SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A 09 PART 1

COMMUNITY SUMMARY:
FORT NELSON FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
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Prepared by:
Fasken Martineau
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January 2013

Fort Nelson First Nation

The Fort Nelson First Nation (FNFN) has four reserves totalling 9,752.6 ha.[1] The main community is located on Fort Nelson Indian Reserve #2, on the confluence of the Muskwa and Nelson rivers and on both banks of the Nelson River, 6 km southeast of Fort Nelson at mile 293–295 on the Alaska Highway.[2]

FNFN is composed of 14 major families, from six main villages within the territory: Tthek'eneh Kúe (Old Fort), Fontas, Kahntah, Nádudhi Deezé (Snake River), Tlídli (Nelson Forks), and Tli Gohtché (François).[3]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, FNFN has a registered population of 877 people, with 425 members living on FNFN's reserves.[4] FNFN has a Chief and five Councillors, and uses the *Indian Act* electoral system.[5]

FNFN's economic activities include Eh Cho Dene Enterprises, Liard Hotsprings Lodge, a 50% ownership of an Ensign drilling rig, and a gravel pit, as well as a new partnership with Black Diamond Dene, Northwestel, TransCanada Pipeline, and Spectra.[6]

Historical Background

The Fort Nelson Slave Band, as FNFN was formerly known, adhered to Treaty 8 in August 1910. The Fort Nelson Slave Band was joined with Prophet River First Nation between 1957 and 1974, and shared reserve lands. Prophet River First Nation split away from the Fort Nelson Slave Band in 1974.[7]

The FNFN people are culturally Slavey (Dene) and Cree and speak Dene Tha (Slavey), an Athapaskan language, and Nēhiyawēwin (Cree), an Algonquian language. Historically, some families also speak Dane-zaa (Beaver), part of the Athapaskan linguistic group.[8]

Land Use Plan

A map of FNFN's Strategic Land Use Plan is available here: http://lands.fnnation.ca/sites/default/files/project-files/fnfn_slup_map_4_zoning_final.pdf.[9]

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Fort Nelson First Nation.* Available at: http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=543&lang=eng. Accessed: December 2012 ("AANDC, Fort Nelson First Nation").

[2] Fort Nelson First Nation. 2012. *Fort Nelson First Nation Concerns and Comments on the Draft EIS Guidelines for Site C Clean Energy Project*. Available at: http://www.ceaa.gc.ca/050/documents/p63919/80494E.pdf. Accessed: December 2012 ("Fort Nelson First Nation, Draft EIS Guidelines Comments").

[3] Fort Nelson First Nation, Draft EIS Guidelines Comments.

[4] AANDC, Fort Nelson First Nation.

[5] AANDC, Fort Nelson First Nation.

[6] Fort Nelson First Nation. 2012. *About Fort Nelson First Nation*. Available at: http://www.fortnelsonfirstnation.org/about.html.. Accessed: December 2012.

[7] *Canada v. Wolf*, 2002 FCA 117 at paras. 7-13.

[8] Fort Nelson First Nation, Draft EIS Guidelines Comments.

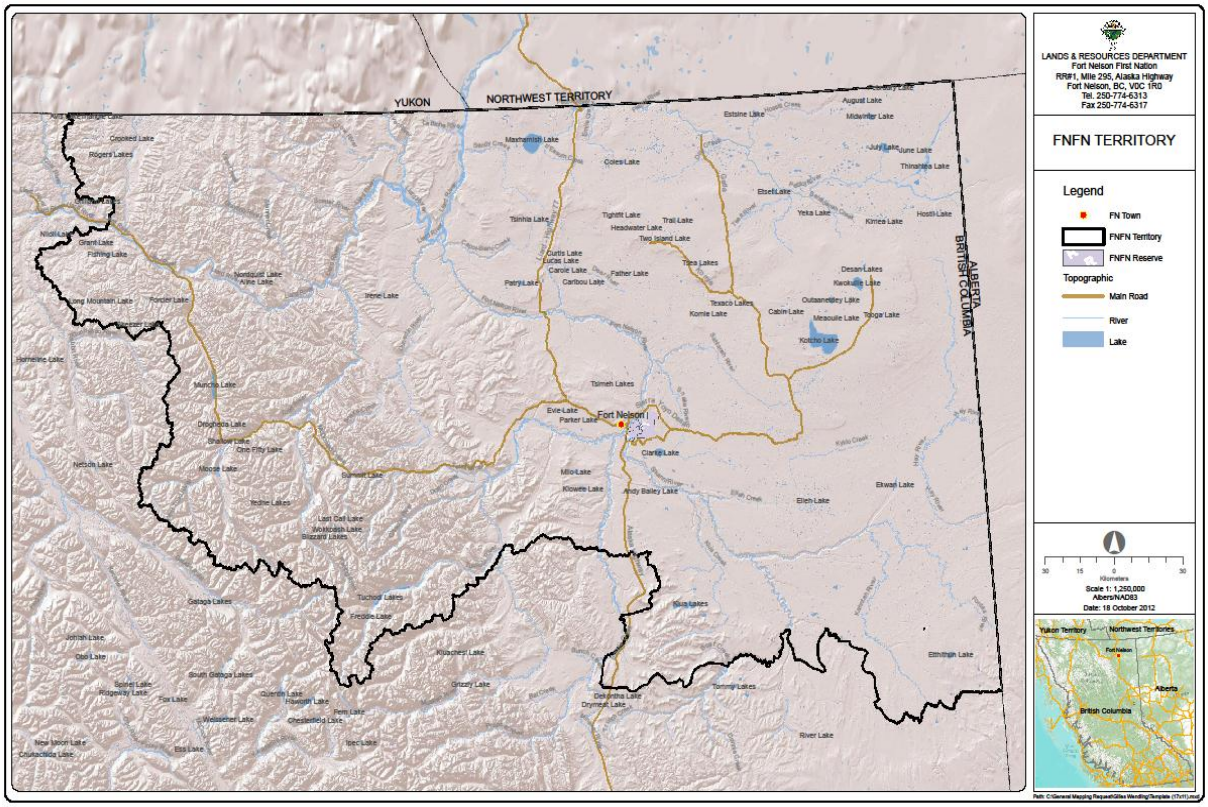
[9], Fort Nelson First Nation Lands Department. 2012. *Fort Nelson Strategic Land Use Plan Map*. Available at: http://lands.fnnation.ca/sites/default/files/project-files/fnfn_slup_map_4_zoning_final.pdf. Accessed: December 2012.

Traditional Territory Maps

FNFN. 2012. Fort Nelson First Nation Traditional Territory. Fort Nelson, B.C.

Map 1

Map 2


YUKON
NORTHWEST TERRITORY
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Fort Nelson
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RR#1, Mile 295, Alaska Highway
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FNFN TERRITORY
Legend
FN Town
FNFN Territory
FNFN Reserve
Topographic
Main Road
River
Lake
Kilometers
Scale 1: 1,250,000
Albers/NAD83
Date: 18 October 2012
Yukon Territory
Northwest Territories
Alberta
British Columbia

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A09 PART 2

BC HYDRO CONSULTATION SUMMARY: FORT NELSON FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Site C First Nations Engagement Team

<contact information removed>

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.

FORT NELSON FIRST NATION

CONSULTATION SUMMARY

Defined terms	
"AIA"	Archaeological Impact Assessment
"AMEC"	AMEC Earth & Environmental, consultant for BC Hydro
"AOA"	Archaeological Overview Assessment
"Archaeology Branch"	Archaeology Branch, Province of British Columbia
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CT8C"	Council of BC Treaty 8 Chiefs (also known as the Council of Western Treaty 8 Chiefs)
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Fort Nelson"	Fort Nelson First Nation
"GIS"	Geographic Information Systems
"Golder"	Golder Associates Ltd., consultant for BC Hydro
"Site C" or "the Project"	The proposed Site C Clean Energy Project
"Stage 2 Consultation Agreement"	Stage 2 Consultation Agreement between the Treaty 8 First Nations (being the Doig River First Nation, Fort Nelson First Nation, Halfway River First Nation, Prophet River First Nation,

	Saulteau First Nations and West Moberly First Nations) and BC Hydro, dated December 1, 2008
"Stage 3 Consultation Agreement"	Stage 3 Consultation Agreement, between Fort Nelson First Nation and BC Hydro, dated September 19, 2012
"T8TA"	Treaty 8 Tribal Association

Consultation in the period from November 1, 2007, to March 31, 2010

BC Hydro considered Fort Nelson to be represented by CT8C / T8TA until the expiry of the *Stage 2 Consultation Agreement* between the Treaty 8 First Nations (including Fort Nelson) and BC Hydro on March 31, 2010. For a record of this consultation period, refer to the consultation summary for Doig River First Nation (as a member of CT8C / T8TA), in Volume 5, Appendix A06 Part 2.

Key events

2011

- May: BC Hydro advised Fort Nelson that it had submitted the Project Description Report and provided a link to the report.
- October: In response to request from Fort Nelson, BC Hydro provided Fort Nelson with a summary of consultation activities to date, including a copy of the *Stage 2 Consultation Agreement* between BC Hydro and T8TA (signed by Fort Nelson), and the 97 questions posed by T8TA with BC Hydro's corresponding responses. Fort Nelson followed up and inquired about how it would be consulted during the environmental assessment process. BC Hydro explained that BC Hydro was prepared to engage directly with Fort Nelson by way of meetings and information sharing, and advised that Fort Nelson could also participate in the process set out by the BCEAO and the CEA Agency.

2012

- January: BC Hydro and Fort Nelson agreed to re-commence engagement, and met to discuss the next steps. Fort Nelson expressed interest in establishing a formal

relationship through a consultation agreement, and requested funding to hire a technical expert to review the EIS Guidelines. BC Hydro indicated its readiness to commence negotiations and agreed to provide Fort Nelson with a template for a Stage 3 consultation agreement.

- February:
  - BC Hydro provided Fort Nelson with a draft Stage 3 consultation agreement, and the parties met via teleconference to discuss it.
  - BC Hydro wrote to Fort Nelson to provide an update on BC Hydro's proposed approach to Site C procurement and contracting work.
- May:
  - BC Hydro wrote to Fort Nelson 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 Fort Nelson.
  - BC Hydro and Fort Nelson met via teleconference to review the draft Stage 3 consultation agreement. BC Hydro expressed interest in receiving information related to Fort Nelson's exercise of rights, traditional territory and trap lines, in order to assist with designing an appropriate consultation process.
- August: Fort Nelson submitted a report titled ~~*Fort Nelson First Nation Background and Rationale for Involvement in the Site C Project*~~ , *Fort Nelson First Nation: Rationale to BC Hydro to enter into a Stage 3 Consultation Agreement* which included background information about the Fort Nelson community (location, culture, language, and history) and a general description of members' use of land and exercise of rights. The report described Fort Nelson's reliance on moose, caribou, elk, beaver, rabbit, fish, and other animals as a means of sustenance, and expressed concern that due to a loss of key ungulate winter ranges in the Peace River valley, hunting pressure could be displaced towards Fort Nelson's traditional territory, potentially impacting members' rights to a traditional harvest. BC Hydro and Fort Nelson met via teleconference to discuss the report and review outstanding issues related to the draft Stage 3 consultation agreement.
- September/October:
  - BC Hydro and Fort Nelson finalized the *Stage 3 Consultation Agreement*, dated September 19, 2012, which established the principles, process, scope, and funding parameters for consultation between the parties in Stage 3.

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

- BC Hydro sent a letter to Fort Nelson which advised that BC Hydro had updated the Project footprint map for Site C, and provided a link to the updated map and associated shape file data. The letter attached a memorandum outlining the specifics of the new and amended information, which identified, among other things, a reduction in the area of the proposed Site C dam site from 3907 hectares (April 2012) to 2025 hectares (October 2012).

- BC Hydro sent an email to Fort Nelson providing the Peace River Valley Ungulates Study Program Interim Report and maps.

- November: BC Hydro and Fort Nelson met via teleconference for a Project update and a discussion of next steps in the consultation process. Fort Nelson committed to reviewing available presentations on fish, wildlife, heritage and vegetation, and responding to BC Hydro with Fort Nelson's areas of interest for further consultation. Fort Nelson advised that it also intended to review the report for the Ungulate Study Program, and provide comments to BC Hydro. BC Hydro advised that the ungulate report was still in draft form, that the final version would be appended to the EIS. With respect to BC Hydro's letter requesting additional information to support the preparation of the EIS, Fort Nelson agreed to provide BC Hydro with a traditional territory map and potentially other items identified in the letter. BC Hydro directed Fort Nelson to additional information on Project opportunities. Following the teleconference, Fort Nelson provided BC Hydro with two maps of its traditional territory.

Chronology of events

2010

On May 10, 2010, Golder sent an email to Fort Nelson providing links to the following Stage 2 archaeology reports:

- Interim Report: AIA for Proposed Upgrades to the Left Bank Hill Road.
- Interim Report: AIA for Portions of the Area Containing 17 Pump-Test Boreholes.
- Archaeological Studies Completed at the BC Hydro Left Bank Sump and Wash Station.
- Interim Report: AIA of Proposed Boreholes and Access Roads on the South Bank Island.
- Interim Report: AIA of Proposed Boreholes and Access Trails (Revision 1) on the South Bank Island.
- Interim Report: AIA of Archaeological Sites HBRF-59, HBRF-61, HBRF-65, and HBRF-67, located along the South (Right) Bank Access Road.

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

On June 24, 2010, BC Hydro sent a letter to Fort Nelson advising that the Golder team would be responsible for securing the *Heritage Conservation Act* permit from the Archaeology Branch, and a copy of the permit application would be forwarded to Fort Nelson. The letter included an offer of capacity funding to facilitate Fort Nelson's review of the permit application.

On June 30, 2010, Golder sent a letter to Fort Nelson and advised that Golder would be conducting an AIA for the Proposed Left Bank (North) and Right Bank (South) Geotechnical Investigations (Permit #2009-0262), commencing on July 7, 2010.

On July 16, 2010, Golder sent a letter to Fort Nelson attaching: Rolling Work Plan #2: 2010 Geotechnical Investigations (Licence of Occupation #814864) (July 16, 2010). Golder requested that comments be submitted by August 6, 2010.

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

- Technical Memorandum: AOA of Select Portions of BC Hydro's Proposed 2010 Geotechnical Investigations within the Proposed Site C Dam Area (July 16, 2010)
- Interim Report: AIA of Proposed 2010 Geotechnical Investigations Within The Proposed Site C Dam Area (Permit #2009-0262) (July 16, 2010)

On July 26, 2010, the Archaeology Branch sent a letter to Fort Nelson advising that AMEC had applied for a Heritage Inspection Permit under the *Heritage Conservation Act* to conduct an AIA for the Project. The AIA would involve assessing potential impacts on archaeological resources arising from the construction of dams and related facilities, quarry and borrow pit locations, temporary construction facilities, highway realignments, flooded areas and erosion zones, transmission lines and other related works that might be identified as planning progresses. The letter advised that the Crown had also received an application for an Investigative Use Permit under the *Land Act* to enable access to Crown Land for activities under the Heritage Inspection Permit. The letter sought input from Fort Nelson regarding the permit.

On July 30, 2010, AMEC sent an email to Fort Nelson advising that AMEC had applied for a Heritage Inspection Permit on behalf of BC Hydro to conduct an AIA for the Project (File #10A0284). The field program aimed to identify archaeological sites that might be affected by the development of the Project. AMEC attached a copy of the application for Fort Nelson's reference.

On August 12, 2010, Golder sent a letter to Fort Nelson and advised that Golder would be conducting an AIA for the South Bank Laydown Area, south of the Peace River (Permit 2009-0262), commencing on August 18, 2010.

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

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

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

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

On September 30, 2010, the Archaeology Branch sent an email to Fort Nelson regarding AMEC's application for a Heritage Inspection Permit, and attached the following:

- Cover Letter from the Archaeology Branch to AMEC regarding Heritage Inspection Permit #2010-0378 (September 30, 2010)
- Heritage Inspection Permit #2010-0378 issued to AMEC "to conduct an archaeological inventory for the purpose of testing and improving the archaeological potential model prepared for BC Hydro's proposed Site C Clean Energy Project…" (September 30, 2010)
- Letter from Golder to AMEC responding to questions from First Nations regarding AMEC's application for a Heritage Inspection Permit (September 9, 2010)

On September 30, 2010, Golder sent an email to Fort Nelson attaching:

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

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

On October 13, 2010, Golder sent an email and fax to Fort Nelson to advise that Golder would be conducting an AIA for the proposed south bank access road and area the around Test Pit U (Permit #2009-0262).

On October 18, 2010, Golder sent an email to Fort Nelson attaching:

- Interim Report: AIA for Proposed Access Road between Marker 2 and 3 on the Left (North) Bank of the Peace River (Permit #2009-0262).

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

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

With respect to Attachie Flat Upper Terrace, Golder advised that it had identified archaeological material associated with the two sites (HbRi-33 and HbRi-49). It further advised that Archer had also carried out additional archaeological work at the same locations and that a draft report documenting Archer's work would be forwarded separately. With regards to the Attachie Flat Lower Terrace, no archaeological sites were identified during the archaeological investigations.

On December 17, 2010, Golder sent an email to Fort Nelson attaching the following:

- Interim Report: AIA of the BC Hydro South Bank Moberly Bedrock Investigations (Permit #2009-0262).

Golder advised that one new site, HbRf-91, had been identified and another site, HbRf-43, had been revisited. Golder requested that comments be provided by January 25, 2011.

On December 20, 2010, Golder sent an email to Fort Nelson attaching Rolling Work Plan #3 (License of Occupation #814864).

<u>2011</u>

On January 27, 2011, BC Hydro sent a letter to Fort Nelson advising that Golder had completed Stage 1 model testing for the AIA (Permit #2010-0378), and that Fort Nelson would be provided with a copy of Golder's report. The letter further advised that Golder would be applying to amend the permit to complete Stage 2 of the AIA. The letter included an offer of capacity funding to facilitate the review of the report and the permit application.

On January 31, 2011, Golder sent a letter to Fort Nelson enclosing the following report concerning Site C archaeological work conducted in 2010:

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

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

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

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

On February 17, 2011, Golder sent a letter via email to Fort Nelson regarding the 2011 Heritage Impact Assessment field program. Golder indicated that it was preparing to submit

a request to the Archaeology Branch for an amendment of the existing Heritage Inspection Permit (#2010-0378**)**. In anticipation of receiving the amended permit, Golder was preparing to include potential participation from the T8FNs in the field work and analysis. Golder advised that AMEC would be in touch to arrange the sub-consultant agreements and task orders required for the program, if Fort Nelson expressed interest in participating.

On February 21, 2011, Golder sent an email to Fort Nelson attaching:

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

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

On February 22, 2011, Golder sent an email to Fort Nelson attaching:

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

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

On February 22, 2011, Golder sent an email to Fort Nelson attaching:

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

Golder advised no archaeological sites were identified during the assessment, and requested that comments be provided to the Archaeology Branch by March 15, 2011.

On February 22, 2011, Golder sent an email to Fort Nelson attaching:

- Interim Report: AIA of Proposed Access Road Upgrade and Revised Drill Hole C Location East of the North (Left) Bank Road, Fort St. John (Permit #2009-0262).

On March 3, 2011, BC Hydro sent a letter to Fort Nelson advising that Mainstream Aquatics Ltd. would be conducting a fisheries study in the Peace, Halfway, and Moberly rivers. The letter indicated that temporary rotary screw fish traps would again be placed in the Peace and lower Moberly rivers (at the same locations as the previous year) with the addition of two rotary screw traps being placed in the lower Halfway River. The letter advised that notice was being provided as a requirement of the application process under the *Navigable Waters Protection Act*.

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

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

Golder attached several maps of the project location, including drill holes, test pits, and access roads, and provided contact information if Fort Nelson had any questions.

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

On June 10, 2011, Golder sent an email to Fort Nelson advising that Rolling Work Plan #4, under Licence of Occupation #814864, had been uploaded to a secure file transfer website for review.

On June 16, 2011, Golder sent an email to Fort Nelson advising it would be conducting archaeological work for BC Hydro under Permit #2009-0262 in relation to:

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

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

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

- Rolling Work Plan #4: Right Bank Seismic Investigations (June 9, 2011) (request for comments by July 15, 2011)
- Rolling Work Plan #4: Right Bank Structures Investigation (June 9, 2011) (request for comments by July 15, 2011)

On June 22, 2011, Golder sent an email to Fort Nelson attaching:

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

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

On June 23, 2011, Golder sent an email to Fort Nelson attaching the following materials related to archaeological work done under Permit #2009-0262:

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

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

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

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

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

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

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

On August 3, 2011, Golder sent an email to Fort Nelson attaching updated information regarding Golder's work under Temporary Use Permit #815098.

On August 29, 2011, Golder sent an email to Fort Nelson attaching the following:

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

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

On August 29, 2011, Golder sent an email to Fort Nelson attaching:

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

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

On September 1, 2011, Golder sent an email Fort Nelson attaching the following:

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

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

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

On October 3, 2011, Fort Nelson sent an email to BC Hydro requesting a summary of consultation conducted between BC Hydro and Fort Nelson to date. Fort Nelson also inquired about how consultation with Fort Nelson would progress through the environmental assessment process. BC Hydro responded via email and committed to providing the requested information.

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

On October 4, 2011, Golder sent an email to Fort Nelson attaching:

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

On October 17, 2011, BC Hydro sent an email to Fort Nelson attaching a summary of consultation between Fort Nelson and BC Hydro. BC Hydro also attached a copy of the *Stage 2 Consultation Agreement* between BC Hydro and the Treaty 8 First Nations, which Fort Nelson had signed, as well as a copy of the 97 Questions posed by T8TA with BC Hydro's corresponding responses.

On October 18, 2011, Golder sent an email to Fort Nelson providing notification of upcoming archaeological work at the location of proposed or existing flood forecasting stations (Permit #2009-0262).

On October 19, 2011, Fort Nelson (Lands Director) sent an email to BC Hydro and asked BC Hydro to explain how Fort Nelson would be consulted through the environmental assessment process.

On October 25, 2011, BC Hydro responded via letter to Fort Nelson's email of October 19, 2011. The letter explained that BC Hydro was prepared to engage Fort Nelson directly during the environmental assessment process by providing information and meeting with Chief and Council and/or community members to discuss concerns or issues related to the Project. The letter explained that, at the same time or alternatively, Fort Nelson could participate in the process set out jointly by the BCEAO and the CEA Agency.

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

On December 13, 2011, Golder sent an email to Fort Nelson advising that BC Hydro had applied for six permits (Licences of Occupation) related to the construction of six climate monitoring stations. The email provided links to related files, including permit applications, Management Plans, an Environmental Overview Assessment, and, associated GIS shape files.

2012

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

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

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

On January 20, 2012, Golder sent an email to Fort Nelson attaching:

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

On January 26, 2012, Fort Nelson sent an email to BC Hydro and requested GIS shape files for the climate monitoring stations and rip rap quarries.

On January 31, 2012, BC Hydro met with representatives of Fort Nelson (Lands Director, Environmental Technician, Consultation Coordinator). BC Hydro provided a brief overview and update on the Project by way of a PowerPoint presentation. BC Hydro advised it had recently submitted the EIS Guidelines and that its objective was to submit the EIS itself at the end of 2012. BC Hydro explained that it had almost completed the baseline studies, and that they would be provided to First Nations for consultation purposes. BC Hydro advised that it had been consulting with First Nations on key project components such as the transmission line, reservoir clearing, off-site construction materials, and Highway 29 realignment. Fort Nelson expressed concern that BC Hydro's timelines might be too aggressive, and suggested that engagement needed to happen early, including with respect to baseline studies. BC Hydro described how it engaged with T8TA and Blueberry River First Nations in Stage 2 regarding the design of the baseline studies. Fort Nelson expressed interest in establishing a formal relationship with BC Hydro through a consultation agreement, and requested funding to hire a technical expert to review the EIS Guidelines. BC Hydro advised that it was prepared to discuss a consultation agreement with Fort Nelson, including capacity funding for activities such as the review of the EIS Guidelines. BC Hydro indicated its readiness to commence negotiations and agreed to provide Fort Nelson with a template for a Stage 3 consultation agreement. BC Hydro

provided Fort Nelson with copies of the Project Description Report and Project footprint maps.

On February 3, 2012, BC Hydro sent an email to Fort Nelson attaching a draft Stage 3 consultation agreement.

On February 6, 2012, BC Hydro sent an email to Fort Nelson attaching two documents related to BC Hydro's proposed approach to the procurement and contracting.

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

BC Hydro also attached information presented at the Business Information Session (Fall 2011).

On February 9, 2012, Golder sent an email to Fort Nelson attaching:

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

On February 10, 2012, BC Hydro sent an email to Fort Nelson attaching a list of potential consultation topics that might be of interest to Fort Nelson for further discussions with BC Hydro.

On February 10, 2012, the Archaeology Branch sent a letter via fax to Fort Nelson advising that AMEC had requested an amendment to Heritage Inspection Permit #2010-0378, to include any potential outlying project quarries, borrow areas or access roads that had not been captured within the current study. It was requested comments regarding the request be submitted by March 12, 2012.

On February 13, 2012, the Archaeology Branch sent a letter via fax to Fort Nelson advising that Golder had requested an amendment to Heritage Inspection Permit #2009-0262. It was requested that comments be submitted by March 14, 2012.

On February 15, 2012, BC Hydro and Fort Nelson met via teleconference to review the draft Stage 3 consultation agreement and Fort Nelson’s proposed budget.

On February 24, 2012, Golder sent an email to Fort Nelson attaching Rolling Work Plan #5 under Licence of Occupation #814864. Golder requested that any comments be provided by March 16, 2012.

On February 24, 2012, Golder sent an email to Fort Nelson attaching AOA: Adit 5 (Revision 1) (Permit #2009-026) (February 22, 2012).

On February 24, 2012, Golder sent an email to Fort Nelson providing a link to the Annual Report for 2009, 2010 and 2011, for work completed under Permit #2009-0262 (February 23, 2012).

On March 28, 2012, Golder sent an email to Fort Nelson attaching the AIA Report, Rolling Work Plan #4, Liquefaction Investigations (Permit #2009-0262) (March 22, 2012).

On April 3, 2012, Golder sent an email to Fort Nelson attaching the following archaeological reports completed under Permit #2009-0262:

- Reservoir Slopes Geotechnical Investigations ADHB-5 and ADHB-6 (March 27, 2012) (revised report addressing comments received by T8TA and the Archaeology Branch)
- Highway 29 Geotechnical Investigations (ADHBF-3) (March 30, 2012)
- Post-Impact Assessment Report, Geotechnical Investigations ADHG-5 (March 30, 2012)

On April 4, 2012, BC Hydro sent a letter to Fort Nelson providing notification of BC Hydro's fisheries study activities in the Peace, Halfway, Pine and Moberly rivers. The letter stated that as part of BC Hydro's fisheries program, temporary rotary screw fish traps would be placed in Peace, lower Moberly and Halfway rivers at the same locations as last year, as well as two rotary screw traps in the lower Pine River. The letter provided the schedule and description of the temporary fish trap operations, including navigation mitigation measures.

On April 10, 2012, the Archaeology Branch sent a letter to AMEC (cc: Fort Nelson) advising that it had granted AMEC's application to amend Heritage Inspection Permit #2010-0378 to expand the study area, and attached the amended permit.

On May 9, 2012, BC Hydro sent a letter to Fort Nelson which attached the updated Potential Downstream Changes Report, and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.

On May 9, 2012, Golder sent an email to Fort Nelson attaching the AIA, Interim Report, South Bank Moberly Bedrock Mapping (Revision 1) (Permit #2009-0292) (April 12, 2012).

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

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

On May 29, 2012, Golder sent an email to Fort Nelson attaching the Quarterly Progress Report Q1: January 1 to March 31, 2012 for work completed under Permit #2009-0262 (May 22, 2012).

On May 31, 2012, BC Hydro met via teleconference with representatives of Fort Nelson (Consultation Coordinator, Environmental Technician) to review the latest draft of the Stage 3 consultation agreement. BC Hydro explained that the amount of capacity funding requested by Fort Nelson was difficult to rationalize without a clear understanding of whether Fort Nelson members exercise Aboriginal or treaty rights in the Project area. BC Hydro's current understanding was that Fort Nelson members were not exercising rights in the Project area, and that its traditional territory did not extend into the Project area. BC Hydro expressed interest in receiving information about the areas in which Fort Nelson members were practicing their rights, particularly information about Fort Nelson's traditional territory and trap lines. Fort Nelson agreed to put together a briefing note that would explain Fort Nelson's interest in the Project, and describe some of the rights that might be impacted by the Project.

On June 11, 2012, Golder sent an email to BC Hydro advising that it had sent the following report to Fort Nelson:

- Rolling Work Plan 6, Licence of Occupation 814864 (June 11, 2012).

On June 13, 2012, BC Hydro sent an email to Fort Nelson and attached a link to the Project Description Report. BC Hydro clarified that it had requested the following information at the meeting of May 31:

- How does the Project impact on the ability of Fort Nelson members to exercise their treaty rights?

- Where do members of Fort Nelson currently practice their Aboriginal and treaty rights?
- Can Fort Nelson provide specific information on Fort Nelson's traditional territory and where Fort Nelson trap lines are located?

BC Hydro advised that the questions were aimed at assisting BC Hydro with meeting the information requirements in the EIS Guidelines, identifying topics of interest to Fort Nelson for future consultation, and finalizing a consultation agreement that properly reflected the scope of consultation needed.

On June 20, 2012, Fort Nelson sent an email to BC Hydro and requested GIS shape files or GPS coordinates for the Site C dam site. BC Hydro responded on the same day via email and advised that its GIS Specialist would contact Fort Nelson to arrange the data transfer. BC Hydro subsequently responded on July 17, 2012, and advised that Fort Nelson would need to sign a confidentiality agreement prior to BC Hydro releasing the GIS shape file data. BC Hydro enclosed a copy of the confidentiality agreement.

On July 5, 2012, Golder sent an email to Fort Nelson attaching: AIA Report, Rolling Work Plan #6 – Right (South) Bank Drill Locations (Permit #2009-0262) (July 2, 2012). Golder sent emails to Fort Nelson on August 8, 2012, attaching Version 2 of the report, and on August 21, 2012, attaching Version 3 of the report.

On July 23, 2012, Golder sent an email to Fort Nelson attaching:

- AIA, Climate Monitoring Stations (Permit #2009-0262) (July 19, 2012).

On August 15, 2012, Golder sent an email to Fort Nelson attaching:

- Archaeological Quarterly Progress Report Q2: April 1 to June 30, 2012 (Permit #2009-0262) (August 14, 2012).

On August 17, 2012, Fort Nelson submitted a report to BC Hydro titled *Fort Nelson First Nation Background and Rationale for Involvement in the Site C Project.* The report included background information about the Fort Nelson community (location, culture, language, and history), and provided a general description of members' use of land and exercise of rights in Fort Nelson's "core traditional territory" and the "larger Treaty 8 territory". The report described Fort Nelson's reliance on moose, caribou, elk, beaver, rabbit, fish, and other animals as a means of sustenance, and expressed concern that "due to a loss of key ungulate winter ranges in the Peace River valley, hunting pressure could be displaced towards the [Fort Nelson] territory, hindering … rights for traditional harvest." The report expressed a desire to engage with BC Hydro to understand the Project, provide input on and assess the potential impacts of the Project on members' rights and interests, and work

cooperatively with BC Hydro to ensure that any such impacts would be avoided, mitigated or accommodated.

On August 21, 2012, BC Hydro sent a letter to Fort Nelson advising that Golder had prepared a Management Plan to support investigative work at "Site C Road" (a proposed 34 km route that would parallel the existing transmission corridor for approximately 27 km and then farther east, parallel the CN Rail right-of-way for another 7 km). BC Hydro advised that the Management Plan supported a concurrent application for a Section 16 Map Reserve to temporarily withdraw Crown land from disposition under the *Land Act*, while confirming the suitability of the proposed road access along the existing transmission corridor and obtaining necessary tenure and other approvals. BC Hydro attached a copy of the Management Plan, and advised that Golder had submitted the tenure application that day to FrontCounter BC. BC Hydro advised that it was prepared to meet with First Nations to provide information about the proposed investigations, and to discuss capacity funding and potential site visits.

On August 21, 2012, Golder sent an email to Fort Nelson attaching:

- AIA Report: Portage Mountain East Geotechnical Investigations - Version 2, August 17, 2012 (Permit #2009-0262).

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

On August 23, 2012, BC Hydro met via teleconference with representatives of Fort Nelson (Environmental Technician, consultant), and reviewed Fort Nelson's report titled *Fort Nelson First Nation Background and Rationale for Involvement in the Site C Project.* Fort Nelson explained that the report was intended to provide BC Hydro with information on the context of regional resource development and the resulting strain on the Fort Nelson community, and to provide a rationale its interest in the Project. The report did not include maps because GIS shape files could not be located. BC Hydro indicated that it had access to a map of Fort Nelson's traditional territory produced for another purpose. BC Hydro described its impression of the report as suggesting that Fort Nelson members were primarily out on the land exercising their rights around the Fort Nelson community, with some members potentially moving beyond the immediate territory into the Project area from

time to time. BC Hydro sought to clarify its understanding that the main concern articulated by Fort Nelson was that if ungulate populations were impacted around the Project area, this could encourage hunters to travel north into Fort Nelson's territory. With respect to the concern around ungulates, Fort Nelson explained that that in addition to hunters from the Fort St. John area moving north, it had concerns that Fort Nelson members were now looking south for hunting opportunities due to the intensity of industrial development around Fort Nelson. The parties reviewed outstanding issues related to the draft Stage 3 consultation agreement, and BC Hydro agreed to circulate a revised draft based on the discussion.

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

On September 19, 2012, BC Hydro and Fort Nelson finalized the *Stage 3 Consultation Agreement*. The agreement established the principles, process and scope for consultation between BC Hydro and Fort Nelson for Stage 3, and provided capacity funding to Fort Nelson to participate in the consultation process. The agreement outlined the respective responsibilities of the parties, specifying that BC Hydro would provide Fort Nelson with necessary information about the Project, that Fort Nelson 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 Fort Nelson would be jointly responsible for identifying strategies to avoid, mitigate, manage and/or otherwise accommodate those potential adverse impacts. The agreement included a draft work plan specifying the following defined consultation projects:

Responsible party – deliverables	**Timing**
BC Hydro - Provide Fort Nelson with draft EIS guidelines. Fort Nelson - Provide BC Hydro with comments, feedback and advice on draft EIS guidelines.	Beginning in March 2012
BC Hydro - Provide Fort Nelson with Environmental Impact Statement. Fort Nelson - Provide BC Hydro with comments, feedback and advice on Environmental Impact Statement	Beginning in November / December 2012 and into 2013
BC Hydro - Provide Fort Nelson with funding support to participate in the Working Groups established by regulators. Fort Nelson – Provide representation for the Working Group when the	2012/2013

Responsible party – deliverables	Timing
subject matter of the Working Group is of interest or concern to Fort Nelson.	
BC Hydro - Provide Fort Nelson with funding support to review Joint Review Panel Report issued in relation to Site C. Fort Nelson - Provide feedback to BC Hydro and regulator	2013/2014

The agreement remains in effect until the completion of any “Approval processes”, defined as including British Columbia's environmental assessment process, Canada's environmental assessment process, and, any applications by BC Hydro for permits, authorizations and approvals, for which the review and approval of the applications by a regulatory authority requires First Nation consultation. The agreement is subject to termination by either party upon 90 days written notice.

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

On September 21, 2012, Golder sent a letter to Fort Nelson attaching:

- Rolling Work Plan #7 - Licence of Occupation #814864 - Geotechnical Test Pit Investigations on the South (Right) Bank of the Peace River (September 21, 2012).

Golder advised that the work plan included information on the scope of the investigations, environmental and archaeological resources in the work areas, mitigation measures, and permitting considerations for the work. Golder requested that comments be directed to BC Hydro or Golder by October 12, 2012.

On October 1, 2012, BC Hydro sent letter to Fort Nelson enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On October 5, 2012, BC Hydro sent an email to Fort Nelson 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 sent an email to Fort Nelson providing a link a secured file transfer website containing the Peace River Valley Ungulates Study Program Interim Report and maps.

On October 15, 2012, BC Hydro sent an email to Fort Nelson attaching an invitation to Business Information Sessions scheduled for November 2012, and included a link for registration.

On October 18, 2012, Golder sent an email to Fort Nelson attaching:

- 2012 Assessment of the Existing Access Road Located within Archaeological Site HbRf-040, North (Left) Bank of the Peace River, Northeast BC (Permit #2009-0267) (October 10, 2012)

On October 19, 2012, Golder sent an email to Fort Nelson attaching:

- Rolling Work Plan #7 – Geotechnical Test Pit Investigations on the South Bank of the Peace River: Phase 1 - Version 2 (Permit 2009-0262) (October 10, 2012).

On October 24, 2012, BC Hydro sent a letter to Fort Nelson advising that BC Hydro had updated the Project footprint map for Site C. The letter noted that in April 2012, BC Hydro had provided Fort Nelson 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, BC Hydro sent an email to Fort Nelson providing a link to the following on a secured file transfer website:

- Project activity zone map;
- Aquatic Productivity and Water Quality Technical Data Reports;
- Invitation to the Site C Business Information Sessions;
- Fish/Fish Habitat Presentation;
- Heritage Program update.

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

On November 6, 2012, BC Hydro met via teleconference with representatives of Fort Nelson (Consultation Coordinator, Environmental Technician). BC Hydro expressed interest in hearing about Fort Nelson's areas of interest with respect to future consultations, and explained that it had prepared presentations regarding the Project's potential effects on fish, wildlife, heritage, vegetation, many of which were available on the secured file transfer website for Aboriginal groups. Fort Nelson advised that it would review the presentations, consult with community members on their interests, and respond to BC Hydro with Fort Nelson's areas of interest for further consultation. Fort Nelson advised that it also intended to review the report for the Ungulate Study Program, and provide comments to BC Hydro. BC Hydro advised that the ungulate report was still in draft form, that the final version would be appended to the EIS, and that information provided to BC Hydro after the EIS submission in January could be incorporated prior to the panel hearing. The parties discussed BC Hydro's letter to Fort Nelson of September 21, 2012, requesting relevant information for consideration in preparing the EIS, and Fort Nelson committed to providing a traditional territory map and potentially other items identified in the letter. Fort Nelson asked if BC Hydro had additional information about socio-economic impacts and benefits of the Project. BC Hydro directed Fort Nelson to the "Project Opportunities" section on the secured file transfer website for Aboriginal groups. BC Hydro advised Fort Nelson of information about Site C business information sessions being held that week, and described BC Hydro's investments in trades training opportunities for First Nations. Following the teleconference, Fort Nelson provided BC Hydro with two maps of its traditional territory, and BC Hydro provided Fort Nelson with a link to a press release with information on BC Hydro's Aboriginal Procurement Policy and bursary fund.

On November 14, 2012, BC Hydro sent an email to Fort Nelson attaching the Site C Jackfish Lake Ungulate Program Work Plan, including a study area map, scope, methods, and a description of opportunities for First Nation participation. BC Hydro advised that it had

applied to the Province to carry out the ungulate collaring study on the south bank of the Peace River (Jackfish Lake road area) in order to fill a data gap with respect to ungulate movement in the area. BC Hydro expressed interest in receiving input from Fort Nelson with respect to the proposed work.

On November 15, 2012, BC Hydro sent a letter to Fort Nelson which sought to address potential gaps in the information exchange between the parties. The letter requested that Fort Nelson 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 27, 2012, Golder sent an email to Fort Nelson attaching:

- Archaeology Quarterly Progress Report: July 1 to September 30, 2012 (Permit #2009-0262) (November 14, 2012).

Distribution of Weekly Environmental and Archaeological Reports

Golder sent emails to Fort Nelson providing the *Weekly Environmental and Archaeological Reports*. The reports summarized Golder's investigation and monitoring activities, identifying any environmental and archaeological issues or incidents, as well as any mitigation measures implemented to address the issues/incidents. Emails were sent on the following dates:

- 2010: May 4, June 7, June 8, June 28, July 6, July 20, September 20, September 22, October 12, October 26
- 2011: June 27, June 30, July 15, July 29, August 8, August 15, October 3, October 7, October 14, October 25, November 3
- 2012: July 24, July 26, August 1, August 8, August 31, October 18

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A09 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: FORT NELSON 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 June 6, 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.

FORT NELSON FIRST NATION

CONSULTATION SUMMARY

Defined terms	
"AIA"	Archaeological Impact Assessment
"AOA"	Archaeological Overview Assessment
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"Fort Nelson"	Fort Nelson First Nation
"Golder"	Golder Associates Ltd., consultant for BC Hydro
"RSF"	Resource Selection Function
"the Project"	The proposed Site C Clean Energy Project
"Stage 3 Consultation Agreement"	Stage 3 Consultation Agreement, between Fort Nelson First Nation and BC Hydro, dated September 19, 2012

Chronology of events

2012

On December 6, 2012, BC Hydro sent an email to Fort Nelson, inquiring about whether Fort Nelson was agreeable to BC Hydro appending its document "Fort Nelson First Nation: Rationale to BC Hydro to enter into a Stage 3 Consultation Agreement" to the Project's EIS. Fort Nelson confirmed that BC Hydro could append the document to the EIS.

On December 10, 2012, Golder sent an email to Fort Nelson attaching:

- AIA: Project Access Road Geotechnical Investigations (Permit 2009-0262).

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

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

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

On December 17, 2012, Golder sent an email to BC Hydro (cc: Fort Nelson), attaching:

- 2012 AOA Sites HbRf-43 and HbRf-90, South (Right) Bank of the Peace River, Northeast BC (*Heritage Conservation Act* Section 12 Site Alteration Permit 2011-0102).

2013

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

On February 4, 2013, Fort Nelson sent an email to the CEA Agency and the BCEAO, copying BC Hydro, which attached comments on BC Hydro's "Site C draft Peace River Valley Ungulates Study Program Final Report". The comments were prepared by Keefer Ecological Services Ltd. on behalf of Fort Nelson. Fort Nelson indicated that, while the Project had the potential to impact

large areas of ungulate habitat, the study provided only cursory information in assessing the habitat use of ungulates in the region. Fort Nelson recommended that the regulators require BC Hydro to conduct further landscape-level analyses that considered the current human footprint and the additive impact of the Project on ungulate populations in the region.

On February 8, 2013, Fort Nelson sent an email to BC Hydro, attaching its preliminary work plan for its review of the EIS.

On February 8, 2013, BC Hydro met with representatives of Fort Nelson (Environmental Monitoring Technician, Consultant) by teleconference to discuss the scope and budget of Fort Nelson's review of the EIS. BC Hydro requested that Fort Nelson provide a budget and scope of work for the review of the EIS. Fort Nelson indicated that its consultants would provide estimates the following week and committed to providing BC Hydro with a document outlining the budget for the EIS review prior to the next meeting. The parties scheduled a follow-up meeting for February 15, 2013.

On February 15, 2013, BC Hydro met with representatives of Fort Nelson (Environmental Monitoring Technician, Consultant) by teleconference to discuss the scope and budget of Fort Nelson's review of the Project's EIS. Fort Nelson provided an overview of a document titled "Fort Nelson First Nation Site C Technical Review: Scope and Review Approach." The document provided an outline of Fort Nelson areas of interest, the specific sections to be reviewed by Fort Nelson and its consultants and estimated costs. Fort Nelson indicated that it planned to provide BC Hydro with recommendations based on the findings of the review of the EIS. BC Hydro approved Fort Nelson's budget and work plan and Fort Nelson advised that its review of the EIS would commence immediately, noting that the draft report might be completed by the second week of March 2013, at which time the draft would be reviewed by the community. BC Hydro confirmed that general funding under the *Stage 3 Consultation Agreement* could be used for project management work related to the EIS review. The parties agreed to schedule another teleconference at a mutually agreeable date for Fort Nelson to provide an update on its review of the EIS.

On February 18, 2013, Golder sent an email to Fort Nelson, attaching:

- AIA Interim Report Site C Clean Energy Project: Project Access Road Geotechnical Investigations – Version 2, (Permit 2009-0262).

- Annual Report: Site C Clean Energy Project – Field Inspections at Archaeological sites HbRf-59, HbRf-61, HbRf-65 and HbRf-67 (*Heritage Conservation Act* Site Alteration Permit 2010-0238).

On February 19, 2013, Golder sent an email to Fort Nelson, attaching:

- Site C Clean Energy Project Archaeological Quarterly Progress Report Q4, *Heritage Conservation Act* Permit 2009-0262.

On March 20, 2013, BC Hydro sent an email to Fort Nelson, attaching its response to Fort Nelson's comments on the "Site C Draft Peace River Valley Ungulate Study Program Final Report". BC Hydro extended an offer to meet to discuss its response with Fort Nelson.

On March 28, 2013, BC Hydro met by teleconference with Fort Nelson's Environmental Monitoring Technician and a consultant from Keefer Ecological Services Ltd., to review comments and concerns submitted by Fort Nelson in regards to the "Site C draft Peace River Valley Ungulate Study Program Final Report" as well as BC Hydro's responses to said comments and concerns. Representatives of Keystone Wildlife Research Ltd., who authored the report on behalf of BC Hydro, also attended the meeting. Keefer made several specific comments and inquiries in regard to the details of the methodology used by Keystone. Keefer and Keystone discussed the benefits, disadvantages and potential applicability of the Hosmer-Lemeshow test and RSF modeling. Keefer expressed the view that BC Hydro had collected great data however felt that its analysis of the data was weak. Keefer expressed concern that the Report did not provide a complete picture of how ungulate were actually using the area. BC Hydro's Wildlife Lead responded to the issues raised by Keefer. BC Hydro agreed that the data was good and explained that its analysis was done in such a way to support the effects assessment required by the environmental assessment process and that BC Hydro was working to the standards outlined in the requirements set out in the EIS Guidelines. BC Hydro stated that it would be possible to use the data for many types of analysis, but that for a project such as Site C, the requirements were clearly set out by the regulators and BC Hydro had conducted an analysis according to those requirements. BC Hydro also explained that the analysis had been drafted to be comprehensible and available to a wide audience. BC Hydro agreed to consider Fort Nelson's suggestions and the parties agreed to meet to discuss the issue again.

On April 11, 2013, BC Hydro and consultants from Keystone Wildlife Resources Ltd. and Northern Resource Analysts Ltd. met by teleconference with Fort Nelson's Environmental Monitoring Technician and a consultant from Keefer Ecological Services Ltd., in follow up to the meeting of March 28, 2013 regarding Fort Nelson's review of BC Hydro's "Site C draft Peace River Valley Ungulates Study Program Final Report". Keefer expressed the view that the RSF model used by Keystone was too simplistic for meeting the objective of examining ungulate use of the Peace River valley. Keefer indicated that the current trend is to use a "k-fold cross validation analysis" and offered to provide additional information on the benefits of this approach. BC Hydro, Keefer, Keystone and Northern Resource discussed the potential advantages, challenges and potential limitations associated with the various models, including the RSF model and the k-fold cross validation analysis. BC Hydro (Wildlife Lead) indicated that BC Hydro would consider the option of re-analyzing the moose data using the k-fold validation analysis. Keefer provided some additional comments on the report. BC Hydro suggested that the team at Keystone discuss the proposal and recommendation brought forward by Fort Nelson internally.

On April 15, 2013, Golder sent an email to Fort Nelson, thanking Fort Nelson for its efforts made in the completion of the Project's 2012 heritage resources impact assessment field program.

On April 16, 2013, Fort Nelson sent an email to BC Hydro, attaching its amalgamated quarterly financial reports pursuant to the *Stage 3 Consultation Agreement*.

On May 3, 2013, Golder sent an email to Fort Nelson, attaching:

- AIA Site C Clean Energy Project: Rolling Work Plan #7 – Geotechnical Test Pit Investigations on the South Bank of the Peace River, Phase 2.

On May 8, 2013, Golder sent an email to Fort Nelson, attaching notification of Archaeological work under *Heritage Conservation Act* permit 2009-0262. Golder advised that it would be conducting an archaeological assessment for BC Hydro related to the following projects:

- Rolling Work Plan #8 on the right bank of the Peace River at the proposed dam site; and
- The portion of a proposed access route within archaeological site HbRf-95.

On May 16, 2013, Golder sent an email to Fort Nelson, attaching a link to its secured file transfer website to:

- *Heritage Conservation Act* Permit 2009-0262 Site C Clean Energy Project: Annual Report for 2012.

On May 17, 2013, Golder sent an email to Fort Nelson attaching Rolling Work Plan #8 pursuant to License of Occupation 814864. The scope of the work involved drilling of up to eight boreholes, one test pit excavation, soil resistivity testing, completion of geophysical seismic surveys, expansion of the existing borrow/relocation area and creation of an additional designated laydown area.

On May 23, 2013, Golder sent an email to Fort Nelson, attaching notification for archaeological work to be completed under *Heritage Conservation Act* Permit 2009-0262. Golder advised that it would be conducting an archaeological assessment for BC Hydro related to the Howe Pit Investigations on the left bank of the Peace River near Old Fort.

On June 4, 2013, Fort Nelson sent an email to BC Hydro, attaching the outstanding financial reports pursuant to the *Stage 3 Consultation Agreement*.

On June 6, 2013, BC Hydro sent a letter to Fort Nelson in response to concerns and issues raised by Fort Nelson and Keefer Ecological Services Ltd. in an email dated March 20, 2013, and discussed at teleconferences held on March 28 and April 11, 2013, with respect to BC Hydro's "Site C draft Peace River Valley Ungulates Study Program Final Report". The report is a standalone baseline report that presents the results of the 24-month moose, elk, and mule deer radio telemetry study that BC Hydro conducted in the Peace River Valley. BC Hydro committed to further consideration of the following recommendations put forward by Fort Nelson: (1) make the process for model development more clear in the write-up of the final report; (2) add scope of the analysis by including additional variables; and (3) conduct a "k-fold cross-validation" to assess the model fit. The letter indicated that through further consideration, BC Hydro

determined that the three concerns could be addressed through a single revision to the current model. The results would be incorporated in the "Site C Peace River Valley Ungulates Study Program Final Report". BC Hydro indicated that it would undertake the following seven steps of re-analysis:

1. Revise slope and aspect parameters into independent continuous variables;
2. Add elevation as an independent continuous variable;
3. Add distance to roads (paved and gravel) as an additional continuous variable defining anthropogenic footprint as derived from literature;
4. Add distance to private lands as an additional continuous variable representing predator avoidance;
5. Landscape context would be addressed by calculating a location and daily step distance for each ungulate species;
6. Develop revised Resource Selection Function models using linear mixed-effects; and
7. Review results and revise the final report as appropriate.

Distribution of Field Studies Overview

BC Hydro sent emails to Fort Nelson providing the *Field Studies Overview* outlining the field studies taking place in the coming months. Emails were sent to Fort Nelson on the following dates in 2013: January 23, February 12, March 28 and May 14.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A09 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: FORT NELSON FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

<contact information removed>

January 2013

Fort Nelson First Nation (FNFN)

In preparing responses to these questions, information on current Fort Nelson First Nation (FNFN) use of lands and resources was derived primarily from the letter sent from the FNFN Lands Department to BC Hydro in August 2012.[1] A limited number of publicly available published and unpublished reports were also consulted for information on FNFN traditional land and resource uses.[2] Although BC Hydro did not enter into a Traditional Land Use Study agreement with FNFN, traditional land use information made available to BC Hydro by FNFN has been considered in this review.

The Fort Nelson First Nation is a Dene/Cree community, composed of 14 major families from six main villages: Old Fort (Tthek'eneh Kue), Fontas, Kahntah, Snake River (Nadudhi Deeze), Nelson Forks (Tlidli), and Francois (Tli Gohtche). The FNFN main community is located on Indian Reserve No. 2 at Fort Nelson. The FNFN have an additional seven Indian Reserves.[3] The FNFN population is approximately 875.[4]

FNFN traditional territory as set out by FNFN encompasses the northeast corner of British Columbia (Figure 1).

1. **What is the Fort Nelson 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 the RAAs?**

   Although the FNFN state that they exercise their Aboriginal and Treaty 8 rights outside their traditional territory, no specific information was identified that described or documented FNFN current use of lands and resources for hunting, fishing and trapping activities in the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs.

2. **What is the FNFN'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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[1] FNFN (2012). Fort Nelson First Nation Background and Rational [sic] for Involvement in the Site C Project. Letter to BC Hydro from Katherine Wolfenden, Environmental Technician, FNFN Lands Department, August 17, 2012.
[2] The sources consulted for this study are set out in the References.
[3] FNFN (2012). Fort Nelson First Nation Background and Rational [sic] for Involvement in the Site C Project: 1.
[4] AANDC (2012), First Nation Profiles. http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=543&lang=eng.

No specific information was identified that described or documented FNFN current use of lands and resources for other purposes in the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs.

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

   The FNFN assert that they exercise their treaty and Aboriginal rights over their traditional territory, as well as in the broader territory of Treaty 8. The FNFN also assert that their Treaty 8 right of hunting, trapping and fishing is a right to practice a mode of life that includes access to the lands and resources upon which that mode of life depends.[5]

   No specific information was identified that described or documented the exercise of asserted Aboriginal rights or treaty rights by the FNFN within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs.

4. **Identify past, current and reasonably anticipated future use of lands and resources by FNFN members for traditional purposes who may be adversely impacted by the Project within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

   The FNFN assert that they have practiced their traditional lifestyle of hunting, trapping, harvesting and fishing throughout their territory, in the past, continue to do so today, and will do so into the future.

   The FNFN has two major concerns regarding the Project. First, the Project will impact lands within Treaty 8 that provide habitat and corridors for wildlife and fish, resources that are traditionally used by FNFN members. Second, as a result of habitat loss, the Project may displace hunters from the Peace River valley region into FNFN traditional territory, thereby hindering their Treaty 8 harvest rights.[6]

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**

[5] FNFN (2012). Fort Nelson First Nation Background and Rational [sic] for Involvement in the Site C Project: 2.
[6] FNFN (2012). Fort Nelson First Nation Background and Rational [sic] for Involvement in the Site C Project: 2.

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

Although BC Hydro did not enter into a Traditional Land Use Study agreement with FNFN, traditional land use information made available to BC Hydro by FNFN has been considered in this review. Information relating to the exercise of asserted treaty or Aboriginal rights by FNFN outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs has been taken from references consulted for this review.

The traditional territory of the FNFN is located north of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs (Figure 1) in northeastern British Columbia. In 1981, Brody depicted FNFN hunting territories in the wooded river valleys of northeastern British Columbia, including sections of: Fort Nelson River, Liard River, Fontes River, Prophet River and Muskwa River (Figure 2). Hunting areas are also depicted in the areas of surrounding muskeg.[7] In the 2012 Fort Nelson First Nation Strategic Land Use Plan, FNFN included a map of the habitation sites (cabins and camps) in their traditional territory (Figure 3).[8] These habitation sites are likely associated with FNFN harvesting activities.

[7] Brody 1981: Map 15, 170-1.

[8] Fort Nelson First Nation (2012). Respect for the Land: Fort Nelson First Nation Strategic Land Use Plan: 9.

Figure 1. Map of Fort Nelson First Nation Traditional Territory in Northeastern British Columbia (FNFN Lands and Resources Department, October 18, 2012).

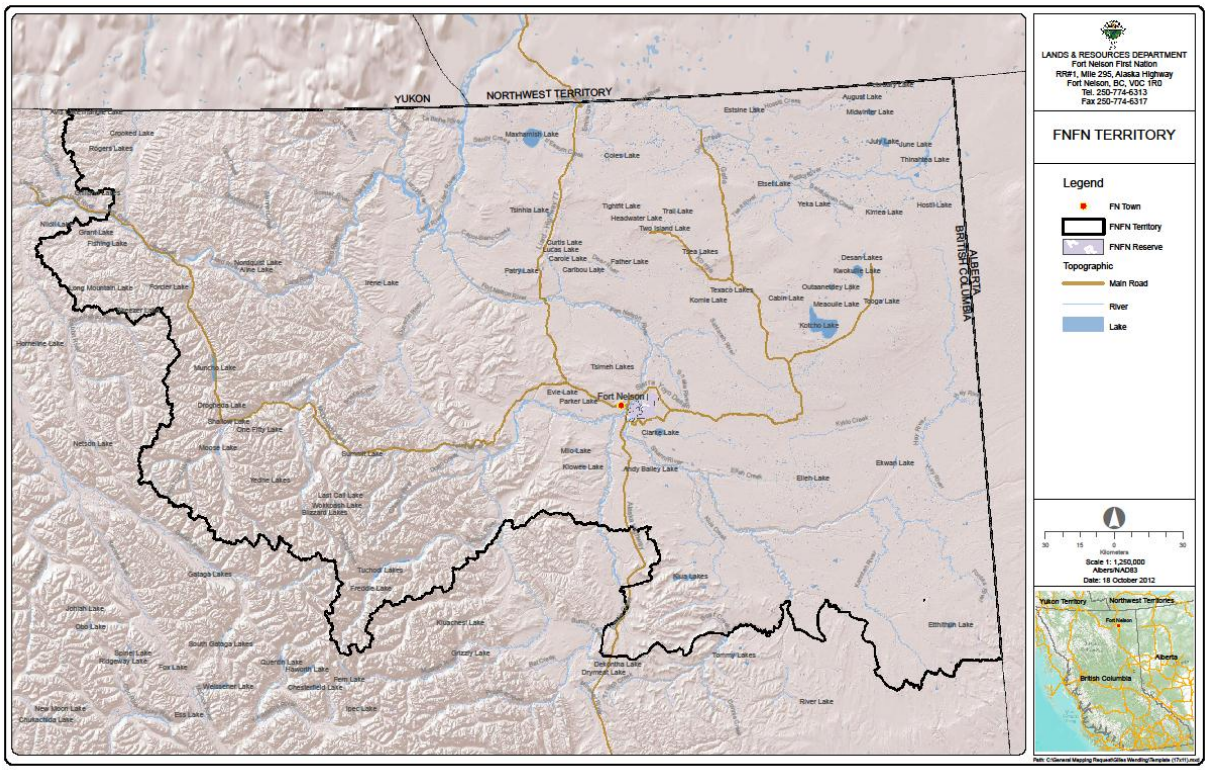


Figure 2. Map of FNFN Hunting Areas as Described by FNFN Hunters in the Late 1970s (Brody 1981: North portion of Map 15, 171).

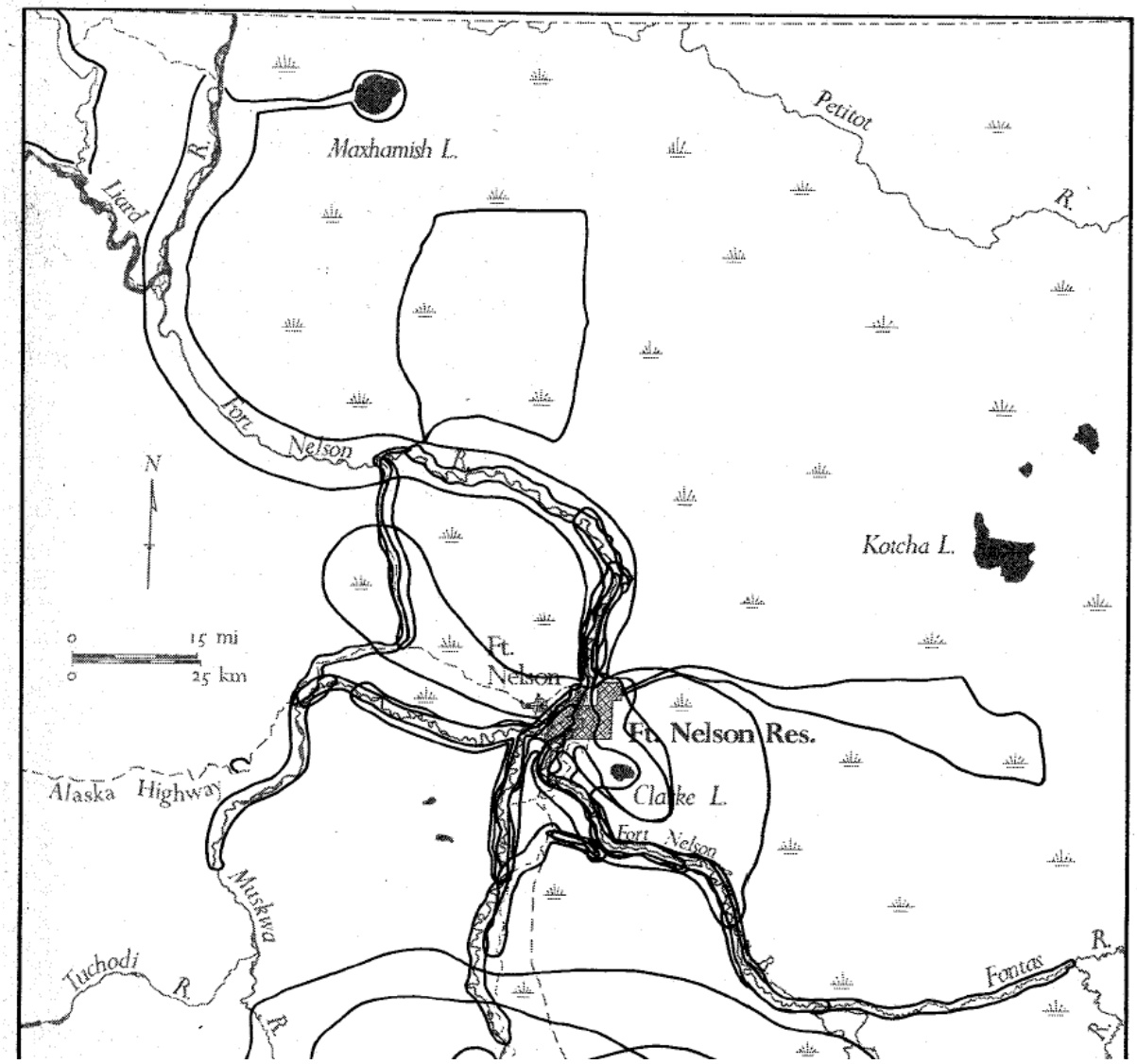
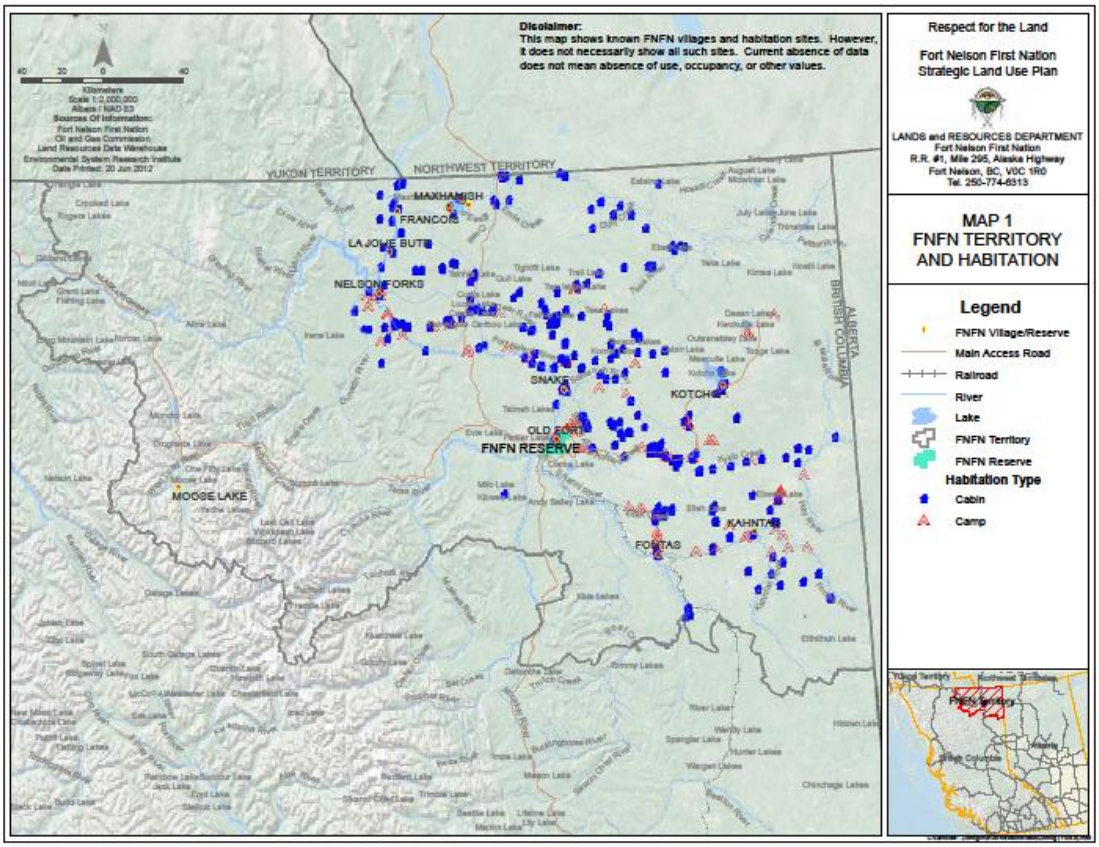


Figure 3. Map of FNFN Habitation Sites in FNFN Traditional Territory, June 12, 2012 (Fort Nelson First Nation (2012). Respect for the Land: Fort Nelson First Nation Strategic Land Use Plan: 9).



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Asch, Michael (1981). "Slavey." In June Helm, editor. *Subarctic. Volume 6, Handbook of North American Indians.* Washington, D.C.: Smithsonian Institution, pages 338-349.

> *An ethnographic overview of the Dene (Slavey), which includes the Fort Nelson First Nation.*

Brody, Hugh (1981). *Maps and Dreams: Indians and the British Columbia Frontier.* Vancouver/Toronto: Douglas & McIntyre.

Fort Nelson First Nation (2011). Consultation Protocol and Guidelines, April 1, 2011. http://lands.fnnation.ca/sites/default/files/fort_nelson_first_nation_2011_cpq2.pdf

Fort Nelson First Nation (2012). Respect for the Land: Fort Nelson First Nation Strategic Land Use Plan, June 18, 2012. http://lands.fnnation.ca/sites/default/files/project-files/respect_for_the_land_-_fnfn_slup_june_27_2012.pdf

Fort Nelson First Nation, Lands Department (2012). "Fort Nelson First Nation Background and Rational [sic] for Involvement in the Site C Project." Letter to BC Hydro from Katherine Wolfenden, Environmental Technician, FNFN Lands Department, August 17, 2012.

Fort Nelson First Nation, Lands and Resources Department (2012). Map of Fort Nelson First Nation Traditional Territory, October 18, 2012.

Honigmann, John J. (1946). *Ethnography and Acculturation of the Fort Nelson Slave*. Yale University Publications in Anthropology, Number 33. New Haven, Conn.: Yale University Press.

> *The major ethnographic study of the Dene (Slavey) based on fieldwork at Fort Nelson in 1943*.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A09 PART 4

ABORIGINAL SUMMARY:
FORT NELSON 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

Fort Nelson First Nation

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

Fort Nelson First Nation's Treaty Rights

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

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

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

Fort Nelson First Nation's Concerns with Respect to the Project

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

Project Overview – Project Components and Activities
Need for a robust reclamation plan to develop a healthy and vigorous riparian plant community on the reservoir slopes.

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.
Land - Geology, Terrain and Soils
Concern regarding the potential impacts of the Project on the potential for landslides, slope stability, erosion and sloughing, including the proposed inundation zone and upslope areas, old Highway 29 area, Halfway River, other tributaries to the Peace River, the Taylor Hill area the new Highway 29 realignment area.
Water – Methylmercury
Concern about mercury accumulation and contamination in fish.
Fish and Fish Habitat
Concern about the potential impacts of the Project on fish, fish habitat, and fish species composition, including in the Peace River, Halfway River and Moberly Lake and Alberta.
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 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
Concern about the potential effects of the Project on access to quality hunting areas, including areas that contain moose, elk, deer, bear and birds.
Concerns about the potential effects of the Project on fishing, including access, water flow, water levels and habitat.
Human Health
Concerns related to the contamination of fish and wildlife resulting in a lack of faith in country foods. Perception of health risk related to methylmercury in country foods.
Treaty Rights (Hunting, Fishing and Trapping)
Concern about the potential impacts of the Project on Treaty 8 rights.
Aboriginal Interests – Aboriginal employment, contracting and business development
Interest in contracting and procurement opportunities for local contractors and Aboriginal businesses.

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 Fort Nelson First Nation's Treaty Rights

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

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

Consultation is ongoing between BC Hydro and the Fort Nelson First Nation, and may yield additional information on the Fort Nelson First Nation's current and reasonably anticipated future use of lands and resources that may potentially be affected by the Project. Should Fort Nelson 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 A 09 PART 5

~~TLUS PUBLIC REPORT:~~

FORT NELSON FIRST NATION: RATIONALE TO BC HYDRO TO ENTER INTO A STAGE 3 CONSULTATION AGREEMENT

~~FINAL REPORT~~

Prepared for BC Hydro Power and Authority
Prepared by Fort Nelson First Nation
August 2012

Revision 1 – July 19, 2013

Table of Contents

A. Fort Nelson First Nation Background and Rational for Involvement in the Site Project

B. Fort Nelson First Nation Traditional Territory Map 1

C. Fort Nelson First Nation Traditional Territory Map 2

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Lands Department
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Fort Nelson First Nation Background and Rational for Involvement in the Site C Project

August 17th 2012

Who we Are

The Fort Nelson First Nation is a Dené/Cree community with roughly 810 band members living on and off reserve. Fort Nelson First Nation is composed of 14 major families, from six main villages within the territory: Tthek'eneh Kúe (Old Fort), Fontas, Kahntah, Nádudhi Deezé (Snake River), Tlídli (Nelson Forks), and Tli Gohtché (François). Today, our main community, Fort Nelson Indian Reserve #2, sits approximately 6 kilometres southeast of the community of Fort Nelson, at Mile 293-295 along the Alaska Highway. In addition to IR #2, we hold seven other reserves comprising nearly 10,000 hectares, governed by a Chief and five Councillors elected to two-year terms under the electoral system of the Indian Act.

In 1910, our ancestors signed onto Treaty #8 with Canada. The 1910 Treaty talks affirmed FNFN's rights to our traditional lands and ways of life "as long as the sun shines, the river flows, and the grass grows". Aboriginal and Treaty rights have since become legal rights pursuant to Section 35(1) of the Constitution Act, 1982. Aboriginal and Treaty rights include the constitutionally protected priority use rights to resources (e.g. fish, wildlife, trees, and other land-based medicines and foods). Section 35(1) further demands that the protection of these rights is a paramount objective.

Our primary languages are Dené K'e (Slavey), an Athapaskan language, and Cree, an Algonquian language. Historically, some families also speak Dane-zaa (Beaver). In recent decades, English has become the dominant language of education and business in our community, with the percentage of people with fluency in Dené K'e and Cree in decline. There is a strong desire for cultural and linguistic continuity among FNFN members.

FNFN Use of the Land

FNFN has historically, and continues now and into the future to hold and practice their treaty and aboriginal rights over their core traditional territory as well as those of the larger Treaty 8 territory. For countless generations, the land has sustained our families and villages. The land is part of who we are, how we think and where we are from. FNFN culture, history, and identity as families and as a community are tied to the land, the waters and the animals. As a result, changes on the land have and continue to have potential for significant adverse impacts on FNFN rights, interests, and survival. We have learned from this land that balance in all things is necessary.

In recent years, the ability of FNFN members to practice our mode of life and livelihood has become endangered, in large part by the cumulative and residual pressures of current and past oil and gas and

other industrial developments concentrated within FNFN core traditional territory and extending throughout much of Treaty 8 lands. Despite these challenges, FNFN remains a strong and re-emerging Dené/ Cree Nation, whose traditions and customs and practices have revolved around large game, fur-bearers and fresh-water fish since time immemorial. Most FNFN families still practice traditional lifestyles — hunting, trapping, harvesting, and fishing — making at least some part of our living off the land and harvesting in all seasons and across a wide cultural landscape.

As the cumulative impacts of industrial development, including an ever-expanding industrial footprint, continue to increase throughout FNFN's lands, community members face going farther afoot to maintain their traditional lifestyles. They are concerned that not only will they need to travel farther to sustain their lifestyles, and that of future generations, but that the sustainability of travel corridors and resources themselves are being threatened by new developments fragmenting the landscape and impacting ecological integrity.

Our elders and Dené Laws teach that without the land, Dené have nothing. For FNFN members, the land is not just the physical surface of the earth and possession of it, but the complex inter-relationships between plants, animals, water, soil, air, and people. The survival of FNFN and the meaningful and constitutionally protected practice of our Treaty and Aboriginal rights depend on a healthy and accessible river system and land base.

Consistent with the understanding of Canada's highest courts, and the elders and leaders of FNFN, the Nation has held that the rights embodied in Treaty No. 8 are not simple rights of hunting, trapping, and fishing, narrowly defined, but are rights to practice a historic mode of life, including access to the lands and resources upon which that mode of life depends, without any forced interference.

Industrial Development

The FNFN is extremely concerned about cumulative impacts from enabled oil and gas activity due to an increase in available energy from the Site C Clean Energy Project. Low energy cost, enhanced access and improved regional infrastructure from the Site C Energy Project may spur oil and gas development in our core Traditional Territory.

As a standalone project, Site C has the potential to impact Treaty 8 lands which provide habitat and access to traditionally used resources including wildlife and fish as well as movement corridors for these animals as well as FNFN members.

FNFN Interests

FNFN relies heavily on moose, caribou, elk, beaver, rabbit, fish, and other animals as a means of sustenance. FNFN community members use lakes, creeks, and rivers as the main transportation to get access hunting, trapping, and fishing locations within the Treaty 8 Territory. Waterways and lakes are a key asset to FNFN that allows for transportation, recreation, and sustenance.

The FNFN is concerned that due to a loss of key ungulate winter ranges in the Peace River valley, hunting pressure could be displaced towards the FNFN territory, hindering their rights for traditional harvest. Loss in key winter ranges will likely result in reduced ungulate populations, forcing the non-resident hunters to go elsewhere, potentially north.

Rational for FNFN involvement in Site C

Given the location, size and longevity of the Site C Project, together with the nature of this development to potentially impact the rights of FNFN, FNFN has an interest to better understand the Project through meaningful consultation. In doing so, the community will be better able to make decisions as to the extent and severity of impacts to the exercise of their treaty and aboriginal rights, if any, and to provide meaningful input where appropriate. FNFN wishes to engage with BC Hydro to understand the Site C Project, provide input and assess the direct and indirect impacts to their rights and interests so that both Parties can work cooperatively to ensure that any such impacts are avoided, mitigated or accommodated proactively.

Sincerely,

<signature removed>

Katherine Wolfenden
Environmental Technician
Fort Nelson First Nation Lands Department

Fort Nelson First Nation

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FNFN TERRITORY

Legend

- Highway
- Lake
- FNFN Territory

N

20 10 0 20

Kilometers
Scale 1:50,000
Albers / NAD 83

Sources Of Information:
Fort Nelson First Nation
Oil and Gas Commission
Land Resources Data Warehouse
Environmental System Research Institute
Date Printed: 26 Oct 2012

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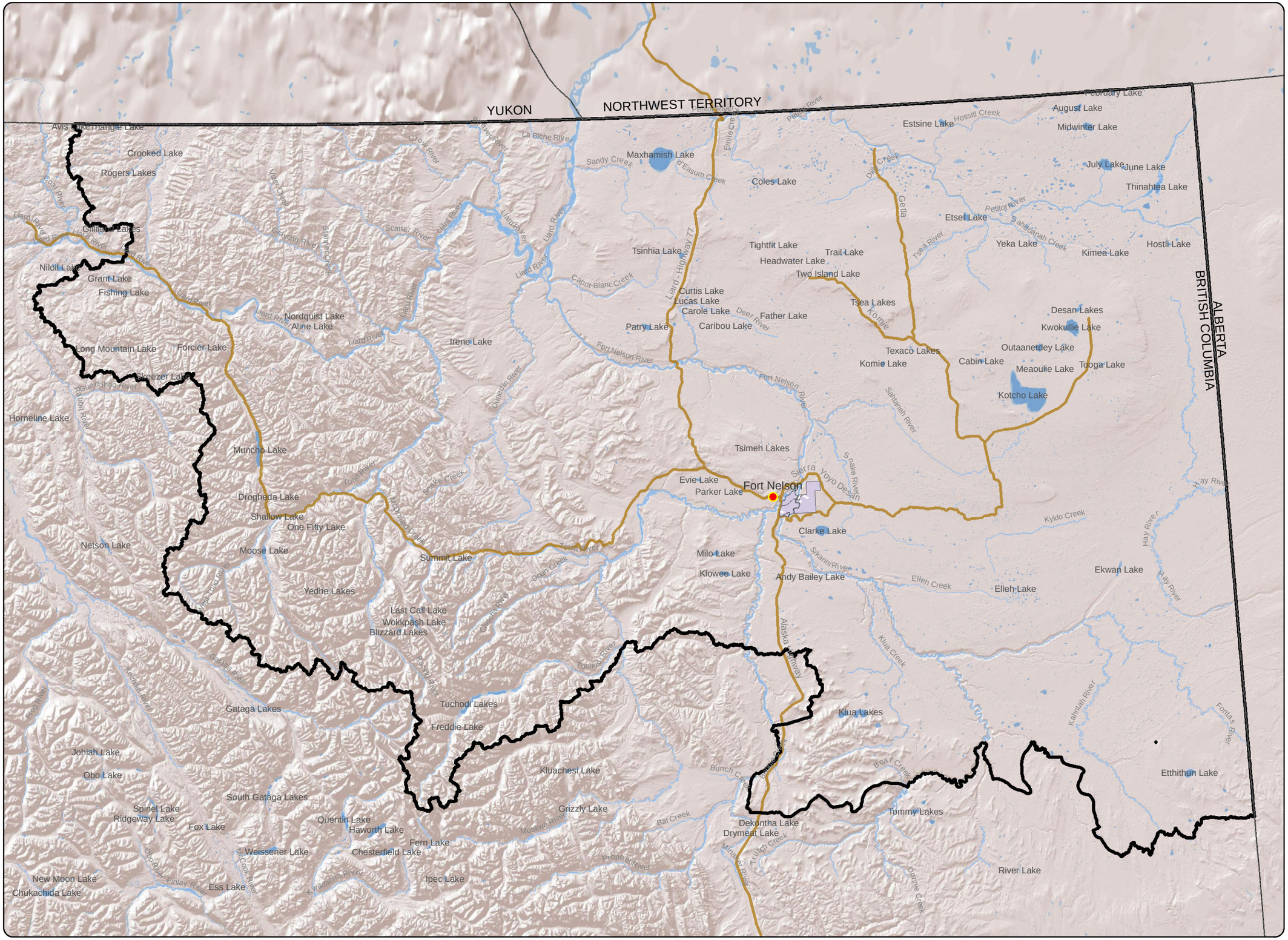

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FNFN TERRITORY

Legend

- FN Town
- FNFN Territory
- FNFN Reserve

Topographic

- Main Road
- River
- Lake

30 15 0 30
Kilometers

Scale 1: 1,250,000
Albers/NAD83
Date: 18 October 2012

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