SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A02 PART 1

COMMUNITY SUMMARY:
BEAVER FIRST NATION

FINAL REPORT

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

Prepared by:
Fasken Martineau
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January 2013

Beaver First Nation

Beaver First Nation (BFN) has two reserves with a total area of 7075.3 ha[1]: the Boyer 164 Reserve and the Child Lake 164A reserve, located 16 and 32 km, respectively, northwest of Fort Vermilion, Alberta, and 50 km east of High Level, Alberta[2].

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, BFN's total registered population is 995, with 408 members living on their own reserves.[3] BFN has a Chief and four Councillors,[4] and uses the *Indian Act* electoral system.[5]

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

BFN is also a member of the Treaty 8 First Nations of Alberta.[7]

Background

BFN members speak Beaver (Dunne-zaa), part of the Athapaskan linguistic group.[8]

BFN adhered to Treaty 8 on of July 8, 1899 at Fort Vermilion.[9]

Traditional Territory Map

No map has been provided to BC Hydro by BFN.

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Beaver First Nation*. Available at: http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=445&lang=eng. Accessed: December 2012 ("AANDC, Beaver First Nation").

[2] Alberta Ministry of Aboriginal Relations (AB MAR). 2010. *Métis Settlements and First Nations in Alberta: Community Profiles*. Available at: http://www.aboriginal.alberta.ca/documents/MetisSettlement_FirstNation_Profile.pdf. Accessed: December 2012 ("AB MAR, Community Profiles") at 20.

[3] AANDC, Beaver First Nation.

[4] AB MAR, Community Profiles at 20.

[5] AANDC, Beaver First Nation.

[6] North Peace Tribal Council. 2012. *About Us*. Available at: http://www.nptc.ab.ca/about-us. Accessed: December 2012.

[7] Treaty 8 First Nations of Alberta. 2012. *List of Nations*. Available at: http://treaty8.ca/default.aspx?ID=9&page=List of Nations. Accessed: December 2012.

[8] AB MAR, Community Profiles at 20.

[9] Government of Canada. *Treaty No. 8 made June 21, 1899 and Adhesions, Reports, etc.* Ottawa, ON. Available at: http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853. Accessed: December 2012.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A02 PART 2

BC HYDRO CONSULTATION SUMMARY: BEAVER FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Site C First Nations Engagement Team

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January 2013

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

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

BEAVER FIRST NATION

CONSULTATION SUMMARY

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

Key events

2007

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

2008

- April: BC Hydro wrote to Beaver First Nation and expressed interest in scheduling an introductory meeting to provide an overview of the Project and develop a consultation plan. The letter attached the Stage 1 Summary Report.
- September: BC Hydro wrote to Beaver First Nation and advised that it would be available to travel to the Northwest Territories in the second half of October, and requested an introductory meeting to develop a plan for future consultation
- October: BC Hydro met with representatives of the member bands of the North Peace Tribal Council, including Beaver First Nation. BC Hydro provided an introductory Project overview and reviewed BC Hydro's preliminary understanding regarding the potential changes to downstream conditions.

2009

- April – June: BC Hydro met with the Chief and Council of Beaver First Nation and presented an overview of the Project. Discussion items included dam safety, downstream effects, water quality, potential impacts on trapping, and, potential economic benefits and opportunities for First Nations. BC Hydro provided Beaver First Nation with a draft Stage 2 consultation agreement, but Beaver First Nation expressed dissatisfaction with the level of capacity funding offered and an agreement was not concluded.

2010

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

2011

- March: BC Hydro provided Beaver First Nation with summary documents describing proposed studies for the 2011 field program, which were to be undertaken through the

Environmental Program (Physical Environment), and invited feedback and comments. BC Hydro also provided a link to three Stage 2 studies, including the Review of Potential Downstream Changes from Site C Operations – Preliminary Findings (October 2009).

- May: BC Hydro advised Beaver First Nation that it had submitted the Project Description Report and provided a link to the report.
- June: BC Hydro met with representatives of Beaver First Nation and provided an update on the regulatory process, including an overview of the Project Description Report. BC Hydro expressed interest in entering into a Stage 3 consultation agreement with Beaver First Nation, and tabled a draft agreement. Beaver First Nation agreed to review and provide comments on the Project Description Report and the draft Stage 3 consultation agreement.

2012

- February: BC Hydro wrote to Beaver First Nation to provide an update on the progress towards completing an updated report regarding potential downstream changes, including an overview of some preliminary study results. BC Hydro offered to meet with Beaver First Nation to review the interim results.
- May:
  - BC Hydro provided Beaver First Nation with the Potential Downstream Changes Report (May 2012) and requested input regarding the results. The letter offered to arrange a meeting with BC Hydro's subject matter expert in hydrology to discuss the report's findings.
  - BC Hydro wrote to Beaver First Nation 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 Beaver First Nation.
  - BC Hydro met with representatives of Beaver First Nation to provide a Project update and to present the findings of the Potential Downstream Changes Report. BC Hydro's Senior Engineer and Hydrology Expert reviewed the report's findings, summarized as follows:
    - Surface water regime: BC Hydro reported that it was likely the Project would result in greater fluctuation of water levels near the Site C tailrace with effects diminishing further downstream and no fluctuations being observed at

the Town of Peace River. BC Hydro indicated that it expected no seasonal change in the timing of water releases.

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

- Geomorphology and sediment transport: BC Hydro indicated that expected changes in flows as a result of the Project were not expected to influence the bedload transport capacity downstream or have any influence on channel erosion or deposition.

BC Hydro advised that funding would be available to review the Potential Downstream Changes Report, and Beaver First Nation expressed interest in undertaking such a review. BC Hydro indicated that it would be willing to conclude a Stage 3 consultation agreement with Beaver First Nation, but suggested that a formal agreement might not be required given that BC Hydro was already prepared to cover the cost of technical reviews and travel costs associated with meetings. The parties agreed to collaborate on scheduling for future meetings.

- July: BC Hydro met with representatives of Beaver First Nation in Fort St. John for a presentation on dam construction and a tour of the Site C dam site.

- August: BC Hydro provided Beaver First Nation a draft Stage 3 consultation agreement, and indicated that the draft could be updated and prepared for execution, if Beaver First Nation expressed interest in entering into an agreement. BC Hydro offered to arrange a presentation on fish and fish habitat, or other topics of interest to the community, and requested that Beaver First Nation suggest possible dates and a location.

- September:

  - BC Hydro requested advice on what it could do to further its consultation efforts with Beaver First Nation, and listed a number of outstanding items.

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

Chronology of Events

2007

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

2008

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

On August 21, 2008, BC Hydro visited Beaver First Nation's office and met with the Band Manager. BC Hydro hoped to meet with Chief and Council, but they were unavailable.

On September 26, 2008, BC Hydro sent a letter to Beaver First Nation in follow up to its letter of April 10, 2008, and advised that BC Hydro had developed an engagement strategy and a team to consult with First Nations. The letter noted that BC Hydro had unsuccessfully attempted to meet with Beaver First Nation on August 21, 2008, and had inquired about scheduling a meeting in the period from September 24-26, but a mutually agreeable time could not be found. The letter indicated that BC Hydro would be available to travel to northern Alberta in the second half of October, and requested an introductory meeting with

Beaver First Nation to develop a plan for future consultation. The letter enclosed a further copy of the Stage 1 Summary Report.

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

2009

On April 6, 2009, BC Hydro met with Beaver First Nation's Chief and Council and presented an overview of the Project. Discussion items included dam safety, downstream effects, water quality, potential impacts on trapping, and potential economic benefits and opportunities for First Nations. BC Hydro made an offer of capacity funding and agreed to provide Beaver First Nation with a draft Stage 2 consultation agreement, incorporating the capacity funding offer.

On June 8, 2009, Beaver First Nation sent an email to BC Hydro and expressed dissatisfaction with the level of capacity funding proposed by BC Hydro. Beaver First Nation advised that it was not prepared to sign the draft Stage 2 consultation agreement at the proposed level of funding.

2010

On April, 19, 2010, BC Hydro sent an email to Beaver First Nation advising that the Province had announced that the Project would move forward to Stage 3, the Environmental and Regulatory Review Stage. The email also provided a link to the Project website where the final Stage 2 Report and 35 appended studies and reports had been posted.

On December 14, 2010, BC Hydro called Beaver First Nation's Band Manager and provided a brief overview of the Project and BC Hydro's previous engagement with Beaver

First Nation in Stage 2. The parties discussed setting up a meeting with Chief and Council in early 2011.

2011

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

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

On May 18, 2011, BC Hydro sent a letter to Beaver First Nation 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 9, 2011, BC Hydro met with representatives of Beaver First Nation (Chief, two Councillors, Band Manager). BC Hydro provided an update on the regulatory process and advised that BC Hydro had submitted the Project Description Report on May 18, 2011. BC Hydro provided Beaver First Nation with a copy of the Project Description Report and reviewed the content of the report. BC Hydro expressed interest in entering into a Stage 3 consultation agreement with Beaver First Nation, and tabled a draft agreement. The parties discussed provisions in the agreement related to capacity funding and financial reporting. BC Hydro committed to providing Beaver First Nation with a copy of the Stage 2 Review of Potential Downstream Changes from Site C Operations: Preliminary Findings (BC Hydro,

October 2009) report, and indicated that funding would be available for Beaver First Nation to review the final version of the downstream report when it was completed. Beaver First Nation agreed to review and provide comments on the Project Description Report and the draft Stage 3 consultation agreement.

On June 13, 2011, BC Hydro sent an email to Beaver First Nation in follow up to the meeting of June 9, 2011, and attached the Stage 2 Review of Potential Downstream Changes from Site C Operations: Preliminary Findings (October 2009).

On September 30, 2011, BC Hydro sent an email to Beaver First Nation advising that the federal and provincial governments had announced a draft harmonization agreement referring the Project to a Joint Review Panel. BC Hydro indicated that the BCEAO and the CEA Agency would be inviting written public comments on the draft harmonization agreement.

2012

On February 10, 2012, BC Hydro sent a letter to Beaver First Nation to provide an update on the progress towards completing an updated report regarding the potential downstream changes expected with the Project. The letter provided an overview of the work carried out to date, a description of the scope of the current analyses, and some preliminary study results. BC Hydro offered to meet with Beaver First Nation to review the interim results or, alternatively, to meet upon completion of the updated report.

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

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

On May 25, 2012, BC Hydro sent a letter to Beaver First Nation advising that BC Hydro had created a password protected SharePoint site for Aboriginal groups containing commonly requested documents (e.g., environmental reports, maps and presentations). BC Hydro provided a link to the website and access information. .

On May 30, 2012, BC Hydro met with representatives of Beaver First Nation (Chief, two Councillors, Band Manager). BC Hydro provided an update on the current status of the regulatory process for the Project, advising that it had submitted the draft EIS Guidelines which were now open for comments from the public. BC Hydro's Senior Engineer and Hydrology Expert reviewed the Potential Downstream Changes Report's findings with respect to expected changes in the surface water regime, the ice regime, and geomorphology and sediment transport, summarized as follows:

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

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

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

BC Hydro expressed interest in hearing about potential effects of the project on Beaver First Nation's Aboriginal and treaty rights, including fishing activities and ice bridge usage. Beaver First Nation expressed concern about changes in water levels, which it attributed to the existing dams on the Peace River and a lack of ice jams on the Peace River. BC Hydro advised that funding would be available to review the Potential Downstream Changes Report, and Beaver First Nation expressed interest in undertaking such a review. The parties discussed potential training and employment opportunities associated with the Project. BC Hydro indicated that it would be willing to conclude a Stage 3 consultation agreement with Beaver First Nation, but suggested that a formal agreement might not be required given that BC Hydro was already prepared to cover the cost of technical reviews and travel costs associated with meetings. The parties agreed to collaborate on scheduling for future meetings. BC Hydro agreed to follow up on a question posed by Beaver First Nation regarding the materials used for dam construction.

On June 5, 2012, BC Hydro sent an email to Beaver First Nation attaching a response to Beaver First Nation's question about the materials used for dam construction.

On July 11, 2012, the North Peace Tribal Council sent an email to the BCEAO and the CEA Agency (cc: BC Hydro) and attached a letter, dated June 25, 2012, from the Chiefs of Beaver First Nation, Dene Tha' First Nation, Little Red River Cree Nation and Tallcree First Nation. The letter referred to a meeting of the North Peace Tribal Council on June 21, 2012, where the Chiefs had discussed their participation in the environmental assessment process for the Project. The letter requested a meeting with BC Hydro, the BCEAO and the CEA Agency, to discuss the need for a coordinated process for consultation involving the four First Nations, in order to ensure they had both the opportunity and capacity to fully engage in the environmental assessment process. The letter reiterated the North Peace Tribal Council's ongoing opposition to the Project.

On July 30, 2012, BC Hydro met with representatives of Beaver First Nation (Chief, three Councillors, Band Manager, others) in Fort St. John for a presentation on dam construction and a tour of the Site C dam site. BC Hydro responded to questions from Beaver First Nation on a number of topics, including: dam safety, water quality, pollution generated from the dam, impacts of spilling from the Williston Reservoir, and the extent of consultations with other First Nations in the North Peace Tribal Council. Beaver First Nation asked why BC Hydro had not consulted directly with the North Peace Tribal Council. BC Hydro explained that it had initially contacted the North Peace Tribal Council in Stage 2, but had been directed to consult individually with the First Nations, and had done so. BC Hydro advised that it was not opposed to consulting through the North Peace Tribal Council, and noted that such an approach could bring Tallcree First Nation and Little Red River Cree Nation back to the table, and perhaps achieve some efficiencies. BC Hydro agreed to re-send the draft Stage 3 consultation agreement to Beaver First Nation, originally provided in June 2011.

On August 2, 2012, BC Hydro sent an email to Beaver First Nation in follow up to the meeting on July 30, 2012, and attached a draft Stage 3 consultation agreement for Beaver First Nation's review. BC Hydro indicated that the draft could be updated and prepared for execution, if Beaver First Nation expressed interest in entering into an agreement. BC Hydro offered to arrange a presentation on fish and fish habitat, or other topics of interest to the community, and requested that Beaver First Nation suggest possible dates and a location. BC Hydro offered to arrange an opportunity for Elders to view the Site C dam site and tour the facilities at the W.A.C. Bennett Dam, in follow up to interest expressed by Beaver First Nation's Chief.

On August 27, 2012, BC Hydro sent a letter to Beaver First Nation enclosing a table titled "Preliminary Summary of Construction Phase Workforce" which summarized the timing,

type of jobs and number of opportunities that BC Hydro anticipated would be needed to construct the Project. The letter provided a link to secured file transfer website where additional information regarding Project opportunities had been posted.

On September 19, 2012, BC Hydro sent an email to Beaver First Nation and requested advice on what it could do to further its consultation efforts with Beaver First Nation. In particular, BC Hydro sought to follow up on the following items: completion of the draft Stage 3 consultation agreement; funding for an independent review of the Potential Downstream Changes Report; interest in presentations on topics such a fish, wildlife and impact lines; and, interest in an opportunity for elders to view the Site C dam site and tour the W.A.C. Bennett Dam.

On September 21, 2012, BC Hydro sent a letter to Beaver First Nation 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 Beaver First Nation, 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 Beaver First Nation to continue to identify any interests the community may have had with respect to potential social, economic, health and physical and cultural heritage effects of the Project.

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

On November 15, 2012, BC Hydro sent a letter to Beaver First Nation which sought to address potential gaps in the information exchange between the parties. The letter

requested that Beaver First Nation notify BC Hydro of any instances where information requested in meetings or consultations to date had not been provided, and committed to following up on outstanding information requests as soon as possible.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A02 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: BEAVER FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Site C First Nations Engagement Team

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July 2013

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

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

BEAVER FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"First Nations"	North Peace Tribal Council member communities including Beaver First Nation, Dene Tha' First Nation, Little Red River Cree Nation and Tallcree First Nation
"NPTC"	North Peace Tribal Council
"Site C" or "the Project"	the proposed Site C Clean Energy Project

Chronology of events

2012

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

- Aquatic Productivity Reports
- Downstream Ice Technical Data Report
- Contaminated Sites Technical Data Report
- Fluvial Geomorphology and Sediment Transport Technical Data Report
- Microclimate Technical Data Report

- Noise Technical Data Report
- Peace River Valley Ungulates Study Program Technical Data Report
- Water Quality Technical Data Report
- Air Quality Technical Data Report

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

On December 17, 2012, BC Hydro, the BCEAO and the CEA Agency met with representatives of the NPTC (Executive Officer, Human Resources Manager) and the First Nations. Discussion topics included the environmental assessment process and timeline, the consultation process, the potential impacts of the Project on the exercise of treaty rights by the First Nations, and possible funding to support the review of the EIS findings and preparation of desktop traditional land use studies. Beaver First Nation stated that its members had observed a drop in Peace River water levels and different colours of water, as well as back flowing of a local river. Beaver First Nation expressed concern about the potential downstream impacts of the Project and stated that it would like to see an independent water study. Beaver First Nation indicated its opposition to the Project. The following matters were also addressed at the meeting:

- BC Hydro confirmed that consultation agreements could be negotiated with the First Nations and noted that the level of funding support would be in the range provided to other Alberta First Nations in the area. Beaver First Nation requested that BC Hydro re-send a copy of a draft consultation agreement, and BC Hydro agreed to do so.

- BC Hydro advised that it was prepared to provide funding to the First Nations, either individually or collectively, to support a technical review of the EIS findings regarding downstream effects. The First Nations agreed to respond to BC Hydro's offer.

- BC Hydro requested that the First Nations, excluding Dene Tha', provide BC Hydro with information regarding their current use of lands and resources and their exercise of treaty rights, as well as traditional territory maps. BC Hydro indicated that it was prepared to provide some funding to support a desktop exercise to compile available information. The First Nations agreed to respond to BC Hydro's offer.

- BC Hydro provided the First Nations with a copies of a document titled "Responses to EIS Questions from Legal Counsel", prepared by Traditions Consulting Services Ltd., which summarized information on use of lands and resources for each First Nation for inclusion in the EIS.

- Little Red River Cree Nation (Advisor) stated that it had submitted a letter to the CEA Agency and BCEAO which set out its understanding of treaty rights, and indicated that the letter represented the views of the NPTC.

BC Hydro agreed to provide the First Nations with a copy of its Discussion Paper on Treaty 8 Rights for their review and comment.

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

On December 20, 2012, BC Hydro sent an email to Beaver First Nation attaching a draft consultation agreement, as requested at the meeting of December 17, 2012.

2013

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

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A02 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: BEAVER 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

Beaver First Nation (BFN)

In preparing responses to these questions, information on the Beaver First Nation (BFN) and on current and past use of lands and resources by the BFN was obtained through on-line research.[1] BFN has received funding from industry to undertake TLU studies but no reports have been made publicly available. BC Hydro did not enter into a Traditional Land Use Study agreement with BFN, and no traditional land use information was made available by BFN for consideration in this review.

BFN is a Danne-zaa community. BFN has gone through a number of name changes over the past century. In 1899, when their ancestors signed Treaty 8, BFN was known as the Ambroise Tete Noir Band, after the name of the chief. In the early 1900s, they were known as the Fort Vermilion Band of Beaver Indians, and later as the Boyer River Band. In 1992, the name was changed to Beaver First Nation.[2] BFN is currently in Treaty Land Entitlement negotiations with Canada and Alberta.[3]

In December 2012, the registered population of BFN was 995, of whom over 400 live on one of their two Indian Reserves. The two Indian Reserves, Boyer 164 and Child Lake 164A, are located northwest of Fort Vermilion in Alberta (Figure 1). The Reserves were surveyed in 1912 and confirmed in 1922 and 1916.[4] BFN is a member of the North Peace Tribal Council.[5]

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

The Current Use of Lands and Resources (Wildlife Resources) LAAs and RAAs and Current Use of Lands and Resources (Fish and Fish Habitat) LAA are distant from the

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

[2] Calverley, B. (1972?). 01-121 Treaty Records of British Columbia: the Peace River Indian Bands; Beaver First Nation (1992). Band Council Resolution, 6 March 1992.

[3] Alberta. Ministry of Aboriginal Relations (2010). Annual Report 2009-2010. Edmonton, September 2010: 26. Website http://www.aboriginal.alberta.ca.

[4] Canada, Privy Council Office (1916). Order-in-Council P.C. No.786, 6 April 1916. INAC. First Nations Land Registry System. Instrument No.16789. Ottawa; Canada, Privy Council Office (1922). Order-in-Council P.C. No. 1244, 14 June 1922. INAC. First Nations Land Registry System. Instrument No.16667. Ottawa.

[5] AANDC (2012) http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=445&lang=eng

traditional lands of the BFN. No specific information was identified that described or documented current use by the BFN 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 BFN'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 the RAAs?**

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

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

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

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

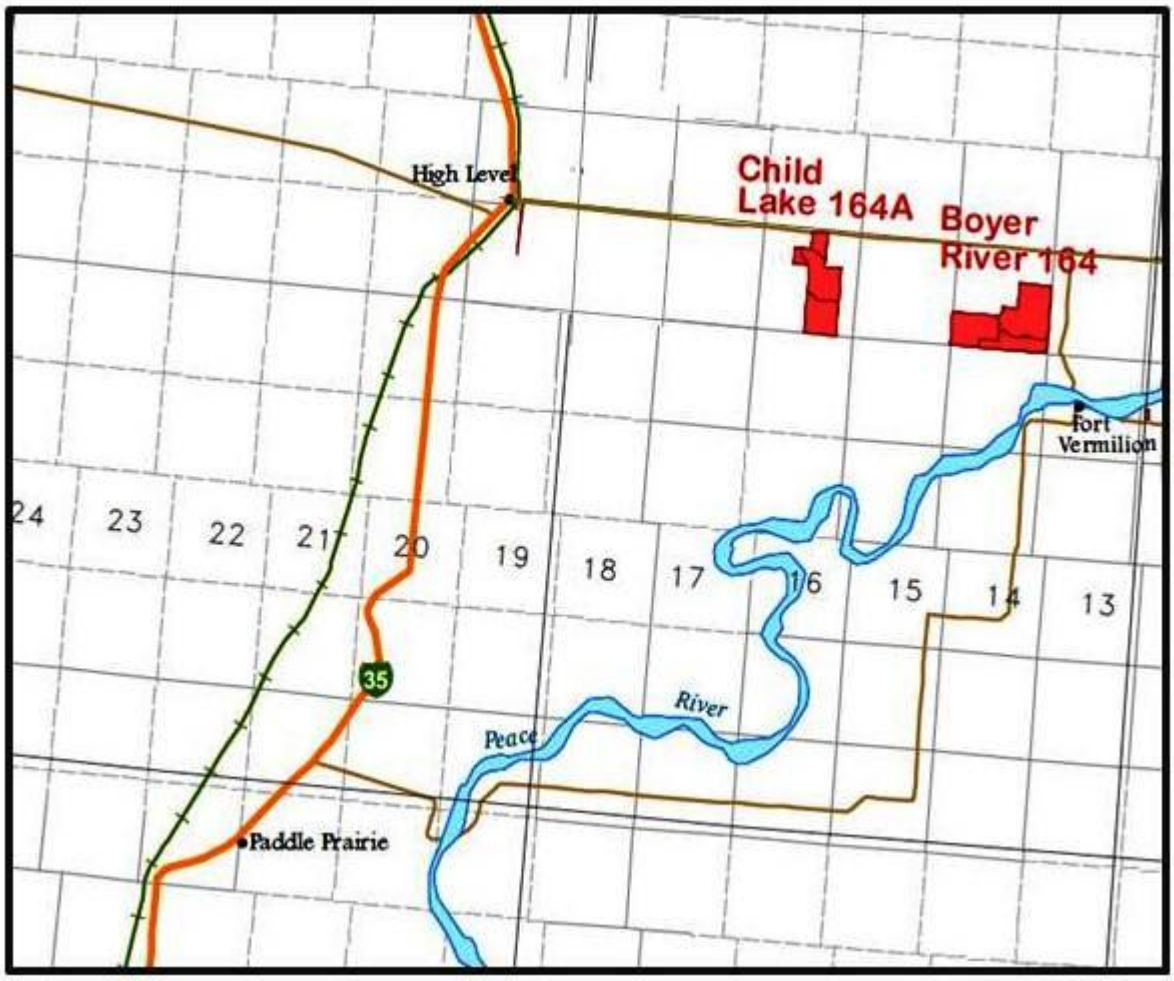
5. In the TLUS, is there any information relating to the exercise of asserted Aboriginal or treaty rights outside the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs?

BC Hydro did not enter into a Traditional Land Use Study agreement with BFN, and no traditional land use information was made available by the BFN for consideration in this review. The BFN has participated in a number of TLU studies with Tera Environmental Consultants relating to pipeline projects in the border region of northeast British Columbia and northwest Alberta.[6] The results are briefly summarized in the Tera reports. Only one area in the two reports was described as being used by BFN members. One elder noted that the region around Zama Lake in northeastern Alberta had been used by his parents for hunting, fishing and trapping.[7]

[6] Tera Environmental Consultants (2011). Traditional Knowledge Report for the Nova Gas Transmission Ltd. Northwest Mainline Expansion. Prepared for TransCanada Nova Gas Transmission Ltd., Calgary, April 2011: 23-24 [Beaver First Nation]; Tera Environmental Consultants (2011). Traditional Knowledge Report for the Nova Gas Transmission Ltd. Tanghe Creek Lateral Loop No.2 (Sloat Creek Section). Prepared for TransCanada Nova Gas Transmission Ltd., Calgary, October 2011: 15-18 [Beaver First Nation]. The TLU studies are not publicly available.

[7] Tera Environmental Consultants (2011). Traditional Knowledge Report for the Nova Gas Transmission Ltd. Northwest Mainline Expansion. Prepared for TransCanada Nova Gas Transmission Ltd., Calgary, April 2011: 19. There was conflicting information about BFN use of the Rainbow Lake area.

Figure 1. Map Depicting the Location of the Beaver First Nation Indian Reserves (Portion of Natural Resources Canada (2009). [Map] Canada Lands - Alberta First Nation Lands and National Parks of Canada, revised 10 July 2009. Ottawa).



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Natural Resources Canada (2009). [Map] Canada Lands - Alberta First Nation Lands and National Parks of Canada, revised 10 July 2009. Ottawa. clss.nrcan.gc.ca/images/CanadaCarte-IndexMap_AB.pdf.

Tera Environmental Consultants (2011). Traditional Knowledge Report for the Nova Gas Transmission Ltd. Northwest Mainline Expansion. Prepared for TransCanada Nova Gas Transmission Ltd., Calgary, April 2011: Sec. 7.3 Beaver First Nation, pages 17-19.

Tera Environmental Consultants (2011). Traditional Knowledge Report for the Nova Gas Transmission Ltd. Tanghe Creek Lateral Loop No.2 (Sloat Creek Section). Prepared for TransCanada Nova Gas Transmission Ltd., Calgary, October 2011: Sec. 3.5.3 Beaver First Nation, pages 15-17.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A02 PART 4

ABORIGINAL SUMMARY: BEAVER 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

Beaver First Nation

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

Beaver First Nation's Treaty Rights

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

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

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

Beaver First Nation's Concerns with Respect to the Project

The following table presents a high-level description of the concerns identified by Beaver 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, 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 potential downstream effects of the Project on water flow and water levels, including in the Peace River, Slave River, McKenzie River, Salt River and the Peace Athabasca Delta.
Concern about the potential effects of the Project on water levels and water flow upstream, including the extent of upstream flooding in the Peace River, Halfway River, Moberly River, Moberly Lake, and Hudson's Hope.
Concern about the potential effects on fish in the event of a spill.
Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Water- Thermal and Ice Regime
Concern about the potential effects of the Project on increasing water temperature in the Peace River.
Concern about the potential effects of the Project on ice flow, ice formation, ice break-ups and ice bridges, including the ice bridges at Shaftesbury, Dunvegan and Carcajou. Concern that changes to ice flow and formation have the potential to impact human transportation.
Air – Air Quality
Concern about the potential effects of Project-related activities on air quality, including dust, emissions and pollution.
Fish and Fish Habitat
Concern about the potential effects of the Project on fish, fish habitat, and fish species composition, including in the Peace River, Halfway River and Moberly Lake and Alberta.
Concern about the potential effects of the Project on fish migration, including in the Peace River, Halfway River and Moberly River.
Vegetation and Ecological Communities
Concern about the potential effects of the Project on wetland habitat.
Land and Resource Use Effects
Concern about the potential changes to ice bridges and ferry operations required for the transport of people, goods and access to traditional hunting grounds including the Shaftsbury and Tompkins Landing ice bridges.
Human Health
Concern with decreased water quality and additional pollution in connection with the Project.
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.

Asserted impacts include: - Assertion that there was a lack of consultation by BC Hydro regarding the impacts of the W.A.C. Bennett dam before it was constructed
Assertion that the W.A.C. Bennett and Peace Canyon dams impacted and/ or continue to impact the Treaty 8 First Nations downstream, including on the Peace River, Slave River, the Peace Athabasca Delta and the Slave River Delta, including their ability to exercise section 35(1) rights.

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 Beaver First Nation's Treaty Rights

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

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

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