SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A22 PART 1

COMMUNITY SUMMARY:
SALT RIVER FIRST NATION

FINAL REPORT

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

Prepared by:
Fasken Martineau

<contact information removed>

January 2013

Salt River First Nation #195

The Salt River First Nation #195 (SRFN) has three reserves and one settlement totalling 44,113 ha along the Northwest Territories/Alberta border.[1]

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, SRFN has a registered population of 923, with 5 members living on SRFN's reserves and 265 members living on their own Crown land.[2] SRFN has a Chief and four Councillors[3] and follows a custom electoral system.[4]

SRFN is a mix of Cree and Chipewyan people.[5]

SRFN maintains a Development Corporation that is responsible for firefighting, public works and services, construction projects, and line cutting.[6] The Development Corporation is also preparing to open a gas bar and convenience store in 2012.[7]

Historical Background

SRFN's ancestors, known as the Chipewyan Indians of Slave River, adhered to Treaty 8 on July 17, 1899 at Smith's Landing.[8]

The Chipewyan Indians of Slave River consisted of two distinct bands: the *Dedharesche* (now recognized as the SRFN) and the *Thebatthie* (now recognized as the Smith's Landing First Nation). However, Canada traditionally recognized the two as one band, the Fitz-Smith Native Band and later the Salt River First Nation #195 (the Consolidated Band). In 1988, the Consolidated Band passed a Band Council Resolution to divide governance back into the two traditionally distinct bands. Since then, the two have been operating under the names of SRFN and Smith's Landing First Nation. Since 1992, the two bands conducted concurrent but independent treaty land entitlement negotiations.[9]

Treaty Land Entitlement Agreement

In March 2002, the SRFN, Government of Canada and Government of the Northwest Territories signed the Salt River First Nation Treaty Settlement Agreement. Under the

---

[1] Aboriginal Affairs and Northern Development Canada (AANDC). 2012. *First Nation Detail, Salt River First Nation #195.* Available at: http://pse5-esd5.ainc-inac.gc.ca/FNP/Main/Search/FNMain.aspx?BAND_NUMBER=759&lang=e. Accessed: December 2012 ("AANDC, Salt River First Nation #195").

[2] AANDC, Salt River First Nation #195.

[3] Salt River First Nation. 2012. *Welcome*. Available at: http://www.saltriveronline.com/. Accessed: November 2012 ("Salt River First Nation, Welcome").

[4] AANDC, Salt River First Nation #195.

[5] Salt River First Nation, Welcome.

[6] Salt River First Nation. 2012. *Services*. Available at: http://www.saltriveronline.com/#!services. Accessed: November 2012

[7] Salt River First Nation. 2012. *Latest News*. Available at: http://www.saltriveronline.com/#!chief'-poitras. Accessed: November 2012.

[8] Northwest Territories Department of Aboriginal Affairs and Intergovernmental Relations. 2001. *Salt River First Nation Treaty Settlement Agreement, November 13, 2001*. Available at: http://www.daair.gov.nt.ca/_live/documents/content/Salt_River_Treaty_Agreement.pdf. Accessed: December 2012 ("Salt River First Nation Treaty Settlement Agreement") at 1.

[9] Salt River First Nation Treaty Settlement Agreement at 2-3.

Agreement, the SRFN received $83 million from Canada and 102,400 acres within Wood Buffalo National Park and within and outside the town of Fort Smith.[10]

On September 5, 2008, the SRFN Indian Reserve was established by Order-in-Council.[11]

Traditional Territory Map

No map was provided to BC Hydro by SRFN.

[10] Salt River First Nation Treaty Settlement Agreement.

[11] Northwest Territories Aboriginal Affairs and Intergovernmental Relations. 2012. *Salt River First Nation Treaty Settlement Agreement*. Available at: http://www.daair.gov.nt.ca/_live/pages/wpPages/SaltRiver_FirstNation.aspx. Accessed: December 2012.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A22 PART 2

BC HYDRO CONSULTATION SUMMARY: SALT RIVER FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

January 2013

Volume 5 Appendix A, Part 2, provides a summary of consultation activities undertaken by BC Hydro with each of the 29 Aboriginal groups listed in Table 9.1 of the EIS, as required pursuant to section 7.2.1 of the EIS Guidelines. Each 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.

SALT RIVER FIRST NATION

CONSULTATION SUMMARY

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

Key events

2007

- November: BC Hydro made initial contact with Salt River and expressed its

commitment to effective consultation with respect to the Project.

2008

- April: BC Hydro wrote to Salt River advising that it would contact Salt River in the upcoming weeks to set up an introductory meeting. The letter attached the Stage 1 Summary Report.
- September: BC Hydro wrote to Salt River 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.
- November: Salt River requested more information about the Project, prior to deciding whether it wished to meet with BC Hydro representatives.
- December: BC Hydro wrote to Salt River and provided background information about the Project, including copies of a Project overview presentation and the Stage 1 Summary Report, and a link to the Stage 1 Completion Report. BC Hydro expressed interest in scheduling a meeting with Salt River in February 2009.

2009

- February: BC Hydro met with representatives from Salt River and provided an overview of the Project and responded to questions from Salt River regarding changes in water levels, releases from the W.A.C. Bennett Dam, ice formation, and local fish species of interest. BC Hydro expressed interest in entering into a consultation agreement and scheduling a community meeting.
- May: BC Hydro contacted Salt River in follow up to the February meeting, but Salt River indicated that the band was proceeding with elections and therefore the timing was not right to enter into new agreements.

2010

- April: BC Hydro advised Salt River 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

- January:
  - BC Hydro provided Salt River with a copy of a draft Stage 3 consultation

agreement.

- BC Hydro met with Salt River's Chief and Council. BC Hydro provided an overview of the Project and responded to questions and concerns raised by Salt River. BC Hydro expressed interest in negotiating and concluding a Stage 3 consultation agreement with Salt River. Salt River advised that it would need time to consider the draft agreement and inquired about the availability of funding to cover negotiation expenses. BC Hydro agreed to consider any funding request submitted by Salt River.

- March: BC Hydro provided Salt River with summary documents describing proposed studies for the 2011 field program, 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 Stage 2 Review of Potential Downstream Changes from Site C Operations: Preliminary Findings (October 2009).

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

- June:

  - Salt River wrote to BC Hydro and expressed serious reservations about the Project's potential environmental impacts, including downstream effects within Salt River's traditional territory. The letter advised that Salt River wished to go on record as being completely opposed to the Project, and did not intend to meet with BC Hydro if the meeting would be construed as consultation. BC Hydro responded to Salt River on June 22, 2011, and reviewed the outcomes of the meeting of January 26, 2011. BC Hydro advised that it remained interested in meeting with Salt River to understand and discuss Salt River's concerns regarding the Project.

  - BC Hydro wrote to Salt River and explained that BC Hydro had understood that Salt River had intended to consider the draft consultation agreement and submit a proposal to BC Hydro for funding to support the negotiations.

2012

- May:

  - BC Hydro provided Salt River 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 Salt River 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 Salt River.

- May/June: BC Hydro contacted Salt River several times in an attempt to schedule a meeting to provide a presentation of the findings presented in the Potential Downstream Changes Report.

- September/October: BC Hydro wrote to Salt River 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 Salt River 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 Salt River's current use of lands and resources for hunting fishing and trapping, and other purposes, and information regarding how the Project would affect Salt River'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 Salt River 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 Salt River 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 Salt River in the upcoming weeks to set up an introductory meeting. The letter attached the Stage 1 Summary Report.

On September 26, 2008, BC Hydro sent a letter to Salt River in follow up to its letter of April 10, 2008. The letter advised that BC Hydro would be available to travel to the Northwest Territories in the second half of October, and requested an introductory meeting with Salt River to develop a plan for future consultation. The letter enclosed a further copy of the Stage 1 Summary Report.

On November 7, 2008, BC Hydro had a telephone conversation with Salt River's band manager. The band manager indicated that Salt River's Chief and Council had requested that BC Hydro provide more information about the Project before deciding whether it wished to meet with BC Hydro representatives.

On December 4, 2008, BC Hydro sent a letter to Salt River in follow up to Salt River's request for further information about the Project in advance of a potential meeting. The letter provided a brief description of the Project and reviewed the five stage approach to the evaluation of the Project. The letter enclosed a hard copy of the Project overview PowerPoint presentation and a further copy of the Stage 1 Summary Report, and provided a link to the Stage 1 Completion Report. The letter advised that BC Hydro planned to visit other First Nations in the vicinity of Salt River in February 2009, and expressed interest in scheduling a meeting with Salt River in that time period.

2009

On February 16, 2009, BC Hydro met with representatives of Salt River (Councillor, environmental advisor). BC Hydro provided an overview of the Project and responded to questions from Salt River regarding changes in water levels, releases from the W.A.C. Bennett Dam, ice formation, and local fish species of interest. BC Hydro expressed interest in entering into a consultation agreement, and agreed to liaise with Salt River regarding the consultation agreement and scheduling for a possible community meeting.

On May 11, 2009, BC Hydro called Salt River to follow up on the consultation agreement and proposed community meeting. Salt River indicated that the band was proceeding with elections and that the timing was not right to enter into new agreements.

2010

On April 19, 2010, BC Hydro sent an email to Salt River advising that the Government of B.C. 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 2, 2010, BC Hydro called Salt River (Chief Executive Officer) to provide an update on the Project and explained that BC Hydro was developing consultation agreements with First Nations along the Peace River. BC Hydro expressed interest in discussing a consultation process with Salt River. Salt River agreed to look into the

possibility of a future meeting with Chief and Council regarding the Project. BC Hydro sent a follow up email providing a link to the Project website and the *Stage 2 Review of Potential Downstream Changes from Site C Operations: Preliminary Findings* (October 2009).

2011

On January 14, 2011, BC Hydro sent an email to Salt River attaching a draft consultation agreement for consideration by Salt River in advance of the upcoming meeting.

On January 26, 2011, BC Hydro met with representatives of Salt River (Chief, six Councillors, Chief Executive Officer). BC Hydro provided an overview of the Project, including an explanation of the anticipated timelines for the environmental assessment process, and a description of the nature of the studies being undertaken for the Project. BC Hydro responded to questions and concerns raised by Salt River. BC Hydro noted that the Stage 2 Downstream Report would likely be of high interest to Salt River, and agreed to provide a copy. BC Hydro expressed interest in negotiating and concluding a consultation agreement with Salt River. Salt River expressed concern that the draft provided by BC Hydro on January 14 was developed from BC Hydro's perspective only. BC Hydro replied that it had provided the draft for discussion purposes, and clarified that BC Hydro would consider any changes proposed by Salt River. BC Hydro further advised that Salt River had no obligation to enter into a formal agreement, but BC Hydro still had an obligation to consult with Salt River and wanted to meet that duty. Salt River advised that it would need to consider the draft and decide how to proceed, and inquired about the availability of funding to cover negotiation expenses. BC Hydro agreed to consider any funding request submitted by Salt River.

On February 2, 2011, BC Hydro sent an email to Salt River in follow up to the meeting of January 26, 2011, and provided a link to the *Stage 2 Review of Potential Downstream Changes from Site C Operations: Preliminary Findings* (October 2009).

On March 15, 2011, BC Hydro sent a letter to Salt River 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 Salt River 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 Salt River advising that BC Hydro had submitted the Project Description Report to the BCEAO and the CEA Agency, and provided a link to the report.

In spring 2011, BC Hydro followed up several times regarding the status of Salt River's review of the draft consultation agreement, and made attempts to schedule a meeting.

On May 30, 2011, Salt River's Chief Executive Officer sent an email to BC Hydro advising that Salt River would be unavailable to meet during the summer of 2011, and suggested that a meeting in late fall would be a possibility.

On June 22, 2011, Salt River sent a letter to BC Hydro and expressed serious reservations about the Project's potential environmental impacts, including downstream effects within Salt River's traditional territory. The letter advised that Salt River wished to go on record as being completely opposed to the Project. The letter further advised that Salt River did not want to put itself in a position of meeting with groups who could later claim that the meetings constituted consultation.

On June 27, 2011, BC Hydro sent a letter to Salt River, in response to Salt River's letter of June 22, 2011, and reviewed the outcomes of the meeting of January 26, 2011. The letter explained that BC Hydro had understood that Salt River had intended to consider the draft consultation agreement and submit a proposal to BC Hydro for funding to support the negotiations. The letter noted that BC Hydro had not yet received such a proposal from Salt River. The letter described BC Hydro's attempts to schedule a meeting with Salt River, and advised that BC Hydro remained interested in meeting to understand and discuss Salt River's concerns regarding the Project.

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

2012

On February 8, 2012, BC Hydro sent a letter to Salt River to provide an update on the progress towards completing the 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 Salt River to review the interim results, or upon completion of the updated report. The letter was undeliverable via email. BC Hydro followed up with Salt River regarding alternative means of delivery for the letter, but Salt River did not respond back.

On May 4, 2012, BC Hydro sent a letter to Salt River 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 18, 2012, Salt River (Lands Advisor) called BC Hydro, in response to BC Hydro's telephone message of May 14, 2012. BC Hydro expressed interest in visiting the community to provide a presentation on the findings of the Potential Downstream Changes Report. Salt River asked whether attendance at the presentation would be considered consultation, and whether Salt River's participation would imply permission or support for the Project. If that were the case, Salt River did not wish to attend. BC Hydro explained that the presentation was intended for information sharing and that attendance would not be interpreted as showing support for the Project. Salt River expressed concern about negativity in the community surrounding the Project. BC Hydro advised that it would follow up with potential meeting dates.

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

On May 25, 2012, BC Hydro sent an email to Salt River (Lands Advisor) in response to concerns raised by Salt River in the phone call on May 18, 2012. BC Hydro explained that the purpose of the presentation would be to review the findings of the Potential Downstream Changes Report and gather any feedback or concerns from Salt River about the findings. BC Hydro reiterated that attendance at the meeting would not imply support for the Project, but clarified that BC Hydro would consider the meeting to be consultation, as BC Hydro would be seeking feedback from Salt River on the presentation and the report.

BC Hydro expressed interest in scheduling a meeting in June 2012, and requested assistance in selecting an appropriate date and venue. BC Hydro advised that it remained interested in pursuing a consultation agreement with Salt River and was prepared to provide an updated version of the draft consultation agreement, if that was of interest to Salt River.

Between May and June 2012, BC Hydro made several further attempts to schedule a meeting with Salt River to provide a presentation of the Potential Downstream Changes Report, and proposed several dates in July 2012, but Salt River did not respond.

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

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

On August 27, 2012, BC Hydro sent a letter to Salt River 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 21, 2012, BC Hydro sent a letter to Salt River 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 Salt River, 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 Salt River 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 Salt River in follow up to BC Hydro's letter of September 21, 2012, which had invited Salt River to provide any relevant information for consideration in preparing the EIS. The letter advised that BC Hydro remained interested in receiving information from Salt River to support the preparation of the EIS.

On November 15, 2012, BC Hydro sent a letter to Salt River which sought to address potential gaps in the information exchange between the parties. The letter requested that Salt River notify BC Hydro of instances where information requested in meetings or consultations to date had not been provided, and committed to following up on outstanding information requests as soon as possible.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A22 PART 2(A)

UPDATED BC HYDRO CONSULTATION SUMMARY: SALT RIVER FIRST NATION

FINAL REPORT

Prepared for:

BC Hydro Power and Authority

<contact information removed>

Prepared by:

Site C First Nations Engagement Team

<contact information removed>

July 2013

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

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

SALT RIVER FIRST NATION

CONSULTATION SUMMARY

Defined Terms	
"BCEAO"	Environmental Assessment Office, Province of British Columbia
"CEA Agency"	Canadian Environmental Assessment Agency
"EIS"	Environmental Impact Statement
"EIS Guidelines"	Environmental Impact Statement Guidelines
"the Project"	The proposed Site C Clean Energy Project
"Salt River"	Salt River First Nation

Chronology of events

2012

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

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

- Water Quality Technical Data Report
- Air Quality Technical Data Report

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

2013

On January 28, 2013, BC Hydro sent a letter to Salt River, 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 A22 PART 3

ABORIGINAL LAND AND RESOURCE USE SUMMARY: SALT RIVER 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

Salt River First Nation (SRFN)

In preparing responses to these questions, research for information on the Salt River First Nation (SRFN) and on current and past use of lands and resources by SRFN was obtained by on-line research.[1] BC Hydro did not enter into a Traditional Land Use Study agreement with SRFN, and no traditional land use information was made available by SRFN for consideration in this review.

The SRFN signed Treaty 8 in 1899 as the Chipewyan Indians of Slave River with two distinct groups, the Dedharesche and the Thebattie. Later, the two groups were recognized by Indian Affairs as the Fitz-Smith Native Band, before becoming the Salt River First Nation No. 195. In 1988, the two groups split again. The Dedharesche became the Salt River First Nation No. 195.[2]

In December 2012, the registered population of the SRFN was 923, of whom five were recorded as living on-Reserve.[3] The SRFN Treaty Settlement Agreement was signed in March 2002. The SRFN has three Indian Reserves: Salt Plains 195 and Salt River 195 in the Northwest Territories; Fitzgerald 196 in Alberta; and one settlement at Fort Smith in the Northwest Territories. SRFN also have four land parcels in Wood Buffalo National Park which are to become Indian Reserves.[4]

Salt River First Nation is a member of Akaitcho Territory Government (Figure 1).[5]

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

   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs are distant from the traditional lands of the SRFN in northeastern Alberta and southern Northwest Territories. No specific information was identified that described or documented current use by the SRFN of lands and resources within the Current Use of Lands and

[1] The sources consulted for this study are set out in the Appendix.
[2] Canada and Salt River First Nation (2002). Salt River First Nation Treaty Settlement Agreement, Final 13 November 2001. Attached as Schedule "A" to PC 2002 - 467, 26 March 2002: 2, 3. The Thebattie became the Smith's Landing First Nation.
[3] AANDC (2012). Website http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=759&lang=eng.
[4] Schedule I. Canada and Salt River First Nation (2002). Salt River First Nation Treaty Settlement Agreement.
[5] AANDC (2012). Website http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=759&lang=eng.

Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs or RAAs for hunting, fishing and trapping activities.

2. **What is the SRFN's current use of lands and resources for activities other than hunting, fishing and trapping, including the nature, location and traditional use purpose within the Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs?**

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

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

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

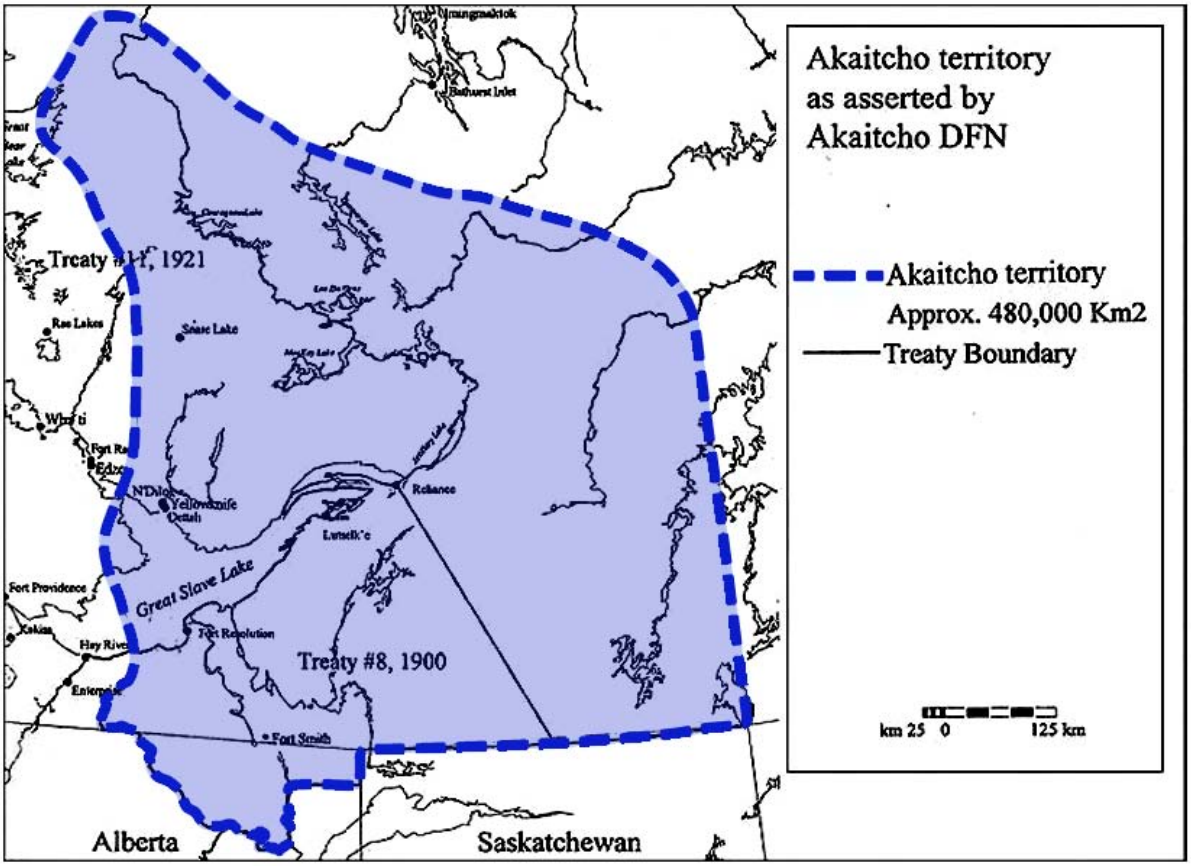
   The Current Use of Lands and Resources (Wildlife Resources) and Current Use of Lands and Resources (Fish and Fish Habitat) LAAs and RAAs are distant from the SRFN communities. No past or current use of lands and resources by SRFN members within the Current Use of Lands and Resources (Wildlife Resources) 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 SRFN 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 SRFN, and no traditional land use information was made available by SRFN for consideration in this review.

The territory of the SRFN is located in the region of northeastern Alberta and southern Northwest Territories. This region is interpreted to be the major area where SRFN members exercise asserted Aboriginal or treaty rights.

Figure 1: Map of the Asserted Territory of the Akaitcho First Nations which includes the Salt River First Nation (Akaitcho DFN, Canada and Government of NWT (2001). Appendix E. Akaitcho Boundary and Interim Measures Agreement, 28 June 2001).



References

Aboriginal Affairs and Intergovernmental Relations, Northwest Territories (2012). Website http://www.daair.gov.nt.ca/_live/pages/wpPages/SaltRiver_FirstNation.aspx.

Akaitcho DFN, Canada and Government of NWT (2001). Appendix E. Akaitcho Boundary and Interim Measures Agreement, 28 June 2001. http://www.yellowknife.ca/Assets/City+Clerks/Forms+And+Publications/Giant+Mine+Lease+Area+Land+and+Water+Use+Plan+-+Appendix+E.pdf.

Canada and Salt River First Nation (2002). Salt River First Nation Treaty Settlement Agreement, Final 13 November 2001. Attached as Schedule "A" to PC 2002 - 467, 26 March 2002. http://www.daair.gov.nt.ca/_live/documents/content/Salt_River_Treaty_Agreement.pdf.

Aboriginal Affairs and Northern Development Canada (2012). Website http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/FNMain.aspx?BAND_NUMBER=759&lang=eng.

SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A22 PART 4

ABORIGINAL SUMMARY:
SALT RIVER 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

Salt River First Nation

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

Salt River 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.

Salt River First Nation's Concerns with Respect to the Project

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

Cumulative Effects
Concern regarding the Project's potential contribution to the cumulative impacts of development in the region, including pipelines, logging, oil and gas, coal mining and coal bed methane.
Water – Surface Water Regime
Concern about 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.
Wildlife Resources
Concern about the potential impacts of the Project on wildlife, wildlife habitat and biodiversity.
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.
Treaty Rights (Hunting, Fishing and Trapping)
Concern about the potential impacts of the Project on Treaty 8 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 Salt River 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 Salt River First Nation.

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

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