SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A13 PART 1

COMMUNITY SUMMARY:
KWADACHA FIRST NATION

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
<contact information removed>

Prepared by:
Fasken Martineau
<contact information removed>

January 2013

Kwadacha First Nation

Kwadacha First Nation (Kwadacha) has three reserves situated in northeastern B.C. in the Rocky Mountain Trench, a valley formed by the eastern and central ranges of the Rocky Mountains. The largest reserve is Fort Ware No. 1 (388 ha); the others are small fishing reserves on nearby lakes (Sucker Lake No. 2, Weissener Lake No. 3).[1] The most current publicly available population data indicates that in May 2008, Kwadacha had 445 band members.[2]

The main community is at Fort Ware, which is accessible by logging road from Mackenzie or by air from Prince George. Facilities at Fort Ware include a recreation centre, a school with elementary and high school grades, and a daycare centre.[3] Kwadacha has a Chief, Deputy Chief and three Councillors.[4] Kwadacha members are employed seasonally in resource industries, as well as in administration, education, and other service-oriented work. Some members continue to maintain traplines in their traditional territory.[5]

Kwadacha is a member of the Kaska Dene Council, an organization formed in 1981 to advance the interests of Kaska communities in treaty negotiations. Other members include Dease River First Nation (Good Hope Lake, B.C.); Daylu Dena Council (Lower Post, B.C.); Liard First Nation (Watson Lake, Yukon), and Ross River Dena Council (Ross River, Yukon). In 1994, Kwadacha and the other two B.C. bands formed a treaty group and entered the B.C. treaty process. The treaty group was expanded in 2000 to include the two Yukon bands. Canada suspended negotiations in 2003 after the parties had reached stage four of the six-stage process. In 2008, Canada resumed negotiations with the two Yukon bands in a separate process. B.C. treaty negotiations with the B.C. bands have not resumed.[6] However, the B.C. Kaska Dene Council bands entered into a Strategic Engagement Agreement with British Columbia on March 27, 2012.[7]

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[1] Littlefield, L., L. Dorricott and D. Cullon. 2007. Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake), Draft Submission to the Kemess North Joint Review Panel. Prepared for Kwadacha First Nation, Tsay Kay Dene, and Takla Lake First Nation. Available at: http://www.ceaa.gc.ca/050/documents_staticpost/cearref_3394/hearings/SM01.pdf. Accessed: December 2012 ("Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay") at 5.

[2] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. *Kaska Nation.* Available at: http://www.gov.bc.ca/arr/firstnation/kaska_nation/default.html>. Accessed: December 2012 ("MARR, Kaska Nation").

[3] Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay at 5.

[4] Kwadacha Nation. 2012. *Band Council*. Available at: http://www.kwadacha.com/nation/60/band+council. Accessed: December 2012.

[5] Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay at 5.

[6] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. *Kaska Nation.* Available at: http://www.gov.bc.ca/arr/firstnation/kaska_nation/default.html>. Accessed: December 2012 ("MARR, Kaska Nation").

[7] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. *Key Agreements - Land and Resources*. Available at: http://www.gov.bc.ca/arr/treaty/key/default.html. Accessed: December 2012.

Historical background

Kwadacha members are descended from the Sekani (Tse Keh Nay)[8] and Kaska people of the northern part of the Rocky Mountain Trench. Kwadacha was historically known as the Fort Ware Band. In 1920, a trading post was founded at Fort Ware, near the confluence of the Finlay, Fox, and Kwadacha rivers. The Fort Ware Band was established when some members of the Fort Grahame Band (situated further south at the confluence of the Finlay and Ingenika rivers) split off to form an independent band at Fort Ware. In 1959, the two bands amalgamated as the Finlay River Band.[9]

The Finlay River Band divided into the Fort Ware and Ingenika bands in 1970. The Fort Ware Band later became known as the Kwadacha First Nation.[10]

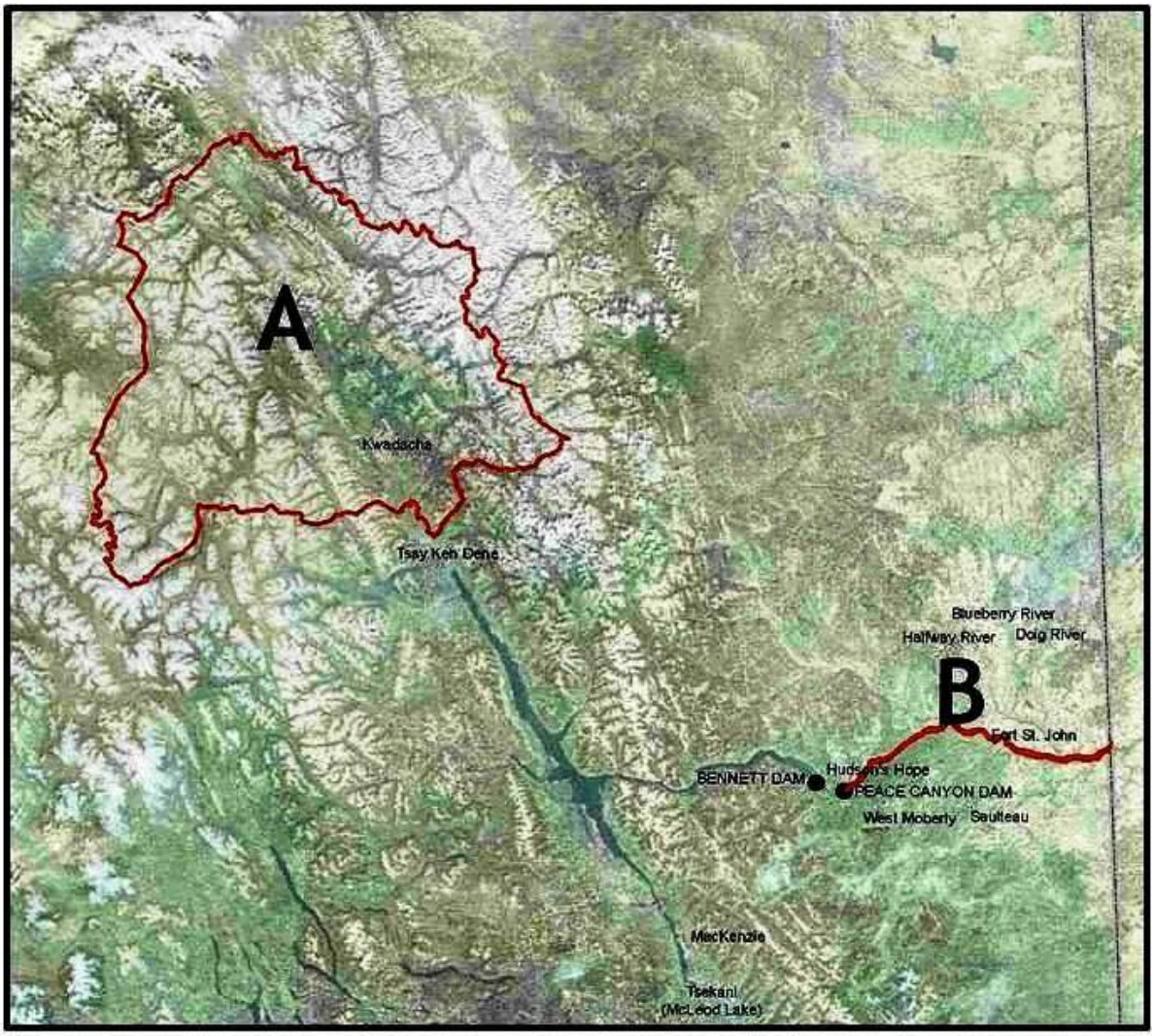
In 2008, Kwadacha reached an agreement with the Province and BC Hydro to address historical damages resulting from the construction and operation of the W.A.C Bennett Dam.[11]

[8] There are numerous spelling variations of this word. “Sekani” came into use at the beginning of the 1900s and continues to be used by anthropologists. “Tse Keh Nay” has been used by Tsay Kay Dene, Kwadacha First Nation and Takla Lake First Nation.
[9] Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay at 15.
[10] Tse Keh Nay Traditional and Contemporary Use and Occupation at Amazay at 15.
[11] MARR, Kaska Nation.

Traditional Territory Map

Map 1

Kwadacha First Nation and British Columbia. 2008. Kwadacha First Nation Final Agreement: Schedule 8.



SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A13 PART 2

BC HYDRO CONSULTATION SUMMARY: KWADACHA 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

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.

KWADACHA FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"AMEC"	AMEC Earth & Environmental, consultant for BC Hydro
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"*Final Agreement*" or "Kwadacha/BC Hydro historical claims agreement"	Final Agreement between Kwadacha First Nation, the Province of British Columbia and BC Hydro, dated November 27, 2008, to resolve all past, present and future issues, grievances and claims related, directly or indirectly, to the impacts of the W.A.C. Bennett Dam, the Peace Canyon Dam, the Williston Reservoir, and the Dinosaur Reservoir, on Kwadacha First Nation
"GIS"	Geographic Information Systems
"Golder"	Golder Associates Ltd., consultant for BC Hydro
"InterGroup"	InterGroup Consultants Ltd., consultant for Kwadacha First Nation and Tsay Keh Dene First Nation
"Kwadacha"	Kwadacha First Nation
"Province"	Province of British Columbia
"Site C" or "the Project"	The proposed Site C Clean Energy Project
"Stage 3 Consultation Agreement"	Stage 3 Consultation Agreement, between Kwadacha First Nation and BC Hydro, dated November 26, 2010
"Tsay Keh Dene"	Tsay Keh Dene First Nation

Key events

2007

- November: BC Hydro made initial contact with Kwadacha and expressed its commitment to effective consultation with respect to the Project.
- December: Kwadacha advised that the Project was currently not a priority due to the ongoing negotiations to conclude the Kwadacha/BC Hydro historical claims agreement, but expressed interest in meeting with BC Hydro's Site C representatives at a future date.

2008

- June: BC Hydro met with Kwadacha to provide a Project overview, and the parties discussed the status of negotiations with respect to the Kwadacha/BC Hydro historical claims agreement.

2009

- August: BC Hydro provided Kwadacha with the Stage 1 Completion Report, the Stage 1 Summary Report, and a complete set of Stage 1 studies.
- September: Kwadacha expressed interest in establishing a formal process for consultations regarding the Project. With the recent completion of the *Final Agreement*, Kwadacha advised that it was now in a position to focus its attention on other projects of concern, including Site C. BC Hydro confirmed its availability to meet with Kwadacha.
- December: BC Hydro met with representatives of Kwadacha and provided a Project overview. BC Hydro agreed to provide Kwadacha with a generic template for a Stage 3 consultation agreement by January 2010.

2010

- February: BC Hydro provided Kwadacha with a generic template for a Stage 3 consultation agreement, and Kwadacha responded with comments.
- April: BC Hydro advised Kwadacha of the Province's announcement that the Project would move forward to Stage 3, and provided a link to a website containing the Stage 2 Report and 35 appended studies and reports.

- May to November: BC Hydro, Kwadacha and Tsay Keh Dene met on multiple occasions (June 23, June 27, September 30, October 8, October 20) to negotiate the terms of a Stage 3 consultation agreement. BC Hydro provided Kwadacha and Tsay Keh Dene with interim capacity funding for costs associated with the negotiations. BC Hydro and Kwadacha finalized a *Stage 3 Consultation Agreement*, dated November 26, 2010, which established the principles, process, scope, and funding parameters for consultation between the parties in Stage 3. The agreement provided Kwadacha with specific funding to (a) undertake a technical review of background documents and prepare of a preliminary summary of technical issues and concerns, and (b) prepare a preliminary summary of Kwadacha's legal rights and interests.

2011

- January: BC Hydro met with Kwadacha and Tsay Keh Dene for a project update and information sharing on Project impacts. BC Hydro presented information, sought input, and responded to questions regarding fish, wildlife, methyl mercury, hydrology (temperature, ice formation), water quality, impact lines, and greenhouse gas emissions. The parties also discussed economic and employment opportunities associated with the Project.

- March:

  - BC Hydro held an Integrated Resource Plan workshop in Prince George, with representatives from Kwadacha in attendance. The workshop included a description of the Integrated Resource Plan, an overview of how an Integrated Resource Plan is developed, and a presentation and facilitated discussion on various topics related to the Integrated Resource Plan.

  - BC Hydro provided Kwadacha with four Stage 2 fisheries studies.

- April:

  - BC Hydro provided Kwadacha with summary documents describing proposed studies for the 2011 field program, and invited feedback and comments. The proposed studies were to be undertaken through the Environmental Program (Fish and Aquatics, Wildlife, Physical Environment), the Heritage Assessment, and the Socio-economic Assessment.

  - BC Hydro met with Kwadacha to provide a Project update. BC Hydro expressed the view that Kwadacha did not meet the criteria to warrant an exploration of accommodation, and explained the rationale for its preliminary position. BC Hydro suggested allocating time to discussing the potential impacts of the Project on Kwadacha, after Kwadacha had submitted its *Technical Review of Background*

Documents and Preliminary Issues. Kwadacha emphasized the importance of preparing community members to benefit from project opportunities, and tabled a funding proposal for a capacity building project. BC Hydro described its previous work with Kwadacha in the area of capacity building under the *Final Agreement*, and the parties agreed to build on what had already been completed.

- May:
  - BC Hydro met with representatives of the Kwadacha community (Chief and Council, negotiator, community members) in Fort Ware for a community dinner, a Project update presentation, and a presentation on BC Hydro's approach to Aboriginal procurement.
  - BC Hydro advised Kwadacha that it had submitted the Project Description Report and provided a link to the report.
- June: Kwadacha submitted a report titled *Technical Review of Background Documents and Preliminary Issues*, prepared pursuant to the *Stage 3 Consultation Agreement*, which highlighted four preliminary issues: interest in understanding the potential for system effects of the Project on the operation of the Williston Reservoir; emphasis on the importance of undertaking an assessment of regional and cumulative effects; concern about the permanent, ongoing effects of the Williston Reservoir on Kwadacha and the potential for the Project to exacerbate those effects; and, emphasis on incorporating traditional knowledge into the environmental assessment for the Project.
- July: BC Hydro met with Kwadacha to provide a Project update and review the Project Description Report. Kwadacha raised questions about alternatives to the Project, cumulative effects, traditional knowledge, the scope of the wildlife study area, and the potential impact of the Project on the operation of the W.A.C. Bennett Dam. Where possible, responses were provided during the meeting, and in other cases, a commitment was made by BC Hydro to follow up with a response. BC Hydro provided Kwadacha with supplementary responses approximately two weeks after the meeting.
- August: BC Hydro and Kwadacha met to review the legal memorandum prepared by Kwadacha's legal counsel pursuant to the *Stage 3 Consultation Agreement*. The memorandum included, among other things, comments on the regulatory process for the Project, including emphasis on the need for a meaningful assessment of cumulative effects, comments on the role of First Nations' in the regulatory process and other procedural concerns, and, comments on BC Hydro's ongoing approach to consultation, including a critique of the process by which BC Hydro had assessed the strength of claim of the various First Nations.

- November: BC Hydro met with representatives of Kwadacha with discussion focused on the following topics:
  - Project update: BC Hydro advised it was currently developing the EIS Guidelines and anticipated submitting them to the regulators in January 2012. BC Hydro advised that an Advisory Working Group had been assembled by the provincial and federal governments, comprised of First Nations deemed by the regulatory agencies to be affected by the Project, and various government agencies. Kwadacha expressed concern that the regulatory agencies had predetermined which First Nations would be impacted by the Project, prior to evidentiary submissions. Kwadacha also expressed concern that the issue of Project alternatives might be discounted in the regulatory process. BC Hydro advised that it was committed to consulting on Project alternatives and provided Kwadacha with a copy of the report titled *Review of Alternate Sites on the Peace River*, prepared by Klohn Crippen Berger Ltd., SNC-Lavalin Inc., and Hatch Ltd. (January 2011).
  - Rights discussion: BC Hydro and Kwadacha reviewed the memorandum prepared by Kwadacha's legal counsel. BC Hydro indicated that its assessment of Kwadacha's rights in the region was informed by Kwadacha's "Statement of Intent" filed with the B.C. Treaty Commission. Kwadacha expressed concern about being excluded from the environmental assessment process based on the "Statement of Intent" map, and suggested that marital customary rights of Kwadacha members might be affected by the Project. Kwadacha suggested that a traditional use study would assist with identifying what shared rights might exist. BC Hydro expressed interest in receiving information from Kwadacha that might support a funding request for a traditional use study.
  - Economic opportunities: Kwadacha expressed interest in contracting and work opportunities related to the Project. BC Hydro asked that Kwadacha provide band members' work experience as well as information on the number of interested workers, fields of interest and qualifications. Kwadacha indicated that it had not taken a position either for or against the Project.

2012

- February:
  - BC Hydro wrote to Kwadacha to provide an update on BC Hydro's proposed approach to Site C procurement and contracting work.
  - BC Hydro met with Kwadacha for a discussion of key Project components. BC Hydro presented information, sought input, and responded to questions regarding Highway 29 and construction access roads, off-site construction materials, and the

transmission line. BC Hydro also provided an update on procurement planning. Kwadacha expressed interest in economic opportunities, particularly in relation to construction and worker camps, trucking opportunities, and clearing opportunities in the case of the transmission line.

- March: BC Hydro met with Kwadacha to provide a Project update and give a presentation on workforce planning and worker accommodation. The parties reviewed Kwadacha's proposal for a defined consultation project focused on assessing and facilitating economic opportunities related to the Project. BC Hydro advised that for the EIS, it would need to understand Kwadacha's interests as they exist spatially on the land, and expressed interest in receiving information about Kwadacha's use of the land beyond its identified traditional territory. Kwadacha explained that the community had historic connections with First Nations closer to the Project area, and agreed to provide BC Hydro with information on potential uses and interests in the Project area.

- April: BC Hydro sent a letter to Kwadacha attaching an updated map of the proposed Project footprint and offering access to associated GIS shape file data. The letter attached a memorandum describing the details of the new or amended information.

- May: BC Hydro wrote to Kwadacha 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 Kwadacha.

- June/July:

  - BC Hydro met with Kwadacha on June 15 and gave a series of three presentations, as follows: 1) a review of the methodology and results of heritage field work in 2010, 2) a review of the methodology for selecting Valued Component and related spatial boundaries, and 3) an overview of the clearing plan including information on clearing volumes, criteria for reservoir clearing, objectives and timeline for the clearing process, and debris management. During the second presentation, Kwadacha expressed concern that its areas of concern/interest (e.g. system effects) might not be reflected in the EIS. BC Hydro advised that system effects would be addressed under the surface water regime per section 9 of the EIS Guidelines. BC Hydro agreed to follow up to determine if the existing water licence needed to be modified in order to operate the Project, and responded in writing on August 8.

  - Kwadacha submitted a proposal to BC Hydro on June 15 to conduct a "Familial Relations Study" with the objective of providing substantive evidence of Kwadacha's familial interests in the region which, according to Kwadacha, had existed pre-contact and continued in the present. The proposed study involved: (1)

reviewing existing documentation of historical and familial interests within the study area; (2) conducting interviews with Kwadacha Elders regarding familial customs, practices and traditions exercised within the study area; (3) preparing a draft report in consultation with Elders and Chief and Council; and (4) providing a draft report to BC Hydro on a confidential basis. BC Hydro responded via email on July 10, and advised that its legal counsel had requested further explanation as to how the proposed study would inform BC Hydro's assessment of the potential impacts of the Project on Kwadacha.

- August:
  - BC Hydro and Kwadacha signed a Letter of Understanding which addressed funding arrangements pursuant to the *Stage 3 Consultation Agreement*. BC Hydro agreed to provide Kwadacha with funding for two capacity building projects for the 2012-13 fiscal year: (1) the Joint Venture and Partnership Arrangements project, and (2) the Historical, Traditional Knowledge and Cross-Cultural Awareness project.
  - BC Hydro met with Kwadacha to provide an update on procurement opportunities associated with the Project. Kwadacha expressed interest in opportunities in the areas of camp operations, trucking, clearing, and highway realignment.
- September:
  - Kwadacha's legal counsel responded via email to BC Hydro's request for further explanation of the rationale for the "Familial Relations Study". Kwadacha explained that the Familial Relations Study could provide further information regarding the nature, scope and content of Kwadacha's Aboriginal rights, titles and interests within and beyond its asserted traditional territory. Kwadacha further explained that traditional knowledge from Elders of both Kwadacha and perhaps Treaty 8 communities might further elaborate on the precise nature of "transient" rights and interest exercised by Kwadacha within the Project Area, and that the study would describe the nature of rights shared and transferred as a condition of inter-marriage between Kwadacha and Treaty 8 communities.
  - BC Hydro met with Kwadacha to provide a Project update and a wildlife presentation. Kwadacha advised that its primary concerns were regional impacts on wildlife associated with hunting and access. Kwadacha explained that its members might be affected by increased hunting pressure, even though the Kwadacha community was geographically distant from the Project area. The parties discussed the possibility of extending restrictions on recreational access as far as the Kwadacha area. With respect to Kwadacha's proposal to conduct a

Familial Relations Study, BC Hydro explained its understanding that Kwadacha only exercised Aboriginal rights within its claimed traditional territory. BC Hydro understood that Kwadacha members might hunt in the traditional territory of other First Nations through family ties and with permission, but stated that such hunting did not constitute an Aboriginal right. BC Hydro was not familiar with the concept of "transient rights" referenced by Kwadacha. Kwadacha advised that in putting together the proposal for a Familial Relations Study, it had hypothesized about potential findings, but clarified that the study had not been designed yet. Kwadacha suggested that the study could provide information on where people hunted, both within and beyond the "Statement of Intent" area. BC Hydro agreed to support Kwadacha's proposal to conduct a Familial Relations Study, with general funding under the *Stage 3 Consultation Agreement*, and an additional capacity funding payment.

- BC Hydro wrote to Kwadacha 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 Kwadacha 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 Kwadacha's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Kwadacha'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.

- <u>October</u>:
  - BC Hydro met with representatives of Kwadacha, including its Finance Manager and the CEO of the Kwadacha Natural Resources Agency, for a follow up discussion of procurement opportunities associated with the Project.
  - Kwadacha sent a letter to BC Hydro, in response to BC Hydro's letters of September 21 and October 25 requesting information for preparation of the EIS. Kwadacha advised it could not provide a complete response to those letters at this time, but endeavoured to respond where it could do so. Kwadacha re-stated its concerns regarding potential project impacts in four general areas: effects on water levels and management of the Williston Reservoir; effects on regional ungulate and large carnivore populations; availability and escalating costs of community goods and services; and, cumulative effects on these and related social and environmental factors. Kwadacha explained that other concerns, such as workforce

management, area tourism and recreational use, could be considered sub-issues of those four general concerns. Kwadacha advised that it generally endorsed the Valued Components as currently identified, but listed two areas of possible concern. Kwadacha explained that being somewhat removed from the immediate Project area and recognizing Treaty 8 rights therein, it continued to take no formal position on the overall merits or need for the Project, and had limited its focus to issues most likely to cause adverse impact or concern to its members.

- BC Hydro sent a letter to Kwadacha 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).

Chronology of events

2007

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

On December 3, 2007, BC Hydro and Kwadacha (Chief) held an informal meeting. Kwadacha advised that the Project was currently not a priority given the ongoing negotiations to conclude the Kwadacha/BC Hydro historical claims agreement, but expressed interest in meeting with BC Hydro's Site C representatives at a future date.

2008

On June 17, 2008, BC Hydro met with representatives of Kwadacha (Chief, others) to provide an overview of the Project. The parties discussed the status of negotiations with respect to the Kwadacha/BC Hydro historical claims agreement. BC Hydro expressed interest in meeting with Kwadacha's Chief and Council when they were ready to do so. Also on June 17, 2008, BC Hydro couriered four copies of the Stage 1 report to Kwadacha.

2009

On August 24, 2009, BC Hydro met with Kwadacha's negotiator. Kwadacha expressed interest in entering into a consultation agreement with BC Hydro, and advised that it

expected to benefit from economic opportunities resulting from the Project. In a separate covering letter, BC Hydro provided Kwadacha with the following documents:

- Site C Feasibility Review: Stage 1 Completion Report (BC Hydro, December 2007)
- Summary: Stage 1 Review of Project Feasibility (BC Hydro, December 2007)
- Project Definition Consultation Discussion Guide and Feedback Form Round 1
- Project Definition Consultation Discussion Guide and Feedback Form Round 2
- Stage 1 studies:
    - Peace River Fisheries Investigations (2006)
    - Peace River Fish and Aquatics Investigations (2005)
    - Peace River Fisheries Investigations (2007)
    - Peace River Wildlife Studies (2005)
    - Peace River Wildlife Surveys (Field Work 2006, Final Report 2009)
    - Terrestrial Ecosystem Mapping of the Peace River Study Area: Baseline Inventory Surveys 2007 (Field work: 2005 -2007)
    - Peace River Wildlife Surveys Summary Report 2006 (Field work 2005 to 2006, Final report 2009)
    - Peace River Fisheries and Aquatic Resources Literatures Summary (September 2008)
    - Small Fish Surveys in the Peace and Halfway Rivers (2006)
    - Peace River Wildlife Surveys (2006)
    - Expanded Legend for the Peace River Terrestrial Ecosystem Mapping Project (2007)
    - Water Quality, River Sediment, Soil and Vegetation Samples from the Peace River Watershed (2007)

On September 9, 2009, Kwadacha sent a letter to BC Hydro advising that it wished to establish a formal process for consultations regarding the Project. Kwadacha advised that with the recent completion of the *Final Agreement*, it was now in a position to focus its attention on other projects of concern including Site C. Kwadacha asked BC Hydro to

provide a template for a consultation agreement, and expressed interest in scheduling a meeting with BC Hydro in late fall 2009 or early 2010.

On September 25, 2009, BC Hydro responded to Kwadacha's letter of September 9, 2009, and confirmed that it would be available to meet with Kwadacha in fall 2009 or early 2010, to develop a consultation agreement.

On October 8, 2009, Kwadacha responded to BC Hydro letter of September 25, 2009. Kwadacha suggested that the parties schedule a meeting in Vancouver during the week of December 7 to 11, 2009. The letter sought to clarify a possible misinterpretation of Kwadacha's interest in the Project, which might have arisen from comments made by Kwadacha in earlier meetings. The letter clarified that Kwadacha had not intended to give the impression of a lack of interest in the Project. The letter identified specific provisions in the *Final Agreement* which addressed Kwadacha's involvement in the Project, and explained that Kwadacha took the provisions seriously as part of the new relationship emerging between the parties.

On December 9, 2009, BC Hydro met with representatives of Kwadacha (Chief, two Councillors, negotiator). BC Hydro provided an overview of the Project including a description of the five-stage process. Kwadacha expressed interest in entering into a consultation agreement should the Project move forward to Stage 3. BC Hydro agreed to provide Kwadacha with a generic template for an agreement by January 2010. Kwadacha expressed interest in employment, training and investment opportunities arising from the Project. BC Hydro advised that revenue/ownership models would likely not be on the table because projects such as Site C were viewed as public assets.

<u>2010</u>

On February 5, 2010, BC Hydro sent an email to Kwadacha attaching a generic template for a Stage 3 consultation agreement. BC Hydro expressed interest in meeting for further discussions after the Province decided whether the Project would move forward to Stage 3. Kwadacha's negotiator provided initial comments on the draft agreement on February 24, 2010.

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

On April 26, 2010, Kwadacha sent a letter to BC Hydro in follow up to BC Hydro's email of April 20, 2010, regarding the status of the Project. The letter advised that Kwadacha had directed its negotiator to begin working as soon as possible with BC Hydro to negotiate a

consultation agreement. The letter indicated that Kwadacha intended to participate fully in the consultation and regulatory processes for the Project.

On June 21, 2010, BC Hydro sent a letter to Kwadacha advising that Golder had been awarded a contract to conduct the Heritage Assessment for the Project. The letter further advised that Golder would be providing a five day heritage training program in Fort St. John in July 2011, and would be looking for Kwadacha to identify interested community members to attend.

On June 23, 2010, BC Hydro met with representatives of Kwadacha (negotiator) and Tsay Keh Dene (legal counsel). The parties reviewed the latest draft Stage 3 consultation agreement, and BC Hydro agreed to provide a revised draft based on the discussion. BC Hydro agreed to provide interim capacity funding to support both Kwadacha and Tsay Keh Dene in their work on the Stage 3 consultation agreement.

On July 27, 2010, BC Hydro met with Kwadacha (negotiator, consultant) and Tsay Keh Dene (legal counsel). The parties reviewed the latest draft consultation agreement, and agreed to further revisions. The parties reached agreement on the amount of interim capacity funding to be provided by BC Hydro.

On September 22, 2010, BC Hydro sent a letter to Kwadacha enclosing a cheque for interim capacity funding issued pursuant to the agreement reached at the meeting of July 27, 2010.

On September 22, 2010, BC Hydro met via teleconference with Kwadacha (negotiator and consultant) and Tsay Keh Dene (legal counsel). The parties reviewed the latest draft of the Stage 3 consultation agreement, and BC Hydro agreed to circulate a revised draft based on the discussion.

On September 30, 2010, BC Hydro met via teleconference with representatives of Tsay Keh Dene (legal counsel) and Kwadacha (negotiator, consultant) to review the latest draft Stage 3 consultation agreement. BC Hydro agreed to circulate a revised draft based on the discussion, and Tsay Keh Dene and Kwadacha agreed to make best efforts to circulate their respective work plans in advance of the next meeting.

On October 8, 2010, BC Hydro met with representatives of Kwadacha (negotiator, consultant), and Tsay Keh Dene (legal counsel) to discuss the latest draft of the Stage 3 consultation agreement. Kwadacha and Tsay Keh Dene provided an overview of their respective budgets and work plans, including proposed consultation activities and defined consultation projects. BC Hydro agreed to consider the budgets and work plans, and make revisions to the draft Stage 3 consultation agreement based on the discussion.

On October 20, 2010, BC Hydro met with Kwadacha (negotiator, consultant) and Tsay Keh Dene (legal counsel). The parties reviewed the latest draft of the Stage 3 consultation

agreement, including provisions related to capacity funding. BC Hydro agreed to revise the draft based on the discussions, and circulate it to Kwadacha and Tsay Keh Dene.

On October 25, 2010, Kwadacha's legal counsel sent an email to BC Hydro confirming that the draft Stage 3 consultation agreement would be forward to Chief and Council, with a recommendation for execution. BC Hydro responded on October 26, 2010, advising that BC Hydro had submitted the draft Stage 3 consultation agreement for final approval by the Site C Executive Vice President.

On November 22, 2010, BC Hydro sent a letter to Kwadacha advising that it intended to initiate a fisher telemetry study and provided the following information for Kwadacha's consideration:

1. An outline of the fisher study program, and

2. A description of two job opportunities with Keystone Wildlife Research.

On November 24, 2010, BC Hydro received Kwadacha's Band Council Resolution, dated November 2, 2011, consenting to the execution of the *Stage 3 Consultation Agreement*.

On December 6, 2010, BC Hydro received a signed copy of the *Stage 3 Consultation Agreement*, dated November 26, 2010. The agreement established the principles, process and scope for consultation between BC Hydro and Kwadacha for Stage 3, and provided capacity funding to ensure Kwadacha's ability to (a) participate in the consultation process, (b) engage with BC Hydro to identify potential impacts of the Project on Kwadacha including its section 35(1) rights and reserves, and, (c) engage with BC Hydro to identify investing, contracting or other opportunities associated with the Project. The agreement addressed confidentiality, budgeting and work planning, funding and payment schedules, and communication between the parties. The agreement provided Kwadacha with capacity funding to undertake the following defined consultation projects:

- Technical review of background documents and preparation of a preliminary technical issues summary, by March 31, 2011;

- Preparation of a preliminary legal rights and interests issues summary, by March 31, 2011.

The agreement remains in force until the completion of Stage 3, subject to termination by either party upon 90 days written notice.

On December 13, 2010, BC Hydro sent a letter to Kwadacha enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On several occasions in 2010, BC Hydro sought to schedule a meeting with Kwadacha to provide information about business and procurement opportunities associated with the

Project. BC Hydro contacted Kwadacha about this issue on June 4, June 9, June 15, September 2, September 24, October 14, and November 4. In each instance, Kwadacha indicated to BC Hydro that the proposed meeting would need to be re-scheduled or deferred.

2011

On January 17, 2011, BC Hydro met with representatives of Kwadacha (negotiator), Tsay Keh Dene (legal counsel), and InterGroup, consultant for Kwadacha and Tsay Keh Dene. BC Hydro provided an update on the Project and an overview of the regulatory process, including information on the expected timeline for submission of the Project Description Report and the overall timeline for completing the environmental assessment. BC Hydro reviewed the methodology and results of previous and current environmental studies, and presented information in the following topics areas: fish, wildlife, methylmercury, hydrology (temperature, ice formation), water quality, impact lines, and greenhouse gas emissions. BC Hydro responded to questions and concerns raised by Kwadacha and Tsay Keh Dene, including concerns related to changes in local climate patterns, impacts to groundwater quality and the proposed approach to reservoir clearing. BC Hydro advised that it was currently working on traditional use studies with a number of First Nations, and Kwadacha indicated that a traditional use study might be of interest to the community. Kwadacha stated that, logically, Kwadacha and Tsay Keh Dene were outside of the Project area, but due to the impacts associated with the existing dams, the communities would be asking "what about us". Kwadacha wondered at what stage First Nations beyond those directly in the Project area would have their interests considered. BC Hydro asked Kwadacha to provide examples of what those interests might be. Kwadacha expressed interest in issues related to archaeology, heritage and microclimate. BC Hydro described different options for the First Nations to have input on studies and study design. The parties engaged in discussion about economic and employment opportunities associated with the Project.

On February 3, 2011, BC Hydro sent an email to Kwadacha advising that a request for proposal for general construction services had been posted to the BC Bid website.

On February 17, 2011, Golder sent a letter to Kwadacha 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 by First Nations in the field work and analysis. Golder advised that AMEC would follow up with the sub-consultant agreements and task orders required for the program, if Kwadacha expressed interested in participating.

On February 23, 2011, BC Hydro met with Kwadacha (negotiator) to provide a project update. BC Hydro explained that it hoped to submit the Project Description Report in March 2011, which would initiate the environmental assessment process. The parties discussed

planning for upcoming meetings and reviewed Kwadacha's work plan and budget for the fiscal year 2011/2012.

On March 17, 2011, Kwadacha participated in a workshop conducted by BC Hydro with respect to the Integrated Resource Plan. The purpose of the workshop was to provide a description of the Integrated Resource Plan, an overview of how an Integrated Resource Plan is developed and a presentation and facilitated discussion on various topics related to the Integrated Resource Plan. One of the objectives of the workshop was to consult with First Nations on three example portfolio options for meeting increased demand for electricity; a renewable mix without Site C, a renewable mix with Site C, or a mix of renewables with Site C and gas-fired generation. Potential resource options explored included biomass, wind, geothermal, thermal (such as natural gas and coal), hydro (such as run of river, pump storage, and the Site C Project), ocean (wave and tidal), hydrokinetic, and solar.

On March 24, 2011, BC Hydro sent a letter to Kwadacha enclosing the following Stage 2 fisheries studies:

- Peace River and Pine River Radio Telemetry Study 2009. AMEC Earth and Environmental and LGL Limited. 2010.
- Halfway River and Moberly River Fall Mountain Whitefish Migration and Spawning Study 2009. Mainstream Aquatics Ltd. 2010.
- Halfway River and Moberly River Summer Fish Survey (2009). Mainstream Aquatics Ltd. 2010.
- Peace River Fish Inventory 2009. Mainstream Aquatics Ltd. 2010.

On March 28, 2011, BC Hydro met via teleconference with representatives of Kwadacha (negotiator, InterGroup consultant) to discuss budgeting and work planning under the *Stage 3 Consultation Agreement*. Kwadacha advised that it hoped to submit its legal paper to BC Hydro by the end of May 2011, and its technical review paper by the end of April 2011.

On April 4, 2011, BC Hydro sent a letter to Kwadacha advising that BC Hydro was engaged in planning for the upcoming field season of environmental work associated with the Project. The letter indicated that, in order to engage Aboriginal groups in discussion of this work, BC Hydro had prepared summary documents that described proposed studies for the 2011 field season. The letter enclosed study outlines and work plan summaries in the following topic areas:

- Environmental Program: Fish and Aquatics;
- Environmental Program: Wildlife;

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

The purpose of the proposed studies was to characterize baseline environmental conditions. The letter explained that the baseline data would be used to inform the assessment of potential environmental effects associated with the Project. The letter requested input from Kwadacha regarding the proposed studies, and explained that they could be changed or revised in scope or timing based on input from the Aboriginal groups.

On April 8, 2011, Kwadacha sent an email to BC Hydro attaching a proposal for a defined consultation project to identify and assess economic opportunities that might be available to Kwadacha in connection with the Project. Kwadacha advised that the study would assess potential opportunities in the three broad categories (employment, contracting and business, equity participation) and proposed that the study be completed by September 30, 2011.

On April 11, 2011, BC Hydro sent a letter to Kwadacha enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On April 15, 2011, BC Hydro met with representatives of Kwadacha (negotiator, InterGroup consultant). BC Hydro provided a project update and reviewed the timelines for the submission of the Project Description Report and the draft EIS Guidelines. Kwadacha emphasized the importance of preparing community members to benefit from project opportunities, and tabled a funding proposal for a capacity building project. BC Hydro described a similar initiative that it had funded in relation to Kwadacha's *Final Agreement*, which aimed to provide baseline information on the current capacity within the community while using a database system to assist with strategizing for future training initiatives. BC Hydro provided Kwadacha with a report related to the initiative titled *Tsay Keh Dene & Kwadacha Cooperative Human Resource Capacity-Building Project, Final Report* (March 2011). Kwadacha (negotiator) advised that he was not aware of this previous work, but agreed that it made sense to build on what had already been completed. BC Hydro and Kwadacha engaged in discussions about future consultations and the availability of accommodation. BC Hydro suggested that based on the information presently available, it appeared that Kwadacha did not meet the criteria to warrant an exploration of accommodation. Kwadacha asked BC Hydro to explain the factors informing its position. BC Hydro identified potential project impacts as the most important factor, and explained that in cases where impacts could not be mitigated, BC Hydro would be exploring accommodation options. BC Hydro suggested allocating more time to discussing the potential impacts of the Project on Kwadacha, after Kwadacha had submitted its *Technical Review of Background Documents and Preliminary Issues*. BC Hydro and Kwadacha each

provided their perspective on the scope of Project related commitments made by BC Hydro under the *Final Agreement*.

On April 26, 2011, BC Hydro sent an email to Kwadacha and attached a copy of the Semi-Annual Joint Report for the period October 1, 2010 to March 31, 2011, prepared pursuant to the *Stage 3 Consultation Agreement*.

On May 3, 2011, BC Hydro met with members of the Kwadacha community (Chief and Council, negotiator, community members) in Fort Ware for a community dinner, a Project update presentation, and a presentation on BC Hydro's approach to Aboriginal procurement. BC Hydro presented information about the status of the Environmental Assessment process, BC Hydro's approach to consultation with Kwadacha, field studies on the physical environment, engineering, fish, wildlife and vegetation, the heritage and socio-economic program, and next steps in the environmental assessment process. BC Hydro's Aboriginal procurement specialist gave a presentation on BC Hydro's Aboriginal Contracting and Procurement Policy and provided assistance to interested members in registering with BC Hydro's Aboriginal Business Directory. Meeting attendees asked questions about the Project and shared some of their experiences with the development of the W.A.C. Bennett Dam and Williston Reservoir.

On May 18, 2011, BC Hydro sent a letter to Kwadacha 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 21, 2011, Kwadacha sent a letter to BC Hydro advising that Kwadacha's Chief and Council had approved the enclosed report titled *Technical Review of Background Documents and Preliminary Issues* (June 2011), prepared pursuant to the *Stage 3 Consultation Agreement*. The letter advised that the report was intended as a preliminary review of issues of concern to Kwadacha, and did not outline any definitive or final concerns or positions. The report identified the following four categories of issues and included a "working paper" on each topic:

- Interest in understanding the potential for system effects of the Project on the operation of the Williston Reservoir (e.g., how the addition of the Project to the existing hydroelectric system would change the operation and elevations of the Williston Reservoir).

- Emphasis on the importance of undertaking an assessment of regional and cumulative effects (e.g., interest in whether potential regional effects on wildlife would be considered in the environmental assessment; interest in what future projects would be considered as part of the environmental assessment; interest in how regional effects on employment, business and household income would be considered and assessed).

- Concern about the permanent, ongoing effects of the Williston Reservoir on Kwadacha and the potential for the Project to exacerbate the existing effects; interest in approaches to mitigation and monitoring of the existing effects.
- Interest in how BC Hydro would be considering traditional knowledge as part of the environmental assessment; emphasis on the importance of using traditional knowledge to understand the existing environment and how changes to the environment would affect traditional use.

On July 5, 2011, BC Hydro met with representatives of Kwadacha (Chief, negotiator, InterGroup consultant, legal counsel). BC Hydro provided a Project update and described the next steps in the regulatory process. BC Hydro advised that it had identified certain topics for consultation with First Nations (e.g., transmission line, Highway 29 realignment, construction materials), and that depending on interest BC Hydro could consult or provide information to Kwadacha on those topics. Kwadacha provided updates on financial reporting and the timeline for submitting its legal paper and capacity building proposal. The parties reviewed the Project Description Report and Kwadacha raised questions about Project alternatives, cumulative effects, traditional knowledge, the scope of the wildlife study area, and whether the operation of the W.A.C. Bennett Dam would be affected by the Project. Where possible, responses were provided during the meeting, and in other cases, a commitment was made by BC Hydro to follow up with a response. Kwadacha expressed interest in scheduling a technical session on the topic of Project alternatives, if that could be arranged. BC Hydro advised that it had briefly reviewed Kwadacha's *Technical Review of Background Documents and Preliminary Issues* and suggested that the four areas identified by Kwadacha would be useful in focusing future discussions. Kwadacha emphasized that the report was intended to capture Kwadacha's initial views on the Project, based on the materials available to it at the time.

On July 11, 2011, BC Hydro sent a letter to Kwadacha enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On July 20, 2011, BC Hydro sent an email to Kwadacha further to the meeting of July 5, 2011, and attached responses to action items and questions identified in the meeting. BC Hydro also attached a PDF map of the Project footprint and offered to provide access to related GIS data.

On August 12, 2011, BC Hydro met with representatives of Kwadacha (negotiator, legal counsel) to review the memorandum prepared by Kwadacha's legal counsel as a defined consultation project pursuant to the *Stage 3 Consultation Agreement*. Kwadacha's legal counsel advised that the memorandum reflected his initial advice to Kwadacha, and that his advice would likely evolve as the process developed and more information was made available. Kwadacha agreed to provide BC Hydro with an electronic copy of the memorandum.

On September 1, 2011, Kwadacha provided BC Hydro with a copy of the legal memorandum prepared pursuant to the *Stage 3 Consultation Agreement*. The memorandum, dated July 26, 2011, broadly covers the following topic areas:

- Historical background of the Kwadacha First Nation;
- Review of BC Hydro's obligations under the *Final Agreement* with respect to the Project;
- Comments on the regulatory process for the Project, including emphasis on the need for a meaningful assessment of cumulative effects, integration of First Nation values, and independence in decision-making;
- Comments on the role of First Nations' in the regulatory process and other procedural concerns;
- Comments on BC Hydro's ongoing approach to consultation, including a critique of the process by which BC Hydro had assessed the strength of claim of the various First Nations, and emphasis on the importance of gathering traditional knowledge and land use information from all potentially affected First Nations including Kwadacha.

On September 30, 2011, BC Hydro sent an email to Kwadacha 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 November 17, 2011, BC Hydro met with representatives of Kwadacha (Chief, negotiator, InterGroup consultant, legal counsel). Discussion items included:

- *Project update:* BC Hydro advised it was currently developing the EIS Guidelines and anticipated submitting them to the regulators in January 2012. BC Hydro advised that an Advisory Working Group had been assembled by the provincial and federal governments, comprised of First Nations deemed by the regulatory agencies to be affected by the Project, and various government agencies. Kwadacha expressed concern that the regulatory agencies had predetermined which First Nations would be impacted by the Project, prior to evidentiary submissions. Kwadacha also expressed concern that the issue of Project alternatives might be discounted in the regulatory process. BC Hydro advised that it was committed to consulting on Project alternatives and provided Kwadacha with a copy of the report titled *Review of Alternate Sites on the Peace River*, prepared by Klohn Crippen Berger Ltd., SNC-Lavalin Inc., and Hatch Ltd. (January 2011).

- *Rights discussion*: BC Hydro and Kwadacha reviewed the memorandum prepared by Kwadacha's legal counsel. BC Hydro indicated that its assessment of Kwadacha's rights in the region was informed by Kwadacha's "Statement of Intent" filed with the B.C. Treaty Commission. Kwadacha expressed concern about being excluded from the environmental assessment process based on the "Statement of Intent" map, and suggested that marital customary rights of Kwadacha members might be affected by the Project. Kwadacha suggested that a traditional use study would assist with identifying what shared rights might exist. BC Hydro expressed interest in receiving information from Kwadacha that might support a funding request for a traditional use study.

- *Economic opportunities:* Kwadacha expressed interest in contracting and work opportunities related to the Project. BC Hydro asked that Kwadacha provide band members' work experience as well as information on the number of interested workers, fields of interest and qualifications. Kwadacha indicated that it had not taken a position either for or against the Project.

On November 21, 2011, BC Hydro sent an email to Kwadacha in follow-up to the meeting of November 17, 2011, and attached the following:

- Draft Semi-Annual Joint Report (April 1, 2011 to September 30, 2011)

- Draft Table of Contents for the EIS Guidelines (October 26, 2011)

- Links to recent topic/study updates (Highway 29 realignment and construction access roads; worker housing; construction materials; transmission line; recreation; Hudson's Hope shoreline protection; reservoir impact lines)

- Link to the registration page for Site C Business Information Sessions.

<u>2012</u>

On February 6, 2012, BC Hydro sent an e-mail to Kwadacha attaching the following documents intended to provide an update on BC Hydro's proposed approach to procurement and contracting work:

- Examples of Potential Contracting Work Related to Construction (January 24, 2012)

- Site C Procurement Update for First Nations (January 24, 2012)

The email also provided links to information presented at the Site C Business Information Session in fall 2011.

On February 9, 2012, BC Hydro met with representatives of Kwadacha (Chief, Councillor, negotiator). BC Hydro presented information, sought input, and responded to questions regarding Highway 29 realignment and construction access roads, off-site construction

materials, and the transmission line. BC Hydro also provided an update on procurement planning. Kwadacha expressed interest in economic opportunities, particularly in relation to construction and worker camps, trucking opportunities, and clearing opportunities in the case of the transmission line. BC Hydro accepted the semi-annual financial reports submitted by Kwadacha for the periods of October 1 to March 31, 2011, and April 1 to September 30, 2011.

On March 23, 2012, BC Hydro met with representatives of Kwadacha (Chief, negotiator, legal counsel). BC Hydro provided a project update and described the review periods for comments on the draft EIS Guidelines. BC Hydro advised that for the EIS, it would need to understand Kwadacha's interests as they exist spatially on the land, and expressed interest in receiving information about Kwadacha's use of the land beyond its identified traditional territory. Kwadacha explained that the community had historic connections with First Nations closer to the Project area, and agreed to provide BC Hydro with information on potential uses and interests in the Project area. BC Hydro reviewed a presentation on the topic of Workforce Planning / Worker Accommodation and provided copies of the presentation to Kwadacha. Kwadacha tabled a revised proposal, dated February 15, 2012, for a defined consultation project focused on "assessment and facilitation of economic opportunities" related to the Project. The proposal identified the following priority issues: (1) developing internal management capacity, (2) assessing and pursuing suitable joint venture or partnership arrangements, and (3) assessing and developing a cross-cultural and historical awareness program for BC Hydro and contract workers associated with Project planning and construction. BC Hydro agreed to review the proposal and respond to it. BC Hydro described the process for awarding contracts under its Aboriginal procurement policy, and advised that BC Hydro was continuing to work with the North East Native Advancing Society and Northern Lights College to develop a trades training program.

On April 10, 2012, BC Hydro sent a letter to Kwadacha enclosing an updated Project footprint map. The letter advised that the associated GIS data could be shared upon request.

On April 24, 2012, BC Hydro met with Kwadacha (negotiator) to provide a Project update and indicated that the EIS Guidelines would be available for public review until June 1, 2012. The parties discussed Kwadacha's budget for the next fiscal year. Kwadacha advised that it was continuing to work on gathering historic information as per BC Hydro's request. Kwadacha explained that an economic development plan had been a long term goal of the community, and that it was exploring joint ventures with businesses in Prince George that would support capacity development in the community. Kwadacha advised that the labour capacity on-reserve was limited, but explained that there was a significant off-reserve population in Prince George with greater capacity. Kwadacha expressed interest in being involved in the clearing work associated with the Project.

On May 14, 2012, BC Hydro sent a letter to Kwadacha enclosing a cheque to reconcile the 2011-2012 fiscal year consultation expenditures.

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

On May 24, 2012, BC Hydro called Kwadacha to discuss the upcoming June meeting and the budgets for the 2012 fiscal year. Kwadacha advised it would be challenged to meet the June 1 deadline for providing input into the EIS Guidelines. BC Hydro suggested that Kwadacha raise its concern with regulatory agencies. Kwadacha also expressed concern that it may encounter a situation where funding provided would not be adequate to support the needs imposed by the environmental assessment process, and identified a need for technical support to review materials. BC Hydro advised that if Kwadacha felt it had a shortfall in funding, BC Hydro would be willing to have further discussions on that as the year progressed. Kwadacha advised that with respect to the information requested by BC Hydro at the March 23 meeting, there was not a great deal of information available in written form. Kwadacha agreed to provide an update on the information gathering exercise at the meeting scheduled for June 15, 2012.

On May 25, 2012, BC Hydro sent a letter to Kwadacha 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 June 15, 2012, BC Hydro met with representatives of Kwadacha (Chief, negotiator, legal counsel) and provided a series of three presentations.

- Heritage: BC Hydro's consultants (Golder, AMEC) gave a presentation titled "Site C Heritage Inventory, Year 2", which involved a review of the methodology and results of heritage field work in 2011.

- Valued Components: BC Hydro presented information regarding the methodology for selecting Valued Components and related spatial boundaries, further to BC Hydro's letter of May 23, 2012. BC Hydro reviewed the three-step process for selecting Valued Components, and explained that Valued Components were selected based on criteria such as interests and concerns raised by Aboriginal groups and the public, and/or regulatory/protected/rarity/special status. BC Hydro reviewed the Valued Components

for the environment, heritage, social, economic, and health pillars, and advised that some candidate Valued Components may be part of a larger effects pathway and therefore not considered as Valued Components, but would be considered in project studies and included in the EIS. Kwadacha expressed concern that Kwadacha's areas of concern/interest (e.g. system effects) might not be reflected in the EIS. BC Hydro advised that system effects would be addressed under the surface water regime per section 9 of the EIS Guidelines. BC Hydro agreed to follow up to determine if the existing water license needed to be modified in order to operate the Project.

- Clearing plan: BC Hydro gave a presentation regarding the clearing plan for the Project including information on clearing volumes, criteria for reservoir clearing, objectives and timeline for the clearing process, and debris management. Kwadacha expressed interest in economic opportunities related to clearing, worker camps and trucking.

Kwadacha submitted a proposal to BC Hydro to conduct a "Familial Relations Study" with the objective of providing substantive evidence of Kwadacha's familial interests in the region which, according to Kwadacha, had existed pre-contact and continued in the present. The proposed study involved: (1) reviewing existing documentation of historical and familial interests within the study area; (2) conducting interviews with Kwadacha Elders regarding familial customs, practices and traditions exercised within the study area; (3) preparing a draft report in consultation with Elders and Chief and Council; and (4) providing a draft report to BC Hydro on a confidential basis.

On June 18, 2012, BC Hydro and Kwadacha signed a Letter of Understanding which addressed funding arrangements pursuant to the *Stage 3 Consultation Agreement*. BC Hydro agreed in principle to funding two defined consultation projects for the 2012-13 fiscal year: (1) the Joint Venture and Partnership Arrangements project, and (2) the Historical, Traditional Knowledge and Cross-Cultural Awareness project. BC Hydro advised that it remained willing to consider other proposals made by Kwadacha for defined consultation projects, including additional support to enable Kwadacha to participate in the regulatory process. BC Hydro sent an email to Kwadacha on August 15, 2012, attaching a revised Letter of Understanding with adjusted funding amounts. Kwadacha signed the Letter of Understanding at the meeting of September 13, 2012.

On July 10, 2012, BC Hydro sent an email to Kwadacha in follow up to Kwadacha's request for funding to conduct a "Familial Relations Study". BC Hydro advised that its legal counsel had requested further explanation as to how the proposed study would inform BC Hydro's assessment of the potential impacts of the Project on Kwadacha.

On August 8, 2012, BC Hydro sent an email to Kwadacha attaching BC Hydro's responses to the following information requests arising from the meeting of June 15, 2012:

- Will field work for the Heritage Program continue during the construction phase of the Project?
- Does the existing water licence for W.A.C. Bennett and Peace Canyon dams need to be modified to include the Project?
- Will the labour market assessment be considering the impacts to surrounding communities of the draw of tradespeople to centres like Fort St. John?

BC Hydro also attached a report on the forestry sector labour market, as requested by Kwadacha.

On August 23, 2012, BC Hydro sent a letter to Kwadacha enclosing a cheque to reconcile the outstanding balance for the second semi-annual period of the 2011-2012 fiscal year, in accordance with the parties' revised Letter of Understanding.

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

On August 28, 2012, BC Hydro met with Kwadacha (negotiator) for a discussion of procurement opportunities associated with the Project. BC Hydro advised that it was preparing to release its procurement approach/strategy at a business session in November 2012, consisting of a high level overview of the major contracts and how BC Hydro would procure them. Kwadacha expressed interest in opportunities in the areas of camp operations, trucking, clearing, and highway realignment. Kwadacha asked how BC Hydro would be approaching preferential bidding, contract sizing, and bonding requirements, and expressed concern that it would be easy to disqualify First Nation companies based on requirements for bonding and contract sizes. BC Hydro explained that a range of contract sizes would be used, with some contracts being kept small to enable First Nations and regional business to participate. BC Hydro also advised that it was looking at direct awards to First Nations, which would allow BC Hydro to carve out specific work opportunities for First Nations, and that BC Hydro planned to have a First Nation evaluation component for the majority of contracts, which would encourage companies to create employment opportunities for First Nations.

On September 11, 2011, Kwadacha's legal counsel responded via email to BC Hydro's request for further explanation of the rationale for the "Familial Relations Study". Kwadacha explained that the Familial Relations Study could provide further information regarding the nature, scope and content of Kwadacha's Aboriginal rights, titles and interests within and beyond its asserted traditional territory. Kwadacha further explained that traditional

knowledge from Elders of both Kwadacha and perhaps Treaty 8 communities might further elaborate on the precise nature of "transient" rights and interest exercised by Kwadacha within the Project Area, and that the study would describe the nature of rights shared and transferred as a condition of inter-marriage between Kwadacha and Treaty 8 communities. Kwadacha also noted a possible indirect benefit of allowing Kwadacha and Treaty 8 communities to share information and coordinate on cross-cutting issues.

On September 13, 2012, BC Hydro met with representatives of Kwadacha (Chief, negotiator, legal counsel). BC Hydro advised that the EIS Guidelines had been finalized and that it intended to submit the EIS in early 2013. BC Hydro advised that it would be making an announcement in the coming weeks about a trades training initiative through the Northern Lights College in Fort St. John, and explained that Kwadacha members would be able to participate in the program. BC Hydro distributed copies of the "Project Definition Consultation Discussion Guide and Feedback Form" (Fall 2012), which BC Hydro had prepared for the fall public consultation period, and advised that a public session would be held the following week in Prince George. BC Hydro advised that it had been engaging with Aboriginal businesses, and expressed interest in meeting with Kwadacha businesses to understand their interests and capacity, and advised that BC Hydro would be presenting its approach to procurement for the Project at business information sessions in November. BC Hydro presented information, sought input and responded to questions on the topic of wildlife. Kwadacha advised that its primary concerns were regional impacts on wildlife associated with increasing hunting and access. Kwadacha explained that its members might be affected by increased hunting pressure, even though the Kwadacha community was geographically distant from the Project area. The parties discussed the possibility of extending restrictions on recreational access as far as the Kwadacha area. With respect to Kwadacha's proposal to conduct a Familial Relations Study, BC Hydro explained its understanding that Kwadacha only exercised Aboriginal rights within its claimed traditional territory. BC Hydro understood that Kwadacha members might hunt in the traditional territory of other First Nations through family ties and with permission, but stated that such hunting did not constitute an Aboriginal right. BC Hydro was not familiar with the concept of "transient rights" referenced by Kwadacha. Kwadacha advised that in putting together the proposal for a Familial Relations Study, it had hypothesized about potential findings, but clarified that the study had not been designed yet. Kwadacha suggested that the study could provide information on where people hunted, both within and beyond the "Statement of Intent" area. BC Hydro agreed to support Kwadacha's proposal to conduct a Familial Relations Study, with general funding under the *Stage 3 Consultation Agreement* and an additional capacity funding payment.

On September 21, 2012, BC Hydro sent a letter to Kwadacha 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 Kwadacha 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 Kwadacha 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 27, 2012, BC Hydro sent a letter to Kwadacha enclosing a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On October 1, 2012, BC Hydro met with representatives of Kwadacha (Chief, negotiator, Finance Manager, CEO - Kwadacha Natural Resources Agency) to engage in follow-up discussions regarding procurement opportunities. BC Hydro advised that its general approach for procurement would be released at the business information sessions in November 2012, but that BC Hydro would seek to provide what responses it could at this time. BC Hydro invited Kwadacha to provide information regarding companies in the community, including their capacity and interests, and what support might be required to take advantage of work. BC Hydro also expressed interest in knowing what relationships the Kwadacha companies might have with First Nations in the Project area. Kwadacha replied that it needed to know whether it would be worthwhile putting in effort to establish relationships, so that Kwadacha could be considered for work. BC Hydro confirmed that it was committed to involving Kwadacha in economic opportunities and referenced its obligations under the *Final Agreement*. Kwadacha expressed particular interest in work at the camps, clearing for the dam site/reservoir, trucking/hauling, and construction/road work, and advised that it was involved in a joint venture airline company with Kaska. BC Hydro advised that bursaries through Northern Lights College had been announced, and expressed interest in understanding the aspirations of the Kwadacha community with respect to careers in the trades.

On October 16, 2012, BC Hydro sent an email to Kwadacha attaching an invitation to Site C Business Information Sessions taking place in various locations (Chetwynd, Dawson Creek, Fort St. John, Vancouver, Prince George) during the month of November, including a link for registration.

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

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

On October 29, 2012, Kwadacha sent a letter to BC Hydro in response to BC Hydro's letters of September 21, 2012 and October 25, 2012. The letter advised that Kwadacha could not provide a complete response to BC Hydro's inquiries at this time, owing partially to a delay in securing internal technical assistance, and partially to a delay in approval and initiation of the Familial Relations Study, but endeavoured to respond where it could do so. The letter re-stated Kwadacha's concerns regarding potential project impacts in four general areas: effects on water levels and management of the Williston Reservoir; effects on regional ungulate and large carnivore populations; availability and escalating costs of community goods and services; and, cumulative effects on these and related social and environmental factors. The letter explained that other concerns, such as workforce management, area tourism and recreational use, could be considered sub-issues of those four general concerns. The letter included information about Kwadacha's traditional territory and indicated that Kwadacha would confirm whether the traditional territory identified in the *Final Agreement* could be used for EIS purposes. The letter explained that Kwadacha had extensive, but largely undocumented, community knowledge of the effects of the existing hydro facilities on the Peace River, and suggested that the information might be useful and informative to BC Hydro, other First Nations, and the regulatory agencies. The letter advised that Kwadacha generally endorsed the Valued Components currently identified, but identified two areas of possible concern related to the spatial boundaries of the environmental assessment:

- Wildlife resources would only be assessed within the Peace Lowlands Ecosection, and therefore would not capture potential indirect impacts outside of that region, particularly on ungulates.
- Water management would only be addressed from the Peace Canyon downstream. While BC Hydro had advised Kwadacha that it expected "no substantial changes"

above that point, Kwadacha would remain concerned unless the EIS described potential effects on Williston Reservoir levels.

The letter explained that being somewhat removed from the immediate Project area and recognizing Treaty 8 rights therein, Kwadacha continued to take no formal position on the overall merits or need for the Project, and had limited its focus to issues most likely to cause adverse impact or concern to its members.

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

- Peace River Valley Ungulates Study Program - Final Report.
- Aquatic Productivity Technical Data Reports.
- Water Quality Technical Data Report.

On November 15, 2012, BC Hydro sent a letter to Kwadacha which sought to address potential gaps in the information exchange between the parties. The letter requested that Kwadacha 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 18, 2012, Kwadacha sent an email to BC Hydro advising that the Familial Relations Study was not yet complete.

<u>Distribution of Field Studies Overview</u>

BC Hydro sent emails to Kwadacha providing the *Field Studies Overview* outlining the field studies taking place in the coming month. Emails were sent on the following dates:

- 2011: January 27, February 4, March 4 , April 4, April 29, June 1, June 28, July 15, July 29, August 12, August 22, September 29, October 24, November 28.
- 2012: January 27, March 1, May 1, October 5, November 2.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A13 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: KWADACHA FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

July 2013

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

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

KWADACHA FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"BHT"	Bull, Housser and Tupper LLP, legal counsel for Kwadacha First Nation
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"*Final Agreement*"	Final Agreement between Kwadacha First Nation, the Province of British Columbia and BC Hydro, dated November 27, 2008, to resolve all past, present and future issues, grievances and claims related, directly or indirectly, to the impacts of the W.A.C. Bennett Dam, the Peace Canyon Dam, the Williston Reservoir, and the Dinosaur Reservoir, on Kwadacha First Nation
"Kwadacha"	Kwadacha First Nation
"Province"	Province of British Columbia
"the Project"	The proposed Site C Clean Energy Project
"Stage 3 Consultation Agreement"	Stage 3 Consultation Agreement, between Kwadacha First Nation and BC Hydro, dated November 26, 2010
"Tsay Keh Dene"	Tsay Keh Dene First Nation
"VC"	Valued Component

Chronology of events

2012

On December 6, 2012, BC Hydro met with representatives of Kwadacha (Negotiator) and BHT to discuss a Project update, follow-up on discussions regarding Kwadacha's

Familial Relations Study and discuss next steps for other defined consultation projects. BC Hydro provided a Project update and advised that it would be submitting its EIS to the CEA Agency and to the BCEAO on January 25, 2013 with the intention of finalizing it in July or August of 2013. BC Hydro noted that a Working Group meeting was scheduled for February 19, 2013. The parties discussed the status of Kwadacha's Familial Relations Study. Kwadacha advised that it planned to submit the study by the end of the year, and would confirm with BC Hydro as to whether the study could be appended to the EIS. Kwadacha noted that BHT, as well as Chief and Council, would need to approve the report prior to submission to BC Hydro. Kwadacha (Negotiator) advised that he had attended the Site C Business Information Session and had spoken with Falcon Contracting Ltd. about a potential joint venture agreement. Kwadacha expressed concern with BC Hydro's procurement strategy, noting that the size of the contracts would make it challenging for First Nation to be truly involved. Kwadacha stated that having such a large contract, which may be subcontracted, removes the accountability for First Nation content and reduces the level of First Nation involvement. BC Hydro suggested that Kwadacha outline its concerns in writing and forward them to BC Hydro's business session representative. Kwadacha suggested that BC Hydro review the traditional interest map found in Schedule 8 of the *Final Agreement*, advising that the map would be the closest to a defined traditional territory for Kwadacha.

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

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

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

2013

On January 2, 2013, Kwadacha sent an email to BC Hydro, attaching a letter to BC Hydro dated December 21, 2012 regarding the Project's wildlife resources assessments and consultations. The letter stated Kwadacha's concerns regarding the intended spatial

area of study for certain species, specifically large ungulates. The letter also questioned whether the studies as currently planned or underway would address Kwadacha's and other First Nations' interests similarly located within the regional area, although not in the immediate Project area. The letter provided an overview of Kwadacha's concerns with the Project's wildlife resources study program and advised that its concerns were "more with effects not intended to be studied than with the details of what had been included", and noted that in particular, it "had suggested, on several occasions, that adverse impacts on wildlife populations might not be limited to those immediately caused by flooding, loss of habitat, and disturbance from increased traffic and industrial activity, but that also occurred over an extended period of time and involved a much larger area as a result of displacement of local populations and/or competing species into adjacent areas". The letter included suggestions that some baseline assessments and projections of potential disturbances as described in the greater region were necessary to inform the discussion on the merits and extent of the possible mitigation measures.

On January 8, 2013, Kwadacha sent an email to BC Hydro, attaching its semi-annual financial report pursuant to the *Stage 3 Consultation Agreement*.

On January 28, 2013, BC Hydro sent a letter to Kwadacha, 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 1, 2013, BHT sent an email to BC Hydro, attaching a letter dated January 29, 2013 copying the CEA Agency and BCEAO, providing comments on the EIS Guidelines, corrections and clarifications in response to BC Hydro's "EIS Questions from Legal Counsel" document, and comments on BC Hydro's monthly field study summaries. The letter also contained a list of Kwadacha's consultation objectives. The letter focused on the extent to which the EIS Guidelines addressed four key issues identified by Kwadacha in a letter to BC Hydro of October 29, 2012, namely: (1) effects on water levels and management of the Williston Reservoir; (2) effects on regional ungulate and large carnivore populations; (3) availability and escalating costs of regional goods and services; and (4) cumulative effects. The letter expressed concern that despite Kwadacha's previous comments on the potential adverse upstream effects of the Project, the primary focus in the EIS Guidelines was on water levels and water

management downstream of the Project. The letter recommended that the Harvest of Fish and Wildlife Resources VC and the Wildlife Resources VC be considered at a broader regional level, and that the Regional Assessment Area for the Wildlife Resources VC be amended to be the Peace River Regional District. The letter expressed concern regarding the effect of the Project on costs of housing, community services and household goods, and recommended that VCs for Housing and Community Infrastructure and Services be included under the Economic Effects Assessment, and that a VC for Household Goods and Services be included under both the Economic and Social Effects Assessments. The letter expressed concern that cumulative effects on wildlife resources "will be long-term and extend across large areas due to increases in hunting and other recreational traffic which will displace populations and change land use and predatory patterns", and recommended that the Harvest of Fish and Wildlife Resources VC and Wildlife Resources VC be expanded accordingly. With respect to the field study summaries, Kwadacha recommended that a monitoring program be conducted for ungulates and large carnivores throughout the Peace River Regional District to accurately describe baseline conditions and assess potential adverse effects.

On February 12, 2013, BC Hydro sent a letter to Kwadacha attaching a capacity funding cheque issued pursuant to the *Stage 3 Consultation Agreement*.

On March 11, 2013 BC Hydro sent an email to Kwadacha, attaching a letter to BHT in response to their letter, which had been received by BC Hydro on February 1, 2013 and included Kwadacha's comments on the Site C Project. BC Hydro addressed the four key issues identified in Kwadacha's letter: the Williston Reservoir, wildlife resources, community goods and services, and cumulative effects assessment. With respect to the Williston Reservoir, BC Hydro advised that the 2008 *Final Agreement* had addressed the historical and any ongoing impacts of the existing BC Hydro facilities on Kwadacha, and that the scope of the environmental assessment for the Project was on the potential changes that may result from the Project, as required by the EIS Guidelines. The letter noted that with Site C, the operation of the upstream facilities would remain within existing authorizations. With respect to wildlife resources, BC Hydro addressed Kwadacha's concern about the boundaries of the Regional Assessment Area for the Wildlife Resources effects assessment, and noted that the effects of the Project were assessed within the Local Assessment Area. The letter clarified that the Regional Assessment Area was the area within which other projects and activities, the residual effects of which may combine with residual effects of the Project, would be identified and taken into account in the cumulative effects assessment. On community goods and services, the letter provided information about where in the EIS information could be found with respect to the potential effects of the Project on housing costs and population growth. The letter clarified that the Regional Assessment Area for each social and economic VC was selected based on the individual characteristics for each VC to allow a sufficient assessment of cumulative effects. On cumulative effects, the letter noted that

for all VCs in the EIS, where a residual effect was identified, a cumulative effects assessment was carried out. The letter identified the location in the EIS where the methodology for such an assessment could be found, and suggested that Kwadacha review the assessment on the current use of lands and resources, including the cumulative effects assessment carried out on that VC. Also clarified in the letter was that the assessment found in section 19 of the EIS considered the reasonably anticipated future use of lands and resources, as well as current use, by Aboriginal groups for traditional purposes. Additionally, the letter responded to Kwadacha's comments on the draft document titled "EIS Questions from Legal Counsel" provided to Kwadacha on December 6, 2012. BC Hydro noted that the comments on that draft had been provided to Traditions Consulting, and that one of the points identified by Kwadacha had been addressed in the Aboriginal Land and Resource Use Summary for Kwadacha that had been included in the EIS. The letter addressed several other items raised by Kwadacha, including the purpose of the monthly field study summaries, the monitoring of ungulates and the proposed Jackfish Lake Road Ungulate Collaring Study, the location in the EIS where information on the baseline conditions for ungulates and large carnivores could be found, and the rationale for geographic scope of the climate monitoring program for the Project.

On March 13, 2013, BC Hydro met with representatives of Kwadacha (Chief, Negotiator, BHT, Resource Association Representative). BC Hydro provided a Project update, including an overview of the environmental assessment process, and advised that it was looking at procurement and contract opportunities for the Project and would be interested in meeting with Kwadacha to gauge its interest and capacity. Kwadacha provided an update on its Familial Relations Study, committing to submit the document within the following weeks, and advised that it would be submitting comments on the EIS. With respect to the Familial Relations Study, Kwadacha advised that it had a history of family connections and shared use that was significant to the elders. Kwadacha noted that it was less concerned about establishing rights, but wanted Kwadacha's history to be recognized and to see some benefit from the Project per the terms of the *Final Agreement*. Kwadacha emphasized that it respected the rights of the Treaty 8 First Nations in the vicinity of the Project area. BC Hydro provided an update on employment and training opportunities, handing out the *Site C Clean Energy Project Preliminary Summary of Construction Phase Workforce by Craft (July 26, 2012)* and *Procurement Approach and Risk Management handout – excerpt from the Site C Business Case Summary (February 2013)* and reviewing the documents. Kwadacha expressed concerns related to BC Hydro's procurement approach, particularly with respect to the size of contracts and the failure of contractors to follow through on commitments to involve First Nations. BC Hydro recommended that Kwadacha write a letter to BC Hydro expressing its view on procurement issues and reminding BC Hydro of commitments made in the *Final Agreement.* Kwadacha advised that its members did manual brush work and expressed interest in opportunities for lighter work. BC Hydro recommended

that the information be shared with BC Hydro's Chief Forester. The parties agreed to explore whether a joint meeting with the McLeod Lake Indian Band and Tsay Key Dene First Nation to discuss economic opportunities would be feasible. Kwadacha expressed interest in having training offered in the community, and the parties discussed the possibility of training being offered to community members through New Caledonia College in Prince George.

On April 10, 2013, BHT sent an email to the BCEAO (cc: BC Hydro) with its comments on the EIS. (This document is also posted on the CEA Agency website, document number 1411).

On April 19, 2013, Kwadacha sent a letter to BC Hydro regarding economic opportunities associated with the Project. The letter was intended to serve as a basis for discussions at an upcoming meeting with BC Hydro. The letter noted that BC Hydro had provided a good deal of information to Kwadacha and had been open to discussing opportunities for Kwadacha's members. The letter acknowledged that the Project would create a significant amount of trades employment and that Kwadacha's members, if qualified and willing to relocate, would have access to such employment during construction. The letter also acknowledged that training initiatives were being considered for Kwadacha members. However, the letter emphasized that First Nations "must be able to participate and build long-term capacity through direct involvement in contracting and business activity" in order to benefit from the Project in a significant way. The letter expressed concern that circumstances and other priorities of the Project were leading to contract design and related procurement policies that would exclude or inhibit First Nation involvement. In this respect, the letter listed a number of items for discussion with BC Hydro, including: (1) how contracts could be designed/structured such that First Nations could bid on them; (2) how BC Hydro would ensure First Nations involvement if Project work was combined in very few and large contracts; (3) how BC Hydro would monitor and enforce contractor commitments to involve First Nations; (4) what commitments would be made by BC Hydro to ensure First Nations access and participation to contract opportunities (e.g. direct awards); and (5) whether BC Hydro consider or give preference to First Nation joint venture or partnership entities.

On April 23, 2013, BC Hydro met with representatives of Kwadacha (Chief, Negotiator, Natural Resources Staff) and McLeod Lake Indian Band (Chief, two Councillors, Band Manager, and Community Members) to discuss procurement opportunities and training and employment opportunities associated with the Project. Tsay Keh Dene was invited to participate but did not attend the meeting. BC Hydro advised that it was interested in providing training support for employment in trades for Site C, and requested that the First Nations share their areas of interest for training. BC Hydro suggested that training opportunities could take place in Prince George and noted potential opportunities to bring training directly into the communities. BC Hydro explained that it had donated $1

million to Northern Lights College, half of which was being set aside for First Nations, and indicated that there may be an opportunity to support a similar initiative at the College of New Caledonia, although with a smaller amount of funding. BC Hydro advised that certain training programs would require a minimum number of people in order to go ahead, and asked if Kwadacha and McLeod Lake Indian Band would be willing to partner together on training initiatives. Kwadacha and McLeod Lake Indian Band responded affirmatively and agreed to provide BC Hydro with information on their members' interests in trades training. McLeod Lake advised that Mackenzie was the preferred city to conduct trades training, and suggested that the closer the work/training opportunities were to the community the better the results. BC Hydro agreed to make contact with the First Nations' Liaison Officer at College of Northern Caledonia, Mackenzie Campus. Kwadacha and McLeod Lake Indian Band both expressed interest in focusing on contract opportunities. BC Hydro explained that it had developed an approach to procurement opportunities and advised there were options for direct awards and other types of initiatives. McLeod Lake Indian Band emphasized the need for First Nation engagement on procurement/contracting options prior to establishing bidding or procurement policies, and raised concerns regarding First Nations being able to qualify for the bidding process. McLeod Lake Indian Band added that First Nations' efforts to create joint ventures would be in vain if there was not a fair opportunity for them to be able to qualify for contract bids. Kwadacha expressed concern about BC Hydro's parameters for qualifying as a First Nation-owned company.

On April 24, 2013, Kwadacha (Negotiator) called BC Hydro to discuss Kwadacha's Familial Relations Study. Kwadacha indicated that the report was being finalized by BHT and indicated its preference to keep the report confidential. With respect to the meeting on April 23, 2013, Kwadacha stated that members of Kwadacha, Tsay Keh Dene, and McLeod Lake would have real opportunities to seek trades training given that the College of Northern Caledonia had a campus in MacKenzie. It was agreed that the discussion should continue on an individual First Nation basis with the potential to meet collectively in the future.

On May 1, 2013, Kwadacha (Negotiator) sent an email to BC Hydro, attaching the Kwadacha Familial Relations Study titled "Preliminary Report on Kwadacha Tsek'ene Connections with Proposed Site C/Peace River Area" dated December 2012. The report provided "an initial view of connections that Kwadacha had with the area along the Peace River through and to the east of the Rocky Mountains". The covering email reiterated that Kwadacha respected the rights of Treaty 8 First Nations in the area and deferred to Treaty 8's views of ultimate Project approval, rejection and conditions.

On May 2, 2013, BC Hydro sent an email to Kwadacha, advising that the semi-annual financial statement was due pursuant to the *Stage 3 Consultation Agreement*.

Distribution of Field Studies Overview

BC Hydro sent emails to Kwadacha providing the *Field Studies Overview* outlining the field studies taking place in the coming months. Emails were sent to Kwadacha on the following dates in 2012 and 2013: December 20 (per email request from BHT), January 23, February 12, March 28 and May 14.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A13 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: KWADACHA 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

Kwadacha First Nation (KFN)

In preparing responses to these questions, a limited number of published and unpublished reports were consulted for information on Kwadacha First Nation (KFN) traditional land and resource uses.[1] *BC Hydro did not enter into a Traditional Land Use Study agreement with KFN, and no traditional land use information was made available by KFN for consideration in this review.*

The KFN is a Sekani (Tsek'ene) people who occupy the Rocky Mountain Trench area of northern British Columbia.[2] *KFN territory is depicted on two maps (area of interest and information sharing area) in recent Agreements negotiated between KFN and British Columbia (Figures 1 and 2).*[3] *KFN is closely related by kinship and intermarriage to the Tsay Keh Dene First Nation and the Takla Lake First Nation. In 2007, the territory of the three First Nations was described as that part of the Rocky Mountain Trench that is drained by the Finlay and Parsnip Rivers. The territory extends north to the confluence of the Kechika and Gataga Rivers, and to the west of Takla Lake, Bear Lake, and Kitchener Lake (Figure 3).*[4] *The three First Nations act as an alliance, the Tse Keh Nay First Nations, when dealing with issues in areas of common geographic interest.*[5] *KFN traditional territory is included as part of the territory of First Nations in the Kaska Dena Council on the map for treaty negotiations (Figure 4).*[6]

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

[2] Denniston, Glenda (1981). "Sekani;" Jenness, Diamond (1937). The Sekani Indians of British Columbia. Jenness described Sekani territory as comprising "all the valleys within the Rocky mountains between latitude (approximately) 54˚20' and 58˚ north that combine their waters to make the mighty Peace river….. On the west the boundary coincides with the line of the Pacific divide except for a spur around Bear lake; and on the east with the line of the Rockies (and the boundary of British Columbia) except for another spur down Peace river to Rocky Mountain canyon." Jenness 1937: 1)

[3] Kwadacha Band and British Columbia (2011). "Kwadacha Band Forest & Range Consultation and Revenue Sharing Agreement."31March2011. http://www.newrelationship.gov.bc.ca/shared/downloads/kwadacha_executed_march31.pdf;
Kwadacha First Nation and British Columbia (2008). "Kwadacha First Nation Final Agreement." November 2008. http://www.gov.bc.ca/arr/treaty/key/kwadacha.html.

[4] Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report": 1.

[5] For example, Tse Keh Nay First Nations and Province of British Columbia (2008). "Tse Keh Nay - BC Protocol Agreement for Reclamation, Remediation and Monitoring Of Mine Sites." December 2008; Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report." Draft Submission to the Kemess North Joint Review Panel, May 2007. The KFN are part of the Kaska Dena Council. The Takla Lake First Nation is also associated with a larger organization.

[6] BC Treaty Commission (nd). Map of the Traditional Territory of the First Nations of the Kaska Dena Council. http://www.bctreaty.net/nations/kaska.php.

In the early 1900s, the Kwadacha were considered part of the Fort Grahame Band. In the 1920s, the Kwadacha split off to form the Fort Ware Band but were not allotted Indian Reserves until 1942. Fort Ware Indian Reserve No. 1 was, and remains, the main Reserve located at the confluence of the Fox and Finlay Rivers. Sucker Lake Indian Reserve No. 2, and Weissener Lake Indian Reserve No. 3 were allotted as fishing stations. In 1959, the Fort Ware Band and Fort Grahame Band amalgamated to form the Finlay River Band. In 1970, these Bands separated again into the Fort Ware Band and the Ingenika Band. Later, the Fort Ware became the KFN and Ingenika became the Tsay Keh Dene First Nation.[7] The main KFN community is located at Kwadacha (Fort Ware). The most current publicly available population data indicates that in May 2008, Kwadacha had 445 band members.[8]

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

   The traditional territory of the Kwadacha First Nation is located north and west of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs. No specific information was identified that described or documented current use by KFN members of lands and resources within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs for hunting, fishing or trapping activities.

2. **What is the Kwadacha First Nation'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?**

[7] Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report": 15.

[8] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. Kaska Nation. Available at: http://www.gov.bc.ca/arr/firstnation/kaska_nation/default.html>. Accessed: December 2012 ("MARR, Kaska Nation").

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

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

   KFN is negotiating a treaty in the BC Treaty Commission process as part of the Kaska Dena Council. The Kaska Dena Council asserts that their members have unextinguished aboriginal rights to the territory in British Columbia set out on the map in their Statement of Intent (Figure 4).

   KFN continue to live a lifestyle largely based on the traditional uses of the lands and resources within their traditional territory (see Figure 1).[9] No information was identified that described or documented the exercise of asserted Aboriginal rights by KFN members in 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 Kwadacha First Nation members for traditional purposes who may be adversely impacted by the project within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

   No information was identified that described or documented past, current or reasonably anticipated future KFN use of lands or resources for traditional 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.

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

[9] Tse Keh Nay First Nations and Province of British Columbia (2008). "Tse Keh Nay - BC Protocol Agreement for Reclamation, Remediation and Monitoring of Mine Sites." December 2008: 6.

BC Hydro did not enter into a Traditional Land Use Study agreement with KFN, and no traditional land use information was made available by KFN for consideration in this review. Information relating to the exercise of asserted Aboriginal rights outside the LAA or RAA has been taken from references consulted for this review.

The traditional territory of the KFN is located north and west of the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs (see Figures 1, 2, 3, 4). KFN continue to recognize family hunting territories (*keyoh*) within their territory in the Rocky Mountain Trench.[10] Some KFN members also hold registered traplines in the same region. KFN members continue to use their territory for hunting, fishing and the gathering of plants for food and medicine. Country foods remain an important component of their economy.[11]

[10] Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report": 30; Vanden Berg & Associates (2000). "Kwadacha: Territory, Kin and Lifestyle": 27.

[11] Country foods refer to food obtained by hunting, fishing and gathering. Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report"; Vanden Berg & Associates (2000). "Kwadacha: Territory, Kin and Lifestyle."

Figure 1. Map of Kwadacha Band Area of Interest (Kwadacha Band and British Columbia (2011). "Kwadacha Band Forest & Range Consultation and Revenue Sharing Agreement)."

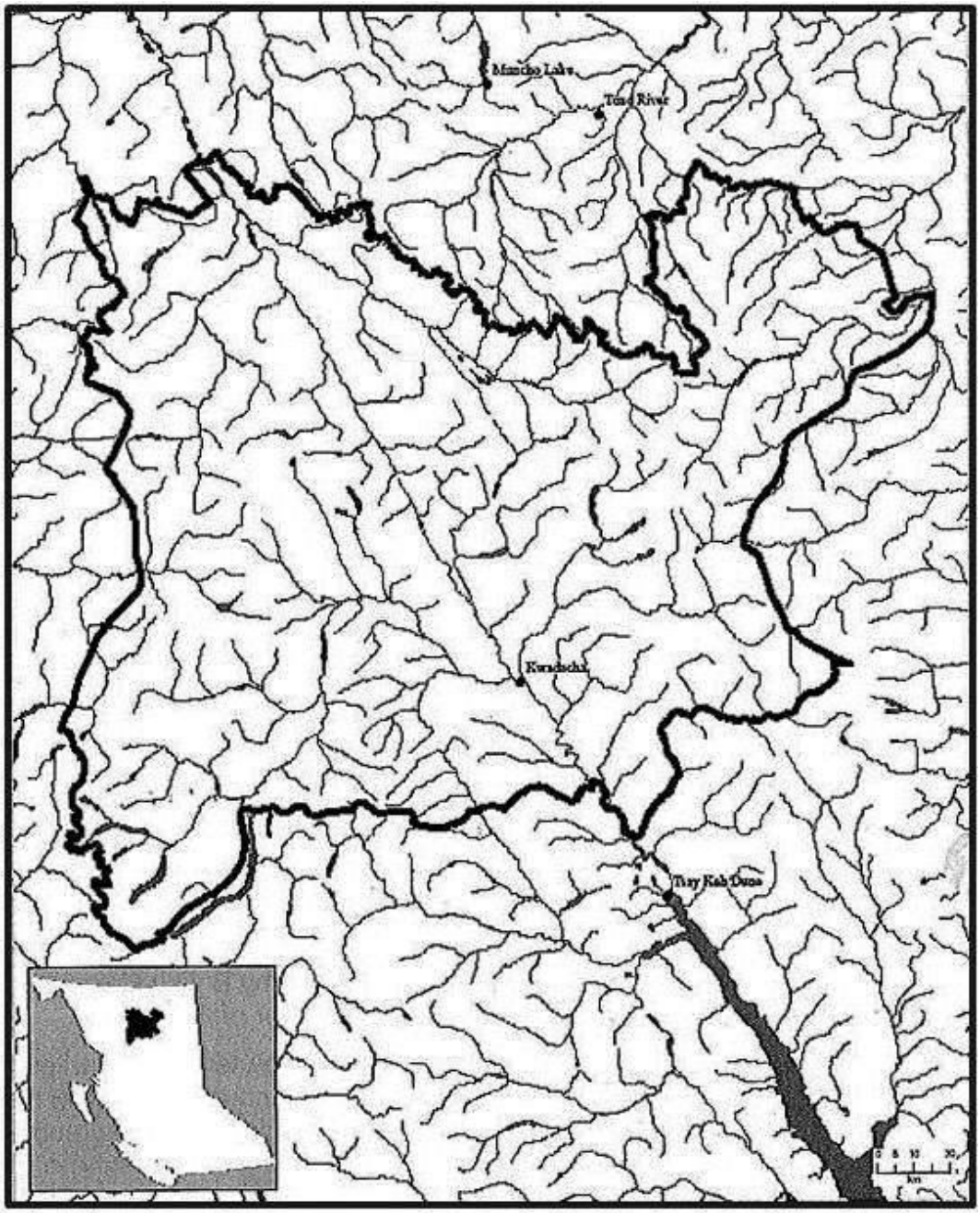


Figure 2. Map of KFN Information Sharing Area (Schedule 8, Kwadacha First Nation and British Columbia (2008). "Kwadacha First Nation Final Agreement."

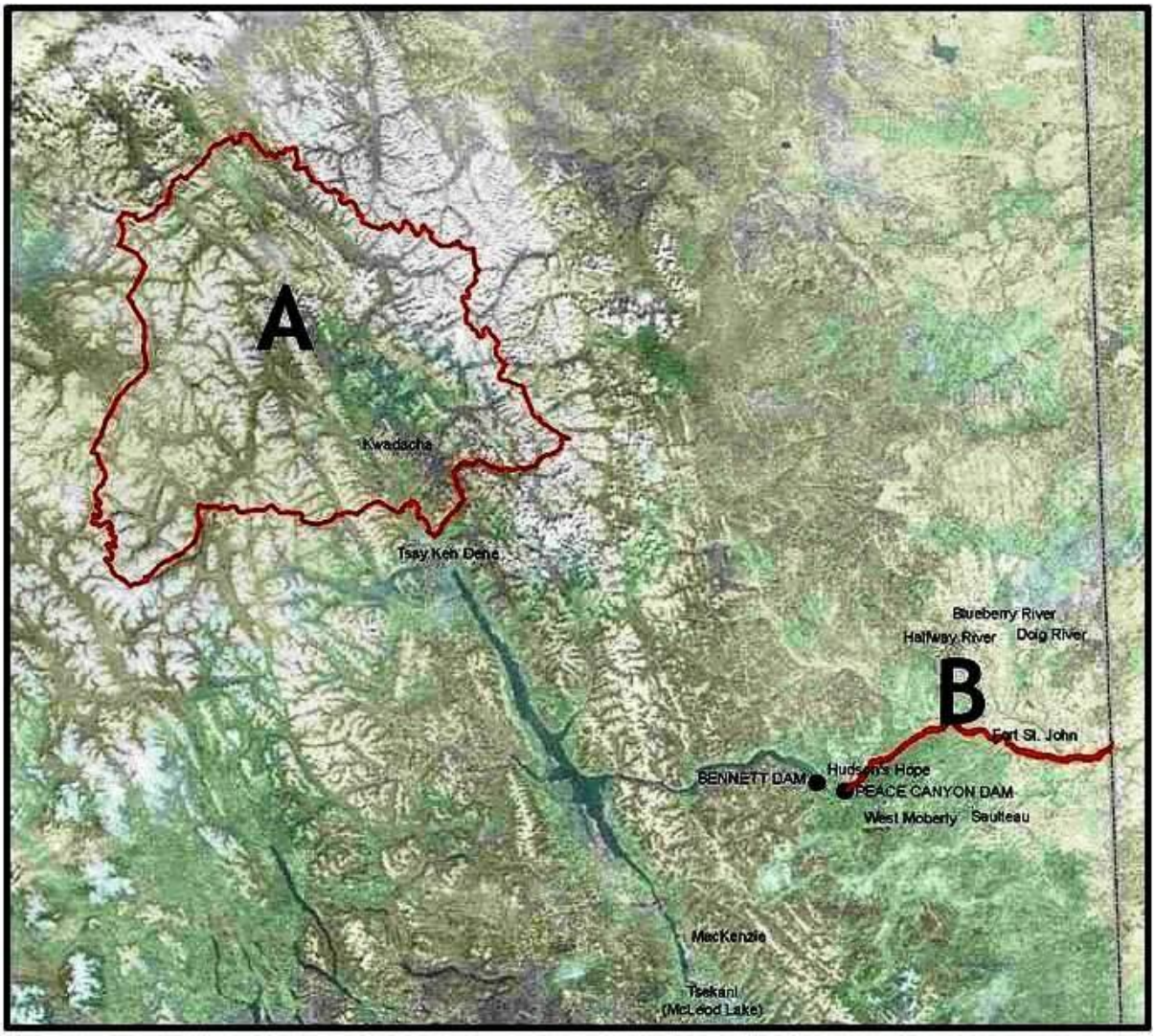


Figure 3. Overview map depicting key features and Places in Tse Keh Nay Territory (from Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report": 3).

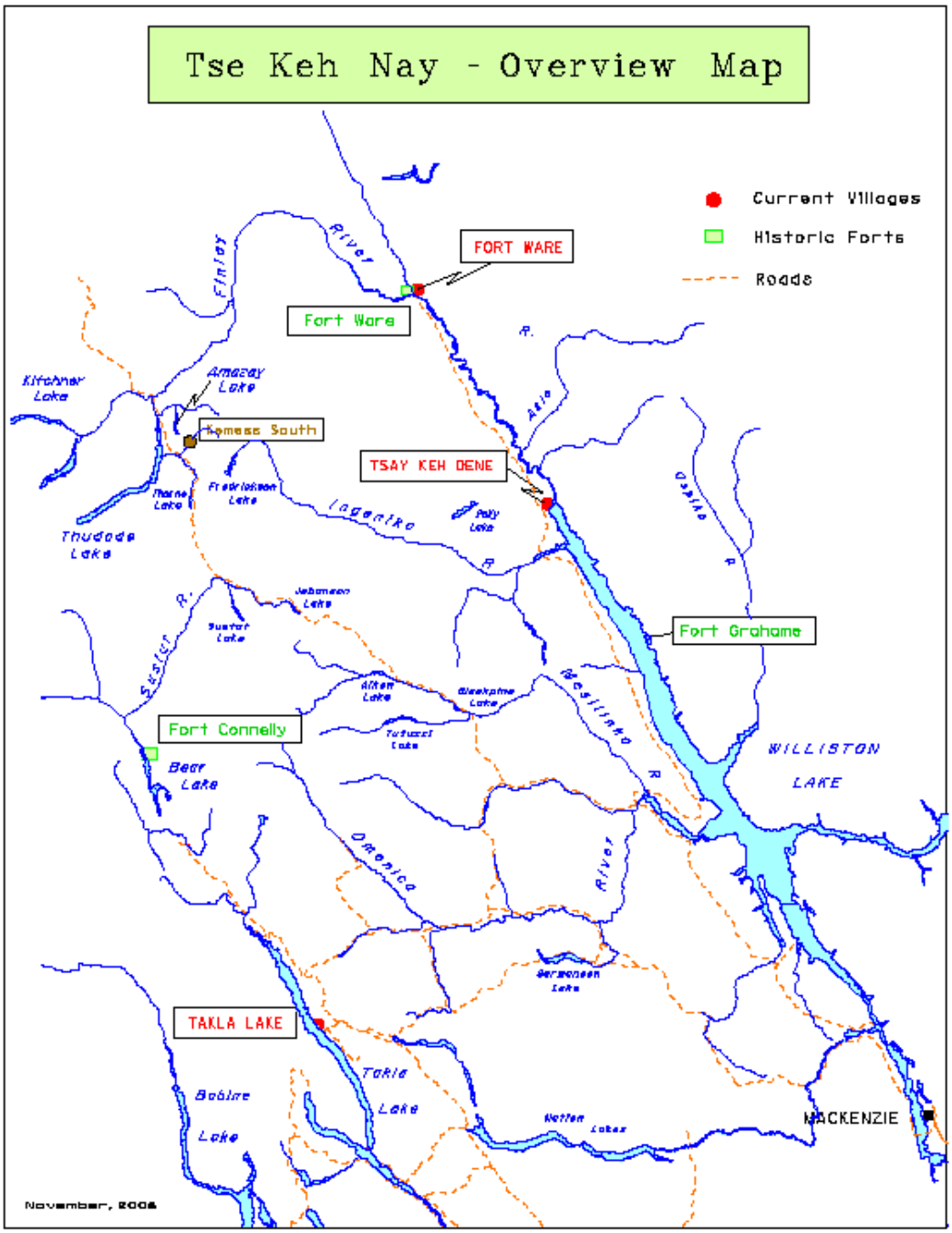
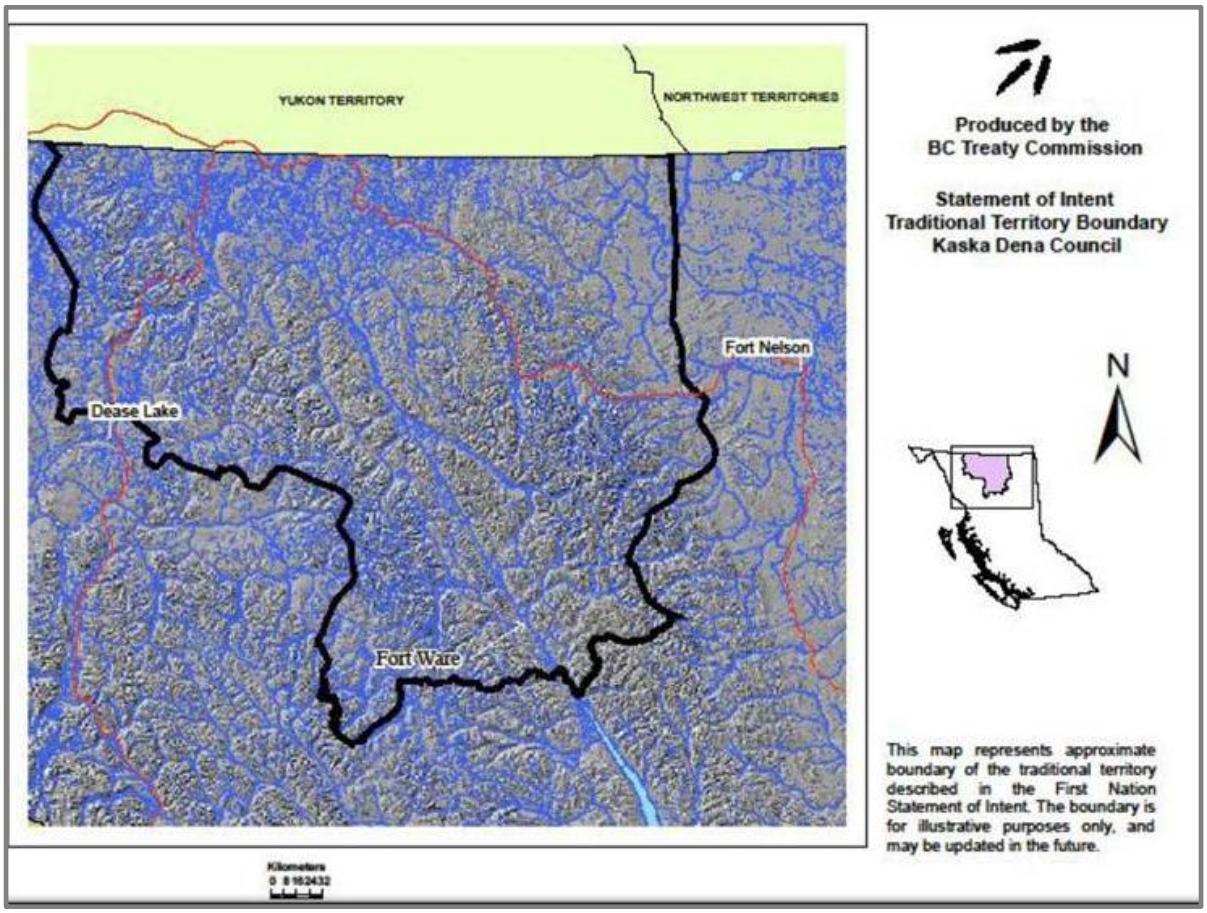


Figure 4. Map of the Traditional Territory of the First Nations of the Kaska Dena Council - KFN territory is located towards the south end of the map (BC Treaty Commission (nd). http://bctreatynet/nations/kaska.php.



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BC Treaty Commission (nd). Map of the Traditional Territory of the First Nations of the Kaska Dena Council. http://www.bctreaty.net/nations/kaska.php.

Denniston, Glenda (1981). "Sekani." In June Helm, editor. *Subarctic. Volume 6, Handbook of North American Indians.* Washington, D.C.: Smithsonian Institution, pages 433-441.

Overview anthropological article on the Sekani based largely on the work of Jenness.

Jenness, Diamond (1937). The Sekani Indians of British Columbia. *Anthropological Series 20, National Museum of Canada Bulletin 84*, Ottawa: 8.

The major ethnography of the Sekani based on field study in 1924.

Kwadacha Band and British Columbia (2011). "Kwadacha Band Forest & Range Consultation and Revenue Sharing Agreement." 31 March 2011. http://www.newrelationship.gov.bc.ca/shared/downloads/kwadacha_executed_march31.pdf .

Kwadacha First Nation and British Columbia (2008). "Kwadacha First Nation Final Agreement." November 2008. http://www.gov.bc.ca/arr/treaty/key/kwadacha.html.

Littlefield, Lorraine et al (2007). "Tse Keh Ney Traditional and Contemporary Use and Occupation at Amazay (Duncan Lake): A Draft Report." Draft Submission to the Kemess North Joint Review Panel, May 2007. http://www.ceaa.gc.ca/050/documents_staticpost/cearref_3394/hearings/SM01.pdf

A TLUS study focussing on the region of the headwaters of the Ingenika and Findlay Rivers in Tse Key Ney territory. Place name and trail maps were kept confidential.

Tse Keh Nay First Nations and Province of British Columbia (2008). "Tse Keh Nay - BC Protocol Agreement for Reclamation, Remediation and Monitoring of Mine Sites." December 2008. http://www.gov.bc.ca/arr/treaty/down/tkn_final_agreement.pdf

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A13 PART 4

ABORIGINAL SUMMARY: KWADACHA 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>

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Kwadacha First Nation

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of Kwadacha 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 asserted or established Aboriginal rights and interests of Kwadacha First Nation.

Kwadacha First Nation's Asserted or Established Aboriginal Rights

The existing Aboriginal rights of the Aboriginal peoples of Canada are recognized and affirmed in section 35(1) of Canada's *Constitution Act, 1982*. The Supreme Court of Canada has found "in order to be an Aboriginal right an activity must be an element of practice, custom or tradition integral to the distinctive culture of the Aboriginal group claiming the right." (*Van der Peet*, para. 46). The current practice must be rooted in an activity that the Aboriginal group practiced before contact with Europeans (*Van der Peet*, paras. 60-62).

Aboriginal title is a kind of Aboriginal right arising where the "connection of a group with a piece of land 'was of central significance to their distinctive culture.'" (*Delgamuukw*, para. 137). In order to establish Aboriginal title, the Aboriginal group must have occupied the land prior to sovereignty, and that occupation must have been exclusive (*Delgamuukw*, para. 143).

Kwadacha First Nation as well as Tsay Keh Dene First Nation have each asserted they hold Aboriginal rights. As well, various other Treaty 8 First Nations listed in Table 34.1 of Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements have asserted Aboriginal rights in addition to their treaty rights. BC Hydro is unaware of any established Aboriginal rights or title held by Tsay Keh Dene Band, Kwadacha First Nation, or other Aboriginal groups listed in Table 34.1, outside of treaty rights.

For a more thorough discussion of Aboriginal rights, see Section 34.3.2.2 Volume 5 Section 34 Asserted or Established Aboriginal Rights and Treaty Rights, Aboriginal Interests and Information Requirements.

Kwadacha First Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Kwadacha 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.

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.
Water – Surface Water Regime
Concern about the potential impacts of the Project on water levels and water flow upstream, including the extent of upstream flooding in the Peace River, Halfway River, Moberly River, Moberly Lake, and Hudson's Hope.
Interest in how the operation of the existing facility at the W.A.C. Bennett Dam would change with the addition of the Project to BC Hydro's system.
Wildlife Resources
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.
Labour Market
Interest in employment accruing to local residents.
Current Use of Lands and Resources for Traditional Purposes
Concern about increased access for recreation non-Aboriginal harvesters to the area leading to increased pressure on wildlife and fish resources and increased competition for campsites.
Interest in collecting baseline traditional knowledge. Interest in incorporating traditional knowledge into the environmental assessment.
Land and Resource Use Effects
Concerns that the Project may impact area tourism and recreation.
Social Effects Assessment
Concern with potential effects of the Project on local services (heath care, education and other social benefits), including increased prices and hindered access to these services.
Asserted or Established Aboriginal Rights
Interest in having any assessment of potential adverse effects on Kwadacha First Nation be informed by a traditional knowledge and land use study. Concern about the potential adverse impacts upon the Aboriginal rights, title and interests of Kwadacha First Nation including direct downstream effects of the facility, upstream effects of the facility and broader system effects related specifically to the management of the Williston reservoir.
Aboriginal Accommodation
Interest in equity agreements and revenue sharing as a form of accommodation.

Aboriginal Interests – Aboriginal employment, contracting and business development
Interest in contracting and procurement opportunities for local contractors and Aboriginal businesses.
Concerns related to contracting and procurement opportunities including: - Bonding requirements and contract sizes could disqualify First Nations' companies
Aboriginal Interests – Existing Hydroelectric Projects on the Peace River
Assertion that the W.A.C. Bennett and Peace Canyon dams impacted and/ or continue to impact the Treaty 8 First Nations, including their ability to exercise section 35(1) rights.

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 Kwadacha First Nation's Asserted or Established Aboriginal Rights

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

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