Kyle Law Corporation, legal counsel for Dene Tha' First Nation, Athabasca Chipewyan First Nation and Mikisew Cree First Nation
"GIS"	Geographic Information Systems
"Mikisew Cree"	Mikisew Cree First Nation
"the Nations"	Athabasca Chipewyan First Nation, Mikisew Cree First Nation and Dene Tha' First Nation, collectively
"PAD"	Peace Athabasca Delta
"Potential Downstream Changes Report" or "Downstream Report"	*Site C Clean Energy Project, Potential Downstream Changes*, prepared by Amy-Pryse Phillips, dated May 2, 2012
"the Province"	Province of British Columbia

"Site C" or "the Project"	The proposed Site C Clean Energy Project
"Stage 2 Consultation Agreement"	Stage 2 – Proposed Site "C" Project Agreement for Consultation Agreement and Collaboration, between Dene Tha' First Nation and BC Hydro, dated April 21, 2009
"Stage 3 Consultation Agreement"	Site C Clean Energy Project Stage 3 Consultation Agreement, between Dene Tha' First Nation and BC Hydro, dated March 30, 2012
"TAC"	Technical Advisory Committee
"TLUS Agreement"	Dene Tha' First Nation Traditional Land Use Agreement for Site C Clean Energy Project, between Dene Tha' First Nation and BC Hydro, dated August 16, 2012
"TLUS"	traditional land use study

Key events

2007

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

2008

- April: BC Hydro wrote to Dene Tha' and expressed interest in scheduling an introductory meeting to provide an overview of the Project and develop a consultation plan. The letter attached the Stage 1 Summary Report.
- July/August: BC Hydro and Dene Tha' met on two occasions, with the second meeting attended by Chief and Council. BC Hydro provided an overview of the Project and Dene Tha' expressed interest in participating in the TACs.
- September: BC Hydro wrote to Dene Tha' and attached a package of materials related to the upcoming TAC meetings. BC Hydro invited a representative from Dene Tha' to participate in the TAC meetings, and offered funding support.
- October: BC Hydro met with representatives of the member bands of the North Peace Tribal Council, including Dene Tha'. BC Hydro provided an introductory project overview and explained BC Hydro's preliminary understanding regarding potential changes to downstream conditions.

- December: BC Hydro wrote to Dene Tha' advising that the TACs had moved on with their work, and suggested that participation by Dene Tha' in the TACs might be too late to be useful for either party. BC Hydro stated that it was prepared to consider other options, such as workshops in First Nation communities at which TAC members would provide information on the TAC reports and receive feedback from First Nations.

2009

- January: BC Hydro and Dene Tha' met via teleconference. BC Hydro provided an update on the Project and the studies being conducted on potential downstream changes. BC Hydro expressed interest in receiving input on the studies, and proposed a series of technical workshops to provide Dene Tha' and neighboring First Nations with information arising from the TAC process.

- February/March: The parties engaged in negotiations with respect to a proposed Stage 2 consultation agreement.

- April: BC Hydro and Dene Tha' finalized and executed the *Stage 2 Consultation Agreement*, which established the principles, process and scope for consultation and collaboration between Dene Tha' and BC Hydro for Stage 2, and provided capacity funding to enable Dene Tha' to participate in the consultation process.

- May: BC Hydro wrote to Dene Tha' and enclosed materials from the environmental and socio-economic TACs, for the purpose of early information sharing.

- June: BC Hydro provided Dene Tha' with the complete set of Stage 1 studies.

- September:

  - BC Hydro provided Dene Tha' with eight Stage 2 studies.

  - BC Hydro attended a community meeting with Dene Tha' harvesters, Elders, and staff members. BC Hydro presented information on hydrology, icing, and fish/aquatics, and responded to questions. Dene Tha' presented a map of its traditional territory and advised that it expected receive funding support from BC Hydro for a TLUS.

- December: Dene Tha' wrote to BC Hydro and attached its report on Stage 2 consultation activity, which included a summary of Dene Tha's preliminary concerns, a review of previous information requests, and a list of additional information requests.

2010

- February: BC Hydro responded via letter to Dene Tha's report on Stage 2 consultation activity. The letter included responses to Dene Tha's information requests, and advised that Dene Tha's list of concerns would be reviewed and considered as BC Hydro initiated new studies in preparation for an environmental assessment. The letter provided further explanation of anticipated changes in temperature and ice regimes as a result of the Project, and attached the Stage 2 report titled *Review of Potential Downstream Changes from Site C Operations - Preliminary Findings* (October, 2009)

- April: BC Hydro advised Dene Tha' of the Province's announcement that the Project would move forward to Stage 3, and provided a link to a website containing the Stage 2 Report and 35 appended studies and reports.

- August: Dene Tha' requested an update on the Stage 3 process and expressed interest in a TLUS. BC Hydro replied that it had reviewed the information on file, and did not see a basis upon which it could support funding for a TLUS. BC Hydro stated that it was committed to continuing consultation with Dene Tha' and attached a draft Stage 3 consultation agreement for Dene Tha's consideration.

2011

- March: BC Hydro provided Dene Tha' with summary documents describing proposed studies for the 2011 field program, and invited feedback and comments. The proposed studies were to be undertaken through the Environmental Program (Physical Environment) and involved characterizing baseline environmental conditions (e.g., water levels and flow, water temperature and ice, sediment transport, microclimate, air quality, noise, greenhouse gases). BC Hydro also provided a link to three Stage 2 studies, including the *Review of Potential Downstream Changes from Site C Operations - Preliminary Findings* (October, 2009)

- May: BC Hydro advised Dene Tha' that it had submitted the Project Description Report and provided a link to the report.

- June: BC Hydro and Dene Tha' met via teleconference to discuss Dene Tha's request for TLUS funding.

- September: BC Hydro wrote to Dene Tha' in follow up to the June teleconference. The letter re-stated BC Hydro's position that it did not see a basis to provide funding to support a TLUS, but indicated that it would consider any proposal received from Dene Tha'. The letter asked whether a proposal would be forthcoming.

2012

- February: BC Hydro wrote to Dene Tha' to provide an update on the progress towards completing an updated report on potential downstream changes, including an overview of some preliminary study results. BC Hydro offered to meet with Dene Tha' to review the interim results.
- March:
  - The parties met to discuss Dene Tha's request for TLUS funding. Dene Tha' provided a map of its traditional territory and described its members' use of lands in the Project area. BC Hydro noted that the Project area was located at the far extent of Dene Tha's territory, and suggested that a full TLUS might not be necessary. The parties discussed possible funding amounts for a TLUS.
  - Dene Tha' advised that Dr. Martin Carver had been retained to carry out a review of the Downstream Report on behalf of Dene Tha', Athabasca Chipewyan and Mikisew Cree.
  - BC Hydro and Dene Tha's finalized and executed the *Stage 3 Consultation Agreement*, dated March 30, 2012, which established the principles, process, scope, and funding parameters for consultation between BC Hydro and Dene Tha' in Stage 3. It also provided for a defined consultation project under which BC Hydro would provide Dene Tha' with a copy of the updated Downstream Report (spring 2012), and Dene Tha' would review and provide feedback on the report (summer 2012).
- May:
  - BC Hydro provided Dene Tha' with the Potential Downstream Changes Report (May 2012) and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.
  - BC Hydro wrote to Dene Tha' 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 Dene Tha'.
- June/July: BC Hydro met with representatives of Athabasca Chipewyan, Dene Tha' and Mikisew Cree, to 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:

- Surface water regime: BC Hydro stated that there was limited potential for changes in downstream flows and water levels because of the limited storage in the Site C reservoir. BC Hydro expected that the fluctuation (range) of water levels would increase near the Site C tailrace, with the effect diminishing further downstream and no fluctuations being observed at the Town of Peace River and Fort Vermillion. Based on the findings to date, BC Hydro did not expect changes to the PAD as a result of the Project.

- Ice regime: BC Hydro reviewed the results of ice modeling which showed that there would be (a) no changes in ice thickness, (b) no changes in the timing of ice break-up, and (c) a slight delay in ice front progressions, with an average delay of three days at the Town of Peace River. The expected changes to the ice regime would extend only as far as Sunny Valley and Carcajou, which supported a determination that no changes would occur in areas further downstream, such as the PAD.

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

Representatives of the Nations and JFK made a number of requests for additional information throughout the presentation. BC Hydro agreed to consider the requests made in the meeting, and follow up with the Nations. JFK Law, legal counsel for Athabasca Chipewyan, Dene Tha' and Mikisew, subsequently wrote to BC Hydro and identified the information requests arising in the meeting, and advised that it would be difficult for the Nations' hydrology consultant to comment on the report without additional information being provided. BC Hydro wrote to JFK Law and enclosed a table and other documentation responding to the information requests. Between August and November, JFK Law and BC Hydro's legal counsel exchanged multiple letters regarding BC Hydro's responses to the information requests.

- August: The parties finalized the *TLUS Agreement*, which outlined the objectives, methodology, deliverables and capacity funding for the TLUS, and provided that Dene Tha's would submit a final TLUS report and maps to BC Hydro by October 1, 2012.

- September: BC Hydro wrote to Dene Tha' 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 Dene Tha' 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 Dene Tha's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Dene Tha's current use of lands and resources, and their exercise of asserted or established Aboriginal rights and treaty rights. BC Hydro followed up in late October and advised that it remained interested in receiving additional information to support the preparation of the EIS.

- October:
  - BC Hydro met with representatives of Dene Tha' and Mikisew Cree, and JFK Law, to discuss the scope, identification and selection of Valued Components, and the methodology used to select the spatial boundaries for the Value Components.
  - Dene Tha' submitted the final TLUS report and maps to BC Hydro.
  - BC Hydro met with the hydrology consultant representing the Nations to discuss the hydrology studies summarized in BC Hydro's Potential Downstream Changes Report. BC Hydro provided an overview of how each study was carried out, and the analysis for the key hydrology studies related to the surface water regime, ice/thermal regime, and geomorphology, and responded to questions.
  - BC Hydro sent a letter to Dene Tha' which advised that BC Hydro had updated the Project footprint map for Site C, and provided a link to the updated map and associated shape file data. The letter attached a memorandum outlining the specifics of the new and amended information, which identified, among other things, a reduction in the area of the proposed Site C dam site from 3907 hectares (April 2012) to 2025 hectares (October 2012).
- November:
  - BC Hydro wrote to JFK Law and expressed the view that the meeting with the hydrology consultant had been a beneficial one. BC Hydro looked forward to receiving the hydrologist's report and to continuing discussions with the Nations. The letter described BC Hydro's efforts to address information requests arising from the meeting.
  - BC Hydro provided Dene Tha' with the draft Technical Data Reports for the Reservoir Temperature and Ice Regime and the Downstream Ice Regime as requested.

Chronology of Events

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

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

On July 25, 2008, BC Hydro met with representatives of Dene Tha' (three Councillors and Advisor). BC Hydro presented an overview of the Project and described potential project activities over the upcoming months and responded to questions. BC Hydro advised that TACs had been created to do preliminary work on environmental and socio-economic studies related to the Project, and Dene Tha' expressed interest in being represented on the TACs.

On August 20, 2008, BC Hydro met with Dene Tha's Chief and Council and presented a project overview. BC Hydro reviewed the results of past studies which showed that the Project would likely have minimal impacts on downstream First Nations in Alberta. Dene Tha' was critical of the findings, and expressed interest in participating in the TACs and any evaluation of studies.

On August 28, 2008, BC Hydro sent a letter to Dene Tha' further to the meeting of August 20, 2008, and enclosed the following materials:

- Stage 1 Summary Report;
- A list of First Nations that BC Hydro had engaged on Site C;
- Copies of the Pre-Consultation Summary Report (related to the public consultation program);
- A map of the Project Area; and,
- A TAC information package, including an information sheet on Stage 2 studies, a draft TAC Terms of Reference, an outline of the Environmental and Social TAC process, and a draft TAC schedule.

On September 8, 2008, BC Hydro sent a letter to Dene Tha' regarding the TAC process. The letter attached the latest TAC schedule and list of participants, and highlighted the fish and aquatics session as one that Dene Tha' had previously expressed interest in. The letter included an offer of capacity funding to cover the cost of sending one Dene Tha' representative to upcoming TAC meetings in Fort St. John.

On October 3, 2008, BC Hydro met with a representative from Dene Tha' (Calliou Group consultant) to discuss the TAC process and a potential Stage 2 consultation agreement.

On October 6, 2008, BC Hydro sent an email to Dene Tha' attaching the draft Terms of Reference for the TAC process, and a schedule and list of participants for the TACs. BC Hydro attached a draft Stage 2 consultation agreement for Dene Tha's consideration.

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

On November 18, 2008, Dene Tha's legal counsel sent a letter to BC Hydro seeking clarification on a number of matters related to the consultation process for the Project, including: the purpose of Stage 2 consultations; the role of BC Hydro versus the provincial and federal governments in relation to Site C consultations; whether First Nations would be consulted on the design of the environmental and regulatory review process; whether funding would be made available to First Nations for consultation and information gathering; and, whether BC Hydro would work with First Nations to ensure that they have sufficient information to assess the impacts of the Project on their rights. The letter indicated that Dene Tha' had suggestions for additional language in BC Hydro's draft Stage 2 consultation agreement.

On December 3, 2008, BC Hydro sent a letter to Dene Tha' legal counsel in response to its letter dated November 18, 2008. The letter included responses to Dene Tha's questions regarding the consultation process for the Project. Regarding BC Hydro's role in the

consultation process, the letter clarified that the Province had mandated BC Hydro to share information with First Nations and work with them to identify potential impacts and mitigation strategies. The letter advised that the federal government was not involved in any Stage 2 work, but would be engaged as part of the environmental assessment process in the event that the Project moved to Stage 3. The letter noted that BC Hydro's first draft of the Stage 2 consultation agreement had contemplated participation by Dene Tha's in the TACs. BC Hydro advised that the TACs had moved on with their work, and therefore participation by Dene Tha' might be too late to be useful for either party. BC Hydro was prepared to consider other options, such as workshops in First Nation communities at which TAC members would provide information on the unfolding TAC reports and receive feedback from First Nations. The letter attached a revised Stage 2 consultation agreement for Dene Tha's consideration.

On January 21, 2009, BC Hydro met via teleconference with representatives of Dene Tha' (Calliou Group consultant, community member) and provided an update on the current status of the project and studies being conducted on potential downstream impacts. BC Hydro identified flow impacts, icing, and impacts on fish as the three issues that would most likely be of interest to First Nations in Alberta. BC Hydro expressed interest in receiving input from Dene Tha' on the studies being conducted in Stage 2 and Stage 3, and proposed a series of technical workshops to provide Dene Tha' and neighboring First Nations with information arising from the TAC process. BC Hydro agreed to provide Dene Tha' with an amended draft of the Stage 2 consultation agreement, including an offer of capacity funding.

On February 3, 2009, BC Hydro sent an email to Dene Tha' attaching the revised Stage 2 consultation agreement.

On February 12, 2009, BC Hydro met with Dene Tha's legal counsel to review the draft Stage 2 consultation agreement. Dene Tha' accepted BC Hydro's revisions and the proposed amount of capacity funding. BC Hydro and Dene Tha' agreed that once the agreement was concluded, they would work to schedule technical workshops on downstream hydrological impacts. Dene Tha' advised that it preferred to have technical workshops separate from other members of North Peace Tribal Council, as those groups had somewhat different interests.

On April 17, 2009, Dene Tha' sent a letter to BC Hydro attaching a signed copy of the *Stage 2 Consultation Agreement*. BC Hydro signed the agreement on April 21, 2009, and provided Dene Tha's with a signed copy via email on April 27, 2009. The agreement established the principles, process and scope for consultation and collaboration between Dene Tha' and BC Hydro for Stage 2, and provided capacity funding to enable Dene Tha' to

participate in the consultation process. The term of the agreement extended to December 31, 2009.

On April 24, 2009, BC Hydro sent a letter to Dene Tha' attaching a capacity funding cheque issued pursuant to the *Stage 2 Consultation Agreement*.

On May 12, 2009, BC Hydro sent a letter to Dene Tha' enclosing materials from the environmental and socio-economic TACs, which took place between September 2008 and February 2009. The materials included information on wildlife, fish and aquatics, land and resource use, recreation and tourism, community services and infrastructure, heritage, and greenhouse gases. BC Hydro advised that it was providing the materials for the purpose of early information sharing, and cautioned that the information should not be relied upon as a forecast of final study results.

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

- Peace River Fisheries Investigation – Peace River Tributary Spring Spawning Migration, Tributary Summer Juvenile Rearing and Radio Telemetry Studies 2006
- Peace River Fish and Aquatics Investigations – Peace River Tributary Summer Fish Distribution, Habitat Assessment and Radio Telemetry Studies 2005
- Peace River Fisheries Investigation – Peace River and Pine River Radio Telemetry Study 2007
- Peace River Site C Wildlife Investigations – Preliminary Inventory of Bat Species in the Peace River Corridor (2005)
- Peace River Site C Wildlife Investigations – Inventory and Habitat Use of Bat Species in the Peace River Corridor 2005-2006 Final Report
- Peace River Wildlife Surveys – Baseline Inventory Surveys 2006
- Terrestrial Ecosystem Mapping of the Peace River Site C Study Area Report
- Expanded Legend for the Peace River Terrestrial Ecosystem Mapping Project
- Peace River Site C Winter Wildlife Surveys 2006 Summary Report
- Peace River Fisheries & Aquatic Resources Literature Summary
- Small Fish Surveys in the Peace & Halfway Rivers (2006)

- Water Quality, River Sediment, Soil, and Vegetation Samples from the Peace River Watershed 2007

BC Hydro provided Dene Tha' with another disk containing the Stage 1 studies on June 17, 2012, as requested by Dene Tha'.

On July 20, 2009, BC Hydro sent an email to Dene Tha' attaching the "floodline" GIS shape file for Site C, as requested by Dene Tha'.

On August 26, 2009, Dene Tha' sent an email to BC Hydro enclosing a list of questions in preparation for an upcoming technical meeting with BC Hydro. Dene Tha' requested information regarding: whether BC Hydro had baseline information about the hydrologic connection between the Peace River and the watersheds in Dene Tha' territory, specifically the Hay Zama Complex; whether BC Hydro had included Dene Tha's "cultural keystone species of fish" in the baseline work; whether BC Hydro was proposing to study the downstream effects along the Peace River on Dene Tha's section 35(1) rights; and, whether pre-W.A.C. Bennett Dam baseline information existed and, if so, if it would be incorporated into the environmental assessment.

On September 4, 2009, BC Hydro sent a letter to Dene Tha' enclosing the following Stage 2 studies:

- Peace River Fisheries Investigation Peace River and Pine River Radio Telemetry Study 2008
- Baseline Data Collection - Peace River Watershed Water Quality and Dinosaur Lake Limnology Sampling – 2008
- Peace River Site C Hydro Project Stage 2 - Baseline Greenhouse Gas Emissions Report
- Peace River Site C Hydro Project Stage 2 Baseline Vegetation and Wildlife Report
- Peace River Angling and Recreational-Use Creel Survey Interim Year 1 Report
- Site C Fisheries Studies - Baseline Peace River Tributaries Fish Use Assessments in Spring and Fall 2008
- Site C Fisheries Studies - Juvenile Fish and Fish Habitat Inventory of Peace River Tributaries in Summer 2008
- Site C Peace River - Mercury Levels in Peace River Fish Tissue - Data Report 2008

- Site C Fisheries Study Upper Halfway River Watershed Bull Trout Spawning Survey 2008

BC Hydro expressed willingness to any answer questions about the studies or meet with Dene Tha' to discuss the studies.

On September 17, 2009, BC Hydro met with a group of 21 representatives of Dene Tha's community including staff, harvesters and Elders, and a representative of Little Red River Cree Nation. BC Hydro presented information on hydrology, icing, and fish/aquatics, and responded to questions and concerns raised by meeting participants. BC Hydro also explained the process of methyl mercury forming in reservoirs. Dene Tha' presented a map of its traditional territory and sent an electronic copy of the map to BC Hydro after the meeting. Dene Tha' indicated that it expected to receive funding from BC Hydro to support a TLUS and potential training opportunities.

On December 11, 2009, Dene Tha' sent a letter to BC Hydro attaching Dene Tha's report on Stage 2 consultation activity, prepared by the Calliou Group. The report advised that the proposed project was located in the southern portion of Dene Tha's traditional territory. The report emphasized the importance of accurately and fully identifying potential impacts to the habitats and species necessary for the continued exercise of Dene Tha' section 35(1) rights, and the importance of involving Dene Tha' in the environmental assessment at the earliest possible opportunity. The report included:

- A summary of Dene Tha' involvement in Stage 2 consultations;
- A review of information requested by email on August 26, 2009 (which noted that a written response from BC Hydro remained outstanding);
- A summary of Dene Tha's preliminary concerns about the Project, and a list of topics areas where Dene Tha' identified a need for further studies; and
- A list of additional requests for information and materials related to the Project.

On December 18, 2009, Dene Tha' sent an email to BC Hydro and attached Quarterly Financial Reports for the periods of April to June 2009, and July to September 2009, prepared pursuant to the *Stage 2 Consultation Agreement*.

On December 23, 2009, BC Hydro sent two letters to Dene Tha' each enclosing a capacity funding cheque issued pursuant to the *Stage 2 Consultation Agreement*.

On January 6, 2010, Dene Tha' sent an email to BC Hydro attaching a Quarterly Financial Report for the period from October to December 2009, prepared pursuant to the *Stage 2 Consultation Agreement*.

On January 13, 2010, BC Hydro sent an email to Dene Tha' attaching a capacity funding cheque issued pursuant to the *Stage 2 Consultation Agreement*.

On February 18, 2010, BC Hydro sent a letter to Dene Tha', in response to Dene Tha's report on Stage 2 consultation activity, prepared by the Calliou Group. The letter provided further explanation of anticipated changes in temperature and ice regimes as a result of the Project, and attached a copy of the report titled *Review of Potential Downstream Changes from Site C Operations - Preliminary Findings* (October, 2009). The letter included responses to four questions initially raised by Dene Tha' on August 26, 2009, regarding whether BC Hydro had baseline information about the hydrologic connection between the Peace River and the watersheds in Dene Tha' territory; whether BC Hydro had included Dene Tha's "cultural keystone species of fish" in the baseline work; whether BC Hydro was proposing to study the downstream effects along the Peace River; and, whether pre-W.A.C. Bennett Dam baseline information existed and, if so, if it would be incorporated into the environmental assessment. The letter indicated that Dene Tha's list of concerns, and list of items requiring further study, would be reviewed and considered as BC Hydro initiated new studies in preparation for an environmental assessment. In response to Dene Tha's request for information on previous flood events and water level fluctuations, BC Hydro attached a table summarizing the eight significant spill events at the Williston Reservoir. The letter also attached the following material in response to Dene Tha's information requests:

- Water Use Plan and Consultative Committee Report
- 2008 Peace River Fish Indexing Report (Mainstream Consulting)

On April 20, 2010, BC Hydro sent an email to Dene Tha' advising that the Province had announced that the Project would move forward to Stage 3, the Environmental and Regulatory Review Stage. The email also provided a link to the Project website where the final Stage 2 Report and 35 appended studies and reports had been posted.

On April 26, 2010, BC Hydro called Dene Tha's consultant (Calliou Group) and discussed Dene Tha's involvement in Stage 3. BC Hydro explained the process and timing of Stage 3. BC Hydro agreed to provide a draft Stage 3 consultation agreement to Dene Tha' in the coming weeks.

On August 9, 2010, Dene Tha' sent an email to BC Hydro requesting an update on the Stage 3 process. Dene Tha' expressed its view that a TLUS would be required and requested opportunities for Dene Tha' harvesters to participate in any field assessments for the environmental assessment.

On August 24, 2010, BC Hydro sent a letter to Dene Tha' in response to Dene Tha's email of August 9, 2010, and provided an update on field work taking place in Stage 3. The letter

advised that BC Hydro was continuing to conduct environmental and engineering field studies in the Peace River between the Williston Reservoir and the Alberta border, and provided a list of the types of environmental studies currently underway in the Project area. The letter advised that BC Hydro had considered Dene Tha's request to conduct a TLUS for the Project. Based on the information on file about Dene Tha's traditional territory, BC Hydro did not see a basis upon which it could support funding for a TLUS. However, BC Hydro was committed to continuing consultation with Dene Tha' and attached a draft Stage 3 consultation agreement for Dene Tha's consideration.

On November 17, 2010, BC Hydro spoke to Dene Tha's Lands Manager who advised that Caillou Group would no longer be working on the Site C file. BC Hydro provided an update on the Project and explained the overall intent of the draft Stage 3 consultation agreement. After the call, BC Hydro sent an email to Dene Tha' attaching the draft Stage 3 consultation agreement dated August 24, 2010, and providing links to the Project website containing project information, current activities, and Stage 2 studies, including a link to the report titled *Stage 2 Review of Potential Downstream Changes form Site C Operations - Preliminary Findings* (October 2009)

On March 15, 2011, BC Hydro sent a letter to Dene Tha' advising that BC Hydro was engaged in planning for the upcoming field season of environmental work associated with the Project. The letter indicated that, in order to engage Aboriginal groups in discussion of this work, BC Hydro had prepared summary documents that described proposed studies for the 2011 field season. The letter enclosed a study outline and work plan summary for the Environmental Program: Physical Environment. The letter advised that the purpose of the proposed studies was to characterize baseline environmental conditions, including water levels and flow, flood forecasting, water temperature and ice, sediment transport, microclimate, air quality, noise, greenhouse gases, and contaminated sites. The letter explained that the baseline data would be used to inform the assessment of potential environmental effects associated with the Project. The letter requested input from Dene Tha' regarding the proposed studies, and explained that they could be changed or revised in scope or timing based on input from the Aboriginal groups. The letter also included links to the following Stage 2 studies:

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

On May 18, 2011, BC Hydro sent a letter to Dene Tha' 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 May 31, 2011, BC Hydro met via teleconference with Dene Tha's Lands Manager to discuss the agenda topics for their meeting on the following day. BC Hydro provided a Project update, explained the environmental assessment process, and advised of the recent filing of Project Description Report.

On June 1, 2011, BC Hydro met via teleconference with representatives of Dene Tha' (legal counsel, Lands Manager, field technician, GIS technician). Dene Tha' expressed the view that a project-specific TLUS would be needed. BC Hydro advised that it had reviewed the available information about Dene Tha's use of lands, and did not see a basis to support a full TLUS. Dene Tha' advised that it would not engage with BC Hydro in discussions on a Stage 3 consultation agreement, or the Project Description Report, until the parties had resolved the issue of TLUS funding. Dene Tha' agreed to prepare a TLUS proposal and budget, and provide it to BC Hydro. BC Hydro advised that the updated Downstream Report might be available for review by the fall (2011), and proposed to meet with Dene Tha' to discuss the results. Dene Tha' expressed interest in hiring an independent technical expert to review the Downstream Report and requested funding. BC Hydro expressed willingness to engage in discussions around funding.

On September 26, 2011, BC Hydro sent a letter to Dene Tha' further to the teleconference of June 1, 2011. The letter noted that, during the teleconference, the parties had discussed entering into a consultation agreement and Dene Tha' had expressed interest in carrying out a TLUS. The letter re-stated BC Hydro's position that it did not see a basis to support a Dene Tha' TLUS based on the information it had reviewed to date. The letter noted that Dene Tha' had yet to provide a proposal for a TLUS, and asked whether one would be forthcoming. The letter advised that BC Hydro remained committed to negotiating a Stage 3 consultation agreement with Dene Tha'.

On September 30, 2011, BC Hydro sent an email to Dene Tha' 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 CEA Agency and the BCEAO would be inviting written public comments on the draft agreement and provided links to the CEA Agency and BCEAO websites.

On February 8, 2012, BC Hydro sent a letter to Dene Tha' providing an update on the progress towards completing an updated report regarding the potential downstream changes expected with the Project. The letter provided an overview of the work carried out to date, a description of the scope of the current analyses, and some preliminary study

results. BC Hydro offered to meet with Dene Tha' to review the interim results or, alternatively, to meet upon completion of the updated Downstream Report.

On March 6, 2012, BC Hydro met with representatives of Dene Tha' (Lands Manager, Consultation Officer, legal counsel). Dene Tha' provided BC Hydro with a map of its traditional territory, in relation to the Project area, and advised that its territory in British Columbia was based on historical reports related to a federal government initiative to establish a hunting preserve in the 1930s. BC Hydro requested that Dene Tha' provide the historic documentation which supported the traditional territory boundary, and Dene Tha' agreed to do so. Dene Tha' explained that Dene Tha's large population (2500 members) meant that it did not have a comprehensive understanding of their land use, based on existing studies. Dene Tha' indicated that a recent study done for TransCanada Pipeline had disclosed use by community members in the Project area, but that a specific study of members' use in the Project area had not been done. BC Hydro inquired about what rights Dene Tha' members were exercising in the Project area. Dene Tha' advised that the Project area was used for transportation, hunting, fishing, and noted that men and women use the lands differently. Dene Tha' advised that its members were frequently in the Fort St. John area, and as such had opportunities to use the land. BC Hydro noted that the Project was located at the far extent of Dene Tha's territory, and suggested that a full TLUS might not be necessary. The parties discussed possible funding amounts for a TLUS. The parties agreed to exchange GIS shape file data for Dene Tha's traditional territory, and the Site C Project footprint, respectively. With respect to the Stage 3 consultation agreement, Dene Tha' expressed a preference for concluding an agreement by the end of March.

On March 7, 2012, Dene Tha' sent an email to BC Hydro attaching GIS shape files for Dene Tha's traditional territory, as requested in the meeting of the previous day.

On March 15, 2012, BC Hydro sent an email to Dene Tha' attaching a map of the Project area as well as a zip file containing shape file data for the Project activity zone, as requested in the meeting of March 6, 2012.

On March 29, 2012, BC Hydro met via teleconference with representatives of Dene Tha' (Lands Manager, legal counsel). The parties resolved the issue of funding for TLUS, and Dene Tha' agreed to work with BC Hydro on developing a TLUS agreement. The parties reviewed the latest version of the Stage 3 consultation agreement, and BC Hydro agreed to revise the agreement and forward it to Dene Tha's legal counsel for a final review. Dene Tha' advised that Dr. Martin Carver had been retained to carry out a review of the Downstream Report on behalf of Dene Tha', Athabasca Chipewyan and Mikisew Cree. The parties reached agreement on a funding amount for Dr. Carver's work.

On March 31, 2012, Dene Tha's legal counsel sent an email to BC Hydro attaching the final version of the *Stage 3 Consultation Agreement*, signed by Dene Tha's Chief.

The *Stage 3 Consultation Agreement*, dated March 30, 2012, established the principles, process and scope for consultation between BC Hydro and Dene Tha' for Stage 3 and provided capacity funding to enable Dene Tha' to participate in the consultation process. The agreement outlined the respective responsibilities of the parties, specifying that BC Hydro would provide Dene Tha' with necessary information about the Project, that Dene Tha' would be responsible for providing information about its concerns regarding the Project including potential impacts on section 35(1) rights, and that BC Hydro and Dene Tha' would be jointly responsible for identifying strategies to avoid, mitigate, manage or accommodate those potential adverse impacts. The agreement included a work plan for a defined consultation project, under which BC Hydro would provide Dene Tha' with a copy of the Potential Downstream Changes Report in spring 2012, and Dene Tha' would review and provide feedback on the report in summer 2012. The agreement allocated capacity funding to support the completion of the review, to be shared between Athabasca Chipewyan, Mikisew Cree and Dene Tha'. The agreement also addressed the topics of confidentiality, dispute resolution, funding and payment schedules, and communication between the parties. The agreement remains in effect until the completion of Stage 3, subject to termination by either party upon 90 days written notice.

On April 10, 2012, Dene Tha's legal counsel sent an email to BC Hydro attaching a Band Council Resolution consenting to the Chief's execution of the *Stage 3 Consultation Agreement*.

On April 13, 2012, BC Hydro sent an email to Dene Tha' providing links to the following:

- Project Definition Consultation, April 10 - May 31, 2012, Discussion Guideline and Feedback Form (prepared for upcoming public consultation sessions)
- Information Sheet: Preliminary Impact Lines and Land Use (Update April 2012)
- Preliminary Impact Lines and Preferred Highway 29 Realignment Maps

On April 23, 2012, BC Hydro sent a letter to Dene Tha' attaching a copy of the *Stage 3 Consultation Agreement* signed by BC Hydro, and enclosing three capacity funding cheques issued pursuant to the agreement.

On April 27, 2012, BC Hydro met via teleconference with representatives of Dene Tha' (Lands Manager, legal counsel). The parties discussed capacity funding for the TLUS and reviewed various sections of the draft TLUS agreement. BC Hydro agreed to revise the draft based on the discussions. BC Hydro advised that the updated Downstream Report

would be ready for distribution to Aboriginal groups by end of the following week. Dene Tha' agreed to contact Athabasca Chipewyan and Mikisew Cree about the possibility of arranging a joint workshop for BC Hydro to present the findings of the Downstream Report.

On May 4, 2012, BC Hydro sent a letter to Dene Tha' which attached the updated Potential Downstream Changes Report, and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.

On May 23, 2012, BC Hydro sent a letter to Dene Tha' regarding the identification of Valued Components and spatial boundaries for the Environmental Assessment, and expressed its desire to consult further with Dene Tha' 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 Dene Tha' regarding the proposed Valued Components and related spatial boundaries.

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

On May 28, 2012, BC Hydro sent an email to Dene Tha' and attached GIS data for the Local and Regional Assessment Areas for wildlife resources, vegetation and ecological plant communities.

On June 7, 2012, BC Hydro met with representatives of Athabasca Chipewyan, Dene Tha', and Mikisew Cree, including their legal counsel (JFK Law) and hydrology consultant (Dr. Carver), and presented 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. BC Hydro's Manager, Environmental Program, was also in attendance to answer questions.

- Surface water regime: BC Hydro stated that that there was limited potential for changes in downstream flows and water levels, because of the limited storage in the Site C reservoir. BC Hydro explained that while the Project would increase the fluctuation (range) of water levels near the Site C tailrace, the effect on water levels would diminish farther downstream due to attenuation and tributary inflows, with no fluctuations being observed at the Town of Peace River and Fort Vermillion. BC Hydro further explained that the study results showed that no seasonal changes in the timing of releases due to

the Project. BC Hydro confirmed that based on its findings to date, it did not expect changes to the PAD as a result of the Project.

- 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, and (c) there would be a slight delay in ice front progressions, with an average delay of three days at the Town of Peace River. BC Hydro described the approach it had used for ice modeling, clarifying that the ice model extended as far as Fort Vermillion (831.5 km downstream of the W.A.C. Bennett Dam). JFK Law asked how BC Hydro could predict the effects on the PAD, given that no modeling was conducted downstream of Fort Vermillion. BC Hydro advised that if the model had suggested changes past Fort Vermillion, it would have extended the model to properly characterize those changes. However, the results of the modeling indicated the changes to the ice regime would only extend as far as the area between Sunny Valley and Carcajou, which supported a determination that no changes would occur in areas further downstream such as the PAD. Mikisew Cree emphasized the importance of validating BC Hydro's assumptions that there would be no impact on the PAD, with BC Hydro agreeing to consider this suggestion. In response to a concern raised about potential impacts of climate change on the PAD, BC Hydro explained that it had done a simulation of ice levels and climate change, with and without Site C, and could share the preliminary results with the Nations.

- 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 explained that a reduction in suspended sediment was expected because the reservoir would trap some of the sediment upstream, and that no changes were expected to erosion or depositional patterns in the Peace River as a result of the Project. BC Hydro advised that additional work was ongoing to investigate potential changes in the suspended sediment regime during the construction phase.

Representatives of the Nations and JFK made a number of requests for additional information throughout the presentation. BC Hydro agreed to consider the requests made in the meeting, and follow up with the Nations. As a general point, JFK Law reiterated the Nations' concern that a pre-industrial baseline was not being used in the analysis of downstream changes. BC Hydro replied that it was using the existing conditions as the baseline, because it was required to determine the potential changes that could occur as a result of the Project, but acknowledged the Nations' outstanding concern.

On June 21, 2012, JFK Law, on behalf of Athabasca Chipewyan, Mikisew Cree and Dene Tha', sent a letter to BC Hydro regarding the Potential Downstream Changes Report. The letter expressed concern about the general nature of the report and argued that it lacked specific information to substantiate its findings. Due to these issues, the letter advised that it would be difficult for the Nations' hydrology consultant, Dr. Carver, to comment on the report without additional information being provided. Information requests were made. Concern was expressed that Dr. Carver might not be able to complete his review by the end of the summer 2012.

On July 3, 2012, Dene Tha' sent an email to BC Hydro attaching the TLUS work plan, schedule, budget and study area map for BC Hydro's review. BC Hydro replied via email on the same day advising that it had approved Dene Tha's proposal, and would like to proceed with finalizing the TLUS agreement.

On July 4, 2012, JFK Law, on behalf of Athabasca Chipewyan, Mikisew Cree and Dene Tha', sent a letter to the BCEAO and the CEA Agency (cc: BC Hydro) regarding the cumulative effects assessment methodology for the Project. The letter expressed concern that BC Hydro had not amended the EIS Guidelines in response to the Nations' comments regarding the temporal boundaries of the cumulative effects assessment. The letter reiterated the Nations' view that in order to properly assess the impact of the Project on treaty rights, it was essential to understand the Nations' historic use of the watershed, as well as the impacts of existing hydroelectric projects on the Peace River (W.A.C. Bennett and Peace Canyon dams) on the exercise of treaty rights. The letter expressed the view that it was a "legal imperative that the temporal boundary of the cumulative effects assessment include a pre-industrial case" and urged the regulators to require BC Hydro to amend the EIS Guidelines accordingly.

On July 9, 2012, JFK Law, on behalf of Athabasca Chipewyan, Dene Tha' and Mikisew Cree, sent a letter to BC Hydro further to its letter of June 21, 2012. The letter asked when BC Hydro would be able to provide the requested information regarding the Potential Downstream Changes Report. The letter expressed concern about the timeline for Dr. Carver to review the report, given the time that had passed in relation to the information requests.

On July 11, 2012, JFK Law, on behalf of Dene Tha', Mikisew Cree, and Athabasca Chipewyan, sent a letter to the BCEAO and the CEA Agency (cc: BC Hydro) in response to BC Hydro's responses to the Nations' comments on the draft EIS Guidelines. The letter expressed concern that issues raised in earlier correspondence had been inadequately addressed or disregarded. The letter listed outstanding concerns related to the draft EIS Guidelines, including study area boundaries, the methodology for the cumulative effects assessment, purposes and principles, and determination of Valued Components.

On July 20, 2012, BC Hydro sent a letter to JFK Law (representing Dene Tha', Mikisew Cree and Athabasca Chipewyan), in response to JFK Law's letter of June 21, 2012. The letter enclosed a table and other documentation which comprised BC Hydro's response to the information requests. BC Hydro advised that it remained supportive of having Dr. Cover travel to Vancouver to meet directly with BC Hydro staff to discuss any questions he may have.

On July 24, 2012, JFK Law, on behalf of Athabasca Chipewyan, Dene Tha', and Mikisew Cree, sent a letter to BC Hydro in response to BC Hydro's letter of July 20, 2012. The letter stated that much of the information requested about the Potential Downstream Changes Report had not yet been provided. The letter inquired if BC Hydro intended to provide the outstanding information, and if so, when it would do so. The letter suggested that the delay in receiving the information would negatively impact Dr. Carver's ability to provide his report by the end of summer. It emphasized that the requested information was required for Dr. Carver to meaningfully review the report. Regarding BC Hydro's offer to meet with Dr. Carver, the letter noted that Dr. Carver preferred to review the requested information prior to assessing the need for a meeting.

On August 1, 2012, Fasken Martineau sent a letter to JFK Law in response to JFK Law's letter of July 4, 2012, regarding concerns about the cumulative effects assessment methodology in the draft EIS Guidelines. The letter responded to assertions made by JFK Law about environmental changes in the PAD and the impact of the W.A.C. Bennett and Peace Canyon dams on the PAD. It also responded to the assertion that the historic impacts would be perpetuated and reinforced by the Project, and referenced the results in the Potential Downstream Changes Report which showed that any incremental effects of the Project on the flow, sediment transport and ice regimes of the Peace River would be largely attenuated within a few hundred kilometres downstream of the proposed Site C dam, and in turn, hundreds of kilometres upstream of the PAD. The letter explained BC Hydro's rationale for not using a pre-industrial baseline, and stated that a pre-industrial baseline was not required under federal or provincial environmental assessment legislation.

On August 1, 2012, Fasken Martineau responded via letter to JFK Law's letter of July 24, particularly the assertion made by JFK Law that information requested about downstream impacts had not been provided. The letter advised that BC Hydro had spent considerable time and effort in compiling the requested information in a timely and good faith manner, and addressed the two specific requests that JFK Law had identified as outstanding. The letter expressed the view that Dr. Carver could continue to prepare his review of the Potential Downstream Changes Report with the information provided, and that any delay would not be considered significant. BC Hydro reiterated its offer to provide reasonable travel costs for Dr. Carver to meet directly with BC Hydro staff in Vancouver.

On August 13, 2012, Dene Tha' sent an email to BC Hydro attaching the final *TLUS Agreement* signed by its Chief. BC Hydro sent a letter to Dene Tha' on August 17, 2012, attaching the final *TLUS Agreement* now signed by both parties. The *TLUS Agreement*, dated August 16, 2012, outlined the objectives, methodology, deliverables and capacity funding for the TLUS. The TLUS methodology involved conducting interviews with approximately 25 Dene Tha' members. The agreement provided that Dene Tha' would prepare and deliver the following deliverables to BC Hydro:

- A proposal outlined the TLUS research design (by June 15, 2012);
- A TLUS interim progress report (on or about September 10, 2012);
- Maps in hard copy and digital format at a scale of 1:50,000, including: a map consolidating all "map biographies" produced; category maps for each category of traditional knowledge, use and occupancy identified in the *TLUS Agreement*; and, thematic maps that may be requested by BC Hydro (by October 1, 2012); and,
- A Public Report, including a final methodology report (by October 1, 2012).

On August 21, 2012, Fasken Martineau couriered a letter to JFK Law enclosing the report "A Multi-Century Flood, Climate, and Ecological History of the Peace-Athabasca Delta, Northern Alberta, Canada" (October 31, 2004), as per JFK Law's request.

On August 23, 2012, BC Hydro sent a letter to Dene Tha' enclosing an original signed copy of the *TLUS Agreement* and a cheque for the first payment issued pursuant to the *TLUS Agreement*.

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

On August 29, 2012, JFK Law, on behalf of Dene Tha', Athabasca Chipewyan and Mikisew Cree, sent a letter to Fasken Martineau in response to BC Hydro's letter of July 20, 2012, and Fasken Martineau's letter of August 1, 2012. The letter asserted that information was still required before Dr. Carver could complete his report.

On September 19, 2012, JFK Law, on behalf of Athabasca Chipewyan, Dene Tha' and Mikisew Cree, sent a letter to Fasken Martineau further to its letter of August 29, 2012, regarding outstanding information requests related to the Potential Downstream Changes Report. JFK Law asked when a response to the letter would be provided, and advised that

a delay would impact Dr. Carver's ability complete his review of the report. The letter advised that Dr. Carver would like to meet with BC Hydro, and requested that the parties schedule a meeting as soon as possible.

On September 20, 2012, Fasken Martineau sent a letter to JFK Law in response to the letters from JFK Law dated August 29, 2012 and September 19, 2012. The letter noted that BC Hydro had made considerable efforts to provide the Nations with the information that might be required by Dr. Carver. The letter included a list of material and information which had already been provided to the Nations. The letter advised that BC Hydro had made these efforts in keeping with the spirit and obligations of the *Stage 3 Consultation Agreement*s entered into with Dene Tha', Mikisew Cree and Athabasca Chipewyan, which contemplated that the Nations would provide feedback on the Potential Downstream Changes Report in summer 2012 (Dene Tha'; Athabasca Chipewyan) or three months after receipt of the final report (Mikisew Cree). BC Hydro was still awaiting receipt of the deliverables as set out in the Stage 3 consultation agreements. Further, the letter advised that BC Hydro had reviewed the letter of August 29, 2012, and it appeared that many of the requests had already been answered, were publicly available, or related to matters outside the scope of the Potential Downstream Changes Report and Dr. Carver's review. The letter included some specific responses to the information requests identified in the August 29 letter. The letter expressed the view that the Downstream Report provided ample information on which Dr. Carver could consider and comment on the nature of the studies undertaken, the predicted flow and water level changes, ice regime and sediment movement, as well as potential impacts of the results on the Nations or the exercise of their rights.

On September 21, 2012, BC Hydro sent a letter to Dene Tha' advising that the EIS Guidelines had been issued by 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 Dene Tha', 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 Dene Tha' 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 5, 2012, BC Hydro sent an email to Dene Tha' attaching a "save the date" sheet which outlined the dates for Site C Business Sessions to be held in November, 2012. BC Hydro explained that the sessions were to provide information on procurement strategy and potential contracting opportunities related to the Project.

On October 9, 2012, BC Hydro met with representatives of Dene Tha' and Mikisew Cree, and JFK Law. BC Hydro advised that the EIS Guidelines had been finalized by the regulators, and that BC Hydro had received a mandate to commence IBA negotiations with First Nations in the impacted area. The parties engaged in discussions about the scope, identification and selection of Valued Components, as well as the methodology for determining the spatial boundaries of the Valued Components. The parties also reviewed BC Hydro's letter of September 21, 2012, which invited Aboriginal groups to provide additional information for consideration in the EIS. BC Hydro reiterated its interest in understanding the current use of lands and resources of the Nations in their traditional territories. JFK Law agreed to follow up with a list of questions raised during the meeting. BC Hydro agreed to provide the wildlife and fisheries presentations, information regarding the methodology, model, and weightings applied to Valued Components, as well as the draft baseline studies for fisheries and heritage resources.

On October 22, 2012, Dene Tha' sent an email to BC Hydro and attached a web link to of the final draft of Dene Tha's TLUS report titled *Dene Tha' Traditional Land Use with Respect to BC Hydro's Proposed Site C Dam, Northeast British Columbia*, along with associated maps, for BC Hydro's review.

On October 23, 2012, JFK Law, on behalf of Athabasca Chipewyan, Dene Tha', and Mikisew Cree, sent a letter to Fasken Martineau in response to Fasken Martineau's letter of September 20, 2012. The letter expressed appreciation for the information provided by BC Hydro to date in relation to potential downstream effects. However, it asserted that information requested by the Nations had not been provided, and advised that the Nations remained hopeful that Dr. Carver would receive the outstanding information at his upcoming meeting with BC Hydro.

On October 24, 2012, JFK Law, on behalf of Athabasca Chipewyan, Mikisew Cree and Dene Tha', sent a letter to BC Hydro, further to the meeting of October 9, 2012, and included a list of information requested by the Nations at the meeting. The letter reiterated the Nations' concern that the Valued Components were chosen without consulting the

Nations, and expressed that view that traditional use data should have been collected first, before Valued Components were chosen, so that the data could have helped inform the selection of appropriate Valued Components for assessing potential impacts to treaty and Aboriginal rights.

On October 24, 2012, BC Hydro met with Dr. Carver, a hydrology consultant representing Dene Tha', Athabasca Chipewyan and Mikisew Cree, to discuss the hydrology studies that were carried out by BC Hydro and summarized in the Potential Downstream Changes Report. BC Hydro provided an overview of how each study was carried out, and described the analysis for the key hydrology studies related to the surface water regime, ice/thermal regime, and geomorphology. BC Hydro responded to several questions related to the uncertainty in the modelling, existing operations and impacts at the W.A.C. Bennett and Peace Canyon dams, the current incremental stress from the Project, and climate change; and indicated that the EIS would contain more details than the Report. BC Hydro agreed to consider future inquiries and provide the technical data reports that would be included in the EIS upon completion. The technical consultant agreed to finalize his review of the Potential Downstream Changes Report, and would provide it to his First Nations clients.

On October 24, 2012, BC Hydro sent a letter to Dene Tha' advising that BC Hydro had updated the Project footprint map for Site C. The letter noted that in April 2012, BC Hydro had provided Dene Tha' with the GIS shape file data and/or a PDF map of the Project footprint. The letter advised that the information had since been updated and provided a link to a secured file transfer website containing the updated map of the Project footprint, and associated shape files. The letter also attached a memorandum outlining the specifics of the new and amended information, which included a reduction in the area of the proposed Site C dam site from 3907 hectares (April 2012) to 2025 hectares (October 2012).

On October 24, 2012, Knight Piesold Ltd., consultant for BC Hydro, sent an email to Dr. Carver, consultant for Dene Tha', Athabasca Chipewyan and Mikisew Cree, attaching a journal article titled *Geomorphic Response to River Flow Regulation: Case Studies and Time-Scales*, by Michael Church (1995) and a reference to a thesis titled *Regulation-Induced Channel Gradation in the Peace River,* by Christopher P. Ayles (2001), in response to information requests arising from the meeting of October 24, 2012.

October 25, 2012, BC Hydro sent an email to BC Hydro attaching the Quarterly Financial Report for the period of April 1, 2012 to June 30, 2012, prepared pursuant to the *Stage 3 Consultation Agreement*.

On October 26, 2012, BC Hydro sent two emails to Dr. Carver, consultant for Dene Tha', Athabasca Chipewyan and Mikisew Cree, further to requests for information arising from the meeting of October 24, 2012, attaching:

- Tables of data respecting downstream ice formation in a 2080s climate change scenario;
- Operating Procedures for Influencing the Freeze Up and Break-Up of the Peace River at the Town of Peace River, prepared by the Alberta-British Columbia Joint Task Force on Peace River Ice.

On October 31, 2012, BC Hydro sent an email to JFK Law attaching links to the following materials on a secured file transfer website:

- Site C Heritage Program Update (PowerPoint)
- Wildlife Update (PowerPoint)
- Fish and Fish Habitat Update (PowerPoint)
- Peace River Valley Ungulates Study Program - Final Report
- Aquatic Productivity Technical Data Reports
- Water Quality Technical Data Report

On November 1, 2012, BC Hydro sent an email to Dr. Carver, consultant for Dene Tha', Athabasca Chipewyan and Mikisew Cree, further to the meeting of October 24, 2012. BC Hydro attached an appendix of the Peace River Water Use Plan – Hydro Operation Studies (February 2005), which contained the Terms of Reference of the "Power Studies Independent Reviewer", and a letter from the independent reviewer comprising his review of the "Peace River Water Use Plan – Hydro Operations Power Studies".

On November 5, 2012, BC Hydro sent a letter to JFK Law in response to JFK Law's letter to Fasken Martineau dated October 23, 2012. The letter expressed the view that BC Hydro's meeting with Dr. Carver on October 24, 2012, had been a beneficial one and that a good discussion was had on a variety of topics. BC Hydro advised it looked forward to receiving Dr. Carver's report, and to ongoing discussions with the Nations' respecting potential downstream changes and the potential impacts of the Project on their treaty rights. The letter described BC Hydro's efforts to address information requests arising from the meeting of October 24, 2012.

On November 13, 2012, BC Hydro sent an email to Dene Tha' and enclosed a capacity funding cheque issued pursuant to the *TLUS Agreement*.

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

Dene Tha' notify BC Hydro of instances where information requested in meetings or consultations to date had not been provided, and committed to following up on outstanding information requests as soon as possible.

On November 20, 2012, JFK Law, on behalf of Athabasca Chipewyan, Dene Tha', and Mikisew Cree, sent a letter to BC Hydro. The letter advised that the JFK Law was in the process of trying to coordinate a meeting date with Dene Tha', Athabasca Chipewyan, and Mikisew Cree as a follow up to the meeting of October 9, 2012, and hoped that a meeting could be scheduled in mid-December. The letter also contained information requests.

On November 29, 2012, BC Hydro sent an email to Dene Tha' in follow up to the meeting of October 24, 2012. BC Hydro provided a link to the secured file transfer website for Aboriginal groups, containing the draft Technical Data Reports for the Reservoir Temperature and Ice Regime and the Downstream Ice Regime.

On November 30, 2012, BC Hydro sent an email to Dene Tha' in follow up to the meeting of October 24, 2012, and attached the following documents:

- BC Hydro's response letter to JFK Law's letter (October 24, 2012) – November 30, 2012
- Valued Component Selection and Project Interaction Matrix – November 30, 2012
- Draft EIS Project and Activity Inclusion List – November 30, 2012

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: DENE THA' FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

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.

DENE THA' FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"Athabasca Chipewyan"	Athabasca Chipewyan First Nation
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"Dene Tha'"	Dene Tha' First Nation
"EIS"	Environmental Impact Statement
"First Nations"	North Peace Tribal Council member communities including Beaver First Nation, Dene Tha' First Nation, Little Red River Cree Nation and Tallcree First Nation
"JFK Law"	Janes Freedman Kyle Law Corporation, legal counsel for Dene Tha' First Nation, Athabasca Chipewyan First Nation and Mikisew Cree First Nation
"Mikisew Cree"	Mikisew Cree First Nation
"the Nations"	Athabasca Chipewyan First Nation, Mikisew Cree First Nation and Dene Tha' First Nation, collectively
"NPTC"	North Peace Tribal Council
"PAD"	Peace Athabasca Delta
"Potential Downstream Changes Report"	Site C Clean Energy Project, *Potential Downstream Changes* (BC Hydro, May 2012)
"Site C" or "the Project"	The proposed Site C Clean Energy Project

"Stage 3 Consultation Agreement"	Site C Clean Energy Project Stage 3 Consultation Agreement, between Dene Tha' First Nation and BC Hydro, dated March 30, 2012
"TLUS"	Traditional Land Use Study
"VC"	Valued Component

Chronology of events

2012

On December 5, 2012, BC Hydro sent an email to JFK Law attaching the following two documents:

- "Draft Discussion Paper re: Treaty 8 Rights" (a document outlining BC Hydro's understanding of Treaty 8 rights), and

- "Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, 'Current Use of Lands and Resources for Traditional Purposes'" (A discussion document on the methodology used for the assessment of effects on the current use of lands and resources for traditional purposes by Aboriginal people).

The documents were sent to JFK Law for discussion at the meeting scheduled on December 13, 2012.

On December 11, 2012, BC Hydro sent an email to the Nations and to JFK Law representing the Nations, 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 13, 2012, BC Hydro met with representatives of the Nations (Consultation Coordinator, Lands Manager, Government Industry Relations Director, Government Industry Relations Liaison), JFK Law and PGL, environmental consultant for the Nations. BC Hydro's Environmental Programs Manager and Regulatory Manager attended by teleconference. BC Hydro reviewed the timelines for the EIS process and confirmed that information provided in the outstanding desktop TLU studies would be considered by BC Hydro prior to finalizing the EIS.

JFK Law provided an overview of the Nations' comments on BC Hydro's letter of November 30, 2012, focusing on issues related to spatial scoping and cumulative effects. On spatial scoping, questions were raised as to why the boundaries for the VCs did not extend as far as the areas in which hydrology and geomorphology were being studied (Peace Point), and why Peace Point was chosen as the boundary for the technical studies rather than the PAD. BC Hydro's Environmental Programs Manager advised that subject matter experts had reviewed sources of information related to the physical environment (surface water regime, the velocity of flow, channel morphology, ice regime and water quality) which was integrated with other, mainly biological, information (species, range of movement and sensitivity to environmental changes) in order to determine the Local Assessment Areas and Regional Assessment Areas for the VCs. BC Hydro explained the specific factors that were considered in the selection of boundaries for the Fish and Fish Habitat, and Wildlife Resources and Vegetation and Ecological Communities VCs. Regarding the boundaries for the technical studies, BC Hydro explained that the Town of Peace River was where the hydraulic effect on water flows would dampen out as result of the increased input from tributaries. To be conservative, BC Hydro had extended the boundary to Peace Point, more than 500 km downstream, to be sure to capture any effects. With respect to a concern raised by Dene Tha' that no opportunity was available to collect data in areas downstream of Peace Point such as the PAD, BC Hydro noted that hydrology, geomorphology and sediment transport on the Peace River had been studied extensively over the past 30 years. Dene Tha' stated that it was impossible to say, unequivocally, that the PAD would not be affected unless the spatial boundaries were extended beyond Peace Point.

On cumulative effects, JFK Law reiterated the Nations' view that BC Hydro's existing projects on the Peace River needed to be considered in the cumulative effects assessment, and that a proper analysis of cumulative effects was critical to understanding impacts on the Nations' rights. BC Hydro noted that it was aware of the disagreement regarding the cumulative effects methodology and that for the areas where the parties had different views, it would have to defend the methodology and outcomes of the effects assessment. JFK Law expressed concern that BC Hydro appeared unwilling to change its perspective on issues that were important to the Nations, particularly the need to assess potential effects on the PAD, and asserted that BC Hydro's approach was inconsistent with its consultation obligations as a Crown agent. BC Hydro explained that it was proceeding based on direction provided in the EIS

Guidelines and noted that considerable discussions had taken place with the Nations regarding the PAD. JFK Law and PGL sought clarification on whether the effects of the Project in the Regional Assessment Area would be considered in the cumulative effects assessment, and identified a potential discrepancy between BC Hydro's understanding of the Regional Assessment Area and the requirements of section 8.5.3.1 of the EIS Guidelines. BC Hydro's Regulatory Manager explained that its approach was to identify any residual effects within the Local Assessment Area and then look to the broader Regional Assessment Area to source projects that may have overlapping effects in time and space within the Local Assessment Area. JFK Law stated that BC Hydro needed to consider how the Project might contribute to impacts on treaty rights in the broader Regional Assessment Area, because the Regional Assessment Area was already highly developed and the Project would remove one of the remaining locations in which First Nations exercised their rights. BC Hydro agreed to follow up regarding the role of the Regional Assessment Area in the cumulative effects assessment. BC Hydro also agreed to follow up on questions regarding the precautionary principle and the draft EIS water management plan.

JFK Law provided initial comments on "BC Hydro Draft Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, 'Current Use of Lands and Resources for Traditional Purposes'" dated December 5, 2012, and advised that it would follow up with written comments. JFK Law further advised that written comments would be provided on the topics addressed in BC Hydro's letter of November 30, 2012.

On December 17, 2012, BC Hydro, the BCEAO and the CEA Agency met with representatives of the NPTC (Executive Officer, Human Resources Manager) and the First Nations. Topics of discussion included: the environmental assessment process and timeline, the consultation process, the potential impacts of the Project on the exercise of treaty rights by the First Nations, and possible funding to support the review of the EIS findings and preparation of desktop traditional land use studies. BC Hydro provided copies of the Aboriginal Summaries to each of the First Nations for their review and comment. Dene Tha' expressed concern over the potential sabotage of existing facilities and inquired about the protections government had in place to protect the dam sites. BC Hydro noted Section 23.2 of the EIS Guidelines, which required BC Hydro to discuss potential accidents and malfunctions. Little Red River Cree Nation (advisor) advised that it had submitted a letter to the CEA Agency and BCEAO which set out its understanding of treaty rights, and indicated that document represented the views of the NPTC. BC Hydro agreed to provide the First Nations with a copy of Discussion Paper on Treaty Rights for their review and comment.

On December 19, 2012, BC Hydro sent an email to Dr. Martin Carver, a hydrology consultant for the Nations, providing a copy of the data points spreadsheet used to

generate the pre-regulation and regulation mean hydrographs for various points on the Peace River as requested.

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

On December 27, 2012, JFK Law, on behalf of the Nations, sent a letter to BC Hydro in response to BC Hydro's letter of November 30, 2012 and email of December 5, 2012, and further to the meeting on December 13, 2012. The letter contained a list of information requests arising from the meeting on December 13, 2012, and expanded on comments and concerns raised at the meeting regarding the content of BC Hydro's letter of November 30, 2012. With respect to spatial scoping, the letter expressed concern that BC Hydro had placed the onus on downstream First Nations to collect information on downstream effects and essentially "prove" the potential for impacts downstream to the PAD, and identified a "lack of correlation" between the spatial boundaries in which hydrology and fluvial geomorphology were being studied (Peace Point) and the spatial areas for assessment of effects on VCs. The letter included a bulleted list of questions on the spatial boundaries for the environmental background studies and VCs. The letter advised that the desktop TLU report for Athabasca Chipewyan and Mikisew Cree would be forwarded to BC Hydro and requested funding to allow Dene Tha' to undertake a similar desktop review of existing TLU data along the peace River. On cumulative effects, the letter expanded on previous comments from the Nations regarding the need to consider the impacts of past development, including the W.A.C. Bennett and Peace Canyon dams, in the cumulative effects assessment, and asserted that BC Hydro's approach was inconsistent with the BCEAO's definition of cumulative effects. The letter stated that incremental changes on water levels, geomorphology and ice regimes had the potential to impact the ability of Athabasca Chipewyan and Mikisew Cree to exercise their rights, especially in areas already compromised by existing development. The letter challenged a statement attributed to BC Hydro that "there is inadequate data to consider impacts from the Bennett and Peace Canyon dams" and identified potentially relevant information sources. The letter also contained comments and information requests in response to material provided by BC Hydro in an email of December 5, 2012, including "BC Hydro Draft Methodology Overview for Section 19 of the Site C Clean Energy Project Environmental Impact Statement, 'Current Use of Lands and Resources for Traditional Purposes'" dated December 5, 2012 and "Draft Discussion Paper re: Treaty 8 Rights". The comments on BC Hydro's understanding of Treaty 8 rights focused on the need to consider "livelihood rights" and "incidental rights" under the treaty, as well as the Nations' views on how the *Rio Tinto* case should be interpreted with respect to Crown's obligation to consider historical impacts in the consultation process. BC Hydro was invited to attend a community meeting with Athabasca Chipewyan and Mikisew Cree on January 22 or 23, 2013.

On December 31, 2012, JFK Law, on behalf of the Nations, submitted the report titled "Review of Hydrologic and Geomorphic Downstream Impacts of Site C" prepared for the Nations by Dr. Martin Carver. The report focused on understanding the potential impacts of the Project on the hydrology and geomorphology in the reaches of the Peace River below the proposed Site C dam site and as far downstream as the PAD. (This report is also posted on the CEA Agency website, document number 411).

2013

On January 10, 2013, BC Hydro sent an email to JFK Law attaching copies of the Aboriginal Land and Resource Use Summaries for Athabasca Chipewyan, Mikisew Cree, and Dene Tha', prepared by Traditions Consulting Services Ltd. for inclusion in the EIS.

On January 22, 2013, JFK Law, on behalf of the Nations, sent an email to BC Hydro advising that time did not permit an in-depth review of the substance of BC Hydro's Aboriginal Land and Resource Use Summaries, and that the Nations may provide further comments during the EIS application review.

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

On February 5, 2013, BC Hydro sent an email to JFK Law providing an overview of the outstanding financial reports from Athabasca Chipewyan and Dene Tha'.

On February 8, 2013, BC Hydro sent an email to JFK Law, requesting clarification respecting invoicing and quarterly financial reports.

On February 10, 2013, JFK Law, on behalf of the Nations, sent an email to BC Hydro in response to its request for clarification regarding invoicing and quarterly financial reports. JFK Law requested that legal invoices be returned due to solicitor-client privilege. JFK Law indicated that it would be impossible for Dene Tha' and Athabasca Chipewyan to meet BC Hydro's financial reporting requirements which would hinder the Nations' ability

to receive capacity funding, which would restrict the Nations' ability to participate in the Environmental Assessment process. JFK Law suggested that the parties discuss the issue.

On February 13, 2013, BC Hydro sent a letter to Dr. Martin Carver, a hydrology consultant for the Nations, attaching payment as reimbursement for expenses related to the meeting held on October 24, 2012.

On February 26, 2013, BC Hydro sent an email to JFK Law in response to JFK Law's email dated February 10, 2013. BC Hydro responded to JFK Law's concerns respecting financial reporting requirements pursuant to the Nations' respective Stage 3 consultation agreements and extended an offer to schedule a meeting to discuss the matter further.

On March 4, 2013, Dene Tha' sent an email to BC Hydro, attaching quarterly financial reports pursuant to the *Stage 3 Consultation Agreement*.

On March 8, 2013, BC Hydro sent a letter to Dene Tha', attaching capacity funding payments pursuant to the Stage *3 Consultation Agreement*.

On March 21, 2013, BC Hydro sent a letter to JFK Law in response to JFK Law's letter of December 27, 2012. BC Hydro's letter contained responses to information requests arising from the meeting on December 13, 2012, as well as responses to specific questions on the spatial boundaries used for the environmental background studies and VCs. Regarding the question of why the spatial boundaries of the VCs did not extend to the point at which changes were expected to hydrology and fluvial geomorphology, the letter explained that in areas downstream of the spatial boundaries of the VCs, "the predicted changes in the physical environment diminished to point where the change could no longer influence the VC". The letter noted BC Hydro's disagreement with the assertion that it was attempting to "shift the onus" to the Nations to establish the potential for impacts downstream to the PAD, explaining that BC Hydro had conducted preliminary and subsequent analyses that resulted in a decision to exclude the PAD from the study area used for the analysis of downstream changes. The letter acknowledged receipt of Desktop TLU Report from Athabasca Chipewyan and Mikisew Cree and advised that BC Hydro was not prepared to support funding for a similar desktop study by Dene Tha', beyond the area already covered by Dene Tha's TLUS. In addition, the letter responded to information requests and comments regarding the draft document provided by BC Hydro on the methodology for the assessment of effects on current use of land and resources for traditional purposes. The letter advised that the final version of the methodology was found in the EIS at Section 19, and explained how the Section 19 effects assessment related to the assessment of the potential impacts on asserted or established Aboriginal and treaty rights in Section 34.

On April 9, 2013, BC Hydro sent a letter to JFK Law attaching a payment for expenses related to Dr. Martin Carver's review of BC Hydro's Potential Downstream Changes Report.

On April 14, 2013, JFK Law, on behalf of the Nations, sent a letter to the CEA Agency and the BCEAO attaching the Nations' comments on the draft EIS. (This letter is also posted on the CEA Agency website, document number 1401).

On May 23, 2013, Dene Tha' sent an invitation to BC Hydro to attend the Dene Tha' Annual Assembly and Treaty Days celebration to be held from July 4 to 7, 2013.

On May 29, 2013, BC Hydro sent a letter to JFK Law thanking the Nations for providing the report by Dr. Martin Carver ("Review of Hydrologic & Geomorphic Downstream Impacts of Site C", December 2012) and advising that BC Hydro had reviewed and considered Dr. Carver's report in light of the requirements in the EIS Guidelines. The letter provided BC Hydro's response to Dr. Carver's report including: 1) general responses and clarifications to some assertions made throughout the report, 2) a response to each of the ten recommendation made in the report, and 3) a table with specific comments, corrections and clarifications with reference to specific statements made in the report. The letter also contained a table summarizing topics that the report identified as missing from BC Hydro's Potential Downstream Changes Report and the corresponding sections of the EIS in which each was described. The letter attached Technical Memoranda prepared by BC Hydro on the following topics: Spatial Boundary Selection, Peace Athabasca Delta, Cumulative Effects Assessment, Uncertainty and Precaution, and Dam Safety. The letter also attached a chronological summary of BC Hydro's engagement with the Nations on the issue of potential downstream changes.

The following table sets out BC Hydro's response, as set out in the letter, to several statements made in Dr. Carver's report:

Statement in Dr. Carver's report	**BC Hydro response**
Assertion that "the operation regimes of the existing dams have contributed to the impairment of hydrological recharge of the PAD perched basins."	The perched basins in the PAD are recharged through overland flooding caused by ice jams and by precipitation. There has been no reduction in the magnitude or frequency of ice jams associated with regulation.
Assertion that "operating regimes of the existing facilities can be used to mitigate downstream effects, including effects from the dams on the PAD perched basins" and that it is "prudent to explore the option to substantially modify the operating regime of the existing dams should Site C be	This suggestion lies outside the scope of the environmental assessment of the Project for the following reasons: 1. BC Hydro does not propose to manage flows in the manner suggested as part of, nor as mitigation for the potential effects of the Project.

approved." …	2. There is no requirement to consider measures to mitigate alleged effects of previous projects and activities. …
Assertion that because the Project would lead to a reduction in the total suspended sediment load, there would be an influence on the geomorphology (erosion and depositional patterns) of the Peace River and its tributaries.	The two fundamental processes (suspended sediment transport and channel morphology) are not inter-related in the manner implied by Dr. Carver. In the Peace River, those processes are governed by separate drivers, as follows: Changes in suspended sediment transport (clay, silt and fine sand) as a result of the Project would be due to net deposition in the Site C reservoir. Downstream of the dam, this change would be reflected as changes in suspended sediment load and concentration but not as changes in channel morphology. Changes in suspended sediment load in the Peace River are expected as a result of the Project as described in Section 11.8.5.2 and in Volume 2 Appendix I (Section 5) of the EIS. Changes in channel morphology are governed by peak river discharge as it controls bed mobility and bedload transport. Channel morphology would not be influenced by the Project because the magnitude of peak flows is predicted not to change [see EIS Sections 11.4.5.2.3, 11.4.5.2.4, and Volume 2 Appendix D, Part 2 Downstream Flow Modelling (1D)]. As described in Section 11.8.5.3 of the EIS, except within the 4 km reach downstream of the Site C dam under unusually high flow conditions, channel erosion and depositional patterns (i.e. channel morphology) downstream of the Site C dam are not expected to change due to the Project.
Assertion that Site C would reinforce/ strengthen/ enhance the changes brought about by the existing dams leading to changes in the perched basins of the PAD.	The expected changes in surface water regime, thermal and ice regime, and fluvial geomorphology and sediment transport as a result of the Project have been studied and are described in the Potential Downstream Changes report and further in the EIS (Sections 11.4, 11.7, 11.8 and associated appendices). In each study, it was concluded

	that the influence of the Project would be zero or negligible (considering the baseline variability) well upstream of the PAD. Where appropriate, a discussion of the past changes observed as a result of the existing dams is provided in the EIS.
Suggestion that BC Hydro did not provide all of the information requested to aid in Dr. Carver's review of the Potential Downstream Changes report.	BC Hydro has made significant efforts to provide the First Nations and their technical consultant with the information and resources required to conduct a review of the Potential Downstream Changes Report. Please see the attached chronological summary of engagement with the First Nations and their technical consultant in this regard.
Conclusion that "effects of the Project on the PAD constitute a 'technically valid concern' with respect to the incremental impact of Site C on the Peace-Athabasca Delta."	The influence of the Project on surface water regime, thermal and ice regime, and fluvial geomorphology and sediment transport would be zero or negligible well upstream of the PAD. BC Hydro sees no technically valid concern related to the study area boundaries, nor has Dr. Carver provided one. Please see attached Technical Memoranda on Spatial Boundary Selection and Peace Athabasca Delta.

On May 29, 2013, JFK Law, on behalf of the Nations, sent a letter to the CEA Agency and the BCEAO attaching the Nations' comments to BC Hydro's responses to the comments provided by the Nations on the draft EIS. (This letter is also posted on the CEA Agency website, document number 1430).

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 3

REVISED ABORIGINAL LAND AND RESOURCE USE SUMMARY: DENE THA' FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

<contact information removed>

July 2013

Dene Tha' First Nation (DTFN)

In preparing this summary, information on current Dene Tha' First Nation (DTFN) use of lands and resources was derived primarily from the traditional land use study (TLUS) undertaken for B.C. Hydro by Dene Tha' First Nation Lands and Environment Department, Chateh, Alberta, and funded by BC Hydro.[1] ***Twenty DTFN men, age 33 to 82, were interviewed for the TLUS on September 5 to 7, 2012.***[2] ***On July 8, 2013, legal counsel for DTFN submitted a Supplemental Land Use Report to BC Hydro. Information in this report was derived from June 21, 2013, interviews of two DTFN members, one living in Dawson Creek and one living in Fort St. John. Both are active hunters and fishers.***[3] *A range of publicly available published and unpublished reports were also consulted for information on DTFN traditional land and resource uses.*[4]

The DTFN is an Athapaskan speaking Dene people.[5] *The majority of the DTFN population lives in three Indian Reserve communities in northwestern Alberta: Bushe River, Meander River, and Chateh (Assumption).*[6] *The registered population of DTFN in December 2012 was 2,868, of who 1,961 live on-Reserve.*[7]

Staff from the Dene Tha' First Nation Lands and Environment Department selected the twenty (20) DTFN members who were interviewed for the TLUS on the basis of their current and historical use of the Study Area, as well as for their historical and traditional ecological knowledge.[8]

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[1] Marc Stevenson, All Nations Services, wrote the TLUS report. Stevenson, Marc and Dene Tha' First Nation Lands and Environment Department (2012). Dene Tha' Traditional Land Use with Respect to BC Hydro's Proposed Site C Dam, Northeastern British Columbia. Dene Tha' First Nation Lands and Environment Department, October 22, 2012.

[2] DTFN TLUS: 6. The author states that the men interviewed "represent only a small fraction of those Dene Tha' that use/or have a history of use and occupation" in the Study Areas.

[3] **Stevenson, Marc (2013). Dene Tha' First Nation Supplemental Traditional Land Use Report for BC Hydro's Proposed Site C Dam. Report prepared for Dene Tha' First Nation, All Nations Services, July 6, 2013.**

[4] The studies, publications, and other sources consulted for this study are set out in References.

[5] The DTFN are a component group of what anthropologists term Slavey (see Asch, Michael (1981). "Slavey." In June Helm, editor. *Subarctic. Volume 6, Handbook of North American Indians.* Washington, D.C.: Smithsonian Institution, pages 338-349). Prior to 1978, DTFN was known as the Upper Hay River Band of Slaves/Slaveys (Bouchard, Randy (2006). "Dene Tha' Presence in Northwestern Alberta and South North West Territories." Report prepared for Legal Counsel, Dene Tha' First Nation, Bouchard and Kennedy Research Consultants, 30 May 2006: 4).

[6] Dene Tha' First Nation (2012). Website: http://www.denetha.ca/

[7] AANDC. First Nation Profiles. http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNRegPopulation.aspx?BAND_NUMBER=448&lang=eng.

[8] DTFN TLUS: 5. The author cautions that the people interviewed do not represent the complete picture of DTFN use of the area. They represent a small fraction of DTFN who use or have a history of use in the two study areas (DTFN TLUS: 6).

The General Study Area for the DTFN TLUS is defined as the lower fifth of Dene Tha' traditional territory, located south of the Notikiwen River and extending to the Peace River (Figure 1). Within this area, the Dene Tha' hunt from Deadwood, Alberta, to Cecil Lake, British Columbia, including the region of the Clear Hills, Alberta. This area is referred to in the TLUS as the Sulphur Lake-Boundary Lake hunting corridor.[9]

The Specific Study Area for the TLUS is an area located on the north side of the Peace River that extends approximately 30 kilometres north and then east from the Halfway River in B.C. to the Peace River in Alberta north of Silver Hills (Figure 2). The area along the north side of the Peace River from Halfway River to the Alberta border is within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs. The area south of Boundary Lake to the Peace River and west to Fort St. John is within the Current Use of Lands and Resources (Wildlife Resources) RAA. The southern boundary and part of the eastern boundary of DTFN traditional territory in Alberta is within the Current Use of Lands and Resources (Fish and Fish Habitat) RAA. ***In the Supplemental TLUS Report the study area is to the west of that in the TLUS.***[10]

Interpretation of DTFN use of lands and resources is based on the TLUS Report, including eight maps, five of which depict land use by season in the General Study Area, and one map, Appendix A, which depicts all the TLUS traditional use data (Figure 3); ***and the Supplemental TLUS Report including one map depicting the interview data (Figure 4).***

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

   Moose and other game are hunted by the DTFN year round throughout their traditional territory. Moose is the most important animals used for food, and the hide for making moccasins.[11] Other game is taken often incidental to the moose hunt, including elk, deer, rabbits, chickens (grouse), geese and ducks.

   In the Current Use of Lands and Resources (Wildlife Resources) LAA, there is moose hunting is depicted along the Peace River **both upstream from Fort St. John to the**

[9] DTFN TLUS: 2.
[10] **DTFN Supplemental TLUS: 2.**
[11] Country food provides over 50% of the nutritional intake for 80% of the DTFN population (DTFN TLUS: 10).

Bennett Dam and downstream to the Alberta border.[12] In the Current Use of Lands and Resources (Wildlife Resources) RAA, the area from Cecil Lake east to the Alberta border, and east of the Beatton River north to the Alberta border, is within the moose hunting territories of a number of DTFN members. Multi-species hunting is depicted in the same area. Moose hunting is also depicted on the south side of the Peace River east from the mouth of the Moberly River to the Alberta border.[13] **In the Supplemental Report Map of Interview Data, hunting is depicted from the Beatton River valley west to Dunlevy Creek and north to Graham River from a line from near the mouth of the Halfway River to the head of Dunlevy Creek in the Current Use of Lands and Resources (Wildlife Resources) RAA.**[14] **Part of this area is located on either side of the Alaska Highway corridor.** Only the southern part of this corridor is within the Current Use of Lands and Resources (Wildlife Resources) LAA and RAA.[15]

In the fall, DTFN members hunt geese and ducks in the area around and west of Boundary Lake, British Columbia which is in the Current Use of Lands and Resources (Wildlife Resources) RAA.[16] In the spring, there is limited beaver hunting in the area around Boundary Lake, the western portion of the hunting area is within the Current Use of Lands and Resources (Wildlife Resources) RAA.[17] **One DTFN member hunts beaver and bear on the north side of the Peace River between Ft. St. John and Williston Lake.**[18]

In the Current Use of Lands and Resources (Fish and Fish Habitat) LAA, there is some fishing on the Peace River downstream of the Bennett Dam on the Peace River for bull and rainbow trout.[19] In the Current Use of Lands and Resources (Fish and Fish Habitat) RAA, there is some fishing on the Peace River east of Manning, Alberta.[20]

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

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[12] DTFN TLUS: 14, 17; **DTFN Supplemental TLUS: 3.**
[13] DTFN TLUS: Maps 2 to 6; **DTFN Supplemental TLUS: Map.**.
[14] **DTFN Supplemental TLUS: Map.**
[15] DTFN TLUS: 17; Maps 2 to 6.
[16] DTFN TLUS: 19; Map 4.
[17] DTFN TLUS: 24. Spring beaver hunting is depicted on Map 2: Dene Tha' Summer Land Use.
[18] **DTFN Supplemental TLUS: 3.**
[19] **DTFN Supplemental TLUS: 3.**
[20] DTFN TLUS: 18.

In the Current Use of Lands and Resources (Wildlife Resources) LAA, berries (huckleberries and saskatoon berries) are harvested in the summer along the Peace River especially at the junction of Flatrock Creek and the Peace River and downstream.[21] There are hunting camps around Boundary Lake but on Map 7 the camps are depicted on the Alberta side of the border, and outside the Current Use of Lands and Resources (Wildlife Resources) RAA.[22] **In the Supplemental Report camping is reported in the same areas as moose hunting.[23]**

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

DTFN assert that their traditional territory at the time they signed an adhesion to Treaty 8 in 1900 encompassed the Four Hills: Cameron Hills in the north, Caribou Mountains in the east, Clear Hills in the south and Etsho Plateau in the west, and understood that this was the area within which they could exercise their traditional lifestyle. DTFN also assert that Treaty 8 gives them the right to exercise their Aboriginal and treaty rights throughout the area encompassed by Treaty 8.[24]

DTFN have refined the definition of the boundaries of their traditional territory based on historical research and TLU information from DTFN members. Eastern portions of the Current Use of Lands and Resources (Wildlife Resources) LAA and RAA are within asserted DTFN traditional territory. The Peace River forms the southern boundary of DTFN traditional territory and is within the Current Use of Lands and Resources (Fish and Fish Habitat) LAA. Sections of the Current Use of Lands and Resources (Fish and Fish Habitat) RAA also form the eastern boundary of DTFN traditional territory. DTFN members actively use the above areas for hunting and for gathering berries.

In the past, DTFN would hunt and trap in their traditional territory close to their communities and within their registered trapline territories.[25] Increased industrial activity (oil, gas and forestry developments) in the region around their communities in northwestern Alberta has forced DTFN hunters to range further afield in search of

[21] DTFN TLUS: 17.
[22] DTFN TLUS: Map 7: Dene Tha' Cultural Footprint.
[23] **DTFN Supplemental TLUS: 3.**
[24] Calliou Group (2009). "Dene Tha' First Nation Aboriginal Knowledge and Land Study." Report prepared by Calliou Group on behalf of the Dene Tha' First Nation for Encana Corporation and B.C. Environmental Assessment Office, September 18, 2009: 20, 21.
[25] The areas of the registered traplines are depicted in the report Dene Tha' First Nation (1997). *Dene Tha' Traditional Land-Use and Occupancy Study*. Calgary: The Arctic Institute of North America: [68-9].

game, including to the farthest areas of their traditional territory and beyond in order to obtain enough game for food.[26]

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

   See the response to question 3 above for a brief discussion of how DTFN use of their territory has changed over the years. The eastern portions of the Current Use of Lands and Resources (Wildlife Resources) LAA and RAA are on the western edge of the DTFN Sulphur Lake-Boundary Lake hunting corridor, and are actively used by DTFN members for hunting of ungulates, particularly moose. In the fall, geese and ducks are hunted in the area of Boundary Lake on the eastern side of the Current Use of Lands and Resources (Wildlife Resources) RAA. Berries are harvested in the summer along the Peace River in the Current Use of Lands and Resources (Wildlife Resources) LAA around Flatrock Creek and downstream.

   The Sulphur Lake-Boundary Lake hunting corridor is currently an important resource harvesting area for a number of DTFN members and is likely to remain so in the future. Many of the people make multiple trips during a year to this area to acquire their food. Some of the people interviewed have used the area for approximately 30 years.[27]

   The DTFN are concerned that the Project will have direct and indirect impacts on the surrounding environment and wildlife, and consequently on their ability to exercise their Treaty 8 rights within this area of their traditional territory. Most concerns relate specifically to water flow, alteration of water levels, and the negative impacts on vegetation and habitat used by moose and other animals relied upon by the DTFN.[28] **The Dene Tha' are concerned that the proposed Site C dam will negatively impact fish, moose, beaver, ducks/geese, huckleberries and traditional medicines, and their use by band members.[29]**

5. **In the TLUS, is there any information relating to the exercise of asserted Aboriginal or treaty rights outside the Current Use of Lands and Resources**

[26] DTFN TLUS: 1, 10.
[27] DTFN TLUS: 12.
[28] DTFN TLUS: 2, 29-32.
[29] **DTFN Supplemental TLUS: 6.**

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

The TLUS also provides information on the DTFN exercise of asserted Aboriginal or treaty rights outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs. DTFN state that they actively hunt throughout their traditional territory. The area bounded by the Notikewin-Doig River headwaters in the north, the Peace River in the south, the Mackenzie Highway in the east, and the Fort Nelson to Liard Highway in the west is one of the main areas that the DTFN depend on for moose. In an earlier TLU study by DTFN, nearly 50% of those interviewed hunted in the summer and fall in the area between the Doig River Reserve and Sulphur Lake, Alberta.[30]

The area between Sulphur Lake, Alberta and Goodlow, British Columbia is considered by DTFN hunters to be a relatively pristine area that is not heavily used by others. The myriad of trails, cutlines, seismic lines and roads in the area provide relative ease of access.[31] When hunting in the Sulphur Lake-Boundary Lake hunting corridor there are cabins or camps in the area around both lakes that are used on a recurring basis.[32] DTFN hunters return to this area multiple times in a year for stays that extend from two days to nearly two weeks. DTFN members also hunt for moose in the area north of the Current Use of Lands and Resources (Wildlife Resources), and on either side of the Alaska Highway from Fort St. John to Fort Nelson.[33]

Within the General Study Area, ducks and geese are hunted in the fall on the Peace River to the east and north of Manning, Alberta; around Cardinal Lake, Alberta; and in farmers' fields in the Clear Hills.[34]

The main summer berry picking area in the General Study Area is in the Clear Hills. Cranberries, blueberries, raspberries, huckleberries and saskatoon berries are harvested.[35] **On the Supplemental TLUS map, a gathering area (unspecified) is depicted north of Inga Lake.[36]**

[30] DTFN TLUS: 11.
[31] The TLU study was conducted in 2011 for a proposed project by TransCanada Pipelines Limited (DTFN TLUS: 11, 12).
[32] DTFN TLUS: Map 7: Dene Tha' Cultural Footprint. Single use camps, which are commonly used, were not recorded for the TLUS (DTFN TLUS: 27).
[33] DTFN TLUS: 17, 19.
[34] DTFN TLUS: 19; Map 4.
[35] DTFN TLUS: 17; Map 2: Dene Tha' Summer Land Use
[36] **DTFN Supplemental TLUS: Map.**

Little information was provided in the TLUS related to DTFN fishing activities in the General Study Area as most fishing takes place in the areas closer to their three Reserves in northern Alberta where the fishing is considered to be better.[37] There is some fishing by DTFN members in Charlie Lake, **on the east end of Williston Reservoir for rainbow trout, on the Beatton River,** in Sulphur Lake in Alberta when camped in the area, and on the Peace River east of Manning, Alberta.[38]

Most DTFN trapping occurs within registered traplines in northeastern British Columbia and northwestern Alberta.[39] **A trapping area (unspecified) is depicted on the Supplemental TLUS map north of the Blueberry River.[40]**

One DTFN member uses well established campsites in and around Pink Mountain, and west of the Blueberry River Indian Reserve where the trapline of his mother-in-law is located.[41] The trapline may be the area noted above.

[37] DTFN TLUS: 17, 18.
[38] DTFN TLUS: 18; **DTFN Supplemental TLUS: 3.**
[39] DTFN TLUS: 24. Also see footnote 18 above.
[40] **DTFN Supplemental TLUS: Map.**
[41] **DTFN Supplemental TLUS: 4.**

Figure 1. Map of a Portion of the Southern Boundary Dene Tha' First Nation Traditional Territory with inset of DTFN Traditional Territory (Map provided by DTFN to BC Hydro, March 6, 2012).

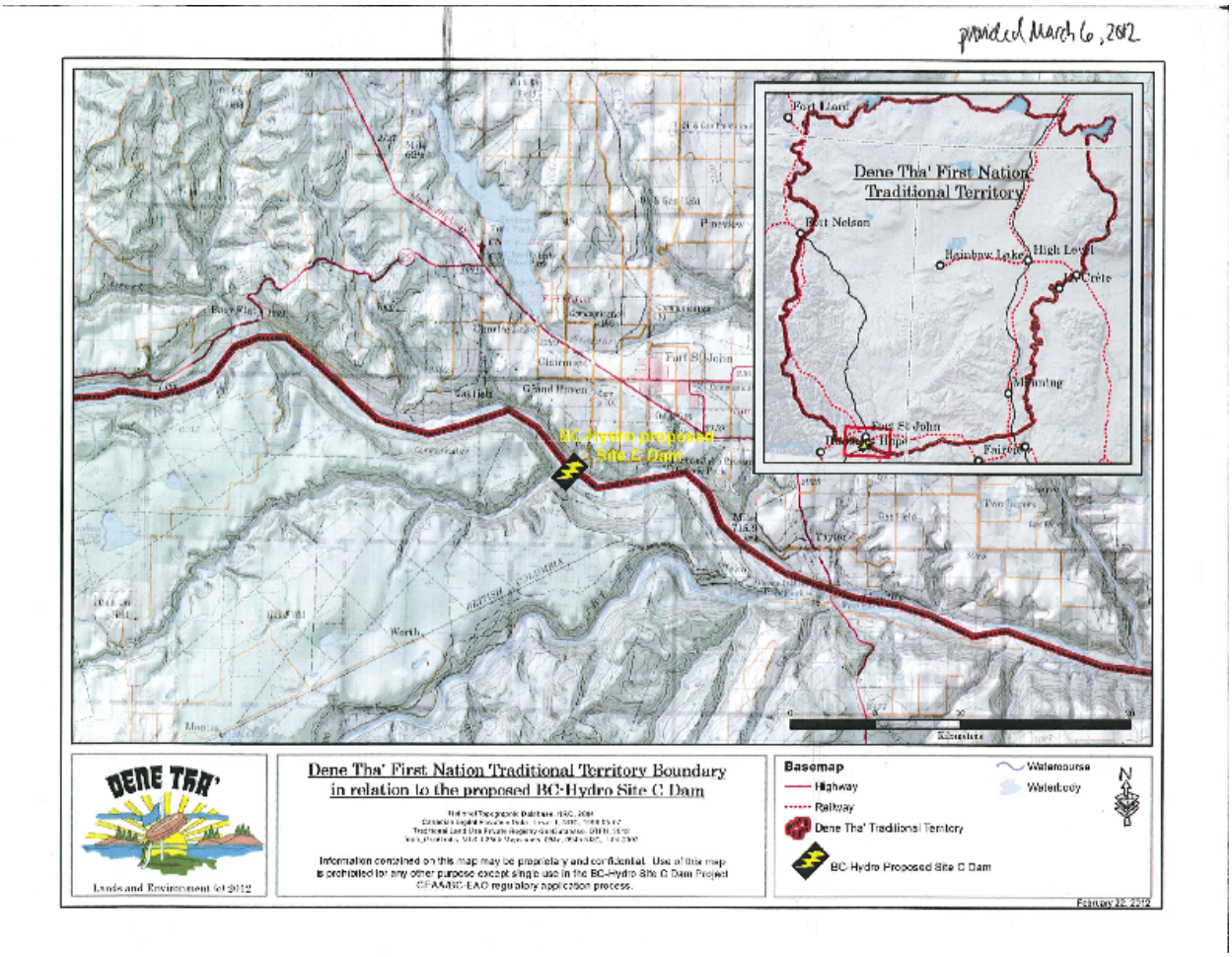


Figure 2. Map of DTFN Specific Study Area, north side of Peace River from the Halfway River in B.C. to the Peace River in Alberta north of Silver Hills (TLUS: Map 1).

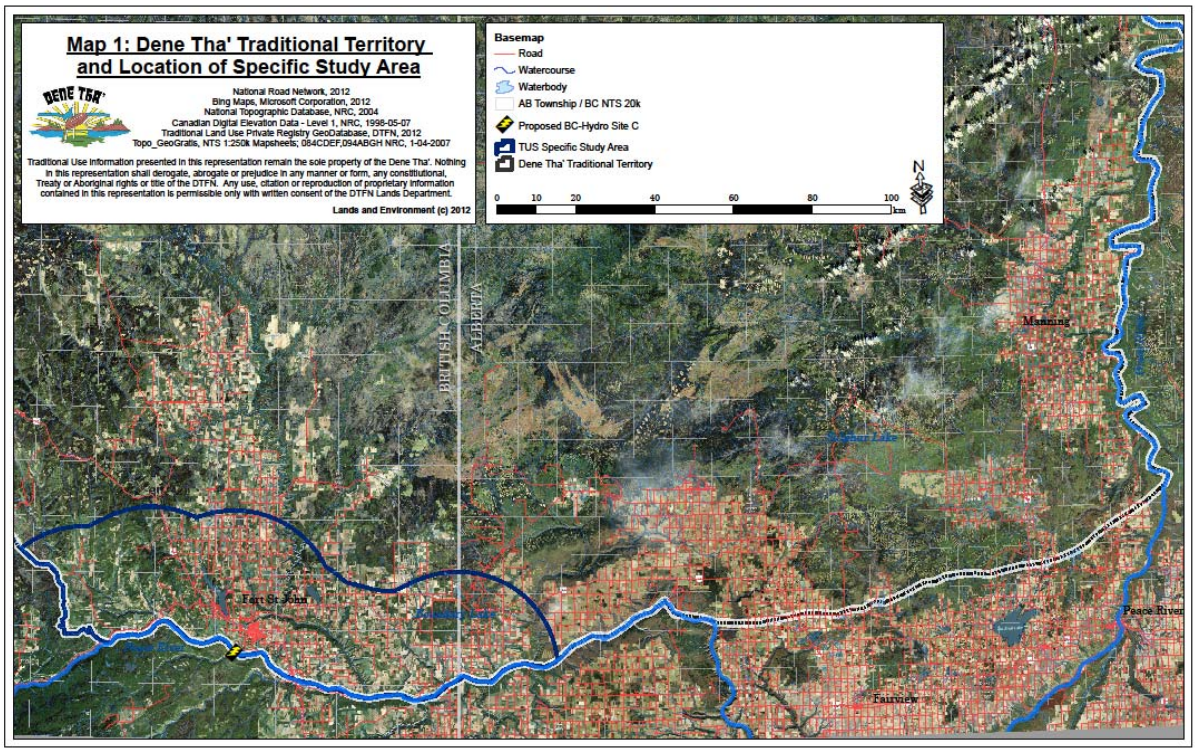


Figure 3. Map Depicting DTFN Activities in the Southern portion of DTFN Traditional Territory (DTFN TLUS: Appendix A).

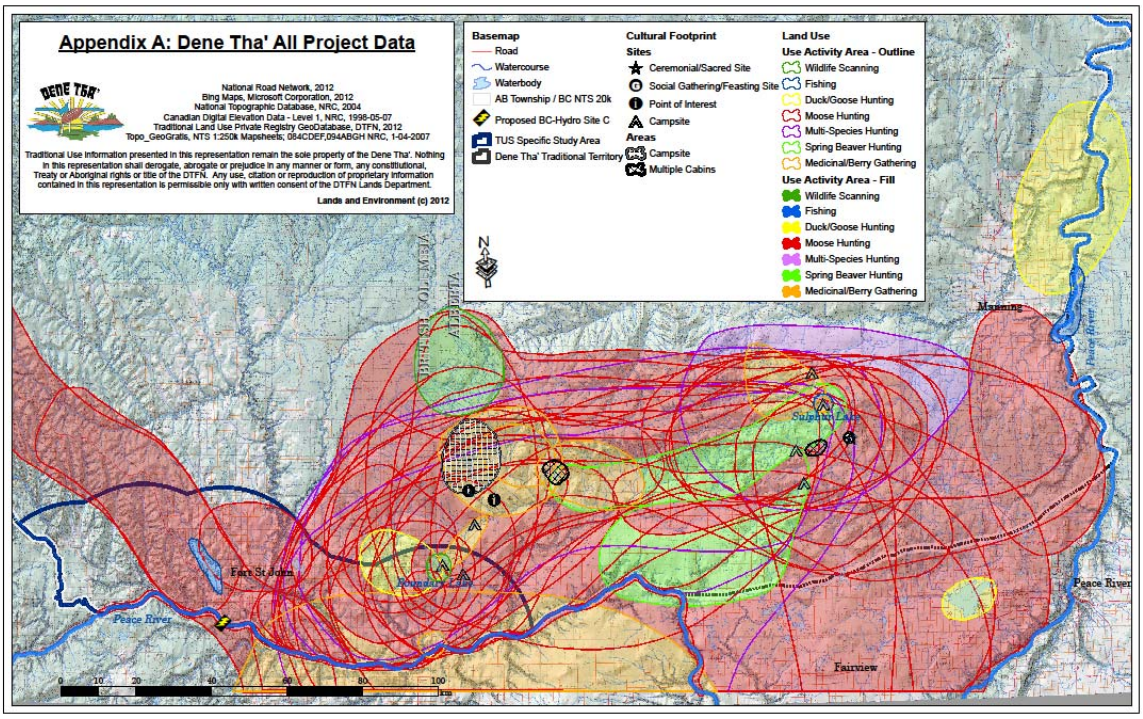
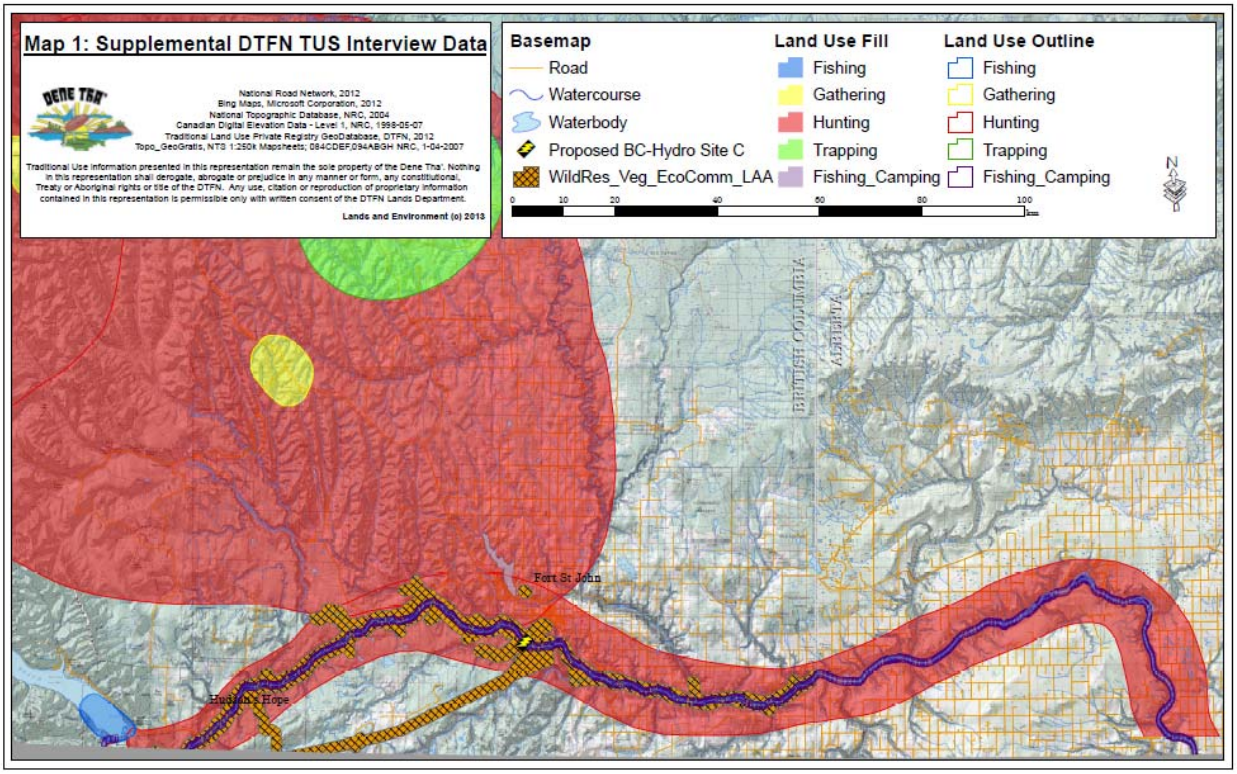


Figure 4. Map of Supplemental TLUS Interview Data (DTFN Supplemental TLUS 2013)



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SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 4

ABORIGINAL SUMMARY:
DENE THA' FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

January 2013

Dene Tha' First Nation

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

Dene Tha' First Nation's Treaty Rights

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

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

For a more thorough discussion of rights under Treaty 8, see Section 34.3.2.1.

Dene Tha' First Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Dene Tha' First Nation in consultation activities with BC Hydro between November 1, 2007 and November 30, 2012, including those identified in meetings, phone calls, letters, emails, reports (e.g., Traditional Land Use Studies) and any submissions made during the comment periods for the EIS Guidelines.

Cumulative Effects
Concern regarding the Project's potential contribution to the cumulative impacts of development in the region, including pipelines, logging, oil and gas, coal mining and coal bed methane.
Interest in using a pre-development, pre-industrial or pre-W.A.C. Bennett Dam baseline in

order to assess the cumulative environmental effects of the Project, and to assess the cumulative implications of the Project on the exercise of section 35(1) rights.
Water – Surface Water Regime
Concern about potential downstream impacts of the Project on water flow and water levels, including in the Peace River, Slave River, McKenzie River, Salt River and the Peace Athabasca Delta.
Interest in extending the scope of the spatial boundaries for downstream studies to ensure that all potential downstream effects, as far as the Peace Athabasca Delta and/or the Great Slave Lake are included in the scope of the effects assessment.
Concern about the potential effects on fish in the event of a spill.
Interest in how the operation of the existing facility at the W.A.C. Bennett Dam would change with the addition of the Project to BC Hydro's system. Interest in the shifting operating regime of the W.A.C. Bennett and Peace Canyon dams should the Project be constructed.
Interest in steps taken by BC Hydro to consider climate change in the Project planning, particularly in regards to future changes in hydrology. Interest in how climate change considerations would be factored into the various studies being undertaken, including modeling of water levels.
Interest in how BC Hydro was expecting to adjust its operation of the W.A.C. Bennett dam due to climate change in the future.
Assertion that the changes in the water regime of the Peace-Athabasca Delta occasioned by the construction of the Bennett Dam and associated facilities will be perpetuated and reinforced by the Project.
Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Water – Thermal and Ice Regime
Concern about the potential effects of the Project on increasing water temperature in the Peace River.
Concern about the potential effects of the Project on ice flow, ice formation, ice break-ups and ice bridges, including the ice bridges at Shaftesbury, Dunvegan and Carcajou.
Water – Fluvial Geomorphology and Sediment Transport
Concerns about the potential effects of the Project on sediment transport.
Fish and Fish Habitat
Concern about the potential effects of the Project on fish, fish habitat, and fish species composition, including in the Peace River, Halfway River and Moberly Lake and Alberta.
Concern about the potential effects of the Project on fish passage, both upstream and downstream of the dam, including fish mortality in turbines and/or spillways.
Concern about side-channel habitat protection.

Vegetation and Ecological Communities
Concern about the potential effects of the Project on vegetation and plant communities.
Concern about the potential effects of the Project on wetland habitat.
Wildlife Resources
Concern about the potential impacts of the Project on wildlife, wildlife habitat and biodiversity.
Concern about the potential effects of the Project on migratory birds and migratory bird habitat, including warblers, marsh birds, ducks, woodpeckers, red and blue listed neo-tropical migratory birds, Slave River area geese and water fowl.
Concern about the potential effects of the Project on furbearers and habitat for furbearers, including fishers, wolverine, rabbits, muskrats and beaver.
Concern about the potential effects of the Project on ungulates and ungulate habitat, including moose, elk, deer, caribou, bison and Stone Sheep.
Concern about the potential effects of the Project on large carnivores and large carnivore habitat, including black bears, grizzly bears, wolves and cougars.
Current Use of Lands and Resources for Traditional Purposes
Concerns about the potential effects of the Project on fishing, including access, water flow, water levels and habitat
Interest in collecting baseline traditional knowledge. Interest in incorporating traditional knowledge into the environmental assessment.
Land and Resource Use Effects
Concern with potential effects of the Project on boat passage.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
Treaty Rights (Hunting, Fishing and Trapping)
Concern about the potential impacts of the Project on Treaty 8 rights.
Aboriginal Interests – Aboriginal Culture and Way of Life
Concern about the potential impacts of the Project on future generations and families, including: - Impacts to opportunities for the transmission of Aboriginal languages - Loss of capacity to pass on and receive traditional knowledge
Concern with the maintenance of, or impacts to, opportunities for the transmission of customary law.
Aboriginal Interests – Existing Hydroelectric Projects on the Peace River
Assertion that the W.A.C. Bennett and Peace Canyon dams impacted and/ or continue to impact the Treaty 8 First Nations, including their ability to exercise section 35(1) rights.
Assertion that the W.A.C. Bennett and Peace Canyon dams impacted and/ or continue to impact the Treaty 8 First Nations downstream, including on the Peace River, Slave River, the Peace Athabasca Delta and the Slave River Delta, including their ability to exercise section 35(1) rights.

Opposition to the Project while past grievances related to the Peace Canyon and W.A.C. Bennett Dams remain outstanding. Interest in addressing past grievances as part of the Project consultations.

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 Dene Tha' First Nation's Treaty Rights

Based on the assessment undertaken by BC Hydro and set out in Volume 3 Section 19 Current Use of Lands and Resources for Traditional Purposes, interactions were identified between the Project and the current use of lands and resources for traditional purposes by Dene Tha' First Nation in the Local Assessment Area (LAA). As a result, BC Hydro's understanding of the current use of lands and resources for traditional purposes by Dene Tha' First Nation was brought forward into the effects assessment.

The effects assessment looked at the potential Project effects during the Project construction and operations phases on fishing opportunities and practices, hunting and trapping opportunities and practices, and cultural and other traditional uses of the land.

The following potential Project effects and mitigations measures were identified:

Project Effect	Mitigation Measures
Changes in fishing opportunities and practices	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ fish habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies.~~
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect fishing opportunities or access.
	Develop a communications program to inform harvesters of longer-term changes in fish community composition.
	Implement all mitigation measures set out in Volume 2 Section 12 Fish and Fish Habitat.

Project Effect	Mitigation Measures
	Implement measures supporting the development of 3 boat launches along the Site C reservoir accessible via Highway 29 to support navigability and navigable use, and the re-establishment of recreational sites on the Site C reservoir and downstream, and to re-establish and create new use patterns and access, as set out in Volume 3 Section 26 Navigation.
Changes in hunting and trapping opportunities and practices	~~Consult with Aboriginal groups respecting the~~ Consider developing~~ment of~~ wildlife habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies, such as~~ Develop mitigation measures ~~related~~intended to decrease impacts on First Nation trap lines in the Project activity zone.
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect hunting opportunities or access.
	Implement mitigation measures set out in Volume 2 Section 14 Wildlife Resources.
	Implement mitigation measures set out in Volume 3 Section 24 Harvest of Fish and Wildlife Resources pertaining to trapping.
Changes to other cultural and traditional uses of the land	Work with Aboriginal groups to ground-truth traditional land use information for specific areas within the Project activity zone prior to commencing construction.
	~~Continue to consult with Aboriginal groups regarding clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events that may affect opportunities to harvest plants, berries, and other resources.
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ habitat compensation projects that align with BC Hydro compensation programs.

Project Effect	Mitigation Measures
	Work with Aboriginal groups to identify permanent habitation structures used in the current use of lands and resources for traditional purposes that may be lost to inundation. Effects on cabins associated with tenured trap lines will be addressed as set out in Section 24.4.9.1 in Volume 3 Section 24 Harvest of Fish and Wildlife Resources. Where untenured cabins may be impacted by the Project, BC Hydro will work with Aboriginal individuals to determine appropriate measures that could be implemented.
	Work with Aboriginal groups to identify potential sites for relocation of medicinal and food plants to compensate for areas that will be inundated.
	Use only indigenous and/or non-invasive plants and grasses in re-vegetation programs associated with the Project.
	Engage with Aboriginal groups around any reclamation phase that may present opportunities to restore ecological communities that support species of high traditional use value.
	Be prepared to ~~P~~provide support for the indigenous plant nursery owned by West Moberly and Saulteau First Nations located at Moberly Lake. The First Nations have a business plan to support propagation of a wide range of indigenous plant species for use in reclamation work.
	Establish a Culture and Heritage Resources Committee to provide advice and guidance on the mitigation of specific effects of the Project on culture and heritage resources. The Committee would consist of BC Hydro officials and Aboriginal members whose communities are in the immediate vicinity of the Project.

Project Effect	Mitigation Measures
	Consider implementing, in consultation with Aboriginal groups and British Columbia where appropriate, the following potential initiatives: • the identification and naming of key cultural sites and the potential to integrate Aboriginal names into Project operations and sites; • recording of stories and history associated with key cultural sites that may be affected by the Project; • the protection and documentation, including mapping, of important Aboriginal trails and sites; • contribute funding to support a youth culture camp that includes transfer of knowledge around medicinal and food plants; • engage with Aboriginal groups to commemorate the lost and inundated places; • engage with Aboriginal groups around potential plans to undertake ceremonies prior to the commencement of construction on key elements of the Project; and • develop and implement an education program respecting Aboriginal culture, history and use of lands and resources in the Project Area to be offered to all workers on the Project.
	Implement all mitigation measures set out in Volume 2 Section 13 Vegetation and Ecological Communities.
	Implement all mitigation measures set out in Volume 4 Section 32 Heritage Resources.
	Implement measures supporting the development of new shoreline recreation sites in Volume 3 Section 25 Outdoor Recreation and Tourism.
	Implement measures supporting the development of 3 boat launches along the Site C reservoir accessible via Highway 29 to support navigability and navigable use, and the re-establishment of recreational sites on the Site C reservoir and downstream, and to re-establish and create new use patterns and access, as set out in Volume 3 Section 26 Navigation.

Key Findings: Current Use of Lands and Resources for Traditional Purposes

Current use of lands and resources for traditional purposes - fishing

Fishing opportunities and practices of Dene Tha' First Nation are not expected to be adversely affected during construction and operation of the Project.

Current use of lands and resources for traditional purposes – hunting and trapping

Hunting and trapping opportunities and practices of Dene Tha' First Nation would be adversely affected due to temporary reductions in availability of targeted species and temporarily reduced access to hunting areas during construction. The effect would be of low magnitude for Dene Tha' First Nation, as hunting practices of Aboriginal people are adaptable, spatially and temporally, and the affected areas are at the periphery of Dene Tha' First Nation's current use hunting areas, as indicated in the traditional land use study conducted for the Project.

Current use of lands and resources for traditional purposes – other cultural and traditional uses

Dene Tha' First Nation has reported harvesting berries at the junction of Flatrock Creek and the Peace River, downstream from the dam site. Project construction is not likely to have effects on berries downstream of the dam site.

Following the methods explained in Volume 1, Section 10 EA Methodology, a cumulative effects assessment was carried out to identify any cumulative interaction between potential residual effects of projects and activities located in the Current Use of Lands and Resources Regional Assessment Area (RAA) with the residual effects of the Project identified above. As a result of that assessment, BC Hydro has determined the Project is unlikely to result in a cumulative effect on the current use of lands and resources for traditional purposes by the ~~Prophet River~~ Dene Tha' First Nation.

Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements presents BC Hydro's assessment of the potential impacts of the Project on the exercise of asserted or established Aboriginal rights and treaty rights of the 29 Aboriginal groups with which BC Hydro was instructed to consult. The assessment of the potential impact of the Project on the exercise of asserted or established Aboriginal rights and treaty rights looked at the potential impacts on the exercise of the rights to hunt, fish and trap, as set out in Treaty 8, as well as impacts to what may be described as ancillary activities, some of which may be reasonably incidental to the exercise of treaty rights to hunt, fish and trap. The following potential impacts and mitigation measures were identified:

Impact on Exercise of Treaty Right	Mitigation Measures
Hunting and Trapping	
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ wildlife habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies, such as~~Develop mitigation measures intended ~~related~~ to decrease impacts on First Nation trap lines in the Project activity zone.
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect hunting opportunities or access.
	BC Hydro will consider community-based monitoring programs, which may involve incorporation of local, community, or traditional knowledge, where potential effects and the effectiveness of mitigation measures on hunting and trapping opportunities are uncertain, provided a sound methodology with clear indicators and outcomes is delineated. BC Hydro is prepared to engage with Aboriginal groups to discuss potential community-based monitoring programs, such as programs intended to monitor the productivity and abundance of wildlife species.
Fishing	
	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ fish habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies.~~
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect fishing opportunities or access.
	Develop a communications program to inform harvesters of longer-term changes in fish community composition.

Impact on Exercise of Treaty Right	Mitigation Measures
	BC Hydro will consider community-based monitoring programs, which may involve incorporation of local, community, or traditional knowledge, where potential effects and the effectiveness of mitigation measures on fishing opportunities are uncertain, provided a sound methodology with clear indicators and outcomes is delineated. BC Hydro is prepared to engage with Aboriginal groups to discuss potential community-based monitoring programs, such as programs intended to monitor the productivity and abundance of fish species.

The assessment of the potential effects of the Project on the traditional activity of hunting demonstrates that the Project may impact the exercise of treaty rights by the Dene Tha' First Nation in the LAA. Dene Tha' First Nation members will, however, continue to have the opportunity to exercise their right to hunt within the LAA, within their traditional territory, and within the wider Treaty 8 territory.

Consultation is ongoing between BC Hydro and the Dene Tha' First Nation, and may yield additional information on the ~~Prophet~~ Dene Tha' ~~River~~ First Nation' current and reasonably anticipated future use of lands and resources that may potentially be affected by the Project. Should ~~Prophet River~~ Dene Tha' First Nation provide additional information to BC Hydro, it will be considered and incorporated in the effects assessment during the EIS review phase and prior to submission of the EIS to the Joint Review Panel.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A04 PART 5

TLUS PUBLIC REPORT:
DENE THA' FIRST NATION

FINAL REPORT

Prepared for BC Hydro Power and Authority

Prepared by Dene Tha' First Nation

October 2012

Table of Contents

A. Dene Tha' Traditional Land Use Report

B. Maps:

i. Map 1: Traditional Territory and Location of Specific Study Area
ii. Map 2: Dene Tha' Summer Land Use
iii. Map 3: Dene Tha' Late Summer/Early Fall Land Use
iv. Map 4: Dene Tha' Fall Land Use
v. Map 5: Dene Tha' Winter Land Use
vi. Map 6: Dene Tha' Spring Land Use
vii. Map 7: Dene Tha' Cultural Footprint
viii. Traditional Land Use Agreement: Appendix A

Dene Tha' Traditional Land Use with Respect to *BC Hydro's* Proposed Site C Dam, Northeast British Columbia

(Frontispiece yet to be selected)

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Table of Contents

	Page #
1.0 Introduction	1
1.1 The Specific and General Study Areas	1
1.2 Report Contents	3
2.0 Dene Tha' Traditional Land Use Study Methodology	5
2.1 TLUS Objectives	5
2.2 TLUS Interviews	5
2.3 A Note on Traditional Land Use Studies	7
3.0 Dene Tha' Traditional Land Use and Occupation Relevant to *BC Hydro*'s Proposed Site C Dam	10
3.1 Results from Previous Studies	10
3.2 Dene Tha' Land Use in the Specific and General Study Areas	11
3.2.1 Overview of Dene Tha' Land Use within the Sulphur Lake-Boundary Lake Hunting Corridor	11
3.2.2 Summer	15
3.2.3 Late Summer-Early Fall	18
3.2.4 Fall	18
3.2.5 Winter	22
3.2.6 Spring	24
3.3 Dene Tha' Cultural Footprint in the Specific and General Study Areas	24
3.3.1 Cabins	24
3.3.2 Campsites	27
4.0 Dene Tha' Environmental Concerns with Respect to the Proposed *BC Hydro* Site C Dam	29
4.1 Dene Tha' Concerns and Anticipated Impacts of the Proposed Site 'C' Dam	29
4.1.1 Dene Tha' Experience with the Impacts of the Bennett Dam and other Dams	29
4.1.2 Anticipated Impacts of the Proposed Site 'C' Dam	30
4.2 Conclusion	31
Appendix A: All Project Data Map of Dene Tha' Use and Occupation in the General Study Area	33
Appendix B: All Project Data Report of Dene Tha' Use and Occupation in the General Study Area	34

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1.0 Introduction

For many First Nations, traditional land use and occupation is synonymous with the exercise of their constitutionally protected Aboriginal and Treaty rights. But along with rights come responsibilities to care for the land for present and future generations. With widespread environmental degradation and ongoing loss of lands from resource development — principally agriculture, oil/gas development and forestry — on Dene Tha' First Nation (DTFN) traditional territory the Dene Tha' have found it increasingly difficult to exercise their rights and responsibilities. While documenting traditional land use activities and occupation sites associated with these activities may be an important first step in ensuring that Dene Tha' traditional lands are not overdeveloped or damaged to the extent that Dene Tha' rights and responsibilities cannot be accommodated, or the land is not protected, it is not the only step. The DTFN has consistently insisted that its members must be intimately involved in the assessment, mitigation and monitoring of any project within its traditional territory that has the potential to diminish the ecological integrity of the resources upon which they depend and/or to infringe their constitutionally protected rights.

Subsequently, the DTFN entered into an *Agreement* with *BC Hydro* in 2012 to undertake a traditional land use study (TLUS) in connection with the proposed construction of *BC Hydro's* Site 'C' Dam on the Peace River near Ft. St. John, BC. The purposes of the *Agreement* were to provide funding to the DTFN to document and present the traditional use and occupation of its members within that portion of Dene Tha' traditional territory in the immediate vicinity of proposed the Site 'C' dam (Map 1), and to document the concerns that Dene Tha' interviewed for this study had about the project so that they might be considered and addressed in the environmental impact assessment and review process. Although the DTFN anticipates that areas of its traditional territory many hundreds of kilometres downstream from the proposed Site 'C' dam will also be affected by the construction and operation of the proposed dam, Dene Tha' uses and concerns with respect to these other areas are not addressed in this report pursuant to the terms of the DTFN's agreement with *BC Hydro.*

1.1 The Specific and General Study Areas

The proposed Site 'C' dam is located on the Peace River near Ft. St. John on the southern boundary of Dene Tha' traditional territory. Increasingly, because of a host of factors outside their control, the Dene Tha' have found that they must travel to the very reaches of their traditional territory and beyond in order to provide sufficient food for their families. However, the focus of this TLUS is on those lands within Dene Tha' traditional territory that might be

directly and indirectly impacted by the construction and operation of *BC Hydro's* Site 'C' Dam. Following protocols and procedures established by the DTFN Lands and Environment Department for previous TLUS projects, it is anticipated that the proposed dam will have both direct and indirect impacts on the DTFN members' constitutionally protected treaty rights to hunt, trap, fish and gather within their traditional territory.

Direct impacts are anticipated to occur during both construction and operation of the proposed Site 'C' dam, and to include the alteration of water levels and loss of habitat both upstream and downstream, as well as changes in natural water temperature fluctuations and ice formation patterns. These impacts, in turn, will have indirect negative impacts on the aquatic and terrestrial species that rely upon the Peace River for survival and the ability of the Dene Tha' to exercise their constitutionally protected rights both within the immediate vicinity of the proposed dam and for many kilometres downstream. While the Peace River Valley immediately up and downstream of the proposed dam will experience the most direct impacts from the construction and operation of the Site 'C' dam, the Dene Tha' expect project impacts to be felt for hundreds of kilometres downstream from the dam site and into tributaries that flow into the Peace River. However, due to the geographical constraints of this TLUS imposed by the *Agreement,* the Specific Study Area only includes *BC Hydro's* "Wildlife Assessment Area" downstream of the dam plus a 25 km buffer or radius around it (Map 1).[1]

The General Study Area for this TLUS, however, is considerably larger and incorporates the entire lower fifth of Dene Tha' traditional territory between its eastern and western boundaries south of the Notikiwen River to the Peace River (Map 1). Dene Tha' traditional land use within the General Study Area is provided for the explicit purpose of placing Dene Tha' land use and occupation within the Specific Study Area in proper historical, cultural and geopolitical context. In other words, Dene Tha' land use within the Specific Study Area (and those areas most directly impacted by the proposed dam) cannot be adequately nor appreciated without reference to Dene Tha' land use activities occurring around the Specific Study Area. Within the General Study Area for this TLUS, the Dene Tha' hunt intensively from Deadwood, AB, to Cecil Lake, BC, along the base, slope, and plateau of the Clear Hills escarpment, principally within a day's travel from either Sulphur Lake or Boundary Lake (which is located within the Specific Study Area). This is referenced in this report as the Sulphur Lake-Boundary Lake hunting corridor, and is interchangeably with the General Study Area.

[1] The Dene Tha' have found that the indirect impacts of industrial developments and installations often extend far beyond the specific "ecological footprint" identified by the proponent and accepted by the regulator.

1.2 Report Contents

In this report. the methodology used to document Dene Tha' traditional land use and occupancy in relation to *BC Hydro's* proposed Site 'C' Dam is described (Section 2.0). This is followed by a brief discussion of the strengths and limitations of TLUS initiatives. Section 3.0 provides detailed descriptions of the land use activities (by season) and "cultural footprint"[2] and of the 20 Dene Tha' interviewed for this Study within the General and Specific Study Areas. Section 4.0 describes the major concerns that those interviewed have about the Site 'C' dam in the hope that the DTFN, *BC Hydro* and the regulator can work together in the future to address and mitigate these concerns.

[2] The term "Cultural Footprint" is used here to denote all locations where the Dene Tha' left physical evidence of their use and occupation. This may include campsites, cabins, villages, grave sites, trails, cache sites and so on, as well as culturally significant sacred sites that are interwoven into the fabric of Dene Tha' life, even though they may bear little or no evidence of Dene Tha' use or occupation. While intimately interrelated, the cultural footprint of the Dene Tha' is distinguished from traditional use areas, more as matter of convenience for data presentation than anything else.

Map 1. Dene Tha' Traditional Territory and location of Specific Study Area.

2.0 Dene Tha' Traditional Land Use Study Methodology
(in Connection with *BC Hydro's* Site 'C' Dam)

2.1 TLUS Objectives

DTFN objectives for *BC Hydro's* proposed Site 'C' Dam were to:

1) Interview ca. 20 Dene Tha' members having a history of, and/or direct experiential knowledge with, land use in the Specific Area;

2) Identify, map and record within the Specific and General Study Areas, the following:

a) sites and areas of Dene Tha' traditional land use and occupation,
b) current land use information held by DTFN members relevant to the exercise of their traditional activities in these areas, and
c) areas of historical and cultural importance to DTFN; and

3) Document any concerns that Dene Tha' land users may have with respect to the proposed project.

2.2 TLUS Interviews

The purpose, need, scope and logistics for a DTFN-led TLUS of *BC Hydro's* proposed Site 'C' Dam were determined by DTFN staff in the summer of 2012. Concurrently and subsequently, the following tasks were conducted:

1) selection of community elders, resource users and knowledge holders that could assist in identifying areas and sites of current and historical use and occupation, as well as TEK relevant to the Specific and General Study Areas.

2) Preparation of an interview guide to introduce interviewees to the project and to guide the interviews.

3) Preparation of maps to support and guide the TLUS.

An interview guide was prepared and used by the project's lead interviewer, Dr. Marc Stevenson, of *All Nations Services*, to solicit from each interviewee knowledge about:

- His/her personal history of land use in the Project and Study Area
- Relatives' (e.g., parents, children, siblings) land use history in the Study/Project Areas
- Stories of Dene Tha' land use and occupancy of Study/Project Areas
- Locations lived/sites occupied (cabins, settlements, etc.)
- Duration and intensity of occupation, other occupants/land users, season of use, etc.
- Trails, waterways and other transportation routes used
- Known grave sites and cemetery locations
- Sacred/ceremonial sites

- Other evidence of DTFN "Cultural Footprint" (caches, campsites, tepees, etc.)
- Species of animals and plants used, season of occurrence, areas of use, etc.
- Observed changes and impacts to the environment within Study/Project Areas
- Concerns about the proposed Project

Interviewees were selected by Dene Tha' First Nation Lands and Environment Department personnel on the basis of their current and historical land use as well as historical and traditional ecological knowledge (TEK). Prospective interviewees were contacted, and interviews were arranged by Baptiste Metchooyeah of the Dene Tha' First Nation Lands and Environment Department. Interviews were digitally recorded and conducted primarily in either Dene or English, depending on the preference of the interviewee, with Baptiste Metchooyeah, providing translation services, and Ben Stevenson and Shannon Pastion providing transcription services for interviews conducted in English and Dene, respectively.

Interviews were undertaken on from September 5-7, 2012. During interviews geospatial information provided by each informant was recorded on maps, with the locations of land use areas, occupation sites and other examples of the DTFN's "cultural footprint" being checked and validated by each interviewee. In total, 20 Dene Tha' land users were interviewed (Table 1.) consisting of 20 male land users ranging in age from 33 to 82.

Table 1. Dene Tha' elders, land users and knowledge holders interviewed.

Edward Akazay (EA)	Willie Chambaud (WC)	Joseph Martel (JM)
Johnny Beaulieu Jr. (JBJ)	Stanley Salopree (SS)	Harry Metacat (HM)
William Yatchotay (WY)	Warren Danais (WD)	James Danais (JD)
Peter Chonkolay (PC)	Marcel Metchooyeah (MM)	Shane Providence (SP)
Albert Seniantha (AS	Eric Kolay (EC)	Fabian Chonkolay (FC)
Willie Martel (WM)	Francis (Ahkimnachie (FA)	David Martel Sr. (DMS)
Harry Chonkolay Jr. (HCJ)[3]		

It is estimated that the 20 Dene Tha' land users and elders interviewed for this TLUS represent only a small fraction of those Dene Tha' that use and/or have a history of use and occupation in the General and Specific Study areas. While many Dene Tha' who would have met this criterion have passed on, others could not be interviewed either because of budgetary constraints or they were simply unavailable to be interviewed. In other words, the TLUS information presented in this report cannot be considered a complete picture of Dene Tha' contemporary or historic land use in the Specific and General Study Areas, and should not be construed as such. Rather, and at best, it approximates what may be considered as a

[3] Traditional knowledge and contemporary land use information provided by interviewees are followed by their initials (in brackets).

representative sample of a larger population of Dene Tha' who chose to exercise their Treaty rights within the southern fifth of Dene Tha' traditional territory.

2.3 A Note on Traditional Land Use Studies

Many Aboriginal peoples in Canada and their political organizations look to "Traditional Land Use Studies" (TLUS) as a way to protect and assert their constitutionally recognized Aboriginal and Treaty rights in the face of development or challenges to their sovereignty and/or inform land use planning processes. At the same time, governments, generally see the use of such studies as a way to uphold their fiduciary obligations to accommodate Aboriginal rights and interests.

Irrespective of their ability to satisfy these immediate needs, TLUS projects must be considered in a light of what they are not. All "traditional land use studies" represent an incomplete and distorted record of the actual traditional and contemporary land use activities undertaken by Aboriginal communities. Rarely are <u>all</u> individuals who use and/or occupy traditional lands, either presently or the past, ever consulted or interviewed.[4] Furthermore, while land use information provided by contemporary land users is likely to be more accurate in terms of where, when, with whom, etc. land use activities took place, the specific details associated with less recent and historic patterns of land use and occupancy, as recalled by previous generations of land users, tend to fade with time. Moreover, knowledge held by previous generations are not necessarily shared by the larger community, and comes to be vested with a handful of surviving elders land users that represent only a small segment of the total population of land users.

At the same time, the experiential knowledge held by contemporary land users may be quite different, and the traditional land use patterns of younger people will likely differ from those of previous generations owing to a host of contemporary factors and considerations brought about by colonization and the industrialization of Indigenous territories. Inevitably, the gap between present and past land use -- and land users -- grows ever wider, as the "cultural landscapes" of previous generations fade into irrelevancy, potentially untethering the narratives of Indigenous elders from their geospatial and cultural underpinnings, and opening up the land to further exploration and development. This is not to suggest that there is no continuity in land use. Rather, First Nation's peoples have been forced to alter their land use patterns to accommodate the "taking up" of their territories. In other words, they have "changed in order to

[4] In order to partially mitigate this deficiency, a special effort was made to solicit information from each interviewee about his/her hunting and trapping partners.

remain the same." In this context, contemporary expressions of traditional land use activities have become increasingly more important for maintaining Aboriginal cultures, and values, rights and responsibilities related to the land.

At best, traditional land use studies offer a narrow view of what is actually taking place or took place. At worst they are a distorted reflection of reality, especially when one considers what information is "left off the map," and/or what knowledge is not easily captured by two-dimensional representations of four-dimensional reality.

Yet, such studies, once completed, often become in the eyes of government, industry and other stakeholders with an interest in accessing such information, the authoritative source or reference for the traditional (contemporary and historic) land use activities undertaken by Aboriginal communities. In other words, they "become written in stone." This proclivity procedurally 1) freezes in time Aboriginal activities and patterns of land use, which are constantly changing and evolving in response to a host of drivers, and 2) dissuades decision-makers and developers from consulting with affected Aboriginal parties on a case by case basis, or taking seriously Aboriginal concerns or interests not raised in the TLUS. Moreover, there is a general tendency for the latter parties to value TLUS only for the geospatial information that they contain, so that campsites, cabins, trails and other locales or physical manifestations of Aboriginal land use can be protected from development, usually by the use of "avoidance buffers." This "dots on a map" (Webb et al. 2009)[5] approach relegates Aboriginal traditional land use and occupancy, and the rights and responsibilities that attend them, to "postage stamp" types of existence,[6] while transforming "Aboriginal title" into a form of title (fee-simple) that "comports with British common law."

However, it is not just "dots on a map" or places on the landscape where Aboriginal peoples took up residence in the exercise of their hunting, trapping and other constitutionally protected rights that require protection. Rather, it is the larger land base around such "dots" which allows these activities to be exercised that need to be conserved. Furthermore, there needs to be sufficient integrity to that land base in terms of soil, water and air quality, and viable game and fish habitat, for constitutionally protected rights to be exercised in a meaningful way.

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[5] Negotiating Cultural Sustainability: Deep Consultation and the Little River Cree in the Wabasca-Mikkwa Lowlands, Alberta. In *Changing the Culture of Forestry in Canada: Building Effective Institutions for Aboriginal Engagement in Sustainable Forest Management*. (M.G. Stevenson and D.C. Natcher, eds.) CCI Press, Edmonton, pp. 107-126.

[6] This phrase was used in *Tsilhqot'in Nation v. British Columbia (2007 BCSC 1700)* when Judge Vickers ruled that the Tsilhqot'in had met the proof for Aboriginal title to 50% of their traditional territory.

While the size and quality of the lands required to conduct traditional land use around Aboriginal occupation sites will vary through time and space, and with each group, these factors need to be taken into account in contemporary land use development plans and practices. Yet, rarely, if ever, has this been the case, especially if government assumes the lead role in land use planning processes.

Given these indiscretions, it is a wonder why Aboriginal communities would want to share their traditional land use information at all. However, for many Indigenous peoples and communities confronted with development it has come down to an inequitable choice of "map or be mapped" (Bryan 2009).[7] The DTFN views the production and the limited distribution of this report as way to advance its members' rights and interests in the face of ongoing challenges to their rights and past, present, and future traditional land use activities, which are integral to their culture, identity and future. At the same time, the DTFN realizes that this TLUS is not an end in itself; information relevant to Dene Tha' traditional land use will need to be systematically updated on regular basis as traditional land use activities change and evolve over time and space.

The DTFN is fortunate to have developed positive working relationships with some industry and government partners that are committed to corporate social and environmental responsibility, and looks forward to working with them in order to create a future that will balance economic development with environmental protection and cultural preservation for generations to come.

[7] Where Would We Be Without Them? Knowledge, Spaces and Power in Indigenous Politics. *Futures* 41:24-32.

3.0 Dene Tha' Traditional Land Use and Occupation Relevant to *BC Hydro*'s Proposed Site 'C' Dam

3.1 Results from Previous Studies

Moose and other game are hunted in all seasons throughout Dene Tha' traditional territory. Formerly, most Dene Tha' lived out on the land covering a vast expanse of their traditional territory, and sometimes beyond, over the course of a single year, moving numerous times to where resources were abundant. However, with the institution of government hunting-trapping regulations, the establishment of reserves, as well as other factors, most of Dene Tha' people came to live on reserves, opening the land up for development. Many Dene Tha' continued to hunt and trap within their registered trapping areas for much of the year, while hunting around their reserves provided a sufficient supply of game for the remainder of the year. According to James Danais, "*hunting used to be good all over*" and he used to regularly "kill 3-4 moose close to the community all the time" (JD). Yet, with the exponential industrialization of Dene Tha' lands over the last 60 years or so, especially in close proximity to reserves, hunters have been forced to range farther afield in search of moose and other game. As James Danais noted, "*today there are too many roads, too many people, and too many buffalo*"[8] (JD), and Erwin Eht-Chillay has remarked that:

> "*On the whole, I think my family has been impacted by all the oil and gas and forestry that happened in our territory. We cannot go into areas that (we) once did and want to go. We cannot make a living as we once did from hunting, fishing and trapping. There are less animals in the areas around the communities where we live as they have been covered by roads, pipelines, and cut blocks. …The animals are shifting and moving to places further away from us. As a result, younger men and families are starting to travel larger distances up to Bistcho, the areas west of Bistcho, Sulphur Lake near Manning and north of Indian Cabins. It is harder to find animals and people have to spend more money on gas to go out to these places*" (Erwin Eht-Chillay).[9]

Today, most Dene Tha' hunters are forced to travel much further away from their reserves to hunt and provide food for their families than they ever have, even venturing beyond the boundaries of Dene Tha' traditional territory. Not only do many Dene Tha' prefer "country food" for nutritional and cultural reasons – it has been recently estimated that over 50% of nutritional intake for 80% of the Dene Tha' population

[8] Dene Tha' maintain that wood bison, which are increasingly invading moose habitat on Dene Tha' traditional lands "*drive moose away*." In other words, they are geospatially incompatible (non-sympatric) species.
[9] *Survey of Dene Tha' First Nation Traditional and Current Land and Resources Uses in Areas That May be Affected by the Mackenzie Gas Project* (Dene Tha' First Nation 2006), Tab 1, p.3-4.

comes from moose and other traditional foods[10] – as many simply cannot afford the high cost of store bought food:

> *"There are no jobs or employment so even now there are many who still go camping on the land wherever there is moose and going on the land hunting, fishing, gathering and berry picking and doing whatever else"* (JS).[11]

One of the main areas within their traditional territory that Dene Tha' depend on for moose stretches from the Mackenzie Highway in the east to the Fort Nelson-Ft. Liard Highway in the west, and is located between the Notikewin River-Doig River headwaters in the north and the Peace River in the south. Although most hunting activity is centred around the base, slope and plateau of the Clear Hills escarpment, some Dene Tha' hunt as far south as Rycroft and Spirit River when camped in the General Study Area(JM, JBJ, SP). Of the 45 Dene Tha' interviewed in connection with *TransCanada Pipelines Limited* proposed Northwest System Expansion project in Alberta, 21 (46.6%) hunt between the Doig River Reserve in BC and Sulphur Lake in the summer and fall, with cutlines, roads and other forms of linear disturbance around the Clear Hills escarpment being the most heavily hunted.[12]

3.2 Dene Tha' Land Use in the Specific and General Study Areas

3.2.1 Overview of Dene Tha' Land Use within the Sulphur Lake-Boundary Lake Corridor

Even though it is a 5 hour drive for many Dene Tha' (DMS), the area between Sulphur Lake and Goodlow is considered to be relatively undisturbed (JM) and little used by other peoples compared to other areas. According to Francis Ahkimnachie, most Dene from the Halfway, Doig and Blueberry First Nations in BC hunt northwest of their reserves towards Pink Mountain (FA), although Joseph Martel acknowledges that Doig River First Nation members also hunt in the Sulphur Lake- Boundary Lake corridor (JM). Indeed Francis Ahkimnachie is planning to hunt in the Boundary Lake area with two friends from the Doig River I.R. during the week of September 10th, 2012 (FA).

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[10] Notes from conversation with Fabian Chonkolay and Baptiste Metchooyeah, 6 September 2012.

[11] Jimmy Seniantha, in *Dene Tha' Traditional Land Use with Respect to the Sierra Yoyo Desan Road Upgrade in Northeast British Columbia* (DTFN 2012).

[12] *Dene Tha' Traditional Land Use, Concerns and Mitigation Measures with Respect to TCPL's Proposed Northwest System Expansion Projects, Alberta Portion* (DTFN 2011). These include Dene Tha' with the following initials: MM, EA, WC, KP, PhM, EF, TT, HN, AN, FA, GP, DMS, DMJ, AK, GA, ST, EA, JoM, SB, DMS, VB.

A "spider's web" of traditional trails, cutlines, seismic lines, roads and other types of linear disturbances are accessed to locate moose in this area. However, some Dene Tha' do not stray too far from these features while pursuing moose on foot because of their fear of being shot accidentally by non-Native hunters (PC). Rarely do Dene Tha' hunt alone, and it is the norm to go hunting in the General Study Areain all seasons with several partners in order to increase the chances of success (PC). For example, James Danais' regular partners when hunting in the area include Philip Martel and Louie Didzena (JD), while David Martel Sr. hunts with his son, nephew and cousin (DMS) and Shane Providence with his partner, sister, and other family members (SP). In some parts of Dene Tha' traditional territory moose have been driven away by industrial activity and wood bison (PC, JD). However, in other parts, such as the Clear Hills escarpment, moose have appear not to have declined in number over the years.

According to Joseph Martel, the Sulphur Lake-Boundary Lake hunting corridor is the "*best place to go moose hunting,*" and is his main hunting area, which he visits over a dozen times a year, or "*as many times as he can"* (JM). Peter Chonkolay views this area as one of main hunting areas for Dene Tha' First Nation members (PC), and 5-6 times a year Shane Providence scouts the locations where he wants to hunt the week before (SP). Fabian Chonkolay also hunts the entire width of the General Study Area about a dozen times each year from summer to winter (FC), while Edward Akazay and James Danais hunt it at least 10 times a year, or "*every chance they get*" (EA, JD). Other Dene Tha' interviewed for this TLUS hunt this area between 5 to 8 times a year (SS, JBJ, FA, PC, SP, MM, WD) and between 2-4 times a year (WC, WY, DMS, AS, HM, WM). Mid-August to late-October is the most heavily hunted period with stays in the area ranging from 2-4 days at a time (SS, WC, HM, JM, MM, DMS) to a week or more (JBJ, SP, EK, WM). Some Dene Tha' have hunted in this area every fall for close to 30 years or more (SS, WY), while some have not hunted here in the past year or so, either because of "*too many hunters,*" which is often the case around Sulphur Lake in the fall (HM), or because their grandchildren have recently been taught traditional hunting skills and taken over the hunting duties for the family (WD).

The success rate per hunting trip to the area averages between 50% (WY) to 100% (WD). As Albert Seninatha and Warren Danais, respectively, observed, "*you are*

pretty much guaranteed a moose when you go there" (AS), and "*it is rare not to get a moose* (here)" (WD). Average takes per hunter from the Sulphur Lake-Boundary Lake hunting corridor have historically ranged from 3-5 moose a year (WY, WM, DMS, HCJ) to 6-8 moose a year (FA, FC, SP). In one recent year alone, Fabian Chonkolay and his hunting partners took 27 moose from this area, with most of the meat going to the three Dene Tha' communities (FC). This system of production/sharing of moose meat (see below) has become so embedded in contemporary Dene Tha' experience that some people are beginning to take it for granted; increasingly Fabian Chonkolay hears comments such as "*I guess that moose didn't have any ribs*" and "*I guess you don't make drymeat*" (FA). Moose meat is also shared with relatives and friends in other Dene communities, such as Hay River (DMS).

For some hunters, 25% to 40% of all moose taken by them each year comes from the Sulphur Lake-Boundary Lake hunting corridor (SS). Fabian Chonkolay estimates that about 25% of all moose consumed annually by the Dene Tha' come from this area (FC). It should be noted that the above figures and estimates were difficult for some Dene Tha' to share as they felt that talking about how many moose one kills is inappropriate and disrespectful (WM).[13]

The Sulphur Lake and Boundary Lake areas appear to be more intensively used and occupied by the Dene Tha', than other areas within the Sulphur Lake-Boundary Lake hunting corridor. Warren Danais, like many Dene Tha', regards both areas "*to be very good for moose*" (WD). Every fall, Dene Tha' families camp around Sulphur Lake for a couple of weeks or more:

Ernest Akinneah: That fall, I ran into people at camps over there (Sulphur Lake). ...from Assumption. ...Yeah, (they) got camps, they killed 5-6 moose....
MS: So is Sulphur Lake generally regarded as a good hunting area?
Ernest Akinneah: Yeah good, cause I shot a moose that morning. Good thing those guys were there, butchered my moose and threw (it) in my van.
MS: Yeah, you don't remember their names?
Ernest Akinneah: Oh, Providence and Talley's.... whole bunch of kids there too. ....at camp they just make dry meat. They live out by a little creek, oh nice place.
MS: How long were they out there for?
Ernest Akinneah: Oh those guys, they go for two weeks I think, they stayed over there.[14]

[13] Talking in this way about animals may potentially jeopardize future use.
[14] *The Pages are Turning! Dene Tha' Traditional Land Use and Occupation in Northwest Alberta (south of Hay-Zama Lakes) and Northeast British Columbia Recorded in Connection with TransCanada Pipelines Proposed Northwest System Expansion Projects* (DTFN in progress).

Apparently, Sulphur Lake is regarded as a special place by the Dene Tha' -- a "Gift Lake," where the "living is easy" and youth are indoctrinated to Dene Tha' land values and skills:

BM: There's a place called "Sulphur Lake" just off the road its called Sulphur Lake that's where a lot of people from the community hunt. ...It's a good luck place, its got abundance of needs that people if they wanna hunt certain things, it sort of like a Gift Lake.
MS: Oh yeah, okay so is it, Dene translation sort of Gift Lake or something?
BM: ...A friendly sort of like good place for surviving I guess.
MS: Lots of game?...Lots of berries, geese that sort of thing?
BM: Yeah.
MS: So they would hunt there what time of year?
BM: (Dene) During spring and during fall.
MS: So in the summer too?
BM: In the summer too, yeah and children have camps over there too.[15]

Generally, when Dene Tha' camp in the Sulphur Lake area they hunt daily as far west as Worsley and Clear Prairie. However, when hunting has not been successful, or when there are too many hunters around Sulphur Lake, they head further west to Boundary Lake. Here they camp and hunt in an area bordered by the Peace River in the south, the Doig River headwaters in the north, Clear Prairie in the east and Cecil Lake in the west. In fact, increasingly Dene Tha' hunters such as Francis Ahkimnachie "*like the Boundary Lake area better; ...there are too many people around Sulphur Lake*" (FA). Warren Danais remarked that, compared to other areas, there are "*lots of moose around Boundary Lake (and) lots of beaver ponds and moose*" between Boundary Lake and Doig River (WD).[16] According to William Yatchotay, David Yatchotay hunts a lot north of Boundary Lake around the Doig River reserve (WY). For two weeks each fall Fabian Chonkolay concentrates his hunting activities around Boundary Lake (FC), while Johnny Beaulieu Jr. catches a lot of moose southwest of Boundary Lake in the summer (JBJ). Willie Chambaud got a moose in the same area 4-5 weeks before his interview and regards the area between the Peace River and Doig River as "*good hunting grounds*" (WC). Both Albert Seniantha and Fabian Chonkolay hunt moose along the Peace River downstream of Ft. St. John, with Fabian hunting moose by boat up to 5-6 times a summer (FC). Both James Danais and Francis Ahkimnachie were planning to hunt in the

[15] *The Pages are Turning! Dene Tha' Traditional Land Use and Occupation in Northwest Alberta (south of Hay-Zama Lakes) and Northeast British Columbia Recorded in Connection with TransCanada Pipelines Proposed Northwest System Expansion Projects* (DTFN in progress).
[16] Moose apparently find refuge from predators in beaver ponds.

Boundary Lake area in the week following their interviews (WD, FA). In fact, at the time of their interviews (early September, 2012), many hunters had already made plans go hunting in the Sulphur Lake-Boundary Lake corridor within the next week or two (JM,HM, WD, JD, PC, MM, FA).

3.2.2 Summer (Map 2)
Moose:

While some Dene Tha' hunt moose during the spring (see below), most do not start hunting moose in the General Study Area until after the calving season in June (SS, FC). Both cows and bulls are hunted throughout the summer. However, after September following the rut cows are favoured over bulls as the latter's meat is apparently "*only good for making drymeat*" (FC). Early to mid-morning, and late afternoon into the night, are the best times to hunt moose in the summer (JD, AS), especially in the vicinity of abandoned well sites where solvents and chemicals have leached into the ground creating "salt licks" for moose (JD).[17]

The Sulphur Lake-Boundary Lake hunting corridor is an important moose hunting grounds during the summer for at least 12 of the 20 (60%) Dene Tha' land users interviewed for this TLUS (WC, JM, JBJ, SP, AS, FA, FC, SS, WD, PC, MM, DMS). Many hunt around the base of the Clear Hills escarpment during the summer and further south past the Peace River with hunting trips lasting from 2-4 days (JM, SS, DMS) to a week or more (JBJ, WM). As noted above, moose hunting grounds around Sulphur Lake and Boundary Lake are the most intensely used, with many Dene Tha' planning to return to these two areas within the next two weeks or so. The most heavily hunted area around Sulphur Lake appears to be from just west of Deadwood to Worsley along the base and slope of the Clear Hills (WD, PC, DMS). Around Boundary Lake the area between the Peace River and Doig River headwaters and the within 20km on either side of the BC-Alberta border appears to be the most heavily hunted (WD, PC, FA).

[17] Abandoned well sites and other industrial installations are of great concern for the Dene Tha', and are considered a major cause of the disease and other pathologies that Dene Tha' are increasingly seeing in moose.

Map 2. Dene Tha' Summer Land Use

Summer moose hunting is undertaken by boat along Peace River up and downstream of Ft. St. John by some Dene Tha', such as Fabian Chonkolay (FC). Dene Tha' also hunt moose in the summer within the Study within 10km on either side of the Alaska Highway (EA, FC) and north of Ft. St. John and east of Charlie Lake (JBJ).

Other Game:

Moose is clearly the preferred food staple of the Dene Tha'. However, other species are often taken incidental to, or in combination with, the hunting of moose within the Sulphur Lake-Boundary Lake hunting corridor during the summer months, including elk, deer, rabbits, chickens, and geese/ducks (JM, SS, WC, WY, SP, AS). Species such as deer, elk and buffalo are not usually on the menu; "*nobody likes deer*" according to James Danais (JD), and Johnny Beaulieu Jr. doesn't eat elk because he believes they are "*escaped farm animals*" (JBJ). Nevertheless, elk are increasingly being hunted by some Dene Tha' exercising their Treaty rights within the General Study Area (JM, SS, WC, WY, SP, AS), as their meat is tender (WC). For those who do hunt alternate prey species in the summer, moose still accounts for over 90% of their meat intake (JM).

Berries:

Berries are generally picked by Dene Tha' families within the General Study Areaduring the summer wherever they camp. For example, raspberries and blueberries are picked around and northwest of Sulphur Lake in the summer (MM, SP). However, the main berry picking area for the Dene Tha' within the General Study Area appears to be along the base and slope of the Clear Hills, northwest of the main road, between Worsely and the BC border (WD, JM, JBJ, WC). Here, a large variety of berries (including cranberries, blueberries, raspberries) are picked each summer, with some individuals picking up to two 5 gallon pails of berries in a single outing (JBJ). Huckleberries and saskatoon berries are also picked along the Peace River in the summer (EA, WC), especially around and downstream of the junction of the Peace River and Flatrock Creek (WC).

Fishing:

Currently, the Dene Tha' do not fish intensively in the General Study Area during the summer, or any other season for that matter as there is better fishing closer to Dene

Tha' reserves. Nevertheless, some fishing is undertaken on Peace River east of Manning (EK) and on Charlie Lake northwest of Ft. St. John (FC).

3.2.3 Late Summer-Early Fall (Map 3)

Moose:

Moose are hunted within the Sulphur Lake-Boundary Lake hunting corridor during the late summer and early fall period (mid-August to late September) by at least 50% of the Dene Tha' interviewed for this TLUS (WC, JM, JBJ, SP, AS, FC, FA, EA, JD, PC), with half this number planning to go hunting in the area before the end of September. Generally, one to two hunting trips are made during this season averaging from 2 days to a week in duration. Again, the Sulphur Lake and Boundary Lake areas appear to be the most heavily hunted, with an area between the base of the Clear Hills and the Peace River receiving considerable attention as well (AS, EA, WY). As recently as a few weeks ago, Willie Chambaud took a moose southeast of Ft. St. John, just north of the Peace River (WC).

Moose are also hunted during this season from the Alaska Highway (FC) and between Deadwood and the Peace River (EA).

Other Game:

Other species are hunted during the late summer-early fall period within the General Study Area by Dene Tha', often while hunting moose, including rabbits, grouse, chickens, bear and elk (WY, JD, SP).

Fishing:

Some Dene Tha' occasionally fish Sulphur Lake in the late summer, when camped in the area (AS).

3.2.4 Fall (Map 4)

Moose:

Moose hunting increases substantially in the fall with 17 of 20 interviewees hunting within the Sulphur Lake-Boundary Lake corridor between early October and the first snowfall, usually mid-November (WC, JM, JBJ, SP, AS, FC, FA,EA,SS, HM,WY, WD, PC, MM, WM, EK,HCJ). For some Dene Tha' that hunt moose in this area, fall is their most intensive hunting season (SP, FA, EA, SS, WD, WM, HM). For others, fall is the only

season they hunt in the area (HM). Not only do the number of hunting trips to this area double in the fall over previous seasons, the length of time spent hunting and camping in the area increases as hunters attempt to build up food reserves for the coming winter, with some hunters spending 1-2 weeks at a time in the area (WM, FC, JBJ). At some fall campsites, Dene Tha' engage in an highly organized system of food production and distribution, and a division of labour involving hunters, transporters, camp attendants, food producers (women), that provide meat for much of the Dene Tha' community (FC).

Even though the fall moose hunt is focused first and foremost around the Sulphur Lake area (HM, WD, PC, EK, FC, FA, HCJ, WD, PC), the Boundary Lake area is becoming increasingly attractive to many Dene Tha' hunters and the preferred location where they chose to exercise their Treaty rights in the fall (FC, SP, FA, WY, WD, PC, MM). Some Dene Tha', such as Francis Ahkimnachie, bypass the Sulphur Lake area altogether in the fall in favour of hunting west between Worsley and Ft. St. John, and between the Peace River and Doig River (FA). Still others have given up on hunting around Sulphur Lake in the fall as there are "*too many hunters*" (HM). Not only are moose abundant in the Boundary Lake area, other Dene hunters from the nearby Blueberry, Halfway and Doig First Nation reserves appear to concentrate their hunting activities during the fall in other areas northwest of Ft. St. John (FA).

Other locations within the General Study Area where Dene Tha' hunt during the fall include an area from Deadwood east to the Peace River (EA) and an area within10km of the Alaska Highway from Ft. St. John to Ft. Nelson (FC).

Other Game:

Although moose is the primary object of the fall hunt for most Dene Tha' in the Study Area, elk, rabbits, chickens, and geese/ducks are also hunted (JBJ, SP, SS, WD).

Ducks/Geese:

While the former three species are taken incidental to the moose hunt, ducks and geese are hunted in the General Study Areaby Dene Tha' during the fall east of Manning on Peace River (DMS), around Cardinal Lake northwest of Grimshaw (FC), in farmers fields near the base of the Clear Hills (FA), and west of Boundary Lake (FA).

Map 3. Dene Tha' Late Summer- Early Fall Land Use

Map 4. Dene Tha’ Fall Land Use

3.2.5 Winter (Map 5)

Moose:

Moose are hunted within the Sulphur Lake-Boundary Lake hunting corridor during the winter by 8 of the 20 (40%) of the Dene Tha' interviewed for this study (WC, JM, JBJ, SP, AS, FC, FA, WD), with most hunting in this area occurring on a year-round basis. Some Dene Tha' interviewed focus their moose hunting activities on this area more than a dozen times a year (JM, FC), or "*every chance they get*" (JM, AS, EA). However, they do not hunt this area as intensively in the winter as the fall or late summer seasons. For example, some hunt the Sulphur Lake-Boundary Lake hunting corridor 5-6 times a year, but only once or twice in the winter (JBJ, WD, FA). Johnny Beaulieu Jr. hunts in this area far less often between November and March than from June to October (JBJ). Similarly, others who hunt here in winter, do so less frequently than the summer or fall, where 3-4 hunting trips of up to 1-2 weeks in duration are common (JBJ, FA, FC, WD, SP). Further, hunting forays rarely last for more than 2 days in the winter, and camping out on the land in tents becomes onerous owing to freezing temperatures (FC). Some Dene Tha' prefer to hunt on top of the Clear Hills plateau during the winter, whereas from June to November the base of the escarpment is preferred (SP).

As in the summer and fall seasons, Dene Tha' moose hunting in the hunting corridor during the winter appears to be concentrated around Sulphur Lake and Boundary Lake. Moose are also hunted during the winter between the Doig River First Nation I.R. and Boundary Lake (FA). Other locations within the General Study Areawhere Dene Tha' hunt moose during the winter include the area north of Ft. St. John and east of Charlie Lake, Alaska Highway to Fort Nelson (JBJ, FC) and the area between Deadwood and Peace River (EA).

Other Game:

While moose are the main object of the hunt in the winter, a number of other species are taken in the Sulphur Lake-Boundary Lake hunting corridor during the winter including deer, elk, rabbits, and chickens (JBJ, SP, SS).

Map 5. Dene Tha' Winter Land Use

3.2.6 Spring (Map 6)

Moose:

Dene Tha' usually do not hunt cows and calves during the spring (FC), and as noted previously, the meat of bull moose after the rut is "*only good for making drymeat*" (FC). Not surprisingly then, the intensity of moose hunting within the General Study Area falls off dramatically in the spring, with only 35% of those interviewed reporting to be hunting in the area during this season (WC, JM, JBJ, SP, AS, FC, FA). However, after the calving season and by early June moose hunting begins to increase substantially (see discussion of summer season). Indeed, for some Dene Tha', moose hunting in the late spring between Sulphur Lake and Worsley is more intensive than at any other times of the year (WY).

Moose are also hunted in the spring within 10km of the Alaska Highway from Ft. St. John to Ft. Nelson (FC).

Spring Beaver Hunt:

Beavers are generally hunted, trapped and snared by Dene Tha' during the spring within registered trapping areas further to the north in BC and Alberta. However, some Dene Tha' hunt beavers within the General Study Areaduring the spring. In particular, Francis Ahkimnachie hunts beaver each spring while hunting moose between the villages of Hines Creek and Worsley, along the road from Sulphur Lake to Boundary Lake, and around Boundary Lake itself (FA).

Geese/Ducks

Some Dene Tha' hunt geese in spring around Sulphur Lake (HM).

3.3 Dene Tha' Cultural Footprint in the Specific and General Study Areas (Map 7)

3.3.1 Cabins

Fabian Chonkolay has heard that there are Dene Tha' cabins in the Sulphur Lake-Boundary Lake hunting corridor, but does not know their locations (FC). Conversely, there is an area of old cabins ca. 12 km south of Sulphur Lake around Whitemud Creek, but the owners are unknown (WM). Another area of cabins is found west of Worsley near a small lake (JBJ), while Native cabins (Beaver or Cree) are found on 8km (FA) and 15km (DMS) east of the BC border, the former on McLean Creek.

Map 6. Dene Tha' Spring Land Use

Map 7. Dene Tha' Cultural Footprint.

3.3.2 Campsites

According to Edward Akazay, Dene Tha' campsites are usually distinguishable from those of other Native and non-Native hunters as the "*garbage is cleaned up and the pointed sticks* (used in making drying racks, lean-tos and tepees) *are carefully put away*" (EA). By far the most common type of campsite occupied by the Dene Tha' within the General Study Area are "single-use only campsites" including *Ko' se deh koh*, ("*places where people stop, rest, make fire, tea and meal when travelling*") (RM) and *nda'tsn nde thet 'keh* ("*places where people sleep overnight*") (FD).[18] No attempt was made to specifically record these "one-time only" campsites for a variety of reasons.[19] Rather, interviewees were asked about campsites that were occupied recurrently on a seasonal basis or more intensively over greater lengths of time.

Sulphur Lake Area:

Repeatedly occupied Dene Tha' campsites in the General Study Area appear to be concentrated in two areas: around Sulphur Lake and around Boundary Lake. The most intensively occupied Dene Tha' campsite in the former area is located at the intersection of the Sulphur Lake Road and small creek ca. ca. 12km southeast of Sulphur Lake. While many Dene Tha' camp at this location each fall to hunt moose, some also camp here twice a year in late May-early June and mid-late September for 1-2 weeks at here as part a youth cultural program (JM, SS, WD, PC, FC, WM, MM). There is another campSite 'C'loser to Sulphur Lake where Marcel Metchooyeah spends up to four days at a time hunting around Sulphur Lake (MM). Willie Martel camps on Sulphur Lake twice a year for about a week each time (WM), whereas Harry Metacat is planning to camp at Sulphur Lake in mid-September (HM). Every year, Peter Chonkolay camps at a location ca. 5km northwest of Sulphur Lake (PC). Other Dene Tha' campsites are located near Stoney Lake about 12km south of Sulphur Lake (FC, SP, EK). Here, Fabian Chonkolay camps every fall, while Shane Providence spends up to 14 days a time with family members each fall, occupying this campsite 4-5 times a year on the average.

[18] *He's Gotta Shoot Me First! Dene Tha' Traditional Land Use with Respect to the Proposed Mackenzie County Land Stage 3 Land Transfer Project, Northwest Alberta (DTFN 2012).*

[19] These include the ubiquitous occurrence of single-use campsites throughout Dene Tha' traditional territory, the fact that such sites are not often recalled with precision by interviewees, and the lack of time and resources required to document these camps in a systematic manner.

Boundary Lake Area

Dene Tha' fall campsites are found on the east side of Boundary Lake (WY, FA, MM, SP, FC). While Shane Providence only uses his campsite on Boundary Lake as an overnight stop when based out of Stoney Lake (SP), Marcel Metchooyeah camps here 5 times a year for up to 4 days at a time (MM). Fabian Chonkolay and 4-5 hunting partners have camped at a location ca. 8km east of Boundary Lake every fall for the last 20-25 years for up to 2 weeks at a time (FC). Here, they engage in an organized system of food production/distribution that ensures that no one within the Dene Tha' community will go hungry (see above). Edward Akazay has identified an area of current and historic Dene campsites between the town of Clear Prairie and BC border just north of the main road (EA), which may also include a campsite that David Martel Sr. noted about 10km east of the BC border (DMS).

4.0 Dene Tha' Environmental Concerns with Respect to the Proposed *BC Hydro* Site 'C' Dam

4.1 Dene Tha' Concerns and Anticipated Impacts of the Proposed Site 'C' Dam

4.1.1 Dene Tha' Experience with the Impacts of the Bennett Dam and other Dams

Although interviewees were not asked directly about the downstream environmental impacts of the Bennett dam in DTFN traditional territory, many Dene Tha' have experienced adverse environmental changes along and north of the Peace River in recent decades as a consequence of this dam:

FRANCIS AHKIMNACHIE: I just told you what happened, uuh, after they built a dam, eh, behind it got so places it was flooded and everything dried up, ...It's going to be worse.
MS: So everything dried up downstream or upstream?
FRANCIS AHKIMNACHIE: Yeah, dry.
MS: Downstream?
FRANCIS AHKIMNACHIE: At that time, they, there's so much (water) that the trees die on this side.
MS: Oh ok, so in the flooding, the trees die and then downstream everything dries up?
FRANCIS AHKIMNACHIE: Yeah, yeah and the animals just don't know what to do. ...Either die or just go some other place, but some other place it will be dry, and we go to the main river.

MS: It's pretty dry in that area (north of the Peace River between Ft. St. John and Worsley)?
WILLIE CHAMBAUD: Yeah, some creeks there you, you run to, it's about 5, 6 feet, bank was in the bottom, just straight rocks.
MS: So creeks have been dried up in this area?
WILLIE CHAMBAUD: Yeah.
MS: Have you seen this before in this area?
WILLIE CHAMBAUD: Uhh, yeah couple times, about six years ago it happened too.

Other Dene Tha' interviewed for this TLUS base their concerns about the anticipated downstream environmental impacts of the proposed Site 'C' dam on previous experience with other damming projects in DTFN traditional territory:

MS: Is that (Site 'C' dam) going to affect you at all do you think?
EDWARD AKAZAY: It will probably, cause as you see, uh, you go down to the creek here, you'll notice that the water level has dropped quite a bit, cause of that, uh, little dam they've built in Hutch Lake, and that does a lot of damage. People from here used to ...use that (lake), fish on that creek, Meander Creek. ...And after they built that dam you know that water is almost sitting still, which is dead water and when water's dead, you know, it's no longer cold, yeah.

MS: Dead upstream of the dam or downstream?
EDWARD AKAZAY: Downstream from the dam.... Cause Hutch Lake they build that dam, and it affects Meander you know, people don't see that, and the Meander Dene people had no say about that dam being built at that time, eh.
MS: Yeah, so that's your concern about ...this proposed dam, they're going to put there, that it's just going to be dead water?
EDWARD AKAZAY: Oh it'll dry out, it'll dry out, guaranteed that it will, you know.
MS: Ok, you can guarantee that?
EDWARD AKAZAY: Oh yeah, for sure.
MS: That's from your experience in Meander?
EDWARD AKAZAY: mmhmm.

4.1.2 Anticipated Impacts of the Site 'C' Dam

The overwhelming majority of Dene Tha' interviewed for this Study raised concerns about the downstream impacts that the Site 'C' dam would have, as most succinctly summarized in the following exchanges:

MS: ...So they're going to be putting a dam in there, near Ft. St. John. ...What kind of effects you think it might cause downriver? You have any thoughts on that?
WILLIE CHAMBAUD: I wonder how much, how much water is going to, it won't be, the water will be low, eh. ...Yeah, it'll affect everything, it'll affect even the beaver pond place and the fish. Uh, probably (moose) too cause, ... they always go for new growth all the time eh. If there's no water..., things will be dry, eh. ...Less moose and less ducks and geese, I guess, mostly that's sort of a spot for geese eh, lots. ...All the, all the animals, not even animals, fish too, eh. ... Like there's got to be water and, uh, in order to for thing grow, uh, if there's no water what's going to happen, everything's going to dry out, and it (will) *affect everything you know.*

MS: Right, any other concerns that you might have, you know, about this area drying out?
EDWARD AKAZAY: Well uh, it, it will have some effects on, uh, animals too uh, like that it's a good hunting area, well, moose will go where's there's water, eh.
MS: So, it'll affect moose, and...
EDWARD AKAZAY: Plants like, uh, berries and whatnot.
MS: So, if it affects berries like huckleberries and moose, it'll affect you?
EDWARD AKAZAY: Oh yeah, it would.
MS: Is that what you're saying?
EDWARD AKAZAY: Yeah, it would affect a lot of native people cause that (along the Peace River) *would no longer be a good hunting area, eh.*

MS: Ok, they're putting in this dam (Site 'C'), if it goes through is that going to affect you?
FABIAN CHONKOLAY: Probably, the flooding and the damage downstream because our hunting areas will probably be flooded, some places and, our traditional medicine and berry picking areas, along the shore of the Peace River will probably be damaged. ...But what can we do, let's hope they'll do something about it, but I wish they'll fly us through there and like walk us through there, see what they're going to if we have to walk downstream for about 50, 60, 70 kms we'll do that still, but we're going to lose, a lot of good medicine area along the river.

4.2 Conclusion

The proposed *BC Hydro* Site 'C' dam near Ft. St. John will have direct and indirect impacts on the surrounding environment and wildlife, and the ability of the Dene Tha' to exercise their Treaty rights within this part of their traditional territory. However, the impacts of this dam will occur within a landscape that has already seen significant environmental changes and impacts over the last 50-60 years owing to the Bennett Dam, logging, agriculture, oil/gas exploration and development, climate change and other factors. In particular, Dene Tha' have witnessed a dramatic drop in summer water levels within the General Study Area, not just this year (WD, WC, WY), but six years ago as well (WC). Generally, rivers and creeks that flow into the Peace River downstream of Ft. St. John have "*all dried up*" (WC). Many Dene Tha' interviewed for this TLUS believe that this situation and these conditions will only be exacerbated with the construction of the Site 'C' dam.

For example, Edward Akazay, based on his experience with the effects of the Hutch Lake dam on the Meander River, contends that lower water levels on the Peace River downstream of the Site 'C' dam will create "*deadwater*" and "*will affect moose, berries and fish*" thus rendering the area "*no good for hunting*" (EA). According to Francis Ahkimnachie, "*everything will dry up downstream, animals will die off or go elsewhere, and fish will die*." Albert Seniantha knows that all water bodies and courses in the area are interconnected, and that if the Peace River water levels go down, "*beavers and other animals will move to better areas with water*" (AS). Willie Chambaud is concerned about how low water will affect beaver, moose and vegetation growth as he knows that lower water levels will result in less growth and fewer moose, geese and ducks (WC). Because moose, particularly young moose, stick to water courses during the summer (AS), they need sufficient water levels to avoid predators, and lower water levels means greater wolf predation (WC, HM, AS). William Yatchotay also anticipates

that lower water levels will engender greater habitat loss, fewer beaver, ducks and geese, and greater predation on beaver by lynx (WY). Johnny Beaulieu Jr. expects that all the creeks that flow into Peace River downstream of the Site 'C' dam "*will dry up*" thus effecting moose, fish and other animals that depend on the natural flow of the river (JBJ). Stanley Salopree is concerned that the smaller tributaries of the Peace River downstream of the proposed dam will "*dry up*" and wonders about the long-term cumulative impacts on fish (SS).

Lower water levels on the Peace River downstream of the proposed Site 'C' dam was not the only impact of concern to the Dene Tha' interviewed for this TLUS. The effects of unnatural fluctuations in water levels due to discharges at different or random times of the year on fish and fish habitat at the mouths of creeks was a particular concern for Marcel Metchooyeah (MM). Some interviewees also expressed concerns about the flooding of the reservoir (DMS) and hunting areas upstream of the proposed dam (FC). Another felt that, in addition to lower water levels, periodic higher water levels downstream on the Peace River will impact the plants that animals eat, thus forcing animals to move south of the Peace River away from Dene Tha' traditional territory and him to hunt elsewhere (SP). Others were concerned about the ability (structural integrity) of the dam to contain excessive amounts rainfall (HCJ), and massive releases of water on the health and safety of people downstream (DMS). Finally, some expressed concerns about the unforeseen impacts of the proposed dam on the land, animals and people (WD).

If the *BC Hydro* Site 'C' dam is allowed to proceed, and in consideration of the anticipated and unanticipated environmental consequences upstream and downstream of the proposed Site 'C' dam site, some Dene Tha' land users identified an urgent need to assess and monitor water levels and fish and animal habitat prior to and during construction and operation of the dam (WY, FC). As Fabian Chonkolay urged:

"*We need to get people out there to see what we are going to lose*."

Appendix A: All Project Data Map of Dene Tha' Use and Occupation in the General Study Area

Appendix B: All Project Data Report of Dene Tha' Use and Occupation in the General Study Area

Dene Tha' elders, land users and knowledge holders interviewed.

Edward Akazay (EA)	Willie Chambaud (WC)	Joseph Martel (JM)
Johnny Beaulieu Jr. (JBJ)	Stanley Salopree (SS)	Harry Metacat (HM)
William Yatchotay (WY)	Warren Danais (WD)	James Danais (JD)
Peter Chonkolay (PC)	Marcel Metchooyeah (MM)	Shane Providence (SP)
Albert Seniantha (AS)	Eric Kolay (EC)	Fabian Chonkolay (FC)
Willie Martel (WM)	Francis (Ahkimnachie (FA)	David Martel Sr. (DMS)
	Harry Chonkolay Jr. (HCJ)	

Data records are a concatenation of the Interviewee's Initials plus the Site Number indicated on the digitized interview mark-up map.

Data Report of all digitized records by traditional land use theme.

Cabins:

JBJ3, WM4

Campsite:

EA5, HM3, WY5, JD1, PC2, MM1, MM4, SP2, SP5, EK1, FC4, FC8, WM3, FA2, DMS1

Sacred Site:

FC9, WM1

Gathering/Feasting Site:

JM1, SS3, WY3, WD2, PC3

Non-Dene Tha Sites (Points of Interest):

JBJ3, FA6, DMS5

Winter;Hunting;Moose:

EA2, WC2, JM2, JBJ1, JBJ2, SS1, WD1, PC4, PC5, AS1, FC1, FC6, FC10, FA1, FA3, FA8

Winter;Hunting;Other Game:

SP1

Spring;Hunting;Moose:

WC2, JM2, JBJ2, WY2, FC1, FC6, FA1, FA3, FA8

Spring;Hunting;Beaver:

FA4, FA5

Spring;Hunting;Other Game:

SP1

Summer;Hunting;Moose:

EA3, WC2, JM2, JBJ1, JBJ2, JBJ5, SS1, WD1, JD2, FC1, FC3, FC6, FA1, FA3, FA8, DMS2, DMS3

Summer;Hunting;Other Game:

SP1

Summer;Gathering:
EA4, WC3, JM3, JBJ4, SS2, WD5, MM5, SP4

Summer;Fishing:
EK2, FC2

Late Summer/Early Fall;Hunting;Moose:

EA1, EA2, WC1, WC2, JM2, JBJ2, WY1, WD3, WD4, JD2, PC1, MM2, FC1, FC6, WM2, FA1, FA3, FA8, DMS2, DMS3

Late Summer/Early Fall;Hunting;Other Game:

WY1, SP1

Late Summer/Early Fall;Fishing:

AS2

Fall;Hunting;Moose:

EA1, EA2, WC2, JM2, JBJ2, SS1, HM1, HM2, WY4, WD1, MM3, SP3, EK3, FC1, FC6, FC7, FA1, FA3, FA4, FA8, HCJ1

Fall;Hunting;Other Game:

SS1, HM2, SP1

Fall;Hunting;Duck/Goose:

FC5, FA5, FA7, DMS4

Environmental Monitoring (Surveillance):

WD6, WD7

Map 1: Dene Tha' Traditional Territory and Location of Specific Study Area

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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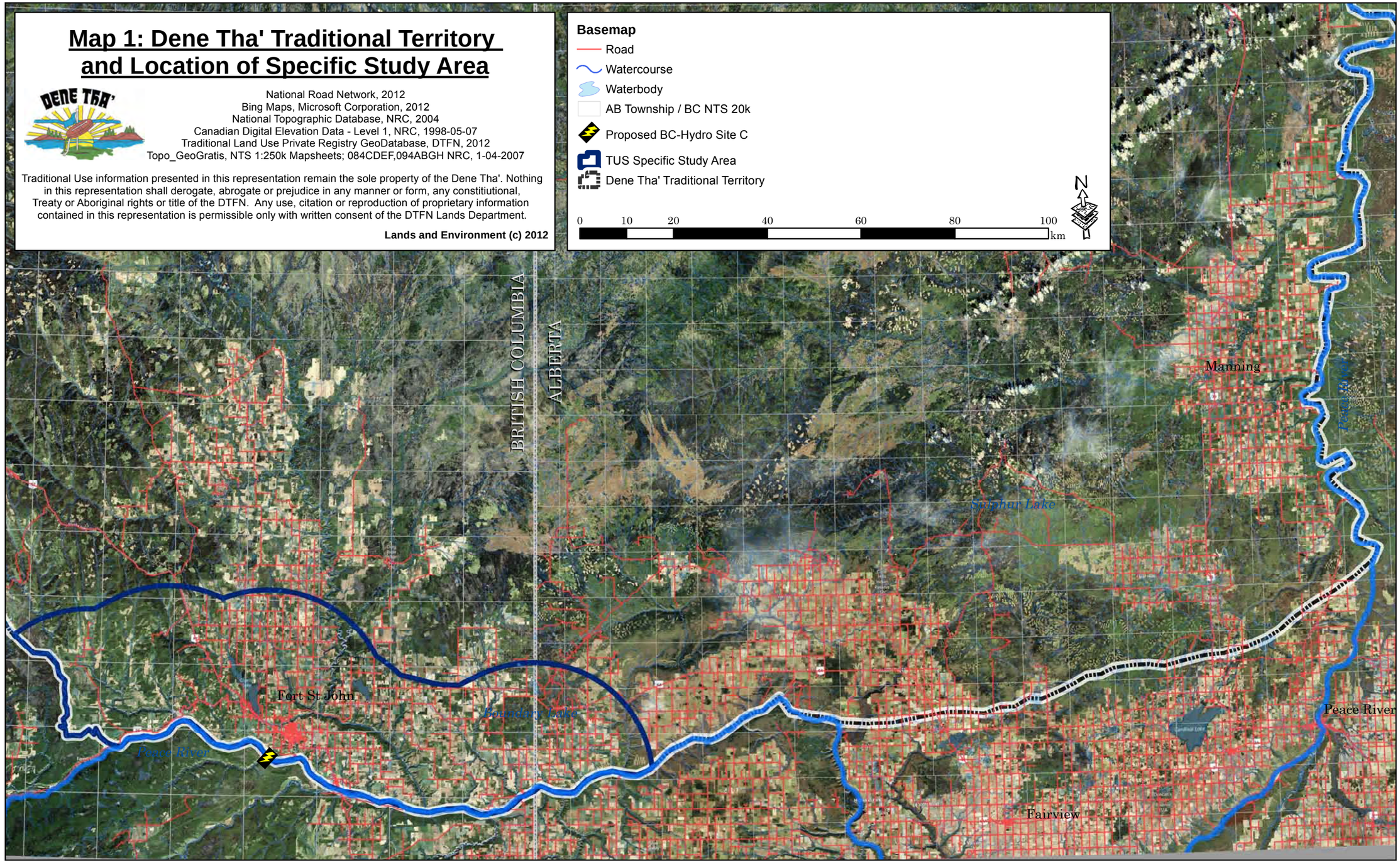
Lands and Environment (c) 2012

Basemap

- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

0 10 20 40 60 80 100 km

N



Map 2: Dene Tha' Summer Land Use

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

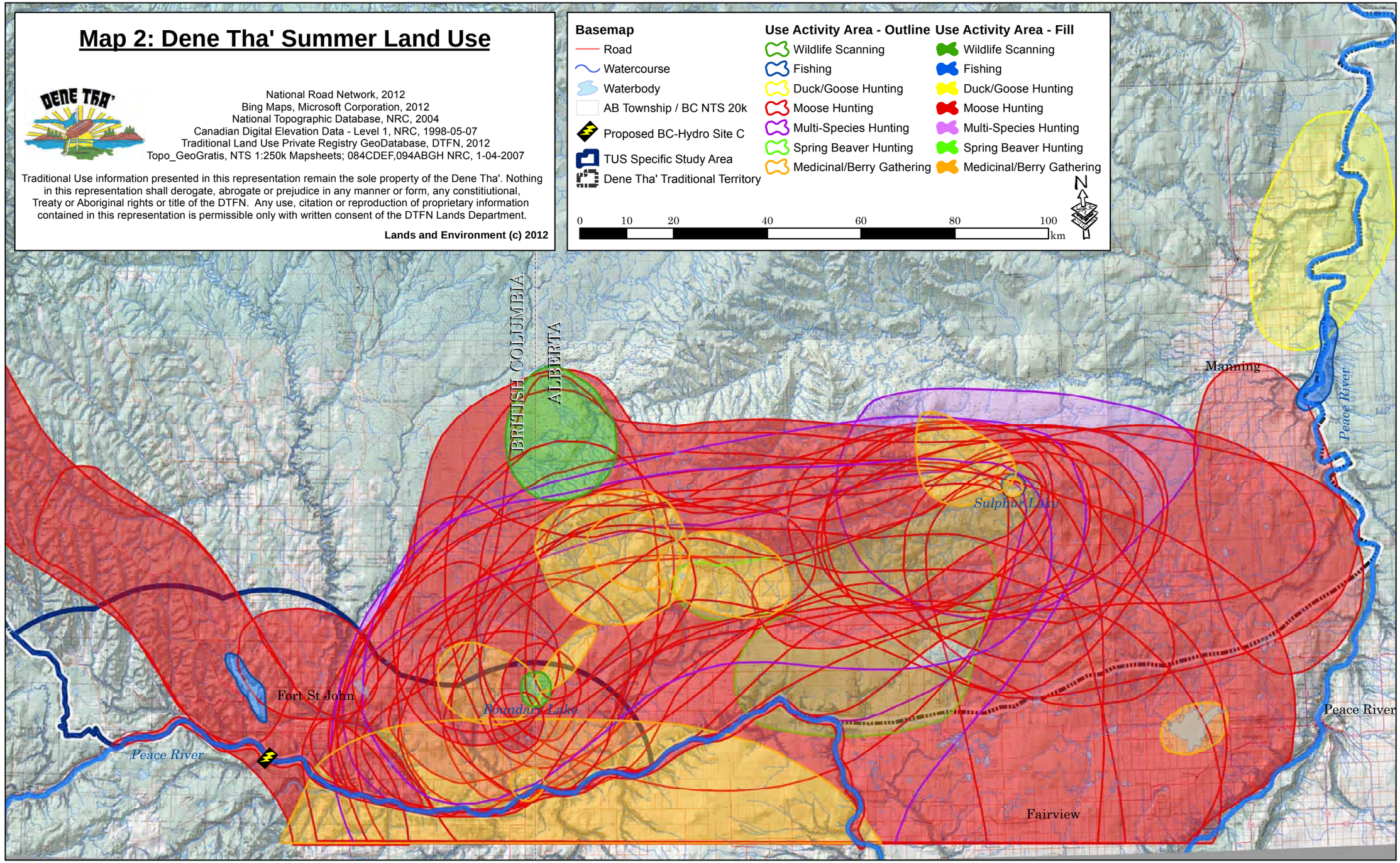
Basemap
- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

Use Activity Area - Outline
- Wildlife Scanning
- Fishing
- Duck/Goose Hunting
- Moose Hunting
- Multi-Species Hunting
- Spring Beaver Hunting
- Medicinal/Berry Gathering

Use Activity Area - Fill
- Wildlife Scanning
- Fishing
- Duck/Goose Hunting
- Moose Hunting
- Multi-Species Hunting
- Spring Beaver Hunting
- Medicinal/Berry Gathering

0 10 20 40 60 80 100 km

N



Map 3: Dene Tha' Late Summer / Early Fall Land Use

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

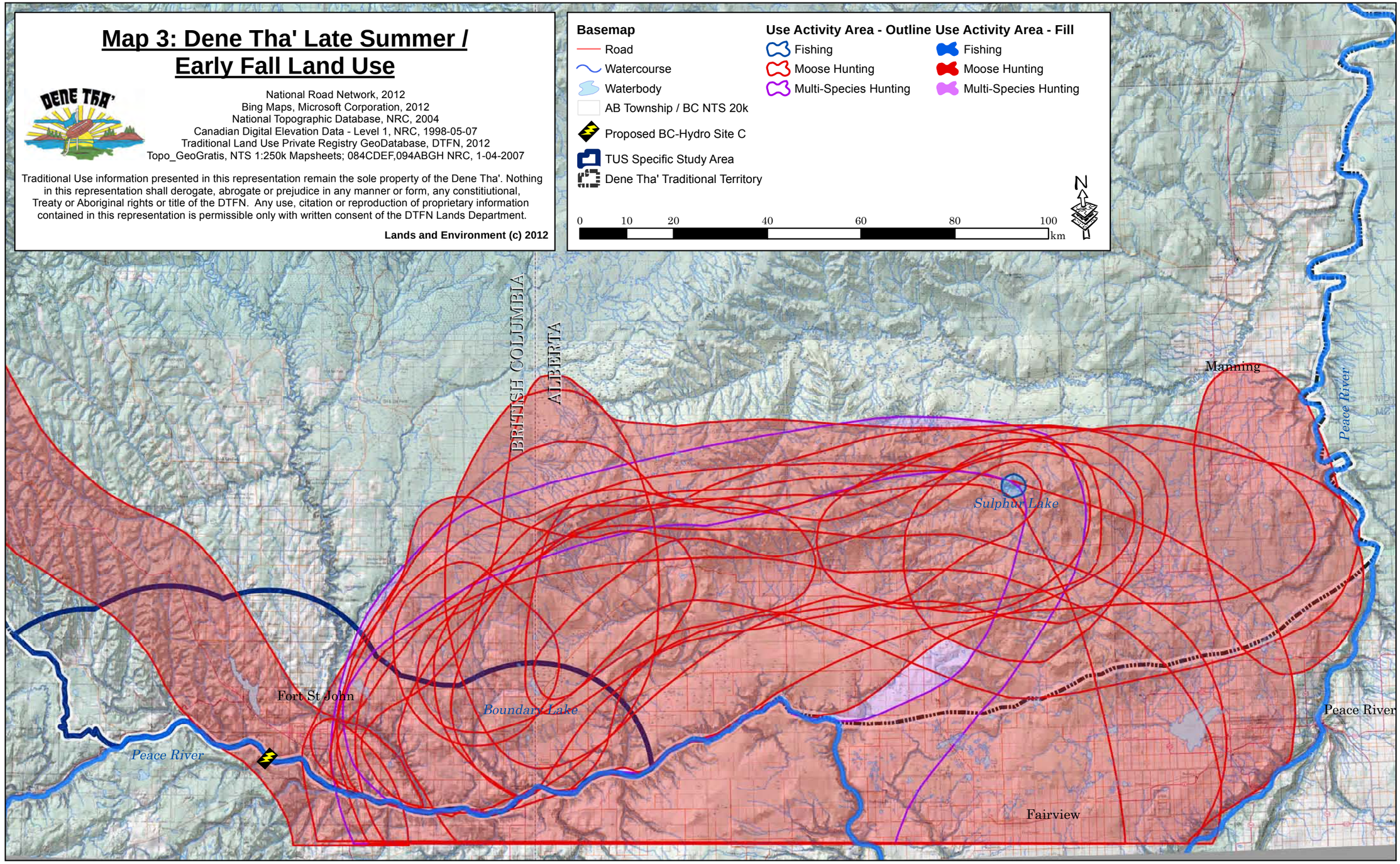
Basemap
- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

Use Activity Area - Outline
- Fishing
- Moose Hunting
- Multi-Species Hunting

Use Activity Area - Fill
- Fishing
- Moose Hunting
- Multi-Species Hunting

0 10 20 40 60 80 100 km

N



Map 4: Dene Tha' Fall Land Use

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

Basemap

- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

Use Activity Area - Outline

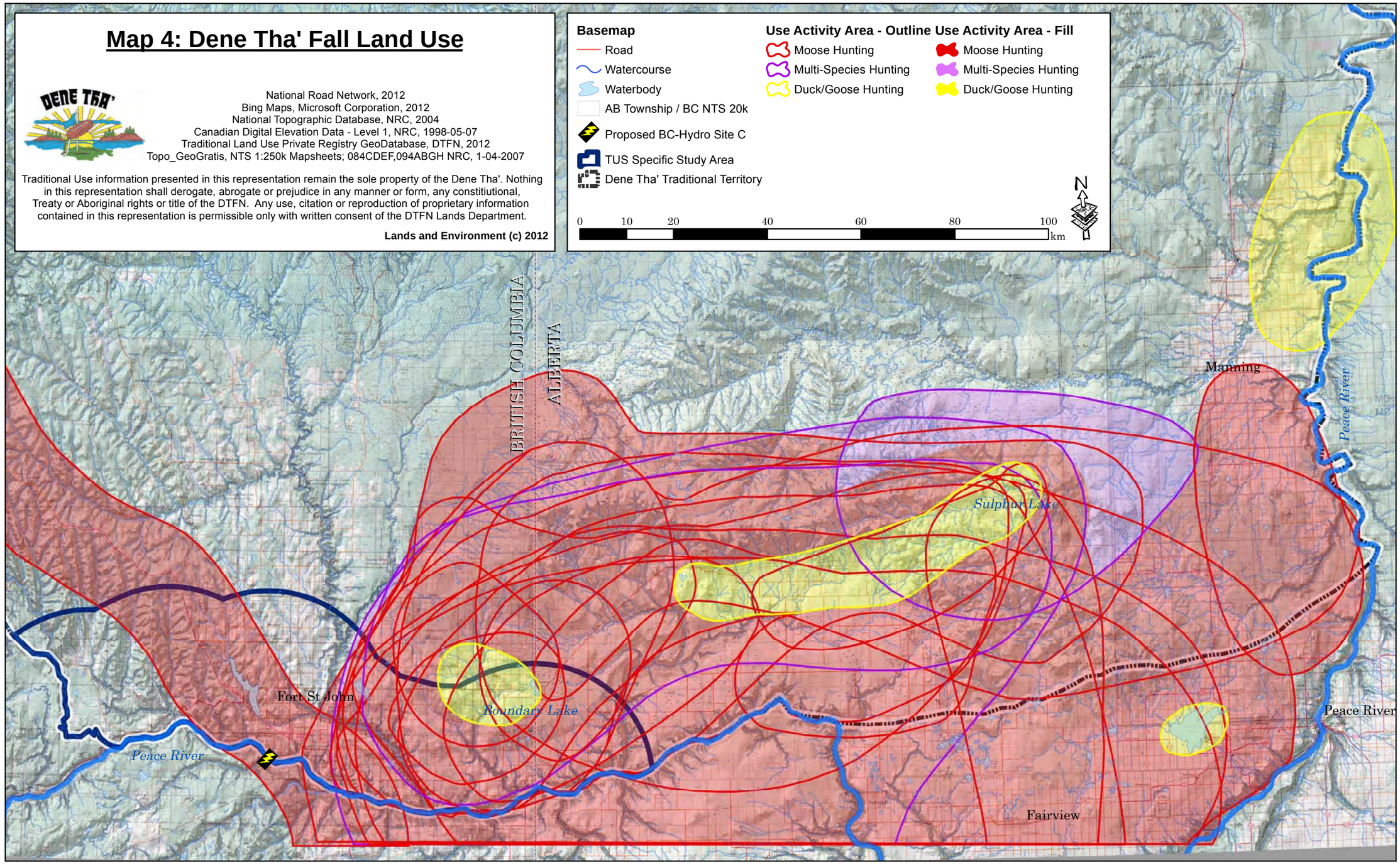
- Moose Hunting
- Multi-Species Hunting
- Duck/Goose Hunting

Use Activity Area - Fill

- Moose Hunting
- Multi-Species Hunting
- Duck/Goose Hunting

0 10 20 40 60 80 100 km

N



Map 5: Dene Tha' Winter Land Use

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

Basemap
- Road
- Watercourse
- Waterbody
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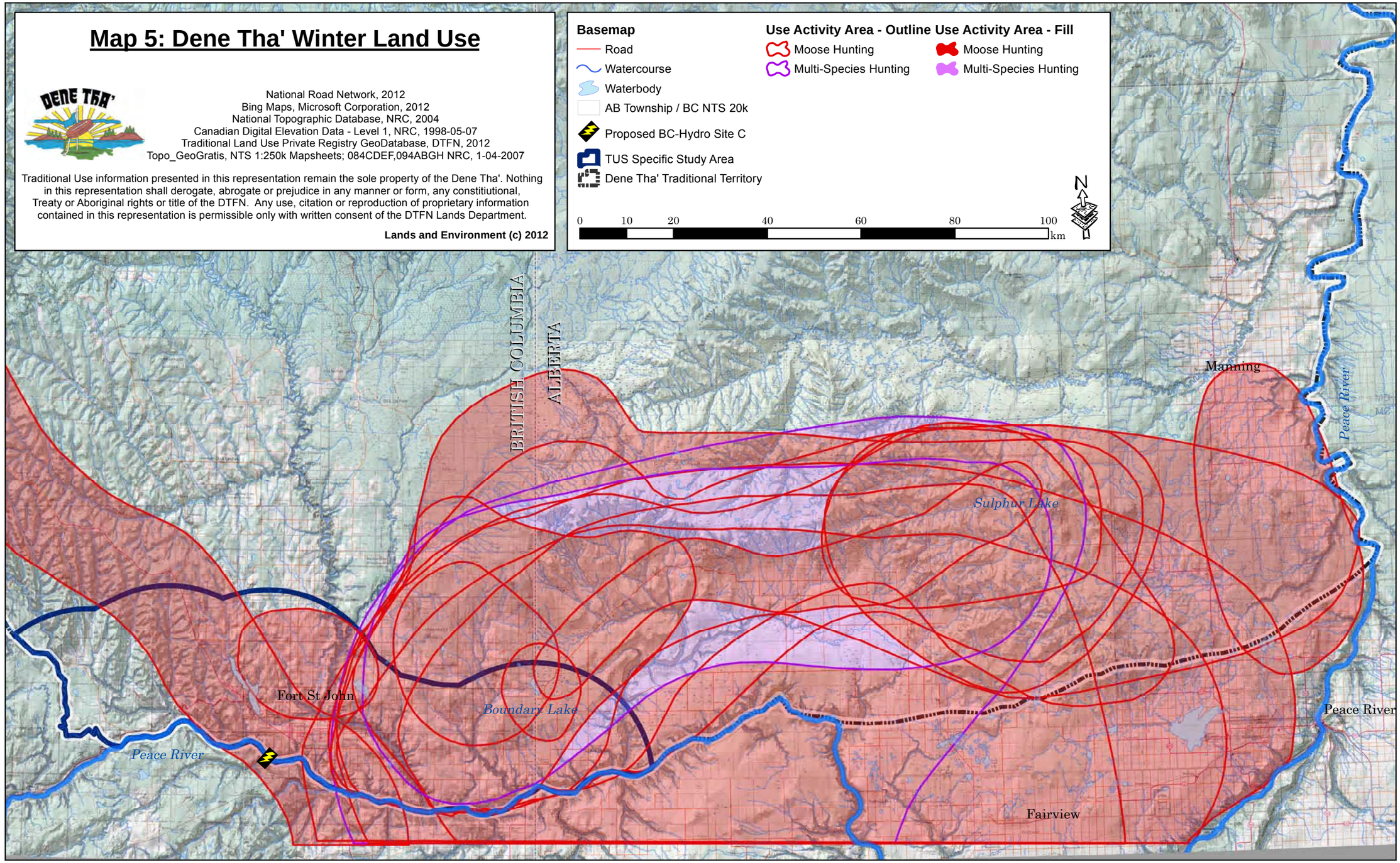
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

Use Activity Area - Outline
- Moose Hunting
- Multi-Species Hunting

Use Activity Area - Fill
- Moose Hunting
- Multi-Species Hunting

0 10 20 40 60 80 100 km

N



Map 6: Dene Tha' Spring Land Use

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

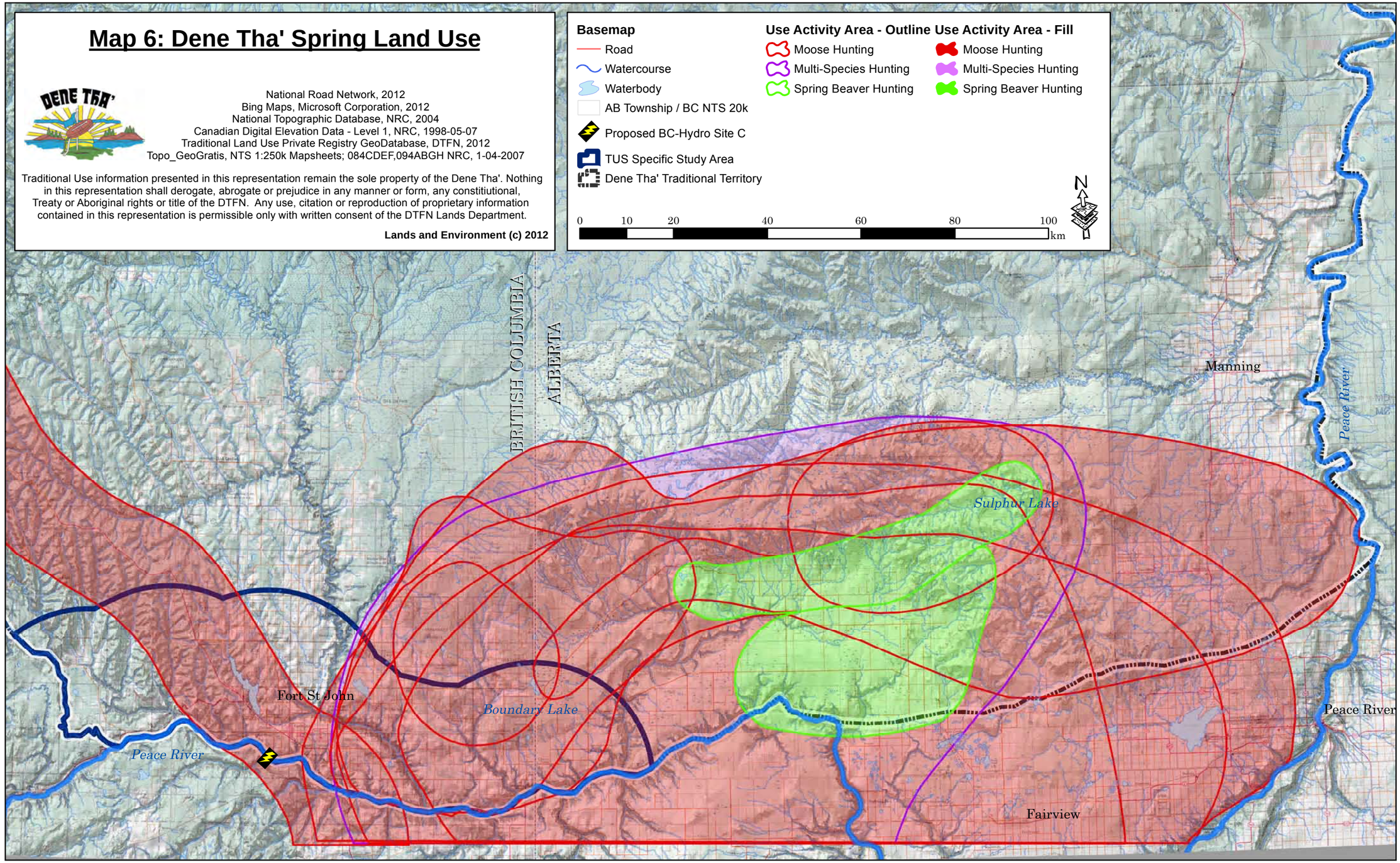
Basemap
- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

Use Activity Area - Outline
- Moose Hunting
- Multi-Species Hunting
- Spring Beaver Hunting

Use Activity Area - Fill
- Moose Hunting
- Multi-Species Hunting
- Spring Beaver Hunting

0 10 20 40 60 80 100 km

N



Map 7: Dene Tha' Cultural Footprint

National Road Network, 2012
Bing Maps, Microsoft Corporation, 2012
National Topographic Database, NRC, 2004
Canadian Digital Elevation Data - Level 1, NRC, 1998-05-07
Traditional Land Use Private Registry GeoDatabase, DTFN, 2012
Topo_GeoGratis, NTS 1:250k Mapsheets; 084CDEF,094ABGH NRC, 1-04-2007

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Lands and Environment (c) 2012

Basemap
- Road
- Watercourse
- Waterbody
- AB Township / BC NTS 20k
- Proposed BC-Hydro Site C
- TUS Specific Study Area
- Dene Tha' Traditional Territory

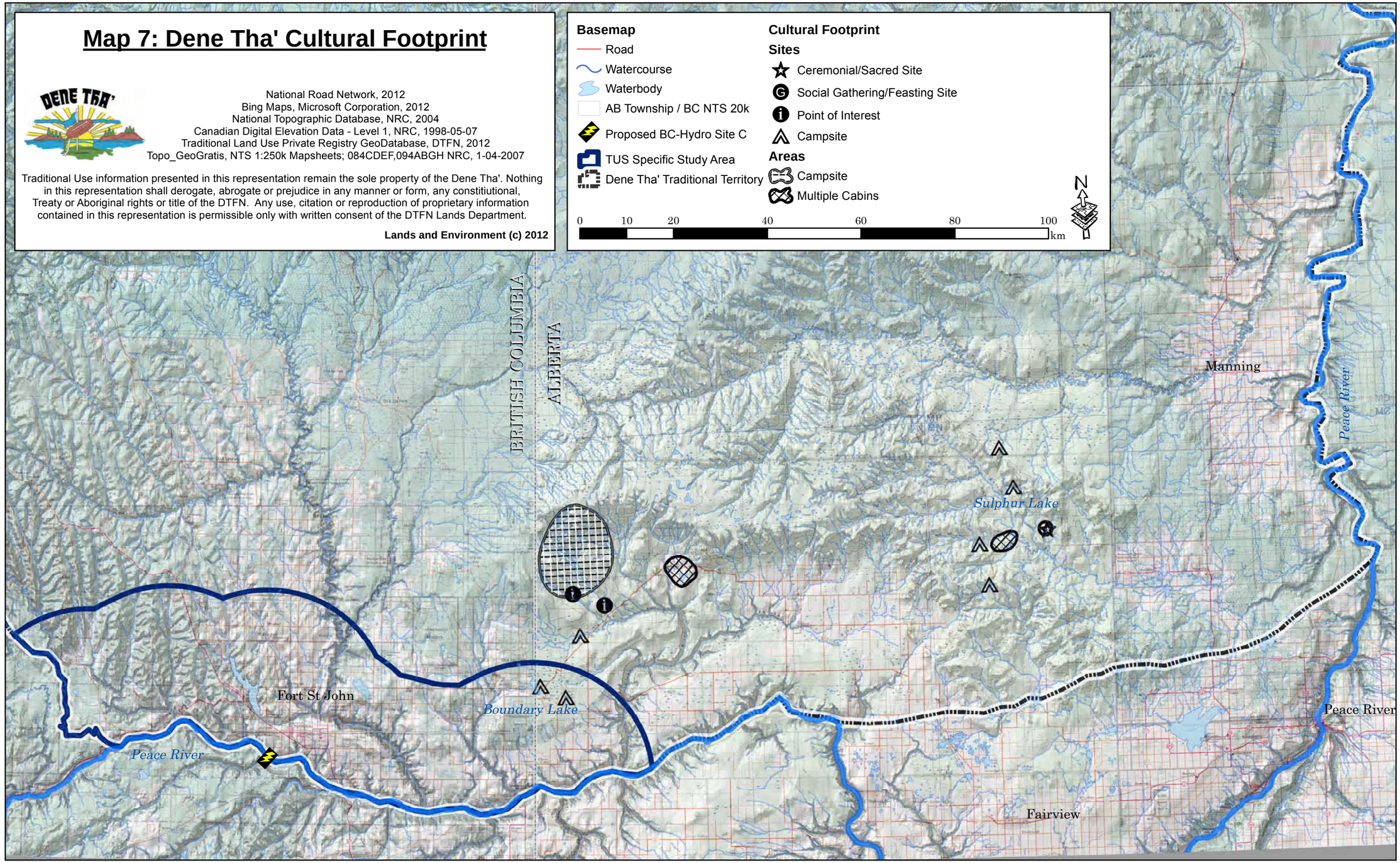
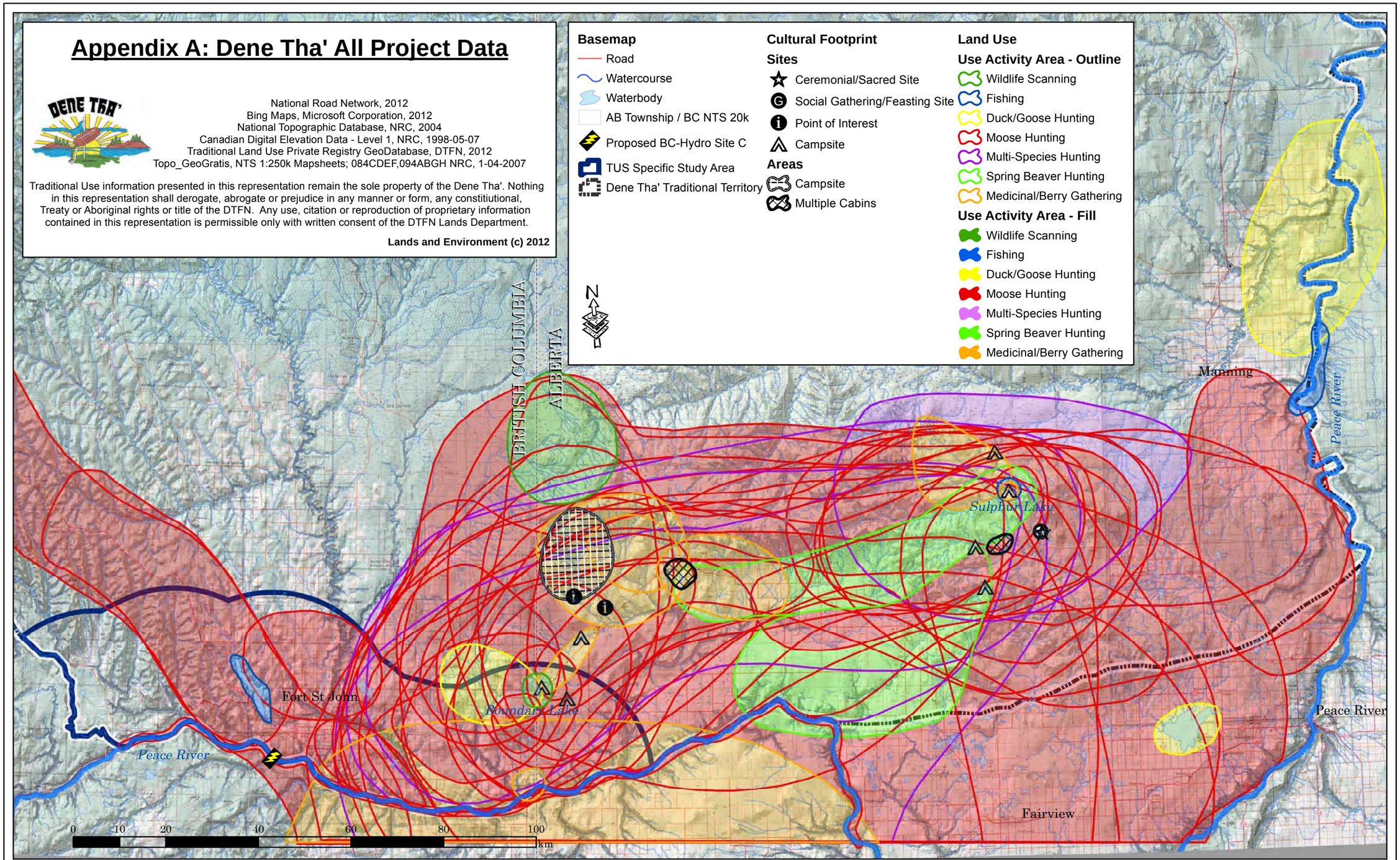
Cultural Footprint

Sites
- Ceremonial/Sacred Site
- Social Gathering/Feasting Site
- Point of Interest
- Campsite

Areas
- Campsite
- Multiple Cabins

0 10 20 40 60 80 100 km

N



Appendix A: Dene Tha' All Project Data