



Doig River First Nation

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November 16, 2015

Shauna Sigurdson, Regional Director, Prairie and Northern Region
Canadian Environmental Assessment Agency
Canada Place
Suite 1145, 9700 Jasper Avenue, Edmonton, Alberta T5J 4C3
Email: shauna.sigurdson@ceaa-acee.gc.ca

Re: Amisk Hydroelectric Project – Project Description

Dear Ms. Sigurdson,

Thank-you for your letter of October 26, 2015 regarding AHP Development Corporation's proposed Amisk Hydroelectric Project. Doig River First Nation (DRFN) is providing this letter in response to the Agency's request for our preliminary views respecting the potential environmental effects and impacts of the proposed Project on our First Nation.

Doig River First Nation

DRFN is a Treaty No. 8 First Nation of the Peace River area. Our members are Dane-zaa (Beaver) and speak the Dane-zaa language. Our community is situated on I.R. No. 206, about 40 km northeast of Fort St. John, BC. The Dane-zaa historically exercised Treaty rights as part of a seasonal round, which included travel into northwestern Alberta with the Peace River serving as a primary transportation route. The ongoing presence of DRFN members and our ancestors in Alberta currently and historically is well known to those who work and live in the northwest region of the Province.

In 1994, the Fort Dunvegan Historical Society contacted DRFN to participate in creating "Dunvegan: Where the Trails Cross", which describes the history of Fort Dunvegan as a Hudson's Bay Company trading post. This video recounts visits made by Dane-zaa to Dunvegan as part of the seasonal round, describing how the Dane-zaa shared the hunt, participated in the fur trade, sang and drummed, and told Dane-zaa stories.

Considering our historic and contemporary land use within and adjacent to the area potentially impacted by the proposed Project, our First Nation intends to participate actively in this environmental assessment by submitting land use, historical and socio-

economic information, reviewing the EIS and related documentation, preparing information requests, providing written and oral testimony, and participating in ongoing dialogue with the Crown and the Proponent.

In order to begin to understand the potential implications of this proposed Project for our Treaty rights and interests, our lands and resources office reviewed the Project Description posted on the Agency's website. Our detailed comments are attached as an Appendix to this letter.

Determining Whether a Federal Environmental Assessment is Required

We understand that the Agency must make a determination as to whether a federal environmental assessment is required for the proposed Project. Our comments below are designed to assist the Agency in making this determination and to assist the Minister in making a determination as to whether the proposed Project should be referred to a review panel, pursuant to s.38 of *CEAA 2012*.

Upon reviewing the information in the Project Description, the proposed Project is at an earlier stage of design and planning than is usual for the start of an environmental assessment of a project of this size and complexity. This provides opportunities to consider ways to design the project in a manner that avoids environmental effects, but it also means that any environmental effects are more uncertain at this stage.

Potential environmental effects of concern to DRFN, include, but are not limited to the following:

- changes to ice formation upstream of the future reservoir on the main stem of the Peace River and into the Clear River;
- increased soil erosion risks and slope instability as a result of reservoir creation and operation leading to effects on water quality;
- effects on the fish in the Peace River and tributaries upstream and downstream of the Project Area, including changes in migration, distribution, health, population and biodiversity;
- impacts on the ability to sustainably harvest preferred fish species due to decreases in the availability of these species;
- loss of common and rare river shoreline plants, vegetation and wetlands important for a wide variety of shoreline birds, migratory birds, furbearers, other wildlife species and fish;
- loss of forest habitat due to flooding and consequent effects on wildlife distribution and local populations, including ungulate species;
- impaired access to the reservoir shoreline for wildlife as a result of reservoir erosion and operations;
- inundation of physical and cultural heritage resources and travel routes of historical significance;

- elevated noise levels during construction with effects on wildlife and access to wildlife for harvesting;
- the potential for cumulative effects in relation to all of the above environmental effects as a result of prior and ongoing hydroelectric development on the Peace River;
- any of the above environmental effects alone, or in combination with other effects listed or not listed above could result in adverse impacts on DRFN Treaty rights; and
- creation of short-term employment and business opportunities during construction.

In reviewing the Project Description, it is our view that the size and complexity of environmental, social, economic, cultural and Treaty rights issues raised by the potential development of the proposed Project merit review by a joint federal-provincial review panel. Establishment of a joint review panel would allow adequate consideration of these issues, and would be consistent with the prior reviews of the smaller Dunvegan Hydroelectric Project and the larger Site C Project.

We believe that it would be preferable for the Agency, upon commencement of an environmental assessment to delay release of the EIS Guidelines to allow the Province of Alberta and Canada the opportunity to consider the merits of a joint review panel and the efficiencies of conducting one assessment using a single terms of reference meeting the requirements of both governments.

Consultation Plan

The letter of October 26, 2015 indicates that the Agency will be responsible for coordinating Federal-Aboriginal consultation related to potential or established Aboriginal or Treaty rights that could be adversely impacted by the proposed Project. DRFN has yet to receive information from the Agency concerning the form or depth of consultation with our First Nation that the Agency believes is required. We are requesting a meeting with Agency to discuss the proposed consultation approach as soon as practicable, so that we can develop a consultation framework mutually agreeable to the parties.

We look forward to working with the Agency in the assessment of this proposed Project and to ensuring that the rights and interests of our First Nation and members are appropriately considering throughout this process.

Should you have any questions, and to arrange a time for our first meeting, please contact our consultation lead on this file, Ms. Cec Heron, at the DRFN Lands Office at

<contact information removed> or by email at cheron@doigriverfn.com

Yours truly,

<original signed by>



Chief Norman Davis

cc: DRFN Chief and Council
Rana Law – Allisun Rana
CEA Agency – Tawanis Testart (tawanis.testart@ceaa-acee.gc.ca)
Alberta Environment and Parks – Melanie Daneluk (melanie.daneluk@gov.ab.ca)

Att.: DRFN Comments – Amisk Hydroelectric Project – Project Description

Project Description AHP Development Corporation's Proposed Amisk Hydroelectric Project

Doig River First Nation Comments

1. INTRODUCTION

On October 26, 2015, Doig River First Nation (DRFN) received a copy of the following:

- Project Description: AHP Development Corporation Amisk Hydroelectric Project. Submitted to: Canadian Environmental Assessment Agency (CEAA). October 2015.

(the "Project Description")

The review of this document was undertaken by Rick Hendriks of Camerado Energy Consulting at the request of and in consultation with Doig River First Nation.

The Amisk Hydroelectric Project (the "Project") is a large-scale hydroelectric development proposed for the Peace River in northwestern Alberta, with an estimated generating capacity of 330 megawatts, annual average energy production of 1,875 gigawatt-hours, and a reservoir inundating 50 km of the Peace River commencing approximately 15 km upstream of Dunvegan, Alberta. If developed, the Project would be the next in a series of large-scale hydroelectric developments on the Peace River, including the W.A.C. Bennett Dam, the Peace Canyon Dam, and the Site C Project.

The Project Description was reviewed making reference to the following:

- Guide to Preparing a Description of a Designated Project under the *Canadian Environmental Assessment Act, 2012*, Updated: March 2015.

The Agency is also directed to the comments submitted on November 2, 2015 to Alberta Environment and Parks and copied to the Agency in relation to the Proposed Terms of Reference Environmental Impact Assessment Report AHP Development Corporation's Proposed Amisk Hydroelectric Project.

2. COMMENTS

1. **1.3 Consultation Undertaken.** Despite DRFN's traditional land use in the proposed Project Area, the First Nation was not consulted in the preparation of the Project Description.
2. **Environmental Studies Conducted in the Project Area.** The Joint Review Panel for the environmental assessment of the Site C Project made the following recommendation:

Given the rapid developments foreseen for northeast B.C., Ministers may wish to consider commissioning a regional baseline study and environmental assessment as a public good and a basis for planning and regulating all activities requiring review. Such a study would greatly assist future proponents in all sectors, notably oil and gas, forestry, mining and energy production.

We are requesting an update from the Agency on the status of this recommended regional study, and on any other regional studies initiated in northwestern Alberta or northeastern BC under section 73 of *CEAA 2012*.

3. **2.1.1 Project Context and Objectives.** Based on the information in this sub-section, we understand the purpose of the proposed Project is to replace existing coal-fired electricity generation in the Province of Alberta in order to displace carbon dioxide emissions, cost-effectively and in support of regional and provincial economic development.
4. **2.1.2 General Description of Project Components.** The Project Description indicates that the proposed Project is at the preliminary design phase, suggesting that there may be substantial changes to the design, operation, location, size or other characteristics of the proposed Project components. Submitting a project description at this early phase of the design process provides the opportunity to consider "alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means", as required by *CEAA 2012*. While not a specific requirement at this stage of the process, we note the absence of any mention of alternative means in the Project Description. We anticipate thorough requirements for alternative means in the EIS Guidelines, and meaningful consideration of such alternatives in the EIS as the most effective way of avoid environmental effects and impacts to Treaty rights.
5. **Spillway.** The preliminary inflow design flood (IDF) for the Project is based on a 1/1,000 year flood event, or approximately 12,300 m³/s but that the spillway can pass the larger 12,900 m³/s flood event. Recognizing the preliminary nature of the design, the use of a 1/1,000 year flood event is consistent with a "Significant" dam

class in the CDA Dam Safety Guidelines.¹ However, the failure consequences of a dam of this size at this location appear to include risks to a permanent human population downstream, the potential for loss of life, significant fish and wildlife losses, and high to very high economic consequences. This suggests that a “High” or “Very High” dam classification is more appropriate, which requires the passing of an IDF greater than the 1/1000 year flood event up to the probable maximum flood. The Peace Canyon Dam located upstream and the previously proposed Dunvegan Hydroelectric Project are “Very High” consequence dams. The Project Description notes additional unspecified spillway capacity over the powerhouse if river flows exceed the spillway capacity. The EIS Guidelines will need to require further details in the EIS regarding the magnitude and management of the IDF, as well as the dam classification, in accordance with the CDA Guidelines and any relevant legislation.

6. **3.1.3 Project Maps – Land Use.** The description of land use in and near the project area and the associated maps entirely exclude the DRFN reserve lands and make no reference to the traditional land use of the DRFN. This needs to be remedied in future documentation pertaining to the proposed Project. The Project Description is incomplete and requires revision to acknowledge the location of the DRFN reserve lands and land use in the and near the Project Area.
7. **3.2.7 Use of Traditional Lands for Project Development.** The Project Description notes the following:

Early consultation has indicated that Duncan’s First Nation and Horse Lake First Nation are the two most likely Aboriginal Groups to have their traditional territory impacted by the Project.

It is unclear how the proponent drew the above conclusion without consulting DRFN in preparation of the Project Description. This section of the Project Description needs to be amended to acknowledge that DRFN will have its traditional territory impacted by the proposed Project.

8. **6.3. Key Comments and Concerns from Aboriginal Groups.** The Project Description acknowledges that the proposed Project is still in the preliminary design phase, with many baseline and feasibility studies yet to be undertaken. Some of the responses in Table 6-3 (and also Table 7-1) and elsewhere in the Project Description appear to have a very high level of confidence respecting the potential environmental effects and impacts on Treaty rights than would appear to be justified by the information gathered and provided to date. We recommend that the Proponent acknowledge the uncertainties in any predictions or conclusions made respecting the environmental effects of the proposed Project, especially considering the complexity and magnitude of the Project and the size of its environmental footprint.

¹ Canadian Dam Association. 2007. Dam Safety Guidelines.