

FIRST NATIONS LEADERSHIP COUNCIL



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

1004 Landooz Rd.
Prince George, BC
V2K 5S3

Ph: 778-945-9910
Fx: 778-945-9916



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923
Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

401 – 312 Main Street
Vancouver, BC
V6A 2T2

Ph: 604-684-0231
Fx: 604-684-5726

June 17, 2020

Honourable John Horgan
Premier of British Columbia
PO Box 9041 Stn Prov Govt
Victoria, BC V8W 9E1
Via email only: premier@gov.bc.ca

Honourable Bruce Ralston
Minister of Energy Mines and Petroleum Resources
PO Box 9052 Stn Prov Govt
Victoria, BC V8W 3E2
Via email only: EMPR.Minister@gov.bc.ca

Honourable Scott Fraser
Minister of Indigenous Relations and Reconciliation
PO Box 9051 Stn Prov Govt
Victoria, BC V8W 9E2
Via email only: IRR.Minister@gov.bc.ca

Re: BC Hydro Phase 1 and Phase 2 Review

Dear Premier Horgan, Minister Ralston, and Minister Fraser,

We once again write to express our concerns and disappointment with the Phase 1 and Phase 2 reviews of BC Hydro, which, in our view, have been uncoordinated and ineffective. While the current review process is nearly complete, it has not met the standard of consent in the United Nations Declaration on the Rights of Indigenous Peoples nor the minimum threshold of consultation that dates back to the 2004 Supreme Court of Canada decisions in *Haida Nation* and *Taku River Tlingit*.

It is necessary to once again highlight our concerns with the current process, which were previously outlined in letters to you dated May 27, 2020, April 16, 2020, and October 18, 2019 respectively. After many meetings between the First Nations Energy and Mining Council (FNEMC) and representatives of the Ministry of Energy, Mines, and Petroleum Resources (EMPR), we feel that further political direction is required to move forward.

The BC Hydro review process began more than two years ago, and recent demands were imposed on FNEMC to respond to the series of provincially drafted reports within an unrealistic timeline. Much time was spent on attempts to set a fair process in place for First Nations to respond to this review, particularly important in the midst of a global pandemic. The resulting impasse led to EMPR's insistence that the very minimal funding offered (\$50 000) was to be used for a review of both the interim and final

reports. It was a take-it-or-leave-it offer, which was unfortunate given our efforts to collaborate and our April 16, 2020 and May 27, 2020 letters sent to you.

In our view, major issues requiring discussion include:

1. Resetting this process to ensure it is consistent with the recently passed *Declaration on the Rights of Indigenous Peoples Act*;
2. Resource revenue sharing on BC Hydro projects;
3. Compensation for the impacts of past infringements;
4. Ownership in:
 - a. Transmission lines
 - b. Independent power projects
 - c. Other utilities, such as the local distribution system;
5. Participation in governance, employment, and contracting with BC Hydro;
6. Transition from diesel to renewable power generation in remote First Nations communities in BC;
7. Legislative, regulatory, and policies amendments to achieve the above; and
8. Other issues, as determined by the parties.

Although this current process has not measured up to other more progressive engagement actions by your government, we once again express a desire to jointly collaborate with the Province. To rectify and reset this process and relationship, we reiterate recommendations raised in the May 27, 2020 letter:

1. Formal appointment of a political oversight committee that includes the FNLC and 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; and
6. Full funding resources to ensure participation.

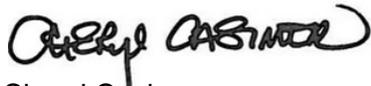
As we have articulated, together through coordination and collaboration we can ensure that BC's commitments to advance reconciliation with First Nations are upheld.

We look forward to receiving your earliest response.

Sincerely,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT



Cheryl Casimer



Robert Phillips



Lydia Hwitsum

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip



Chief Don Tom



Kukpi7 Judy Wilson

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Terry Teegee

Cc: First Nations Energy and Mining Council
First Nations Chiefs in BC
Don Bain, Special Advisor to Premier of BC (don.bain@gov.bc.ca)