SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 1

COMMUNITY SUMMARY:
WEST MOBERLY FIRST NATIONS

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

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Prepared by:

Fasken Martineau

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January 2013

West Moberly First Nations

West Moberly First Nations (WMFN) has one reserve, situated on 2,033.6 ha of land at the west end of Moberly Lake (West Moberly Lake No. 168A).[1] The reserve is located roughly halfway between Hudson's Hope and Chetwynd, B.C., about 90 km southwest of Fort St. John, B.C.[2] Facilities on the reserve include a band office and a community centre.[3]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, WMFN has a registered population of 258, with 103 members living on WMFN's reserve.[4] WMFN has a Chief and four Councillors, and uses a custom electoral system.[5] WMFN members are involved in a variety of economic activities, including logging, backhoe contracting, and trapping.[6] WMFN also owns and operates two businesses on behalf of band members: Dunne-za Ventures LP, which provides construction, trucking, and other services to resource companies in the region[7], and the Dunne-za Lodge, which offers cabin rentals.[8]

WMFN is a member of the Treaty 8 Tribal Association and the Council of BC Treaty 8 Chiefs.[9]

Historical background

WMFN members are culturally Dunne Za (Beaver), part of the Northern Athapaskan language group.[10]

Relatives of present-day WMFN were admitted to Treaty 8 when they accepted treaty annuities at Hudson's Hope in 1914.[11] WMFN was originally administered with the Dunne-Za people of Halfway River, as a single entity known as the Hudson's Hope Band. In 1914, a reserve on the west side of Moberly Lake – formerly a Dunne-Za summer camp – was surveyed for the Hudson's Hope Band. The reserve was approved by Order-in-Council in 1916 and designated as West Moberly Lake No. 168A.[12]

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[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, West Moberly First Nation*. Available at: http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=545&lang=eng. Accessed: December 2012 ("AANDC, West Moberly First Nation").

[2] *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247 at para 19.

[3] Treaty 8 Tribal Association. 2012. *Communities, West Moberly First Nations*. Available at: http://www.treaty8.bc.ca/communities/westmoberly.php. Accessed: December 2012 ("Treaty 8 Tribal Association, West Moberly First Nations").

[4] AANDC, West Moberly First Nation.

[5] AANDC, West Moberly First Nation.

[6] Treaty 8 Tribal Association, West Moberly First Nations.

[7] Dunne-za Ventures LP. 2012. *Home*. Available at: http://www.dunneza.com/default.htm. Accessed: December 2012.

[8] Dunne'za Lodge. 2012. *Contact Information*. Available at: http://www.axabitte.com/Dunneza/contact.asp. Accessed: December 2012.

[9] Treaty 8 Tribal Association, West Moberly First Nations.

[10] West Moberly First Nations. 1999-2000. *Traditional Land Use and Occupancy Study,* Final Report. Moberly Lake, B.C. ("West Moberly First Nations, TLUS") at 4.

[11] West Moberly First Nations, TLUS at 23.

[12] West Moberly First Nations. 2012. *"We used to come here all the time": A Review of the Proposed Dawson Creek to Chetwynd Transmission Line in Western Treaty No. 8*.("West Moberly First Nations, DCAT Review") at 36; West Moberly First Nations, TLUS at 23.

When the Hudson's Hope Band dissolved in the late 1970s, WMFN became an independent band.[13]

Traditional territory

WMFN has described the Peace River sub-basin as their preferred Treaty territory.[14] It has identified a smaller area, closer to the West Moberly reserve, as an Area of Critical Community Interest (ACCI). It has also identified an area of particularly significant concern within the ACCI, known as the Peace-Moberly Tract. The Peace-Moberly Tract comprises approximately 1,090 km^2 of land lying between Moberly Lake and the Peace River. The northern boundary of the Peace-Moberly Tract follows the Peace River between Dinosaur Lake and Peace Boudreau Park, while the southern boundary follows the Moberly River watershed both upstream and downstream from Moberly Lake. Most of the WMFN reserve lands lie within the Peace-Moberly Tract.[15]

Treaty Land Entitlement Claim

Canada has accepted the treaty land entitlement claims of the Halfway River and WMFN respecting alleged shortfalls in their original Treaty 8 land entitlements. Canada subsequently sought the involvement of B.C. in the negotiations to resolve the claims. B.C. agreed to participate.[16]

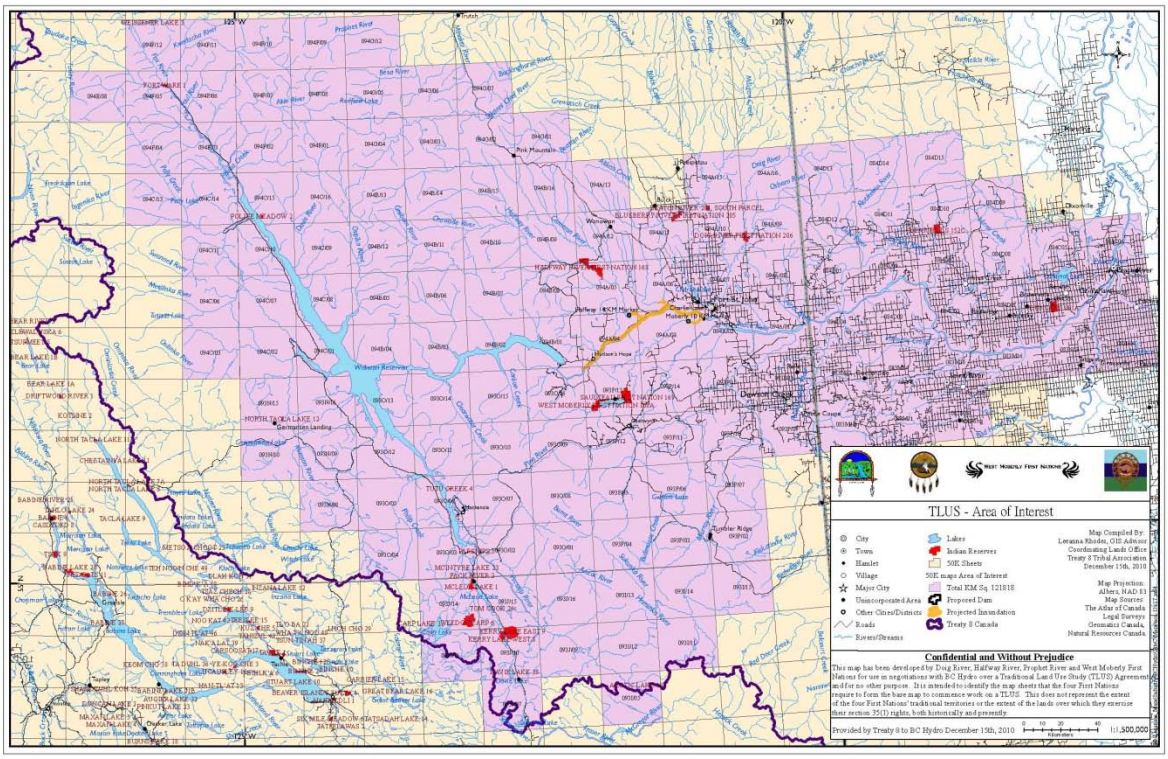
[13] West Moberly First Nations, TLUS at 23.
[14] West Moberly First Nations, DCAT Review at 18-19.
[15] Integrated Land Management Bureau. 2006. *The Peace Moberly Tract Draft Sustainable Resource Management Plan*. Available at: http://archive.ilmb.gov.bc.ca/slrp/srmp/north/peace_moberly/final_draft_PMT_SRMP-July19.pdf. Accessed: December 2012 at 1.
[16] Ministry of Aboriginal Relations and Reconciliation (MARR). 2012. *Treaty 8 First Nations*. Available at: http://www.gov.bc.ca/arr/firstnation/treaty_8/default.html. Accessed: December 2012.

Traditional Territory Map

Treaty 8 Tribal Association. 2012. TLUS - Area of Interest: Map.

Note: West Moberly First Nations, as a member of the Treaty 8 Tribal Association, provided BC Hydro with this map, which was included in the amended Traditional Land Use Study Agreement and identified as the “Study Area”. The “Confidential and Without Prejudice” section of the text box below has been reproduced here:

> “Confidential and Without Prejudice
>
> This map has been developed by Doig River, Halfway River, Prophet River and West Moberly First Nations for use in negotiations with BC Hydro over a Traditional Land Use Study (TLUS) Agreement and for no other purpose. It is intended to identify the map sheets that the four First Nations require to form the base map to commence work on a TLUS. This does not represent the extent of the four First Nations' traditional territories or the extent of the lands over which they exercise their section 35(1) rights, both historically and presently.”



SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 2

BC HYDRO CONSULTATION SUMMARY: WEST MOBERLY FIRST NATIONS (AS A MEMBER OF TREATY 8 TRIBAL ASSOCIATION)

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 December 4, 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.

PLEASE REFER TO VOLUME 5 APPENDIX A06 PART 2 FOR THE CONSULTATION SUMMARY FOR WEST MOBERLY FIRST NATIONS.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: WEST MOBERLY FIRST NATIONS (AS A MEMBER OF TREATY 8 TRIBAL ASSOCIATION)

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, 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 is an update of the summary of consultation activities filed with the EIS on January 25, 2013.

PLEASE REFER TO VOLUME 5 APPENDIX A06 PART 2 FOR THE CONSULTATION SUMMARY FOR WEST MOBERLY FIRST NATIONS.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: WEST MOBERLY FIRST NATIONS

FINAL REPORT

Prepared for:

BC Hydro Power and Authority
<contact information removed>

Prepared by:

Traditions Consulting Services, Inc.

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January 2013

PLEASE REFER TO VOLUME 5 APPENDIX A06 PART 3 FOR THE ABORIGINAL LAND AND RESOURCE USE SUMMARY FOR WEST MOBERLY FIRST NATIONS.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 4

ABORIGINAL SUMMARY:
WEST MOBERLY FIRST NATIONS

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

West Moberly First Nations

As required by Section 20.8 of the EIS Guidelines, the following summary presents BC Hydro's understanding of West Moberly First Nations' 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 West Moberly First Nations.

West Moberly First Nations' Treaty Rights

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

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

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

West Moberly First Nations' Concerns with Respect to the Project

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

Project Overview – Project Components and Activities
Concern with expanding the 138 kV transmission line on the south side of the Peace River, which runs through the Peace Moberly Tract. Preference for pursuing alternative routes for the transmission line, in particular (1) a 500

kV corridor on the north side of the Peace River, or (2) a submarine cable underneath the reservoir.
Interest in the possible construction of a new road to Jackfish Lake and Chetwynd.
Concern with increased access to the South Bank, including the Peace Moberly Tract, as a result of new access roads.
Interest in changes to the alignment of Highway 29, including any changes to Highway 97.
Concern about the impact of Highway 29 road realignment on a sweat lodge located near Bear Flats.
Interest in where worker camps will be located. Concern that the creation of RV parks in the Peace River Valley or other types of worker accommodation for the Project may result in alienation and less time on the land.
Interest in BC Hydro's plans for debris clearing, management and disposal including whether all timber, regardless of its commercial value, and woody debris would be removed from the reservoir.
Concern with increased access to the South Bank, including the Peace Moberly Tract, as a result of land clearing.
Need for, Purpose of, the Project
Interest in whether the Project is needed for energy self-sufficiency within British Columbia, or for export.
Interest in whether the need for power from the Project could be reduced by decreasing energy exports.
Concern that the Project is "needed" only in relation to the Province's proposed liquefied natural gas strategy.
Interest in the anticipated load growth in the Province, and how the transmission system would need to change to service that potential load growth.
Interest in whether any of the electricity generated from the Project is to serve load in the Lower Mainland and how BC Hydro plans to transmit power there. Interest in what capacity is available on the existing lines from the Peace River region to the Lower Mainland. Interest in whether the power is to be delivered to the Horn River area and the Monteney basins and how this will affect the development of hydroelectric power on the Peace River.
Interest in whether a new transmission line will be needed to export energy from the Project to Alberta and the United States.
Concern with hydroelectric development that pursues the "maximization" policy at the expense of reconciling hydroelectric development with First Nations rights.
Alternatives to the Project
Interest in what other options have been evaluated and considered to establish that the Project is the right solution for energy production.
Interest regarding including industry in BC Hydro's energy conservation plans and if there are any incentives for industry to use more efficient sources of energy and to conserve energy.

Interest in BC Hydro's consideration of alternatives to the Project including wind energy, solar energy, nuclear energy, geothermal energy, gas-fired generation, fiber from the mountain pine beetle kill and upgrading existing generation facilities closer to the Lower Mainland.
Interest in BC Hydro's consideration of other locations for the construction of a large hydroelectric project including Murphy Creek, the Fraser River, the Thompson River and Dunvegan.
Concern that the *Clean Energy Act* limits the consideration or development of feasible alternatives to the Project. Concern that the Integrated Resource Plan de-commits BC Hydro from pursuing other options.
Alternative Means of Carrying Out the Project
Interest in BC Hydro's consideration of different design options for the Project, including low weirs and options that do not impound water.
Interest in why BC Hydro did not consider alternatives that did not develop all the head between the Project and Peace Canyon, including the potential for lower head facilities at the Project location or further upstream of Wilder Creek. Interest in who determined the constraint to develop the entire head between Peace Canyon and the Project.
With respect to BC Hydro's "triple bottom line", given that BC Hydro was constrained to develop the entire head between Peace Canyon Dam and the Project, interest if there is an assumption that somewhere within that river reach there is at least one site alternative that would satisfy BC Hydro's triple bottom line. Interest in whether BC Hydro can provide its triple bottom line policy, how this policy was applied in the analysis of alternatives, and which of the site alternatives analyzed to date satisfy the triple bottom line policy and on what basis.
Interest in a series of small cascading dams as an alternative to the Project.
Interest in how BC Hydro reached the conclusion that the design criteria for dam safety of the cascade of dams and generating stations should be based on values typically used for very high or extreme consequence dam failure and that they could not be developed using lower consequence categories, for example the Canadian Dam Association's low consequence category. Interest in BC Hydro's opinion on the cost implications of this assumption for the cascade options.
Interest in how BC Hydro arrived at the decision to design the proposed Project with a capacity of 1100 MW as opposed to 900 MW.
Concern that BC Hydro completed the analysis of alternatives without proper consideration of First Nations values and land use. Interest in how BC Hydro incorporated First Nation values and land use into the analysis of alternatives and the nature of BC Hydro's assumptions in determining hunting, fishing, trapping, gathering, mode of life and other First Nation land use.
Site C-2 and C-1 have large ancestral landslides. Interest in if BC Hydro were to build at Site C-3 (i.e. Site C), if those potential slide locations would be located inside the reservoir.

Interest in how BC Hydro has demonstrated reduction of risk in analyzing the site alternatives, including in relation to smaller cascade facilities, which appear to avoid this hazard. Interest in how BC Hydro has evaluated the impact of landslides in defining the location for the Site C dam site and the other alternatives sites considered in the assessment of alternatives.
From a geological perspective, interest in BC Hydro's opinion on the preferred locations on the reach between Peace Canyon Dam and the Project to construct hydroelectric facilities. Interest in what geological factors were considered in siting the location of alternative hydroelectric facilities on the Peace River, other than the Project.
Concern that geological and geophysical challenges have arisen at the proposed location for the Project resulting in additional costs, which will continue to rise as feasibility studies progress. Interest in how the potential for disproportionate cost increases at the Project as compared to other site alternatives have been accounted for when comparing alternatives.
Interest in how BC Hydro considered the risk of a stranded investment in constructing the Project versus the reduced likelihood (if not the elimination) of the potential of a stranded investment in developing a series of smaller facilities.
Interest in if BC Hydro has evaluated the impact of using more adapted layouts for each site in each alternative evaluation.
Concern that the Integrated Resource Plan process excludes certain options (e.g., the cascade option on the Peace River), from further consideration
Assessment Process – Permitting
Concern that BC Hydro will not be seeking concurrent permitting pursuant to the *Environmental Assessment Act* for the Project and would be applying for permitting prior to receipt of the Environmental Assessment Certificate. Concern that the synchronized permitting process that BC Hydro has proposed undermines the language, spirit and intent of the *Environmental Assessment Act* and the Concurrent Permitting Regulation. Whether BC Hydro proposes a "synchronized" or concurrent permitting process, the underlying presumption is that the Project will be approved.
Cumulative Effects
Concern regarding the Project's potential contribution to the cumulative impacts of development in the region, including pipelines, logging, oil and gas, coal mining and coal bed methane. Interest in how BC Hydro will take into account impacts from other development in the region in assessing impacts of the Project on section 35(1) rights. Interest in conducting the cumulative effects assessment at the regional planning level.

Concern that when cumulative effects assessments are done on a project by project basis, that the most effective means to avoid impacts on section 35(1) rights are precluded simply by the selection of a preferred project.
Interest in using a pre-development, pre-industrial or pre-W.A.C. Bennett Dam baseline in order to assess the cumulative environmental effects of the Project, and to assess the cumulative implications of the Project on the exercise of section 35(1) rights.
Land - Geology, Terrain and Soils
Concern regarding the potential impacts of the Project on the potential for landslides, slope stability, erosion and sloughing, including the proposed inundation zone and upslope areas, old Highway 29 area, Halfway River, other tributaries to the Peace River, the Taylor Hill area the new Highway 29 realignment area. Concern regarding slope stability changes and slides which have the potential to create substantial impacts to traditional practices such as hunting, gathering and spiritual use. Concern regarding the impact that sloughing will have on wildlife attempting to climb the banks of the reservoir.
Concern about the risk of earthquakes at the proposed dam site. Interest in how earthquakes are factored into the design and construction of the Project and whether BC Hydro has undertaken core testing to determine the nature of the rock formations beneath the proposed dam site.
Concern about the structural stability of the dam including a fault line along the Moberly River and the geotechnical conditions at the dam site.
Water – Surface Water Regime
Concern about potential downstream impacts of the Project on water flow and water levels, including in the Peace River, Slave River, McKenzie River, Salt River and the Peace Athabasca Delta.
Interest in how the development of the remaining hydroelectric potential of the Peace River would be impacted by the potential full or partial restoration of the natural flow regime. Concern with the inability to re-establish natural or near natural flow regime due to increasingly anthropogenic controls over previously natural systems.
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.
Interest in steps taken by BC Hydro to consider climate change in the Project planning, particularly in regards to future changes in hydrology. Interest in how climate change considerations would be factored into the various studies being undertaken, including modeling of water levels.

Water – Water Quality
Concerns about the potential effects of the Project on water quality.
Concern about the potential effects of Project-related construction activities on water quality, including the inundation of contaminated sites, the submerging of construction materials, and leaching chemicals.
Water – Groundwater Regime
Concerns about the potential effects of the Project on groundwater.
Water – Thermal and Ice Regime
Concern that changes to ice flow and formation have the potential to impact human transportation and animal migration and wintering habitat availability.
Water – Fluvial Geomorphology and Sediment Transport
Concerns about the potential effects of the Project on sediment transport. Concern about the effects of sedimentation on aquatic and terrestrial habitat arising from sedimentation in the reservoir and upstream rivers.
Water – Methylmercury
Concern that mercury will be released from the soil after flooding. Concern about mercury accumulation and contamination in fish. Concern that the perceived risk, observed change and advisories related to bio-accumulation of mercury in fish will likely reduce harvesting and consumption of fish from the reservoir and result in reduced confidence in fish as a food source due to the perception of high levels of mercury.
Air - Microclimate
Concern about the potential impacts of the Project on local climate and weather patterns including changes in cloud, humidity, wind and tornadoes. Concern that impacts on microclimate may result in impacts on wildlife and plant communities, water temperature, ice formation, and farming.
Air – Air Quality
Concern about the potential effects of Project-related activities on air quality, including dust, emissions and pollution.
Air – Noise and Vibration
Concern that the Project will increase noise and noise pollution. Concern about loss of quiet enjoyment due to increased noise and increased human presence on the land in connection with the Project.
Fish and Fish Habitat
Concern about the potential impacts of the Project on fish, fish habitat, and fish species composition, including in the Peace River, Halfway River and Moberly Lake and Alberta.
Concern about the potential impacts of the Project on spawning, including in the Peace

River, Halfway River, Lynx Creek and Cache Creek areas.
Concern about the potential impacts of the Project on fish migration, including in the Peace River, Halfway River and Moberly River.
Concern about the potential impacts of the Project on fish passage, both upstream and downstream of the dam, including fish mortality in turbines and/or spillways.
Concern about the potential effects of the Project on riparian habitat and whether the Project would create new aquatic zones.
Vegetation and Ecological Communities
Concern about the potential effects of the Project on vegetation and plant communities.
Concern about the potential impacts of the Project on regionally rare and important ecosystems including old growth forests, south-aspect grassland, shrub and aspen slopes.
Concern about the potential effects of the Project on wetland habitat.
Concern about the potential effects of the Project on rare and medicinal plants.
Concern about the spread of invasive plant species.
Wildlife Resources
Concern about the potential impacts of the Project on wildlife, wildlife habitat and biodiversity.
Concern about the potential impacts of the Project on wildlife migration and movement, including the ability of wildlife to swim across the reservoir and climb the banks of the reservoir.
Concern about the potential impacts of the Project on amphibians and reptiles, including garter snakes.
Concern about the potential effects of the Project on migratory birds and migratory bird habitat, including warblers, marsh birds, ducks, woodpeckers, red and blue listed neo-tropical migratory birds, Slave River area geese and water fowl.
Concern about the potential effects of the Project on chickens (i.e., grouse and ptarmigan).
Concern about the potential effects of the Project on raptors, including eagles and raptor habitat.
Concern about the potential impacts of the Project on furbearers and habitat for furbearers, including fishers, wolverine, rabbits, muskrats and beaver.
Concern about the potential effects of the Project on ungulates and ungulate habitat, including moose, elk, deer, caribou, bison and Stone Sheep. Specific concern with effects resulting from loss of seasonal ranges, winter habitat, loss of calving and fawning areas on the islands in the Peace River, seasonal movement barriers, loss of the river valley as a wildlife movement corridor.
Concern about the potential effects of the Project on large carnivores and large carnivore habitat, including black bears, grizzly bears, wolves and cougars.
Greenhouse Gases
Concern about the potential impacts of Project on greenhouse gas emissions.

Labour Market
Concern with pressures on local labour supply, as a result of in-migration.
Concern that the "boom and bust" cycle of a Project creates difficulties in developing skills and sustaining lifestyles.
Interest in employment opportunities, including interest in ensuring equitable hiring practices which allow for Aboriginal people to access work opportunities associated with the Project.
Concern that the Project would result in a medium-term (5-10 years) growth cycle in the local economy that could contribute to inflation.
Concern that low quality of work environment, racism, lack of advancement and training, long-distance commuting, destructive nature of work may result in low job satisfaction and negatively influence retention rates of First Nations workers in Project construction.
Interest in what jobs would be available - by skills and job type - that would be realistic for members to consider. Interest in the methods used by BC Hydro in predicting the employment opportunities associated with the Project.
Concern the Project would result in further transfer of wealth away from the reserve as members go to live and work in Fort St. John. Employment away from the reserve for the Project would lead members to permanently relocate in order to obtain seniority.
Economic Effects Assessment – Regional Economic Development
Concern regarding the capacity of Aboriginal businesses to compete with non-Aboriginal businesses in accessing Project contracting opportunities.
Current Use of Lands and Resources for Traditional Purposes
Concern about the potential effects of the Project on access to quality hunting areas, including areas that contain moose, elk, deer, bear and birds.
Concerns about the potential effects of the Project on fishing, including access, water flow, water levels and habitat Concern that the reservoir will cause members to have reduced knowledge of fishing and success at fishing.
Concern that trapping activities will be eliminated within the Project inundation areas and may also be affected by migration and disturbance effects.
Concern about the potential effects of the Project on berry harvesting and plant gathering.
Concern about the potential effects of the Project on ancestral gathering places used for camping and habitation, fishing and hunting, travel routes, ceremonial and sacred areas, burials, trails, fresh water springs, and associated oral history, specifically in the areas of Bear Flats, Cache Creek, Halfway River, Moberly River, the Peace Moberly Tract and the Area of Critical Community Interest.
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.
Concern that off-site infrastructure (roads, transmission lines, quarries, hauling, etc.) will have direct effects during construction and open territory to new industrial activities.
Concern that the Project will lead to a loss of access to certain sites that are associated with specific stories. If the sites are not accessible, the stories will not be told and may get lost over time.
Land and Resource Use Effects
Concern about potential effects of the Project on farmland and agriculture.
Concern about the potential effects of the Project on forest harvesting.
Concern about access to valley bottom timber above the level of the reservoir may be enhanced or reduced by the reservoir.
Concern about loss of income from reduced fish and wildlife harvesting opportunities.
Concern about decreased boating safety associated with making the Peace River Valley into a recreational reservoir and increasing powerboat traffic.
Concern that an increase in population of some fish species has the potential to increase sport fishing and promote charter fishing tours.
Concern that the reservoir would result in increased access and increased boat traffic on waterways.
Concern that the reservoir and boat launches would increase boating access to the upper reaches of the Halfway and Moberly Rivers.
Interest in if BC Hydro has studied ways to restrict access along the water ways of the proposed reservoir and what type of water access restrictions could be put in place to limit the increased influx of recreational users up the Halfway River if the Project goes forward.
Concern regarding loss of visual cultural referents in the form of the visual landscape, which people use to communicate history, knowledge, and elements of culture to next generations.
Social Effects Assessment
Concern that additional workers from outside the region would add pressure on the limited social resources available to Aboriginal communities.
Concern with potential changes to family unity and resources due to out-migration.
Concern with social effects of worker camps and transient workers.
Concern with potential skills drain (i.e., loss of individuals with trades from First Nations to Fort St. John, or less availability of urban-based contractors).
Concern that general population increase results in increased competition for resources and loss of solitude on the land.
Concern that population increase exacerbates the Aboriginal position as a minority and brings about racism, and creates social behaviour or cultural awareness issues.
Interest in the determination of demographic baseline and the analysis of potential

demographic effects being performed separately for the affected First Nations communities.
Concern that the Project may cause in and out migration in Aboriginal community populations in relation to Project employment opportunities or housing market pressures.
Concern that an influx of workers would put pressure on housing on and off-reserve. Concern that existing pressures on housing would be exacerbated by additional crowding as First Nations people are forced to return to reserve communities. Concern that housing costs will further increase in Fort St. John, resulting in increased demand for housing on First Nation reserves. Concern regarding increased cost of living as well as increased crowding and associated health and social dysfunction in Fort St. John, including homelessness.
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.
Concern that influx of workers and increased flow of money into communities could lead to public health and safety concerns; concern regarding impact on availability and response of fire and peace officers in Doig River and Halfway River.
Concern with potential increased wait time for construction, repair, and maintenance of physical infrastructure.
Concern about the potential effects of the Project on increased traffic and change in traffic patterns.
Interest in whether people would be able to drive across the dam. Concern that construction of a permanent bridge across the Peace River may alter the transportation patterns in the region.
Increase in traffic and related effects (noise, smells, vibration, dust) in the various construction and borrow material locations (Project Activity Zones) may impact enjoyment of the land. Concern that increased traffic in and around Fort St. John, Highway 29, around borrow sites and activity zones may increase vehicle collisions as well as wildlife collisions during construction. Concern that increased noise during construction could exacerbate already noisy conditions in Doig River First Nation, Halfway River First Nation and West Moberly First Nations traditional lands. Reduced area available for meaningful practice of Treaty 8 rights; reduced "quiet enjoyment of the land".
Concerns regarding realignment of Highway 29 limiting access to traditional territory; new roads and Highway 29 realignment could increase access for Treaty 8 First Nations and larger numbers of non-Aboriginal recreational users.

Heritage Resources
Concern that construction and operation of the Project will damage or destroy archaeological, unidentified or non-archaeological (e.g., spiritual) heritage sites.
Concern about the potential effects of the Project to burial sites, including: - Burial sites from historical battles between Dane-zaa and Cree on south side of Peace River - Impact on burial sites at Attachie and other burial sites in the valley bottom downstream of Bear Flats - Multiple unmarked Dane-zaa burials associated with the 1919 flu, including Chief Attachie's, are reported to be located in the Peace River valley - Psycho-social effects associated with "desecration" of Dane-zaa grave sites - loss of the place where Dane-zaa bury their dead
Concern with repatriation of artifacts and desire to have artifacts recovered during heritage work returned to First Nations communities.
Human Health
Concerns that an influx of outside workers could lead to public health and safety concerns.
Concern that exposure to an urban environment by job seekers would increase the consumption of store bought food which could result in increased levels of diabetes, obesity, heart disease and other health issues.
Concern that reduced access to preferred lands could lead to exacerbation of existing reduced social and cultural status of elders and reducing quality of life and mental health.
Concern with the increased in-migration into the Peace River Regional District, especially around Fort St. John, of Project workers and job seekers, overwhelmingly male, could lead to increased sexually transmitted infections, especially among vulnerable sub-populations (women, especially young Aboriginal women in urban environments).
Concern that changes in local weather and seasonal patterns e.g. warmer winters and increased winds may affect people's security and well-being.
Concerns related to noise and vibration, including loss of quiet enjoyment due to increased noise.
Concerns related to the contamination of fish and wildlife resulting in a lack of faith in country foods. Perception of health risk related to methylmercury in country foods.
Treaty Rights (Hunting, Fishing and Trapping)
Concern about the potential impacts of the Project on Treaty 8 rights.
Aboriginal Accommodation
Concern with BC Hydro taking land, then mitigating impacts with other land. Concern about the potential effects of the Project on reducing the land base for the use of lands for traditional purposes including Highway 29 realignment, and land loss as compensation to existing land owners.
Aboriginal Interests – Aboriginal Culture and Way of Life

Concern about potential impacts of the Project on cultural fragmentation, loss of cultural identity, and destruction of traditional way of life.
Concern about the potential impacts of the Project on future generations and families, including: - The ability for youth to sustain themselves and practice traditional activities - Inter-generational respect and loss of time together for youth and elders - Loss of educational areas for transfer of knowledge to the young - Loss of land used for cultural camps to maintain the heritage of our relationship between Elders and youth - Impacts to opportunities for the transmission of Aboriginal languages - Loss of capacity to pass on and receive traditional knowledge. - Lack of control or voice in future land use
Concern about reduced time on the land and sense of connectedness with the natural landscape. Reduced ability to travel on the land freely and in quiet enjoyment. Psycho-social dysfunction associated with loss of understanding of the land base, loss of connection to it, loss of faith in the health of traditional resources, and loss of control over changes occurring on the land. Concern that increased land alienation may lead to sedentary trend; lack of ability/desire to go out on land.
Concern about the loss of the Peace River islands, which have specific histories, some associated with particular dreamers and spiritual power.
Concern with lack of respect for Dunne Za / Dane zaa culture as the first culture in the area.
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 - Insufficient notice of Requests For Proposals (RFPs) related to the Project and lack of meaningful involvement in the RFP process from the outset - Lack of pre-project preparation time, investment and prioritization could contribute to the continuation of existing systemic challenges to taking advantage of beneficial effects
Interest in employment opportunities, including interest in ensuring equitable hiring practices which allow for Aboriginal people to access work opportunities associated with the Project.
Concerns related to employment opportunities, including a belief that opportunities more likely to be entry level work or general labour only, with lower satisfaction and pay.
Interest in the availability of jobs after Project construction.

Preference to maximize long-term operations jobs over short term construction phase jobs.
Interest in education and training opportunities related to the Project, including opportunities for youth.
Concerns related to education and training opportunities including: - Too few training/education opportunities are being offered - Inequitable access to education and training may lead to reduced ability to take advantage of job and business opportunities from the Project - Challenges for youth in taking advantage of training opportunities because of exposure to social dysfunction, poverty, etc.
Interest in funding for trades and apprenticeship programs and concern that funding may not be adequate. Concern that funding required to train First Nation members to work on the proposed Project will not be adequate.
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. Asserted impacts include: - Loss of hunting, fishing and trapping grounds - Inundation of lands homes and burial sites - Impacts on fish, wildlife and vegetation - Impacts on hydrology - Loss of language and connectedness - Impacts on micro-climate and icing - Loss of revenue from guide outfitting - Debris, landslides and sloughing impacting navigation - Increase in non-Aboriginal use of the land - Assertion that BC Hydro did not provide free or inexpensive power to First Nations communities - Assertion that there is lack of dialogue with BC Hydro regarding past grievances related to the W.A.C. Bennett and Peace Canyon dams - Construction of dams provided for expansion of District of Hudson's Hope, which allowed it access to infrastructure funding not made available to First Nations. - 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.
Opposition to the Project while past grievances related to the Peace Canyon and W.A.C. Bennett Dams remain outstanding.

Interest in addressing past grievances as part of the Project consultations.
Requirements of the Federal Environmental Assessment – Potential Accidents and Malfunctions
Interest in whether BC Hydro has considered installing gates on the roads that provide access to the Project's dam site for safety reasons. Interest in how BC Hydro would ensure security from potential terrorist attacks at the dam.
Interest in the risks to the Project posed by the condition of the W.A.C. Bennett Dam, Peace Canyon Dam and the Dinosaur Reservoir shorelines.
Concern about whether the Project is designed to withstand the failure of an upstream dam, including: - How the construction of the Project would change the consequences of failure of the W.A.C. Bennett or Peace Canyon Dams. - Request for dam break studies and inundation maps for the W.A.C. Bennett and Peace Canyon dams - Interest in the rationale supporting BC Hydro's inability to publicly release information relating to dam break studies, inundation mapping and emergency preparedness plans
Concern about the perceived risk of a Peace River dam failure as predicted by Dane-Zaa Dreamers and Prophets.
Concern with increased public safety risk of travelling along banks of reservoir and in the reservoir due to debris.

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 the Exercise of West Moberly First Nation's Treaty Rights

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

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

The following potential Project effects and mitigations measures were identified:

Project Effect	Mitigation Measures
Changes in fishing opportunities and practices	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ fish habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies.~~
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect fishing opportunities or access.
	Develop a communications program to inform harvesters of longer-term changes in fish community composition.
	Implement all mitigation measures set out in Volume 2 Section 12 Fish and Fish Habitat.
	Implement measures supporting the development of 3 boat launches along the Site C reservoir accessible via Highway 29 to support navigability and navigable use, and the re-establishment of recreational sites on the Site C reservoir and downstream, and to re-establish and create new use patterns and access, as set out in Volume 3 Section 26 Navigation.
Changes in hunting and trapping opportunities and practices	~~Consult with Aboriginal groups respecting the~~Consider developing~~ment of~~ wildlife habitat compensation projects that align with BC Hydro compensation programs.
	~~Seek input from Aboriginal groups respecting mitigation strategies, such as~~Develop mitigation measures ~~related~~intended to decrease impact on First Nation trap lines in the Project activity zone.
	~~Continue to consult with Aboriginal groups on clearing plans and protocols.~~
	Develop a communications program to inform harvesters of planned or unplanned events related to construction activities that may affect hunting opportunities or access.
	Implement mitigation measures set out in Volume 2 Section 14 Wildlife Resources.
	Implement mitigation measures set out in Volume 3 Section 24 Harvest of Fish and Wildlife Resources pertaining to trapping.
Changes to other cultural and traditional uses of	Work with Aboriginal groups to ground-truth traditional land use information for specific areas within the Project activity zone prior to commencing construction.

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

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

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

Current use of lands and resources for traditional purposes - fishing

Fishing opportunities and practices of West Moberly First Nation are expected to be adversely affected during construction and operation due to reduced access to fishing areas (including potentially increased competition with non-Aboriginal anglers), and potentially reduced success in harvest of targeted species. The transformation of the river into a reservoir would create a new and productive aquatic ecosystem. This new aquatic environment is expected to support a community of equal or greater productivity; however the composition of fish species would change.

Although some aspects of the traditional purpose of the activity may be altered by transferring them to another location, fishing practices of Aboriginal people are adaptable, spatially and temporally. For these reasons, a determination of significance has not been made.

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

Hunting and trapping opportunities and practices of West Moberly First Nation may be adversely affected due to temporary reductions in availability of targeted species and temporarily reduced access to hunting areas during construction. As the effect would be temporary in nature and may be accommodated in other areas of the LAA, the traditional purpose of the activity would not be undermined. Therefore, a determination of significance has not been made for the current use of lands and resources for hunting and trapping.

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

Due to permanent loss of use of, and access to certain culturally important places and valued landscapes within the LAA, the use of those areas by West Moberly First Nation will be permanently impacted

For West Moberly First Nation, the effect on other cultural and traditional uses is expected to be significant at particular high value places along the Peace most notably at Bear Flats, Farrell Creek and Attachie. These highly valued spaces will be inundated and access to them will be permanently changed. For these reasons, a determination of significance has been made for the current use of lands and resources for traditional purposes – other cultural and traditional uses.

Following the methods explained in Volume 1, Section 10 EA Methodology, a cumulative effects assessment was carried out to identify any cumulative interaction between potential residual effects of projects and activities located in the Current Use of Lands and Resources Regional Assessment Area (RAA) with the residual effects of the Project identified above. As a result of that assessment, BC Hydro has determined the Project is

identified above. As a result of that assessment, BC Hydro has determined the Project is unlikely to result in a cumulative effect on the current use of lands and resources for traditional purposes by the West Moberly First Nation.

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

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

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

The assessment of the potential effects of the Project on the traditional activities of fishing, hunting, and trapping demonstrates that the Project may impact the exercise of treaty rights by the West Moberly First Nation in the LAA. West Moberly First Nation members will, however, continue to have the opportunity to exercise their right to fish, hunt, and trap within the LAA, within their traditional territory, and within the wider Treaty 8 territory.

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

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A28 PART 5

TLUS PUBLIC REPORT:
WEST MOBERLY FIRST NATIONS

FINAL REPORT

Prepared for BC Hydro Power and Authority

Prepared by Doig River First Nation, Prophet River First Nation
Halfway River First Nation, West Moberly First Nations

March 2012

PLEASE REFER TO VOLUME 5 APPENDIX A06 PART 5 FOR THE TLUS PUBLIC REPORT FOR WEST MOBERLY FIRST NATIONS.