Draft for FNLC Logos

June 17, 2020

Hon. John Horgan

Premier of British Columbia

PO Box 9041 Stn Prov Govt

Victoria, BC V8W 9E1

Via Email: john.horgan.mla@leg.bc.ca

Hon. Bruce Ralston

Minister of Energy Mines and Petroleum Resources

PO Box 9052 Stn Prov Govt

Victoria, BC V8W 3E2

Via Email: EMPR.Minister@gov.bc.ca

Hon. Scott Fraser

Minister of Indigenous Relations and Reconciliation

PO Box 9051 Stn Prov Govt

Victoria, BC V8W 9E2

Via Email: abr.minister@gov.bc.ca

**Re: BC Hydro Phase 1 and Phase 2 Review**

Dear Premier Horgan, Minister Ralston, and Minister Fraser,

The First Nations Leadership Council (FNLC) has determined the process for the Phase 1 and Phase 2 reviews of BC Hydro has been completely inadequate. The review process is nearly completed and does not meet the standard of consent in the United Nations Declaration on the Rights of Indigenous Peoples nor the minimum threshold of consultation that date back to the 2004 Haida and Taku Supreme Court of Canada decisions. The FNLC does not want to be used in such a way to attempt to fix a completely flawed process.

It is important for us to highlight the inadequacies of the current process which was referenced in letters to you on May 27, 2020, April 16, 2020, and October 18, 2019. After many meetings with EMPR we determined their refusal to re-set the process. The BC Hydro review process began more than 2 years ago, and we were pressured to respond to the series Provincially drafted reports in the last 6 weeks. Much of this time was spent on attempts to set a fair process in place for First Nations to respond to this review in the midst of a global pandemic. The impasse resulted in EMPR’s insistence that the very minimal funding ($50 000) was to be used for a review of the interim **and** final report. It was a take-it-or-leave-it offer was unfortunate given the April 16, 2020 and May 27, 2020 letters we sent to you.

In our view the major issues for discussion are as follows:

1. Recognition this review process is consistent with the recently passed BC Declaration on the Rights of Indigenous Peoples Act.
2. Resource revenue sharing and compensation from the impacts of BC Hydro projects.
3. Ownership in:
	1. Transmission lines
	2. Independent power projects
4. Participation in governance, employment, and contracting with BC Hydro.
5. Transition from diesel to renewable power generation in remote First Nations communities in BC.
6. Legislative, regulatory and policies amendments to achieve the above.
7. Other issues as determined by the parties.

We seek assurances from you that a new process will commence in full partnership with officials who are willing to work in a collaborative manner.

To rectify this currently inadequate process we suggest the following:

1. Formal appointment of a political oversight committee to include the FNLC and both Ministers of MIRR and EMPR.
2. A technical working group to coordinate the new process.
3. Joint drafting of a report.
4. Jointly coordinated First Nations province-wide virtual meeting to review the report and receive feedback.
5. A process to amend legislation, regulations, and policy.
6. Full funding to ensure participation similar to the environmental assessment reform process.

We look forward to your response to this letter and the May 27, 2020 letter.

Sincerely,

FNLC signatures,

Cc: First Nations Energy and Mining Council

 First Nations Chiefs in BC