

**Subject:** Site C Proposal

It is my sincere desire that we strive to consider not just local considerations of the Site C project proposal, but the wider context of the Valley's ecological integrity within its associated

watersheds. I hope that the points raised here might shed light on some key highlights and extent of my familiarity or involvement in various forms of public and First Nations engagement in resource use planning that has included the upper Peace River corridor.

At the time of beginning my tenure with the Treaty 8 Tribal Association, the prospect of another dam on the Peace was remote, and concerns focused more about managing the combined impact of various forms of industrial development on the traditional use of the communities. Little was known then by all levels of government in the province, just what was meant by this Treaty and the land-use management implications of the Treaty. Considerable effort at the time was focused on bringing life to this historic, legal agreement that was given Constitutional protection in 1982. In my role shaping development of land-use management capacity for Treaty 8 First Nations, emphasis was put on tracking land-use change, responding to project referrals and clarifying legal responsibilities of the Crown - both provincial and federal - in upholding their fiduciary obligations for sustaining First Nations rights to livelihood indefinitely as promised in the Treaty.

Important Court actions and quasi-judicial processes in the 1990's were pursued to give greater articulation to the explicit rights of First Nations for being consulted, and accommodated in a meaningful way. Limited resources of the First Nations were directed, instead on demonstrating how existing provincial legislation - be it related to Archaeology, Forest/Land Management or Water, etc lacked sufficient recognition to ensure that development would proceed in a manner so that the aboriginal population would be able "to carry out their usual vocations (e.g. hunting, fishing and trapping) as if no laws had to be passed to interfere with these ways of life". I'd suggest that today, usual vocations might have changed in large part, but the intent remains for sustaining use of the land for whatever purposes in deems necessary - and the Peace River corridor is one such critical habitat that must be assessed for its function in sustaining not only Treaty 8 First Nation traditional use, but also agricultural use on these prime Class one lands for achieving northern food security.

Local governments, corporations and residents who may not have had any understanding of Treaty 8 soon learned that there was great strength not just in their successful legal arguments, but in the community's perseverance to protect their culture and the land. These efforts were presented as being closely aligned with the aspirations for rural community settlers and residents of the region who share similar ties to the land and a shared goal to protect their rural way of life and livelihoods. First Nations leadership in my view, has consistently focused on the theme of community self-determination, environmental and heritage protection based upon a desire for mutual understanding and respect.

During this same period, the Province expressed a desire for increased certainty on the land-base and an a more honorable relationship to the aboriginal people of the province. With creation of the region's Land and Resource Management Plans that were passed into law by the BC Legislature gave considerable attention to the many ecological, heritage values associated with the valley. The 'protected and enhanced management areas' established along the Peace River through those LRMP's is worthy of further examination in my opinion as part of this Joint Review if the public is to have confidence in any future legally-mandated land-use planning processes. The Treaty 8 leadership at the time, I note however, was not satisfied that an adequate

government to government relationship had been established to enable their participation in the LRMP's, and they could not submit to processes where they were considered as mere public 'stakeholders' and so other means and processes were set in place to enable co-operation and shared benefits from development. New mechanisms are still needed to fully consider shared resource-use and management interests.

One important example of collaboration which I helped to establish, was the Peace River Watershed Council - an initiative that flowed from the Fisheries Renewal program of the BC Government and operated for several years. This work demonstrated the potential for watershed governance as is now being contemplated for implementation of the proposed new BC Water Sustainability Act. Many lessons, can be drawn from this experience and representation by government, communities, industry and First Nations. Other forms of engagement showed promise such as preparation of the Peace Moberly Tract Land-Use Plan in which I also served as an advisor to the Saulteau First Nations and the content of which also merits careful examination by this Panel. Another significant form of First Nations participation was in BC Hydro's Water Use Plan dating back to 2003. I recall asking at the time, if there was any possibility that this process might in fact be a precedent to a revived Site C Dam project. Our Committee was ensured that was not the case - another Dam was not being contemplated, and nothing resulting from that WUP would or could not prejudice the First Nations issues or concerns with that process. So, yes, there was major effort and willingness to engage in land-use processes for mutual benefit. Still the question remains, how and would the First Nations be full partners in co-management of these resources? This question still remains as we see an ever more accelerated push to develop the land and resources of the Peace.

At Moberly Lake and surrounding area, attention has continued to be focused on achieving protection of critical habitats, community-use, water quality and ecological integrity. It is not yet clear, for example, how the Site C proposal might have impact on the upper Moberly River below the Lake, or what watershed management regime will be in place to consider effects from peak flow events at the Lake such as a major flood that occurred there in 2011. As documented in many reports, the Peace River corridor has, and continues to be valued for its importance in supporting community and cultural well-being.

Much can be said about the success in community development and increased capacity for managing change in the past twenty years but concerns remain about the issue of environmental protection. Setting-aside small areas, planning around sites of interest and using environmental mitigation may protect "cultural features or wildlife features" to enable approvals, but does this system in fact, protect the ecological integrity of the larger landscape or watershed? Contemporary research has, in fact, shown shown decline in water quality, ecosystem and certain wildlife species over time. One might argue that the cumulative implementation of many laws, policies and decision-making procedures is leading to a defacto extinguishment of Treaty land-use rights in more and more areas over time. In other words, such areas may no longer be safe to access, may contain poor quality or unfit country food resources (such as mercury contaminated fish in the Peace River). This degradation has also created distress for those being displaced from once important, community-use areas. One such area is the Del Rio upstream of the proposed Site C area, within the lower Moberly River watershed - where some community members made considerable sustained effort to gain greater protection. Many consider the Del Rio no longer

viable as a place to exercise Treaty rights, due to increasing cumulative environmental impact. And so now, proposed flooding more of the lower Moberly River valley further erodes the area as a prime active-use area.

But there is a part of the traditional territory - the Peace River valley corridor under consideration, that many have long and clearly articulated as still holding tremendous value for its ecological function in supporting and sustaining the integrity of First Nations traditional use. Of paramount consideration are the moose populations and other species that are sustained by this river ecosystem. I believe this Valley is a microcosm for the entire Treaty 8 region. It is as well, a national Heritage River corridor with great historical significance given the early Canadian explorer's passage to the West Coast, and including the oldest known provincial settlement of the original Fort St. John situated upstream of the Moberly River. Such heritage values are given only marginal mention in the record of assessment to date for the Site C proposal and should be more fully assessed.

In summary, I trust that your deliberations will give due weight to the promises set out in Treaty 8 along with other resource plans aimed at sustaining the region's land and waters for the shared benefit of all. The Site C Project, in my mind, is not just about gaining Mega watts of new energy, it is a test of our integrity of our Country to uphold its honour in enabling co-management of our resources. It is my sincere hope, that the wider context of land-use planning and ecological integrity is given full consideration by the Panel as it seeks to determine if this truly is in the public's long-term interest given what is known, what is unknown about the Valley's values and as yet, the unanticipated environmental consequences of a rapidly changing climate and land base.

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"And if the world has ceased to hear you, say to the silent earth: I flow.  
To the rushing water, speak: I am." - Rilke