
The Waneta Transaction



Record of Decision

British Columbia Hydro and Power Authority

Record of Decision

**Re: BC Hydro's signing of an Asset Purchase Agreement with Teck Metals Ltd.
in connection with the Acquisition of an Undivided One-Third Interest
in the Waneta Dam and Associated Assets**

Date: September 21, 2009

1. Background

On June 17, 2009, BC Hydro entered into a non-binding Term Sheet with Teck for the acquisition of a one-third interest in the Waneta Dam (the **Transaction**). BC Hydro is now contemplating a decision to sign an Asset Purchase Agreement (**APA**) which would constitute a legally binding obligation to purchase the interest subject to a number of conditions at closing including the following:

- BCUC acceptance of the expenditures described in BC Hydro's filing (the **Filing**) with the British Columbia Utilities Commission (**BCUC**) in respect of the Transaction under cover of a letter dated July 2, 2009 as described in Appendix B to that filing; and
- No event or circumstance has occurred that gives rise to reasonable grounds on which to determine that completion of the Transaction would be inconsistent with maintaining the honour of the Crown as it relates to efforts to seek reconciliation in connection with Aboriginal interests of which BC Hydro is aware at the time of closing.

The purpose of this record is to set out the approach that BC Hydro has taken in assessing whether entering into the legal obligations set out in the APA are consistent with BC Hydro's obligation to act honourably in its dealings with First Nations peoples through consultation and, if appropriate, accommodation where the contemplated decision may have an affect on their interests.

2. Potential for Adverse Effects on First Nations Interests of which BC Hydro is aware

The Transaction does not contemplate any change in the operating conditions at the Waneta Dam or any adjustment to flows. Accordingly, there are no obvious physical impacts associated with the Transaction.

In order to determine whether there are any non-physical impacts or other features of the Transaction which would be relevant to determining whether entering into it is consistent with the honour of the Crown, BC Hydro has engaged in the consultation process described in a report (the **ARN Report**) prepared by the Aboriginal Relations and Negotiations group within BC Hydro (**BC Hydro ARN**) and attached as Appendix A to this decision. Employing the methodology set out in the ARN Report, BC Hydro ARN identified 16 Aboriginal groups which might claim Aboriginal rights, title or interest that they considered could be affected by the Transaction. BC Hydro provided Notices of the Transaction to each of these groups so as to provide an opportunity for each to indicate what concerns, if any, they had with the Transaction.

The ARN Report provides a summary of the consultations and the responses received from First Nations in that regard.

The ARN Report identifies that of the groups notified the following groups expressed an interest in further consultation:

- (a) The Okanagan Nation Alliance (ONA);
- (b) Ktunaxa Nation Council (KNC);
- (c) Upper Nicola Indian Band (UNIB);
- (d) Shuswap Indian Band (SIB); and
- (e) Sinixt Nation.

As set out in the ARN Report, consultations with each of these groups occurred over the period June 17, 2009 to September 16, 2009. The ARN Report also identifies the material that BC Hydro ARN reviewed to determine, first, which First Nations might have a potential interest in a transaction related to the Waneta Dam and, second, the strength of claim and nature of the impacts that the Waneta Dam has had and may have in the future on First Nation interests in the area. Based on a review of that material, BC Hydro's past experience in the area and information obtained from each of the Aboriginal groups in the consultations that have occurred, BC Hydro ARN has provided its preliminary assessment with respect to the strength of claim of each group and the extent of any adverse impact on those groups. Based on these assessments, BC Hydro ARN has made recommendations with respect to the level of consultation that is appropriate to undertake with each group.

In respect of each group, BC Hydro ARN's conclusions are as follows:

The ONA: The duty to consult is at the low end of the *Haida* spectrum.

The KNC: The duty to consult is at the low end of the *Haida* spectrum.

The UNIB: The interests of the UNIB are subsumed with those of the ONA which are at the low end of the *Haida* Spectrum.

The SIB: The interests of the SIB are subsumed with, or are analogous to, the interest of the KNC which are at the low end of the *Haida* spectrum.

Sinixt Nation: The duty to consult is towards the lower end of the *Haida* spectrum.

The various First Nations that have expressed an interest in the Transaction are well known to BC Hydro in that they have asserted rights, title or interest in connection with other hydroelectric facilities owned or operated by BC Hydro in south eastern British Columbia. In connection with these facilities, BC Hydro has consulted, and, where appropriate, accommodated some of the First Nations in connection with the operational and footprint issues associated with those facilities. Some of the measures taken in this context, although not focused on the Waneta Dam, have caused operating protocols, flow regimes and habitat enhancement efforts upstream and downstream of the Waneta Dam to be adjusted to accommodate First Nations concerns. Ongoing programs that may be relevant in this regard are:

- The Seven Mile Compensation Program;
- The Fish and Wildlife Compensation Program; and
- The Upper Columbia White Sturgeon Recovery Program.

3. Other Aspects of the Public Interest

In considering whether to proceed with the Transaction by executing the APA, BC Hydro has had regard to the ARN Report, but has also considered the impact of the Transaction on First Nation interests from a larger perspective. That is, BC Hydro has considered whether reconciliation with First Nations is furthered by proceeding with the Transaction as opposed to not doing so.

As fully articulated in BC Hydro's Filing with the BCUC, there are a number of public purposes which will be served by acquiring the benefit of one-third of the energy generated by the existing Waneta Dam. In particular, the Waneta Dam already exists and the right to operate it has long been conferred on Teck. The effects of that operation on First Nations will continue whether or not BC Hydro makes a decision to enter into the Transaction. Moreover, if BC Hydro enters into the Transaction, it will become entitled to participate in an Operating Committee and to bring forward to that Committee relevant issues that it believes Teck should be aware of in determining the operating regime. While operating decisions are ultimately the responsibility of Teck, BC Hydro will have an opportunity to identify First Nation concerns in a way that is not currently institutionalized.

For First Nations who are not directly interested in or affected by the Waneta facility, a decision to proceed with the Transaction may have beneficial impacts. That is, the effect of the Transaction is to patriate for domestic use on a firm basis power which might otherwise be exported from British Columbia. To the extent that the power exported from British Columbia would need to be replaced by domestically generated power in the future to serve public needs in British Columbia, effects on First Nation interests associated with those means of serving load may be avoided by this Transaction. While the precise nature of this effect on First Nations is speculative, the fact that the Waneta facility already exists and will be operated whether the Transaction occurs or not suggests it is more likely that First Nations' interests will be affected positively than negatively by the Transaction.

The Filing with the BCUC also makes clear that there would be increased costs to all British Columbians associated with not proceeding with the Transaction. BC Hydro has considered the financial, environmental and other types of costs that would be incurred in the absence of the Transaction in assessing whether it is honourable to proceed with execution of the APA. However, because the overall impact on First Nations within British Columbia associated with the Transaction appears to BC Hydro to be positive, these other public impacts did not play a material part in the decision on the adequacy of consultation.

BC Hydro has determined the consultation conducted to date has been adequate to permit BC Hydro to sign the APA and maintain the honour of the Crown with respect to its obligations with respect to First Nations. Engagement with First Nations was undertaken as broadly as was reasonable in the circumstances and as early as was possible in connection with the Transaction. The extent of the consultation to date likely exceeds the obligations of the Crown in this regard. No irrevocable step is being taken by signing the APA and should any of the preliminary conclusions identified in the ARN Report be the subject of significant controversy

after that report is made public, BC Hydro will be able to revisit those issues and bring the Transaction to an end if it appears not to be honourable to continue with it.

4. Decision

Based on the foregoing, BC Hydro concludes that it is honourable to execute the APA as contemplated as part of the Transaction provided that consultation with the ONA, KNC, SIB and the Sinixt continues and final completion of the Transaction only occurs if it remains honourable to do so after further consultations have occurred and any information obtained from or through the BCUC or other public processes is fully considered by BC Hydro. BC Hydro will also canvass First Nations on an ongoing basis to determine if there are any issues they would like to see brought forward that are relevant to the decisions of the Waneta Dam Operating Committee.

The Waneta Transaction

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Appendix

A

First Nations Preliminary Consultation Report

First Nations Preliminary Consultation Report

A discussion of First Nations claims to Aboriginal rights, title or interest in the vicinity of the Waneta Dam and the duty to consult in connection with the acquisition of an undivided one-third interest in the Waneta facilities.

September 18, 2009

Prepared by

Aboriginal Relations and Negotiations Group



First Nations Preliminary Consultation Report

I. INTRODUCTION

The purpose of this report is to:

- identify asserted aboriginal interests in the Waneta Dam area and the potential impact of the proposed Transaction (the “Transaction”) on those interests;
- summarize the consultation process with each potentially affected First Nation on the Transaction to date; and
- determine the extent of the duty to consult and accommodate, if appropriate, each of those First Nations.

The Transaction is fully described in BC Hydro’s Filing (the “Filing”) dated July 2009 with the British Columbia Utilities Commission (the “BCUC”). Unless indicated otherwise, capitalized terms in this report have the same meaning as defined in the Filing.

In the course of negotiating with Teck for the acquisition of an interest in the Waneta Dam, BC Hydro was mindful of its obligation to ensure that proceeding with the Transaction was consistent with the Crown’s obligation to act honourably in its dealings with First Nations. Specifically, the following characteristics of BC Hydro’s approach to the Transaction facilitated consultation with and, if appropriate, accommodation of First Nation interests:

- Entering into a non-binding term sheet on June 17, 2009 (the “Term Sheet”) that fully described the proposed Transaction before any substantive legal obligations were created obliging BC Hydro to take any steps that might affect First Nation interests;
- Providing notification immediately after June 17, 2009 of the proposed Transaction to all First Nation Groups that could conceivably be affected by it;
- Arranging early release of a copy of the Term Sheet to all the First Nations that had been notified of the proposed Transaction before the more general release of the Term Sheet to the public and before it was filed with regulatory bodies;
- Negotiation of a provision in the Term Sheet that contemplates Definitive Agreements¹ that include a provision that only obliges BC Hydro to close the Transaction if it is honourable to do so.

In the result, BC Hydro will have engaged with First Nations for over 3 months prior to determining whether to sign the Asset Purchase Agreement (APA) and will have an additional

¹ The Definitive Agreements contemplated in the Term Sheet have now been consolidated into the Asset Purchase Agreement.

two months (until November 25, 2009) to advise the BC Utilities Commission (BCUC) of its conclusions with respect to whether completion of the Transaction is honourable.

This report will set out what BC Hydro Aboriginal Relations and Negotiations (ARN) has learned through the process to date and what further steps it may take if the decision is made to enter into the APA.

This report is organized into the following sections:

- I. Introduction
- II. Identification of First Nations that may have Interests in the Vicinity of the Waneta Dam
- III. Design and Implementation of the Consultation Process with respect to the Transaction
 - A. General Objective and Approval
 - B. Notification and Initial Contact
 - C. Further Consultation with specific Aboriginal groups
- IV. Analysis of Strength of Claim and Extent of Impacts Identified to Date
- V. Conclusions relating to specific Aboriginal groups based on Information Available to Date
 - A. Sinixt
 - B. ONA
 - C. KNC
- VI. Further Consultation Process Required

II. IDENTIFICATION OF FIRST NATIONS THAT MAY HAVE INTERESTS IN THE VICINITY OF THE WANETA DAM

Prior to signing the non-binding Term Sheet on June 17, 2009, BC Hydro ARN reviewed publicly available information and consulted with Teck to determine which First Nations had made claims to Aboriginal title or to have pursued Aboriginal rights in the vicinity of the Waneta Dam. This information was employed to determine which groups should be notified of the Transaction. This section will summarize the information obtained by BC Hydro ARN in this regard.

A. Okanagan Nation Alliance (ONA) and Member First Nations

General information regarding the Okanagan Nation Alliance (ONA) is found in section 7 of the Filing. As discussed in section 7.2.1.3, the ONA consists of seven First Nations: the Lower

Similkameen First Nation, Upper Similkameen First Nation, Osoyoos Indian Band, Penticton Indian Band, Westbank First Nation, Okanagan Indian Band and Upper Nicola Indian Band. The Upper Nicola Indian Band is also a member of the Nicola Tribal Association (NTA), but frequently acts independently of the ONA and/or NTA.

A map showing the location of the ONA communities (including Upper Nicola) is below. (The Waneta Dam is located southeast of Trail on the right side of the map.)



Source: http://www.gov.bc.ca/arr/firstnation/okanagan_nation_alliance/default.html

(1) *ONA Asserted Traditional Territory*

The ONA frequently does not distinguish the interests of specific member Bands, but asserts a collective territorial claim. The ONA claims a very large territory that encompasses over 69,000 square kilometres. The ONA website states:

Traditionally, Okanagans (syilx) occupied an area which extended over approximately 69 000 square kilometres. The northern area of this territory was close to the area of Mica Creek, just north of modern day Revelstoke, BC, and the eastern boundary was Kootenay Lake. The southern boundary extended to the vicinity of Wilbur, Washington and the western border extended into the Nicola Valley.

Source: <http://www.syilx.org/history-history.php>

A map showing the ONA's asserted traditional territory is below. (The Waneta Dam and Pend d'Oreille River are located at the eastern edge of the area shown in yellow.)

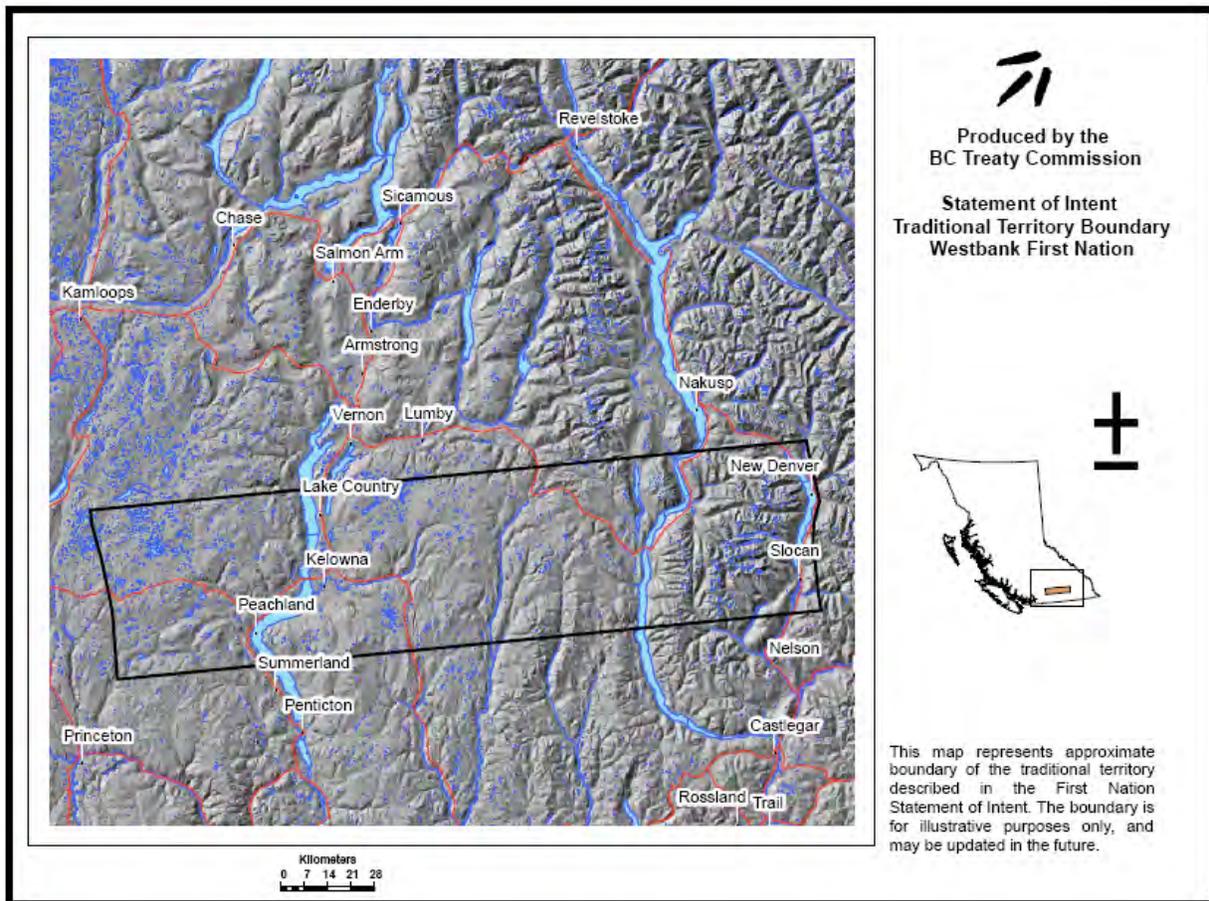


Source: <http://www.svilx.org/governance-okanagannationterritory.php>

The Westbank First Nation is participating (independently) in the BC Treaty Commission Process. Apart from Westbank, the ONA and/or other member First Nations are not involved in the BC Treaty Commission Process.

The map submitted by the Westbank First Nation in support of its Statement of Intent (below) does not include the area around Waneta. (The Waneta Dam and Pend d'Oreille River are

located to the south of Trail, near the bottom right corner of the map, outside the lines showing the Westbank claim.)



Source: http://www.bctreaty.net/nations/soi_maps/Westbank_SOI_Map.pdf

(2) *ONA Asserted Aboriginal Rights*

The map of the ONA's asserted traditional territory appears to overlap with the Waneta Dam facilities at the eastern most extent of the ONA asserted traditional territory. This area is subject to overlapping claims by the Ktunaxa and Sinixt Nation.

The following is an excerpt from the ONA's website:

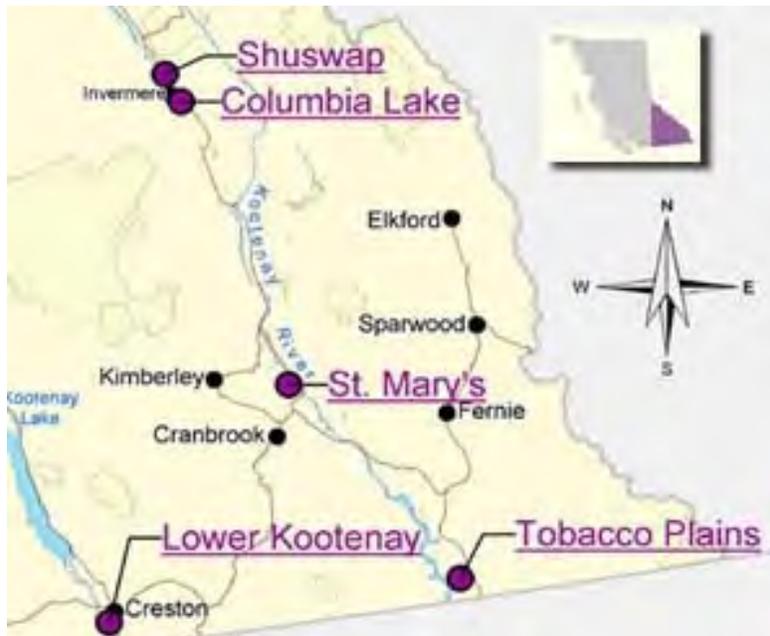
“S-Ookanhkchinx” in the Okanagan language translates to mean “transport toward the head or top end this refers to the people traveling from the head of the Okanagan Lake to where the Okanagan river meet the Columbia River. In other words Okanagan Lake and Okanagan River as well as other water systems were the traditional transportation routes of the syilx.

The Okanagan people were hunters and gatherers, and were noted to be seminomadic. Their staple diet consisted of deer, salmon, rabbit and other wild game. The Okanagan were also gatherers of roots, berries and various other plants.

B. Ktunaxa/Kinbasket Treaty Council (KKTC) / Ktunaxa Nation Council (KNC) and Member First Nations plus the Shuswap Indian Band

General information regarding the KKTC is found in section 7 of the Filing. As discussed in section 7.2.1.2, the Ktunaxa/Kinbasket Treaty Council (KKTC) consists of five First Nations: Lower Kootenay, Tobacco Plains, St. Mary's and Columbia Lake (?Akisq'nuk) and the Shuswap Indian Band. BC Hydro ARN understands that the Shuswap Indian Band has withdrawn from the KKTC and that the four remaining Ktunaxa communities have chosen to affiliate as the Ktunaxa Nation Council (KNC). In the discussion that follows, references to KKTC are meant to refer to all five communities and references to KNC are meant to refer to the four Ktunaxa communities.

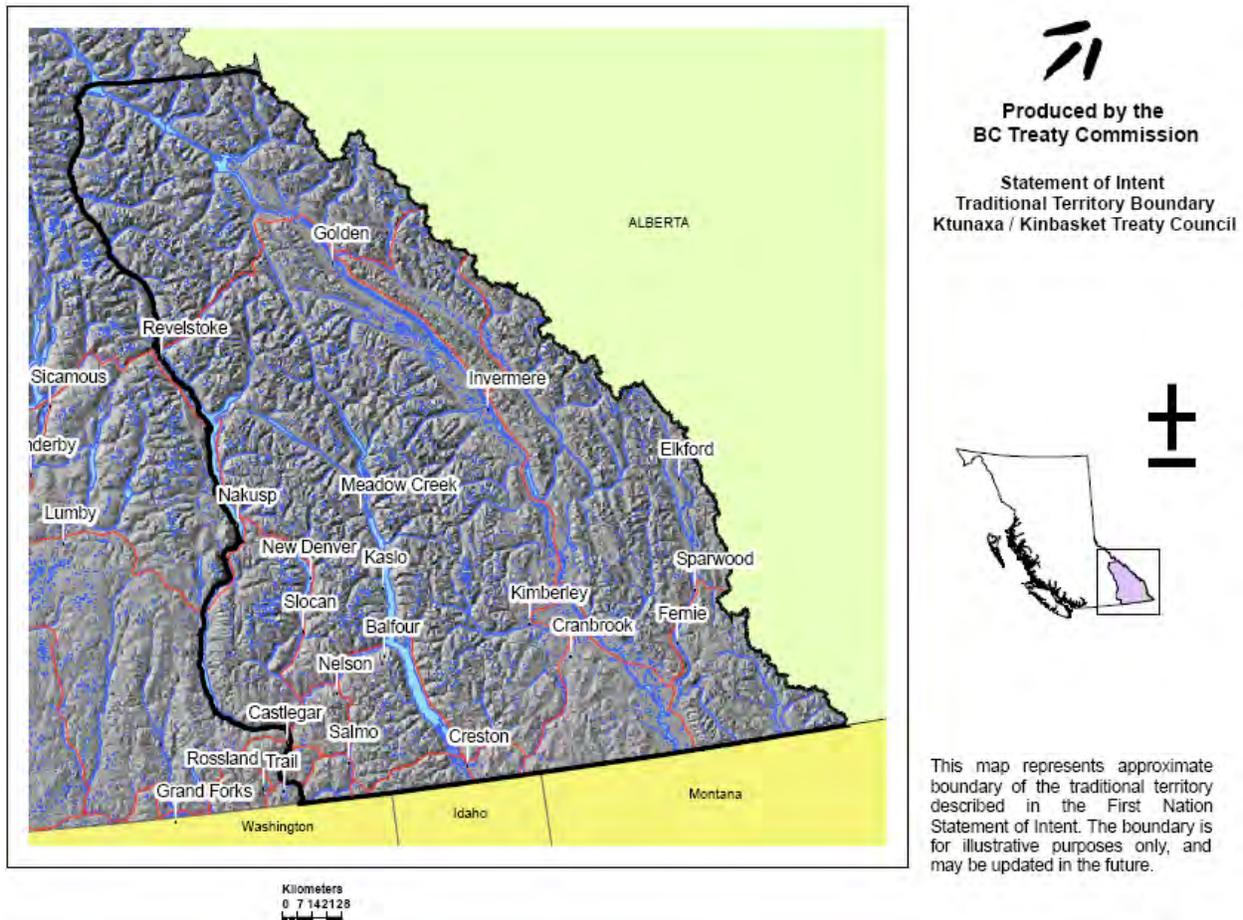
A map showing the location of the KNC communities and the Shuswap Indian Band is presented below. (The Waneta Dam is not visible on the map, but is located approximately 80 kilometres (in a straight line; approximately 120 kms by road) to the west of Lower Kootenay/Creston.)



Source: http://www.gov.bc.ca/arr/firstnation/ktunaxa_kinbasket/default.html

(1) *KKTC/KNC Asserted Traditional Territory*

In 1993, the KKTC filed a Statement of Intent with the BC Treaty Commission. The map submitted by the KKTC in support of its Statement of Intent (below) does include, at its very western edge, the area around Waneta. (The Waneta Dam and Pend d'Oreille River are located south of Trail in the westernmost portion of the area shown enclosed in the lines showing the KKTC claim.)



Source: http://www.bctreaty.net/nations/soi_maps/Ktunaxa_Kinbasket_SOI_Map.pdf

The KKTC are currently involved in Stage 4 of the treaty negotiation process. In 2008, KKTC identified lands of interest to its members for treaty settlement. Canada and B.C. have responded to these expressed land interests.² There is no public information in respect of the identified lands.

BC Hydro ARN understands that the asserted traditional territory of the KNC is the same or similar to the asserted traditional territory of the KKTC shown above.

² BC Treaty Commission Annual Report 2008, page 21.

The KKTC/KNC asserts a collective territorial claim and does not distinguish the interests of specific member bands. The KNC website states:

Ktunaxa (pronounced 'k-too-nah-ha') people have occupied the lands adjacent to the Kootenay and Columbia Rivers and the Arrow Lakes of British Columbia, Canada for more than 10,000 years. The Traditional Territory of the Ktunaxa Nation covers approximately 70,000 square kilometres (27,000 square miles) within the Kootenay region of south-eastern British Columbia and historically included parts of Alberta, Montana, Washington and Idaho.

Source: <http://www.ktunaxa.org/who/index.html>

(2) *KKTC/KNC Asserted Aboriginal Rights*

The map of the KKTC/KNC asserted territory appears to overlap with the Waneta Dam at the western most extend of the KNC/KKTC asserted traditional territory. This area is subject to overlapping claims by the ONA and the Sinixt Nation.

The following is an excerpt from the KNC's website:

The majority of Ktunaxa Nation citizens originate from the Ktunaxa or Kootenai culture. However, the Nation also contains descendants of the Kinbasket family, a small group of Shuswap (Secwepemc) people who journeyed east from Shuswap territory in the mid-1800's into Ktunaxa territory looking for a permanent home. Ktunaxa leadership allowed the Shuswap Kinbasket people to stay in Ktunaxa territory where they eventually settled in the Invermere area and became members of the Ktunaxa Nation.

For thousands of years the Ktunaxa people enjoyed the natural bounty of the land, seasonally migrating throughout our Traditional Territory to follow vegetation and hunting cycles. We obtained all our food, medicine and material for shelter and clothing from nature - hunting, fishing and gathering throughout our Territory, across the Rocky Mountains and on the Great Plains of both Canada and the United States.

(3) *Shuswap Indian Band and Secwepemc (Shuswap) Nation Asserted Traditional Territory*

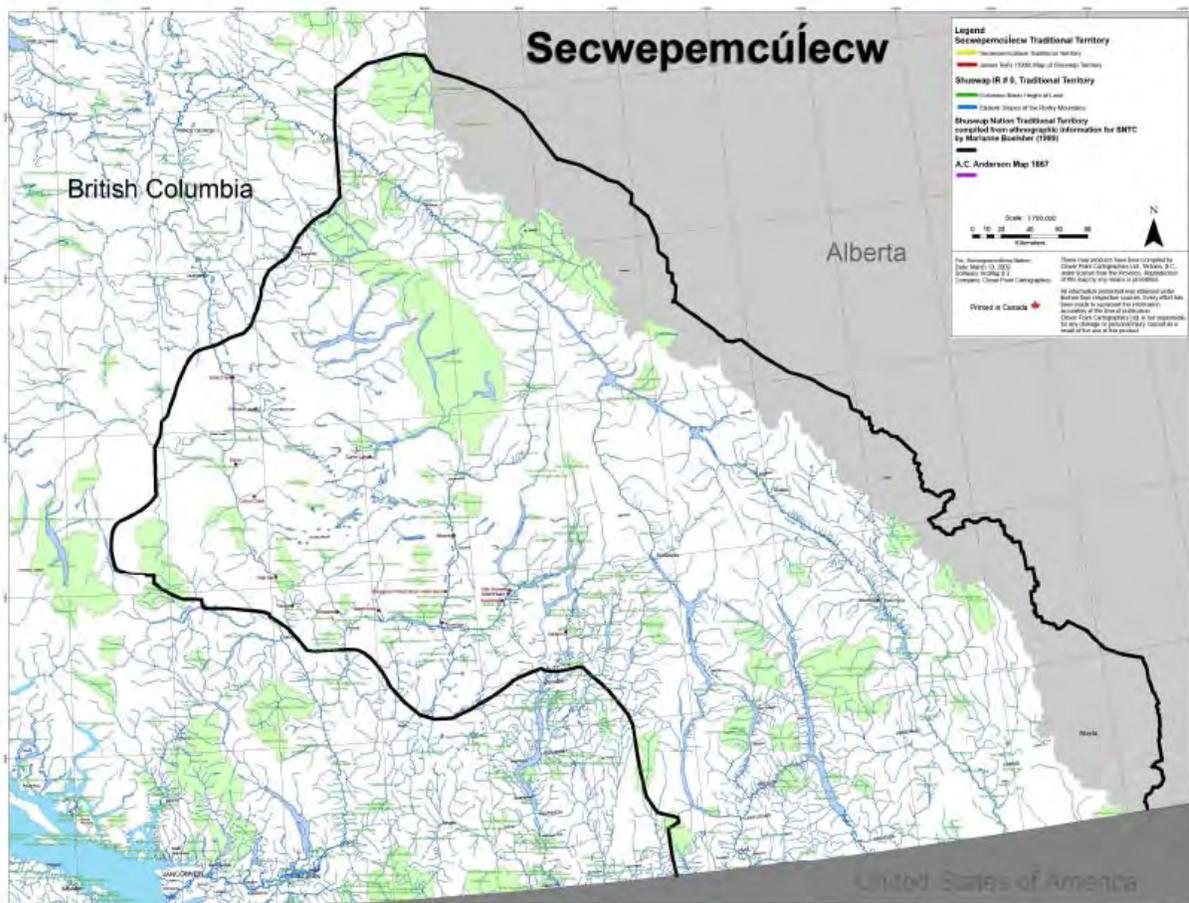
Given that BC Hydro ARN has been advised that the Shuswap Indian Band is no longer affiliating with the KKTC or KNC, BC Hydro ARN also considered the available information regarding the asserted traditional territory of the Shuswap Indian Band and the Secwepemc (Shuswap) Nation as a whole.

The Shuswap Indian Band has not produced a map of its traditional territory or clearly indicated that the area around the Waneta Dam is within their traditional territory. Shuswap Indian Band has advised BC Hydro ARN that, while they are uncertain whether there are traditional use interests in the Waneta Dam area, they may have concerns about the area of the Waneta Dam. Given their previous affiliation with KKTC and (as discussed above) the collective KKTC claim that included the area around the Waneta Dam, BC Hydro ARN decided to include Shuswap Indian Band in the consultation program for the Transaction.

A map showing a similar asserted traditional territory is displayed on various Secwepemc websites. (See for example: <http://landoftheshuswap.com/msite/map/mapcompressed2ab.htm>)

Given the available information regarding the collective Secwepemc Nation claim that excluded the area around the Waneta Dam, BC Hydro ARN decided not to include the Secwepemc Nation and its member First Nations (other than the Shuswap Indian Band) in the consultation program for the Transaction.

After the consultation program for the Waneta Transaction underway, BC Hydro ARN became aware of another recently produced map. This map was not provided to BC Hydro ARN (by any First Nation) as part of the consultation program for the Waneta Transaction. BC Hydro ARN became aware of it only after it was filed with the Commission during the course of the Section 5 Inquiry by three other Secwepemc First Nations (Neskonlith, Splatshin and Adams Lake) acting as the Lakes Division. (The Lakes Division is Intervenor C-79 in the Section 5 Inquiry. The map is located on page 5 of Exhibit C-79-3-2 in the Section 5 Inquiry.). The new Secwepemc map (reproduced below) shows the claimed Secwepemc territory stretching further south past Castlegar to include the Waneta Dam area.



Because this map only recently came to the attention of the consultation team leading the consultation for the Waneta Transaction, BC Hydro ARN will continue to seek further clarification of the traditional territory asserted by Shuswap Indian Band and the Secwepemc generally.

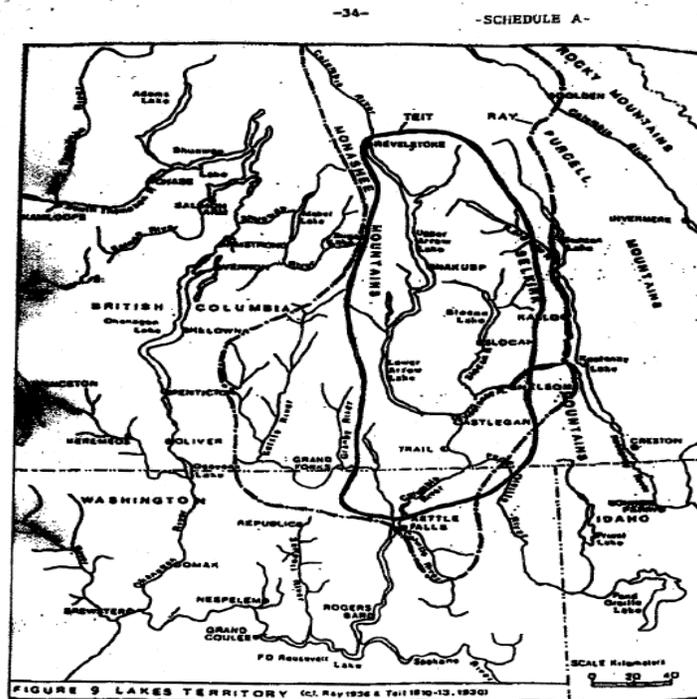
C. Sinixt Nation

General information regarding the Sinixt Nation (also known as the Lakes) is found in section 7 of the Filing. As discussed in section 7.2.1.4, the area around the Waneta Dam is also claimed by the Sinixt Nation. In 1902, a reserve was established for the Sinixt (identified by Indian Affairs as the “Arrow Lake Indian Band”) at a place called Oatscott on the west side of Lower Arrow Lake, about 12 kms south and across from Burton. In 1953, the last known member of the Arrow Lake Indian Band died and, in 1955, Indian Affairs declared the Sinixt Nation extinct. In 1956, Canada transferred the Arrow Lake Reserve to British Columbia.

The Sinixt remain unrecognized as a First Nation in Canada and neither the provincial nor federal government recognise the Sinixt First Nations interests. The Province has expressed the view that is not clear at this time that the Sinixt are “an aboriginal people of Canada” as referred to in section 35 of the *Constitution Act, 1982*. BC Hydro ARN has nevertheless notified the Sinixt of the Transaction and offered to engage in initial consultation with their representatives to ensure that any step to reconcile First Nation claims with BC Hydro’s objective that could be taken in connection with the Transaction was taken. BC Hydro ARN’s engagement with the Sinixt is not intended to signify any change in any position that the Province may have taken in other contexts.

(1) *Asserted Traditional Territory*

In 2008, the Directors of the Sinixt Nation Society, on behalf of the Sinixt Nation, issued a Writ of Summons seeking a declaration of Aboriginal title over an identified traditional territory. The map below outlines the area claimed by the Sinixt Nation.



(2) *Sinixt Asserted Aboriginal Rights*

The map of the Sinixt Nation's asserted territory includes the area around the Waneta Dam. This area is subject to overlapping claims by the ONA and the KKTC.

The following is an excerpt from the Sinixt website:

From the headwaters of the Columbia River north of Nakusp, to Kaslo in the West, Revelstoke in the East, and down into what is now known as Washington State, the Sinixt people lived in harmony with this land. They had extensive trade routes known as grease trails, traveled by foot and with sturgeon nosed canoes, lived in pit houses, hunted caribou, fished and gathered wild plants and medicines.

III. DESIGN AND IMPLEMENTATION OF THE CONSULTATION PROCESS WITH RESPECT TO THE TRANSACTION

A. General Objective and Approach

The primary objectives of the First Nations notification and initial consultation process were as follows:

- Provide First Nations with all appropriate and relevant information associated with the Transaction, so that the First Nations understand the nature of the Transaction and potential impacts;
- Receive input from First Nations on the Transaction;
- Identify how First Nations wish to be consulted on the Transaction;
- Understand potential adverse/beneficial impact on aboriginal interests; and
- Where First Nations are potentially adversely impacted by the Transaction, work with First Nations to identify possible strategies for avoidance or mitigation of impacts or to the extent that avoidance or mitigation of impacts is not possible, where appropriate discuss and develop other potential accommodation options with affected First Nations

Based on the review summarized in Part II, BC Hydro ARN determined that First Nation interests in the vicinity of the Waneta Dam have been claimed by ONA, KNC/KKTC and the Sinixt Nation. These groups, and their member First Nations, are herein referred to as the Schedule 7-2 First Nation groups.

In response to the Notices and follow-up communications undertaken by BC Hydro ARN (as described below), BC Hydro ARN was contacted by the Sinixt, ONA, the KNC, the Shuswap Indian Band, and the Upper Nicola Indian Band (UNIB). No other First Nation has sought individual consultation with BC Hydro ARN. The further consultation process to date with each of Sinixt, ONA, KNC, Shuswap and UNIB is described below in Section III C.

All consultation has been conducted by BC Hydro's Aboriginal Relations and Negotiation group (ARN) and consultants to it.

A team of aboriginal relations specialists has and will continue to carry out the consultation process for the Transaction. The specific activities of this team included:

- Sharing relevant information with the First Nations;
- Communicating and liaising with the First Nations;
- Documenting consultation activities and action items;
- Responding to concerns expressed by First Nations;
- Relaying and communicating on relevant issues to other BC Hydro team members to support effective response to First Nations; and
- Considering and, where appropriate, arranging accommodation of First Nation interests.

BC Hydro ARN's consultation and information sharing process have been documented in Records of Contact and Consultation Log attached hereto as Appendix A1. The information recorded and tracked includes:

- Methods of communication;
- Names of communication initiators, and recipients of communication as well as other participants in the consultation process;
- Details and summaries of consultation discussions;
- Concerns, issues and recommendations raised by First Nations; and
- Responses and commitments.

BC Hydro ARN has applied a number of consultation methods including compiling and communicating key information and documents on the Transaction; phone, fax, email and written correspondence with First Nations; coordination and participation in meetings and/or workshops with First Nations representatives; and visual presentations (PowerPoint) on the Transaction.

B. Notification and Initial Contact

This section outlines the general notification and initial contacts that have been made with all First Nations to date. Nation-specific consultation processes are provided in the individual First Nations sections within Section III C of this report.

- ***Initial Contact, June 17th, 2009:*** An introductory Letter on the Transaction was sent by BC Hydro ARN (via courier or express post) to all groups in Schedule 7-2. The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet)

with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the recipients to provide comments or express concerns pertaining to the Transaction.

- **June 18th, 2009:** A letter was sent by BC Hydro ARN to all Schedule 7-2 groups, along with signed copies of the Term Sheet. The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
- **July 17th, 2009:** a letter was sent to all Schedule 7-2 groups indicating that the Term Sheet was provided to the British Columbia Utilities Commission (BCUC) as an appendix to the BCUC filing made on July 6, 2009. The attachment to the letter (BCUC Order\G-88-09) summarized BCUC's procedural schedule in connection with review of the filing, including dates for intervention with BCUC and instructions whereby intervenors should file written submissions. The letter also indicated that BCUC's Procedural Order could be obtained from the BCUC website or alternatively provided by BC Hydro ARN and that any questions or concerns be addressed to the provided name and contact number.
- **June 17th – August 31st, 2009:** Throughout the latter half of June 2009 and throughout the months of July and August 2009, BC Hydro ARN made multiple phone calls to all Schedule 7-2 groups after each of the above correspondence was sent to inquire whether the correspondence was received, and provide further opportunity for First Nations to ask questions or raise concerns with respect to the Transaction. Where personal contact could not be made, a message was left describing the purpose of the call and the name of the BC Hydro ARN contact person and phone number, in case they wanted to call back. In cases where messages were left, at least one follow-up phone call was made in attempt to make direct contact and provide opportunity to First Nations to express issues or concerns.
- **August 31st, 2009:** A letter invitation was sent out by BC Hydro's regulatory team to all Schedule 7-2 First Nations groups notifying them that BC Hydro will be conducting a Workshop on the BC Hydro Acquisition from Teck Metals Ltd. Of an Undivided One-Third Interest in the Waneta Dam and Associated Assets and providing them with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.

- **September 2nd, 2009:** A letter was sent to all Schedule 7-2 groups indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.

C. Further Consultation to Date with the Sinixt, ONA, KNC, Shuswap Indian Band and the UNIB

Based on the initial consultation process outlined in Section III B, BC Hydro ARN has received responses from the ONA, UNIB, KNC, Shuswap Indian Band and Sinixt Nation. Details of further consultation with these groups are set out below. Multiple phone calls and other follow-up communications have been made by BC Hydro ARN to each First Nation. To date, no other member First Nations have contacted BC Hydro ARN with expressed issues or concerns. (Please refer to Appendix A1.)

(1) ONA

- **Letter from ONA July 20, 2009:** A letter was received by BC Hydro ARN from the ONA. The letter indicated that given the “Existing and ongoing impact of the Waneta Dam on the Okanagan Title and Rights”, the ONA expect that BC Hydro will commit to a process of deep consultation, with the ONA on this matter, and that to facilitate meaningful consultation, sufficient capacity funding will be made available. In the letter, the ONA also requested that BC Hydro meet with the ONA to discuss capacity funding and framework for meaningful consultation and accommodation process.
- **Meeting with ONA and BC Hydro August 10th, 2009:** BC Hydro met with the ONA. BC Hydro’s team included BC Hydro ARN representatives and a BC Hydro representative who was involved in the development of the Transaction and proposed co-ownership and operating agreement with Teck. The meeting objectives jointly determined by BC Hydro and the ONA were to:
 - Provide an overview of the Transaction, including the proposed purchase agreement, co-ownership and operating agreement, due diligence activities, benefits of the Waneta Dam purchase and BCUC’s filing schedule;
 - Identify and respond to questions, concerns potential impacts expressed by the ONA;
 - Discuss capacity funding and framework for meaningful consultation; and
 - Identify follow-up actions/responses.

During the meeting, a power point presentation on the Transaction was delivered by the BC Hydro ARN. The following questions were raised by the ONA pertaining to Transaction and the following responses were provided by BC Hydro:

Question from ONA Pertaining to the Transaction	Responses from BC Hydro
How water rights would be affected under the Transaction.	Teck currently holds the water rights for the Waneta Dam. Under the negotiated deal, BC Hydro would receive 1/3 of the water rights. This 1/3 water rights from Waneta would be removed from the Canal Plant agreement.
How water rent rates would be affected by the Transaction.	BC Hydro and Teck have different water rental rates, with Teck currently getting a significantly better rate than BC Hydro.
The revenue that will be generated from the energy produced by 1/3 acquisition of assets.	A number of different tariff prices exist, that vary by customer. The industrial rate is around \$30MWh, while the residential rate is higher - in the range of \$60MWh.
What other entity might consider purchasing the Waneta Assets from Teck.	Companies like Fortis, Trans Alta or any pacific northwest utility company could potentially be interested in purchasing the available Waneta Assets.
Whether Transaction was taken into consideration in BC Hydro's Long Term Acquisition Plan (LTAP).	Pending completion of the APA for the Transaction, the Waneta purchase will be included as an option in the next LTAP.

The following are key issues and concerns were brought forward by ONA during the August 10th meeting along with BC Hydro's responses:

Issues and Concerns by the ONA Pertaining to the Transaction	Responses from BC Hydro
ONA feels that the Transaction has adverse impacts on the ONA aboriginal Rights, including both past infringements as well as impacts into the future.	On August 14 th , BC Hydro informed the ONA by letter that BC Hydro was providing funding to assist the ONA to determine whether the proposed Transaction will affect the interests of the ONA and to support the ONA's engagement in the consultation process.
The ONA indicated a need to identify potential impacts of the Transaction, the ONA requires capacity funding.	

Issues and Concerns by the ONA Pertaining to the Transaction	Responses from BC Hydro
<p>The ONA indicated they will require associated funding in order to review and respond to information received from BC Hydro on the Transaction and to provide meaningful input to BC Hydro.</p> <p>(The ONA have registered as an Intervenor in the BCUC regulatory process for the Transaction).</p>	
<p>The ONA expressed concerns with the quick timelines pertaining to the Transaction. They indicated that the current timelines for the Transaction would make it difficult for the ONA to provide a position to the Tribal Councils and provide an adequate response to initiate and informed dialogue with BC Hydro.</p>	<p>BC Hydro explained the commercial aspects of the Transaction as those aspects affected the time available for consultation.</p>

- Letter from BC Hydro August 14, 2009:** BC Hydro ARN sent a follow-up letter to the ONA with responses to questions raised during the meeting which required further investigation by BC Hydro ARN. These questions were not directly related to the Transaction, and included a question on the potential changes to bio energy IPP rates and request for termination provisions associated with the Keenleyside Entitlement Agreement under which BC Hydro provides entitlement to the Arrow Lakes Hydro Project.
- Letter from BC Hydro August 14, 2009:** BC Hydro informed the ONA that BC Hydro will provide funding to assist the ONA to determine whether the proposed Transaction will affect the interests of the ONA and to support the ONA's engagement in the consultation process
- Phone Call from BC Hydro September 2, 2009:** BC Hydro confirmed that the ONA had received BC Hydro's letter from August 14th. The ONA indicated they were formulating a response to BC Hydro to be provided by letter.
- Letter from ONA September 9, 2009:** BC Hydro received a letter from the ONA (Grand Chief Stewart Phillip) identifying the ONA's interest in the Transaction. Grand Chief Phillip indicated that the historical affects of the Waneta Project as distinct from the physical impact of the proposed Transaction were of primary concern to the ONA. Grand Chief Phillip also indicated an interest in facilitated consultations moving forward.
- Letter from BC Hydro September 10, 2009:** BC Hydro ARN provided the ONA with a follow-up letter, informing them that any information regarding potential adverse effects, including any physical or non-physical impacts, arising from the proposed

Transaction, received by BC Hydro ARN by September 15, 2009 would be considered in the course of determining whether to enter into the APA on September 22, 2009.

- ***Letter from BC Hydro September 15, 2009:*** BC Hydro responded to Grand Chief Stewart Phillip confirming that BC Hydro was committed to consultation and that it was being carried out under the direction BC Hydro ARN.
- ***Letter from ONA September 15, 2009:*** BC Hydro ARN received a letter from the ONA indicating it intended to provide more information to BC Hydro ARN on September 18, 2009 in connection with the Transaction.
- ***Letter from ONA dated September 9, 2009 (received September 16, 2009):*** ONA indicated that it believed the ONA will be adversely affected by the proposed Transaction and advised BC Hydro ARN that it was accepting the capacity funding from BC Hydro ARN.
- ***Letter from BC Hydro September 15, 2009:*** BC Hydro ARN indicated that it is committed to appropriate consultation with Aboriginal groups in connection with the Transaction. BC Hydro ARN indicated that it accepted that further discussion with the ONA after September 22, 2009 may be appropriate if BC Hydro decided to proceed with the Transaction. In particular, BC Hydro ARN requested further information in respect of the ONA's expressed concerns regarding flooding, effects on fish, wildlife and habitat and appropriation of water for hydroelectric purposes. BC Hydro ARN also indicated a willingness to consider facilitated consultation. In addition, BC Hydro ARN indicated that all consultations would need to be completed by November 18, 2009.
- ***Letter from BC Hydro September 17, 2009:*** BC Hydro ARN indicated, in response to the letter dated September 15, 2009, that information received after September 15, 2009 may not receive full consideration in the context of its decision to enter into the APA but, to the extent it does not, would be fully considered in connection with any ongoing consultation process with regard to the Transaction.

The consultation process with the ONA and its correspondence was largely concerned with historical, current and future infringements of their Aboriginal rights and title arising from the existing generation facilities. These concerns were expressed during the meeting with ONA, and in letter correspondence by the ONA as reflected in the Consultation Log. The assertion of aboriginal rights and title was at a high level (applying to the entire territory). No specific asserted aboriginal interests in the vicinity of the Waneta Dam have been identified by the ONA during the course of consultation or in material BC Hydro ARN has been able to review to date. Nor have specific past or potential future impacts of the Waneta Dam operations to the ONA's asserted Aboriginal rights and title been brought forward.

The ONA have requested funding to assist in determining whether the Transaction will affect their interests. BC Hydro ARN has provided capacity funding for this purpose, as well as to support the ONA's engagement in the consultation process for the Transaction. BC Hydro ARN will continue to consult with the ONA to discuss and communicate timelines for receipt of this

information if it enters into the APA and identify whether closing the Transaction is consistent with the honour of the Crown.

(2) *UNIB*

- ***Phone Call from BC Hydro June 29, 2009:*** BC Hydro ARN contacted the UNIB (Chief Tim Manuel) to notify them that a Term Sheet has been sent providing details of the Transaction and to identify any questions or concerns that the UNIB had pertaining to the Transaction. Chief Manuel indicated that the approach the UNIB will take to consultation in respect of the Transaction will be influenced by the UNIB's unhappiness with the consultation approach BC Hydro has taken on other projects. During this call, BC Hydro ARN stated that it was ready to meet with the UNIB to further discuss their concerns and issues.
- ***Phone Call from BC Hydro July 9, 2009:*** BC Hydro left a voicemail message with UNIB (Chief Manuel) indicating that BC Hydro ARN is available to meet with the UNIB at their convenience to discuss their concerns and issues with the Transaction.
- ***Phone Call from UNIB July 10, 2009:*** Chief Manuel left a voicemail message for BC Hydro ARN stating that there is a technical body working with him on the Transaction information. Chief Manuel advised that BC Hydro ARN contact Jay Johnson (Advisor to the UNIB) to discuss the Transaction.
- ***Phone Calls from BC Hydro ARN July 13, July 15 and July 20, July 21, July 27, July 29, 2009:*** BC Hydro ARN left voicemail messages on these dates with Jay Johnson to discuss the Transaction, as requested by Chief Manuel.
- ***Phone Call from UNIB Advisor July 20, 2009:*** Jay Johnson left a voicemail message for BC Hydro ARN indicating that the UNIB have requested a meeting with BC Hydro ARN to discuss the Transaction. BC Hydro ARN attempted three times to return his call after this message (July 21, July 27 and July 29, 2009), and left voicemail message. BC Hydro ARN did not receive a call back from Jay Johnson.
- ***Phone Call from BC Hydro ARN July 27, 2009:*** BC Hydro ARN left a voicemail message for UNIB (Chief Manuel) asking if he could confirm that he had received BC Hydro ARN's letter to him dated July 17th, 2009, stating that BC Hydro has filed an application to the BCUC for the acquisition of 1/3 interest of the Waneta Dam. BC Hydro ARN's message also stated that BC Hydro ARN is ready to meet with the UNIB to discuss issues and concerns regarding the Transaction
- ***Phone call from BC Hydro ARN July 29, 2009:*** BC Hydro ARN left a voicemail message for UNIB (Chief Manuel), indicating that BC Hydro ARN had left multiple messages with Jay Johnson to discuss the Transaction.
- ***Phone Call from UNIB July 29, 2009:*** Chief Manuel phoned BC Hydro ARN back, stated that the UNIB has outstanding issues with BC Hydro on the ILM Project, and that they are considering intervening in the Transaction process. BC Hydro ARN informed Chief Manuel that BC Hydro ARN has been consulting with the ONA on

the Transaction and is in the process of scheduling a meeting with the ONA at their request. Chief Manuel indicated he would contact the ONA.

- **Phone Call from UNIB August 5, 2009:** Chief Manuel phoned BC Hydro ARN stated he would attend the August 10th meeting with the ONA and BC Hydro to discuss the Transaction.
- **Email and letter from BC Hydro ARN August 5th, 2009:** BC Hydro ARN sent a letter and email to Chief Manuel outlining the proposed meeting agenda for the August 10th, 2009, for his review and comment.
- **August 10th, 2009:** Upon BC Hydro ARN's arrival for the scheduled ONA/UNIB meeting at the ONA's office, Pauline Terbasket (Executive Director of the ONA) told BC Hydro ARN that the UNIB had informed her that they were not able to attend the scheduled August 10th meeting with BC Hydro ARN and the ONA due to a death in their community.
- **Phone Call from BC Hydro ARN September 2, 2009:** BC Hydro ARN left a message with the UNIB requesting the opportunity to discuss the Transaction, and reschedule a meeting if they so wished. BC Hydro ARN also indicated that a meeting was held with the ONA on August 10, 2009 and that BC Hydro ARN was continuing to engage in consultation with the ONA.

The consultation process with the UNIB and its correspondence was dominated by the UNIB's concern that the consultation process for the Transaction to address what the UNIB characterizes as a lack of consultation and accommodation by BC Hydro on other projects, such as the ILM Project. These concerns were expressed during phone correspondence with the UNIB, as reflected in the Consultation Log. No specific asserted aboriginal rights in the vicinity of the Waneta Dam were identified. BC Hydro ARN has contacted the UNIB to discuss the opportunity to reschedule a meeting with UNIB to discuss UNIB's issues or concerns with the Transaction. To date, a meeting has not been successfully rescheduled. BC Hydro ARN will continue to consult with the UNIB to re-schedule the August 10th meeting (and any follow-up meetings if requested by UNIB) with BC Hydro ARN if the UNIB so desire, to further discuss their concerns or issues with the Transaction. BC Hydro ARN will also continue to consult with the UNIB to discuss and communicate timelines for entering into the APA and identify whether closing the Transaction is consistent with the honour of the Crown.

(3) *KNC*

- **Phone Call from KNC on June 24, 2009:** A phone call was received by BC Hydro ARN from Bill Green (CCRIFC Director, KNC), in which he indicated his understanding that during the Waneta Expansion Environmental Assessment process, there was a condition written into the EA Certificate with respect to water use planning for the Pend d'Oreille River system. Mr. Green indicated that the Ktunaxa Nation is considering asking about the development of an integrated water use plan (WUP) for the Seven Mile Project and Waneta Dam facilities. Mr. Green stated this is an important issue for the KNC and one that was raised in the Waneta Expansion project. The Ktunaxa would like to discuss this with BC Hydro ARN.

- ***Phone Call from BC Hydro ARN July 9, 2009:*** BC Hydro ARN phoned KNC (Mr. Green) and indicated that BC Hydro ARN would like to arrange a meeting with the KNC to discuss the KNC's expressed concerns pertaining to the Transaction. Mr. Green stated the KNC's concerns include seeking a commitment from BC Hydro ARN – as owner of the Seven Mile project and potential part owner of the Waneta Dam – to develop an integrated WUP for the Pend d'Oreille River system; and as an additional accommodation, seeking a share in the incremental revenues to BC Hydro (and/or the BC government) arising from BC Hydro's 1/3 share in the Waneta Dam.
- ***KNC to BC Hydro ARN July 9, 2009:*** Mr. Green from the KNC emailed BC Hydro ARN, providing a number of background documents, including:
 - Letter dated October 24, 2006, from the Columbia Power Corporation to Ministry of Environment providing further comments to the pending decisions related to the acceptance of the Seven Mile WUP;
 - Letter dated December 19, 2005 from the Ministry of Environment to BC Hydro, the Columbia Power Corporation and Teck regarding the Future Review of the Seven Mile WUP. The letter states that a review of the WUP is recommended within 10 years of implementation. The letter also outlines that the WUP recommends an earlier review if significant changes occur to either upstream or downstream facilities or operations, or if significant water use issues become known;
 - The Environmental Assessment Certificate document #E07-04 pertaining to the Waneta Expansion Power Project.

The email from Mr. Green containing these documents also:

- made reference to commitment Number 9 in this document which states that:

“The proponent (Waneta Expansion Power Corporation) must participate to the satisfaction of the Comptroller in Water Use Plans and Plan revisions, involving all power licences on the Pend d'Oreille River in British Columbia.”
- Indicated KNC is seeking a commitment from BC Hydro (as owner of the Seven Mile Project and potential partial owner of the Waneta Dam) to develop an integrated WUP for the Pend d'Oreille River; and
- Indicated KNC is seeking a share in the incremental revenues to BC Hydro (and/or the BC Government) arising from the 1/3 share of the Waneta Dam assets.
- ***Meeting with KNC and BC Hydro on July 23rd, 2009:*** BC Hydro' team included Aboriginal Relations representatives and a BC Hydro member who was involved in the development of the Transaction and proposed co-ownership and operating agreement with Teck. The meeting objectives jointly determined by BC Hydro and the KNC were to:

- Provide an overview of the Transaction, including the proposed purchase agreement, co-ownership and operating agreement, due diligence activities, benefits of the Waneta Dam purchase and BCUC’s filing schedule;
- Discuss preferred consultation protocols;
- Identify and respond to the questions, concerns potential impacts expressed by the KNC; and
- Identify follow-up actions/responses.

During the meeting, a power point presentation on the Transaction was delivered by BC Hydro ARN. The following questions were raised by the KNC pertaining to Transaction and the following responses were provided by BC Hydro—either during the meeting and/or with a follow-up letter (dated August 5th):

Questions from KNC Pertaining to the Transaction	Responses from BC Hydro
Why is BC Hydro implementing this deal with Teck?	BC Hydro has been looking at alternatives for sourcing energy and capacity to meet domestic energy needs. For Teck the sale of the full asset was not an option, rather 1/3 of the asset has been made available, with Teck retaining control over the remainder of the asset. Purchase of 1/3 of the Waneta Dam assets would provide BC Hydro with existing, clean energy to serve BC’s needs.
Is the Transaction a filing with BCUC for a CPCN?	This is not a filing for a CPCN Applications. Rather BC Hydro is seeking BCUC acceptance that the Waneta Dam expenditures are in the public interest.
Is BC Hydro going to bring the operating standard of Waneta Dam up to BC Hydro standards?	Teck would be required to manage and operate the dam to all applicable laws and regulations, and to prudent owner and good utility practices. Through BC Hydro’s due diligence, BC Hydro is determining whether the asset is well operated and maintained. As BC Hydro would be a minority owner under this Transaction, BC Hydro would not have the ability to impose any activity on Teck that would not be required by laws and regulations or by the prudent owner and good utility practice standards.
Does 2/3 of Waneta Dam generation provide what is needed for Teck’s Trail smelter?	Teck would keep enough of the generation under the Transaction to supply the needs of the smelter. If there is excess generation that Teck does not require, BC Hydro would have first right of refusal for purchase.

<p>Questions from KNC Pertaining to the Transaction</p>	<p>Responses from BC Hydro</p>
<p>Were the Waneta Dam acquisition, Mica 5/6 and Revelstoke 5/6 all taken into consideration in BC Hydro's forecast that additional capacity will be required by F2021?</p>	<p>This forecast assumes only Revelstoke 5 capacity is in place.</p>
<p>Will the transfer of licences and the associated transfer of land associated with the Transaction trigger requirements for First Nations consultation, as with the <i>Haida</i> Case?</p>	<p>The transfer of water licences happens automatically by operation of the law when the lands, to which the licenses issued by the Water Controller are appurtenant, are transferred. Because the Water Controller has no discretion, there is not a decision that triggers a consultation obligation.</p>
<p>What will the rate of return be on the \$825 Million investment?</p>	<p>BCH assessed the investment by comparing costs of a supply portfolio that included Waneta, to a portfolio where Waneta was replaced by other resources, such as new IPP projects. The BCUC filing that shows that the difference in net present value costs between the two portfolios (with and without Waneta) is in the order of \$140M - \$240M in favour of the portfolio with Waneta, depending on various combinations of gas market prices and cost of green house gas adders.</p>
<p>What is the sale value of the power that would be purchased under this Transaction?</p>	<p>A number of different tariff prices exist, that vary by customer. The industrial rate is around \$30MWh, while the residential rate is higher - in the range of \$60MWh.</p>
<p>Under the Canal Plant Agreement there are entitlements – how is this going to be handled?</p>	<p>BC Hydro is still considering revision requirements to the Canal Plant Agreement, however, the principle is that under this agreement, the energy and capacity entitlements to Teck would be reduced by 1/3.</p>
<p>KNC understands that BCUC now has the responsibility of determining if First Nations consultation has been adequate or not – is this the case? Does BCUC have the knowledge to do this? Have they taken steps to better understand the First Nations issues?</p>	<p>BC Hydro ARN confirmed that it is BCUC's role to determine the adequacy of consultation, and if adequate steps have been taken for First Nations consultation.</p>
<p>What First Nations is BC Hydro consulting with for the Transaction?</p>	<p>BC Hydro showed KNC the list of First Nations included in the BCUC filing.</p>

Questions from KNC Pertaining to the Transaction	Responses from BC Hydro
<p>Within the context of the Transaction, are BC Hydro's and Teck's Sturgeon Conservation Agreements with the Department of Fisheries and Oceans (DFO) harmonized and deemed not in conflict?</p>	<p>No conflicts have been identified with the Sturgeon Conservation Agreements at this time. BC Hydro's Sturgeon Conservation Agreement is still in draft form. The discussions with DFO and BC Hydro are on hold pending contemplation of a recovery strategy, and discussions are expected to continue in the fall of 2009. The KNC would need to address any related questions with respect to Teck's dealings with DFO directly to Teck.</p>
<p>Will BC Hydro provide a source of funding to the KNC as an Intervenor in the Waneta Dam regulatory Process?</p>	<p>BC Hydro provided the BCUC Participant Cost Guidelines to the KNC, and stated that these provide cost awards for registered intervenors in BCUC proceedings. As a practical matter, these awards are funded through BC Hydro. BC Hydro does not provide funding for the hearing process in excess of that provided in these Guidelines.</p>

The following are key issues and concerns brought forward by the KNC during meeting, phone calls and emails correspondence with the KNC, along with BC Hydro's response.

Issues and Concerns Identified by the KNC Pertaining to the Transaction	Responses by BC Hydro
<p>Past and potential future impacts of the operations of the existing Waneta Dam facilities on fishery resources and fisheries restoration efforts being implemented by the KN as well as historical footprint issues - such as loss of archaeological and traditional sites.</p>	<p>On August 18th, BC Hydro informed the KNC by letter that BC Hydro was providing funding to assist the KNC to determine whether the proposed Transaction will affect the interests of the KNC and to support the KNC's engagement in the consultation process.</p>
<p>The KNC/KKTC are seeking a commitment from BC Hydro – as owner of the Seven Mile project and potential part owner of the Waneta Dam –in the development of a WUP for Pend d'Oreille System to address footprint and fisheries impacts and salmon restoration from cumulative dam operations including Waneta.</p>	<p>Within the course of the July 23rd meeting, BC Hydro explained that a review of the Seven Mile WUP may be required in two years time - if flow changes occur as a result of the Boundary Dam - to identify potential effects on the Waneta Dam and Seven Mile facilities. Therefore in BC Hydro's view no review was required at this time.</p>
<p>As an additional accommodation, seeking a share in the incremental revenues to BC Hydro (and/or the BC government) arising from BC Hydro's 1/3 share in the Waneta Dam.</p>	<p>Revenue sharing is an issue for Treaty discussions or other forums with the Province or with the Ministry of Energy, Mines and Petroleum Resources. BC Hydro emphasized that revenue-sharing is outside of BC Hydro's current mandate.</p>

Issues and Concerns Identified by the KNC Pertaining to the Transaction	Responses by BC Hydro
Formalization of the BC Hydro Ktunaxa Nation Framework Agreement.	BC Hydro ARN contacted the KNC by letter in August 8 th , 2009 to provide an update on the Framework Agreement and proposed next steps. A meeting has been scheduled with BC Hydro ARN and the KNC for September 21 to discuss the Framework Agreement negotiations.
KNC inquired if BCUC funding to intervenors was deemed not enough to cover the full costs of KNC's participation as an intervenor to the BCUC regulatory process, could BC Hydro considering provision of additional funding.	BC Hydro has provided KNC/KKTC information on availability of funding for the KNC/KKTC to engage as an intervenor in the BCUC regulatory process. (KNC has registered as an intervenor in the BCUC regulatory process).

- **Letter from BC Hydro ARN August 5, 2009:** BC Hydro provided further responses to questions raised by the KNC at the July 23rd meeting with BC Hydro on the Waneta Transaction
- **Letter from BC Hydro ARN August 18, 2009:** BC Hydro ARN provided funding to the KNC to determine whether the proposed Transaction will affect the interests of the KNC and to support KNC engagement in the consultation process.
- **Letter from BC Hydro ARN September 10, 2009:** BC Hydro ARN provided the KNC with a follow-up letter, informing them that any information regarding potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, received by BC Hydro ARN by September 15, 2009 would be considered in the course of determining whether to enter into the APA on September 22, 2009.
- **Email from KNC September 11, 2009:** KNC thanked BC Hydro ARN for their proposed funding assistance, and requested clarification and confirmation by BC Hydro ARN that this funding is to be used to identify impacts of the proposed Transaction on Ktunaxa interests and to support negotiations between the KNC and BCH on possible measures to address these impacts. The KNC also requested an extension to Wednesday, Sept. 16th for receipt of their submission to BC Hydro ARN in response to BC Hydro ARN's Sept. 2nd and September 10th, 2009 request.
- **Email from BC Hydro ARN September 11, 2009:** BC Hydro ARN responded to KNC's email stating that the proposed funding assistance is to be used to identify impact of the Transaction on KNC's interests and support KNC engagement in the consultation process. BC Hydro ARN confirmed that September 16th was acceptable for receipt of the KNC's submission.
- **Letter from KNC September 16, 2009:** KNC communicated its interests which relate to the proposed Transaction. Enclosed with this letter was a copy of a report marked "Confidential" dated September, 2006. In order to respect the confidentiality of this

report, BC Hydro ARN has chosen not to summarize or to discuss in this report the contents of the September 2006 report. However, BC Hydro ARN has considered the contents of this report in coming to the views expressed below in Part 5 of this report.

BC Hydro ARN's consultation process to date with the KNC and its correspondence was dominated by the KNC's concerns that the consultation process for the Waneta Dam needs to address what the KNC characterize as past and potential future impacts arising from the existing Waneta Dam facilities - as well as other generation facilities owned by BC Hydro in the Pend d'Oreille River system. Expressed concerns focused on the loss of fishery resources - as a traditional resource for the Ktunaxa - and impacts of the Waneta Dam in impeding ongoing plans for fish restoration as a result of the existing dam facilities in the including the Waneta Dam. Other concerns raised were historical footprint issues - such as loss of archaeological and traditional sites. These concerns were expressed during the meeting, and in phone-calls and email correspondence between KNC and BC Hydro ARN.

Other than general statements pertaining to the asserted loss of fishery resources and asserted impacts to fish restoration efforts, no specific impacts in the vicinity of the Waneta Dam have been identified by the KNC during the course of consultation to date.

(4) *Shuswap Indian Band (SIB)*

- ***Phone call from BC Hydro ARN June 18, 2009:*** The SIB confirmed that they received the introductory letter dated June 17, 2009 indicating that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. Dean Martin from the SIB stated that a meeting will likely be requested by the SIB to discuss concerns they have pertaining to the change in partial ownership of the Waneta Dam, and what it may trigger in relation to past consultation and accommodation agreements.
- ***Phone call from BC Hydro ARN July 9, 2009:*** BC Hydro ARN stated they are prepared to arrange a meeting with BC Hydro ARN and SIB to discuss questions or concerns the SIB may have with the Transaction. The SIB requested a fax be sent proposing a meeting and potential meeting dates, whereby the SIB will respond to BC Hydro ARN identifying a preferred date.
- ***Letter Faxed by BC Hydro ARN to SIB, July 10, 2009:*** As requested by SIB, BC Hydro ARN faxed a letter to SIB proposing BC Hydro ARN's availability to meet with SIB.
- ***Follow up Fax from BC Hydro ARN to SIB, July 18, 2009:*** BC Hydro ARN faxed a second letter to SIB proposing BC Hydro ARN's availability to meet with the SIB.
- ***Letter, email and phone Correspondence between BC Hydro ARN and SIB, July 27 - August 4th, 2009:*** Ongoing communications to identify and confirm a meeting date.
- ***August 6, 2009:*** BC Hydro ARN met with the SIB. The identified objectives of this meeting were to:

- Provide an overview of the Transaction, including the proposed purchase agreement, co-ownership and operating agreement, due diligence activities, benefits of the Waneta Dam purchase and BCUC’s filing schedule;
- Discuss preferred consultation protocols;
- Identify and respond to questions, concerns potential impacts expressed by the Shuswap Indian Band; and
- Identify follow-up actions.

During the meeting, BC Hydro ARN presented an overview summary of the Transaction to the SIB. The following questions were raised by the SIB pertaining to Transaction and the following responses were provided by BC Hydro:

Questions from the Shuswap Indian Band and to the Transaction	Reponses from BC Hydro
Did Teck not need 1/3 of the power generated from the Waneta Dam?	The Transaction would result in BC Hydro obtaining the benefit of 1/3 of the power generated. Teck requires 2/3 of the energy generated from the Dam to economically run their Trail smelter.
Is BC Hydro’s forecasted 2021 capacity requirements specified for the entire province?	The 2021 capacity requirement is for the province as a whole
What might the potential impacts be from the Waneta Dam Expansion Project (WEP), as a project in close proximity to the Waneta Dam?	The WEP was a development project separate from the BC Hydro/Teck Transaction. Potential impacts from the Waneta Dam expansion project would be considered separately through the Environmental Assessment and WEP consultation process.

The following key issues and concerns were brought forward by the SIB during the August 6th meeting along with BC Hydro’s responses:

Issues and Concerns by the Shuswap Indian Band to the Transaction	Reponses from BC Hydro
The SIB are not against the Waneta Dam acquisition as long as potential impacts pertaining to the existing Waneta Dam facility are addressed	On August 18 th , BC Hydro ARN informed the Shuswap Indian Band by letter that BC Hydro ARN was providing funding to assist the

Issues and Concerns by the Shuswap Indian Band to the Transaction	Reponses from BC Hydro
<p>The SIB do not know if there was traditional use in the area of the Waneta Dam. This information is important to determine potential historical as well as future impacts of the Waneta Dam facility. The SIB have a Traditional Use Study of their territory and suggested this be supplemented with an overview assessment of the Waneta Dam area. The SIB would share the results of these studies with BC Hydro through consultation, and would look to accommodation for any identified impacts.</p>	<p>Shuswap Indian Band to determine whether the proposed Transaction will affect the interests of the Shuswap Indian Band and to support the Shuswap Indian Band's engagement in the consultation process.</p>
<p>SIB will require funding to engage in effective consultation to meet aggressive time frames for the Transaction.</p>	
<p>Revenue sharing from BC Hydro's 1/3 share in the Waneta Dam.</p>	<p>Revenue sharing is an issue for Treaty discussions or other forums with the Province or with the Ministry of Energy, Mines and Petroleum Resources. BC Hydro emphasized that revenue-sharing is outside of BC Hydro's current mandate.</p>
<p>The short timeline pertaining to the Transaction and the concern that it will be difficult for BC Hydro to implement and the SIB to effective engage in consultation given this timeline.</p>	<p>BC Hydro explained the commercial aspects of the Transaction as those aspects affected the time available for consultation.</p>
<p>SIB would like to send BC Hydro a letter stating their concerns and a time frame for further consultation to discuss potential historic and future impacts pertaining to the existing Waneta Dam facilities.</p>	<p>BC Hydro ARN invited but has not yet received a letter from the SIB.</p>

- **Letter from BC Hydro August 18, 2009:** BC Hydro ARN provided funding to the SIB to determine whether the proposed Transaction will affect the interests of the SIB and to support engagement in the consultation process.
- **Email and Phone Call from BC Hydro September 2, 2009:** BC Hydro ARN left a voicemail and email message with the SIB asking if the SIB received the letter from BC Hydro dated August 18, 2009 and to provide the opportunity to futher discuss issues or concerns that the SIB have pertaining to the Waneta Transaction.
- **Letter from BC Hydro September 10, 2009:** BC Hydro ARN provided the SIB with a follow-up letter, informing them that any information regarding potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, received by BC Hydro ARN by September 15, 2009 would be considered in the course of determining whether to enter into the APA on September 22, 2009.

The consultation process with the SIB was dominated by the SIB's concerns that the consultation process for the Waneta Dam needs to address what the SIB characterize as identification and potential accommodation pertaining to potential past, current and future impacts of the existing Waneta Dam facility. The SIB identified a lack of available information on their traditional use in the area of the Waneta Dam, and a desire to gather traditional use and other aboriginal interest information to identify potential impacts from the Waneta Dam facilities. They also identified a need for and requested funding to gather this information. No specific asserted aboriginal rights or interests in the vicinity of the Waneta Dam were identified during the consultation process.

BC Hydro ARN has offered capacity funding to the SIB to identify potential impacts of the proposed Transaction on the interests of the SIB and to support their engagement in the consultation process. BC Hydro ARN is continuing to consult with the SIB to discuss and communicate timelines for receipt of this information if it enters into the APA and identify whether closing the Transaction is consistent with the honour of the Crown.

(5) *Sinixt Nation*

- ***Phone Call from Sinixt Nation August 19th, 2009:*** David Aaron (legal counsel for the Sinixt) left a voicemail message with BC Hydro ARN requesting the opportunity to discuss timelines of the Transaction.
- ***Phone Call from BC Hydro ARN August 19th, 2009:*** Mr. Aaron enquired if there was time for the Sinixt Nation to engage in the Transaction consultation process. BC Hydro ARN advised that the BCUC procedural conference had occurred on August 17th, 2009, and that information on BCUC's procedural timelines could be found on BCUC's website. When asked if the Sinixt Nation were planning on participating in the BCUC process (as officially the registration for the intervenors had already passed) Mr. Aaron stated the Sinixt were not looking to be intervenors, but would like to be further consulted. The Sinixt will send a letter to BC Hydro ARN with reasons for their request to engage in consultation and what type of accommodation they would be looking for. BC Hydro ARN suggested that BC Hydro ARN schedule a meeting with the Sinixt Nation once the letter was received.
- ***Letter from Sinixt Nation Legal Counsel, September 7th, 2009:*** This letter to BC Hydro stated that even though the purchase of the Waneta Dam by BC Hydro would be neutral from an operational standpoint, the purchase would not be neutral in relation to the Sinixt Nation's aboriginal rights, reconciliation and accommodation. Referencing publicly available information on the Sinixt's traditional use of the Waneta Dam area, the letter suggested to BC Hydro, the following compensation mechanisms:
 - Archaeological field Study Support – and land tenure or ownership - in relation to BC Hydro's properties on the Slocan River, Kootenay River and Columbia River. Establishment of a land trust and conservancy to benefit the Sinixt people was also suggested;
 - Tourism/Educational Delivery Stations, and associated research and development and program maintenance funding for these geographical areas; and

- Cash Compensation as part of BC Hydro's fulfillment of its duty to consult in the context of the Transaction.

The letter stated it was looking forward to working with BC Hydro on reconciliation with the Sinixt Nation.

- **Letter from BC Hydro, September 15th, 2009:** BC Hydro indicated that it would consider the issues raised in the letter of September 7, 2009 in the context of its decision to enter into the APA and indicated that it accepted that further discussion with the Sinixt after September 22, 2009 may be appropriate if BC Hydro decided to proceed with the Transaction. In addition, BC Hydro indicated that all consultations would need to be completed by November 18, 2009.

IV. ANALYSIS OF STRENGTH OF CLAIM AND EXTENT OF IMPACTS IDENTIFIED TO DATE

A. Introduction

Given the overlapping claims to the area and given the broad assertions of rights and title by various Aboriginal groups, BC Hydro ARN has also considered some publicly available reports and information provided by Teck in response to due diligence inquiries to see if there was additional insight to be gained regarding the strength of claim of the various groups.

One such source of information was the publicly available reports, filed with the Environmental Assessment Office (EAO), prepared by the proponents of the Waneta Expansion Project and the Brilliant Expansion Project. In addition, the submissions to the EAO made by various Aboriginal groups in respect of these projects were reviewed to the extent they were publicly available. Further, the reports of the Environmental Assessment Office on the Waneta Expansion and Brilliant Expansion Projects were also reviewed. BC Hydro ARN also reviewed material prepared in relation to the Seven Mile Unit 4 Project. A brief summary of some of the most relevant material follows.

(1) Bastion (1999)

In March 1999, The Bastion Group, Heritage Consultants (Bjorn O. Simonsen, archaeologist) prepared a report entitled "Archaeological Impact Assessment Investigations Related to the Seven Mile Unit 4, Project Pend d'Oreille River, BC" for BC Hydro (hereinafter "Bastion (1999)") in which it studied potential project impacts of the addition of incremental generating capacity at the existing Seven Mile Dam and generating facility on the archaeological resources of a discrete portion of the Pend d'Oreille River valley lying between the Waneta Dam and generating facility and the Seven Mile Dam.

Based on preliminary archaeological impact assessments for the Seven Mile Unit 4 project and other ethnographic studies, the Bastion report concludes that the lower Pend d'Oreille River valley was likely used as a travel corridor and as a place for hunting deer, and an important fishery for trout, whitefish and char, although no village or camp locations are documented for the lower Pend d'Oreille River (Bastion (1999), at p.5). The results of past Seven Mile area archaeological investigations suggest a cultural occupation sequence beginning about 2000 years ago and continuing up to the period of contact between First Nations people and Eurocanadians,

characterized by seasonal temporary camps used for some food consumption and preparation and for artifact modification (Bastion (1999), at p.7). While the preliminary impact assessment report for the Seven Mile Unit 4 project identified a number of areas as having a potential for the presence of archaeological remains and recommended further detailed archaeological investigations be carried out, no actual sites were found in the course of the preliminary survey, and no previously documented archaeological resources had been identified in the Waneta reservoir prior to that time (Bastion (1999), at p.8).

The archaeological investigations carried out by the Bastion Group examined 14 separate locations within the Waneta Reservoir area thought the most likely to contain archaeological remains (Bastion (1999), at p.12). These examinations (including shovel tests) of the identified locations revealed no evidence of either surface or subsurface archaeological remains, sites or features at any of these locations however (Bastion (1999), at p.22). While the report identifies the possibility that numerous post-contact altering activities within the Waneta area could have destroyed archaeological remains that may have existed previously, the authors emphasize the complete lack of archaeological remains in the area, and the inability of the Waneta Reservoir topography to have supported large groups of people, whether in a village aggregation or in a series of small camp sites situated along the river shore (Bastion (1999), at p.22). On this basis, the report concludes that no additional archaeological investigations within the Waneta Reservoir were warranted (Bastion (1999), at p.23).

(2) *Bouchard and Kennedy (2000/2005)*

In June 1999, Columbia Power Corporation commissioned a report from R. Bouchard and D. Kennedy entitled “First Nations’ Ethnography and Ethnohistory in British Columbia’s Lower Kootenay/Columbia Hydropower Region”. The report was produced in August, 2000, and subsequently the authors revised and updated the report in April, 2005 (hereinafter “Bouchard and Kennedy (2000/2005)”). This study includes, *inter alia*, the known available ethnographic and ethnohistoric information pertaining to the Pend d’Oreille River. In the report, the authors review and discuss places of cultural significance to, *inter alia*, the Okanagan, Kutenai [Ktunaxa] and Lakes.

In respect of the Pend d’Oreille River mouth/Waneta area, Bouchard and Kennedy identify the area as falling within the Lakes territory (and outside the territory of the Northern Okanagan and Kutenai [Ktunaxa]). (See for example the Lakes/Okanagan map at page 5, Figure 5, reproduced from the Smithsonian Institution, 1998, Handbook of North American Indian, Vol. 12, Plateau (Northern Okanagan, Lakes, and Colville) and the Kutenai maps reproduced at pages 8, 10 and 11.)

Bouchard and Kennedy state that the Pend d’Oreille River mouth was known in as “*nkwlila7*” which refers to a Lakes settlement formerly located at the mouth of the Pend d’Oreille River, and more generally to the lower area of this river as well. No one has lived at the village site since before 1900. (Bouchard and Kennedy (2000/2005), pp. 143-44.)

In respect of the lower Pend d’Oreille River, Bouchard and Kennedy state:

“The lower Pend d’Oreille River/Salmo river region is remote. The lands adjacent to these river valleys are rugged, steep and heavily forested. Moreover

while access to this region is possible from the west (up from the mouth of the Pend d'Oreille River), from the south (coming down the Pend d'Oreille), and from the north (through the Cottonwood Creek Valley south of Nelson), the available evidence indicates that historic travel along these avenues of access was difficult.

Before the construction of the Waneta and Seven Mile Dams, the lower Pend d'Oreille River was a very rugged highway. It was extremely rough, with lots of rapids, both in the stretch above the Pend d'Oreille's mouth which would affect travel from the west, and in the parts farther upriver, which would have affected travel from the south. The journey from the south appears to have been particularly difficult. Canoe travel was impossible and the recorded information indicates that people coming into this area from that direction had to walk along a treacherous trail said to be impassable to horses. The route from the north was over a range of mountains, and if it was much used traditionally, evidence of this does not appear to have survived." (Bouchard and Kennedy (2000/2005), p. 179.)

The area of the Salmo River (beyond Seven Mile Dam) was used by some Native people in order to get the salmon that ran up the Salmo River. However, Bouchard and Kennedy state:

"...the lower Pend d'Oreille/Salmo River region does not appear to have been used extensively by any Native group. (Bouchard and Kennedy (2000/2005), p. 179)

The ethnohistoric data is almost entirely bereft of references to Native people using this area..." (Bouchard and Kennedy (2000/2005), p. 181)

In reviewing the ethnographic data on the lower Pend d'Oreille River and Salmo River, Bouchard and Kennedy state:

"A limited amount of ethnographic information has been recorded about the traditional Lakes (*sngaytskstx*) use of the Salmo River and lower Pend d'Oreille River valleys. Significantly, no Lakes place names have been recorded for the Salmo River/Lower Pend d'Oreille River region, other than the Native name for the settlement at Waneta at the mouth of the Pend d'Oreille..." (Bouchard and Kennedy (2000/2005), p. 185)

This ethnographic and ethnohistoric information appear to be consistent with the archaeological record (or the lack thereof). As Bouchard and Kennedy note in a footnote:

"Very few archaeological sites along the lower Pend d'Oreille River have been recorded. While a Lakes (*sngaytskstx*) village has been recorded at the mouth of the Pend d'Oreille (at its confluence with the Columbia), it appears that almost no winter villages of any aboriginal group have been recorded anywhere farther up the Pend d'Oreille...Even seasonal campsites appear to have been rare on the lower Pend d'Oreille or Salmo Rivers." (Bouchard and Kennedy (2000/2005), p. 196, fn. 1)

Archaeological field investigations undertaken in this area in the 1970s found only two significant sites along the Pend d'Oreille, both of which were near the mouth of Limpid Creek [upriver from the current site of Seven Mile Dam]. It was concluded that both of these sites were temporary hunting and fishing camps..." (Bouchard and Kennedy (2000/2005), p. 198, fn. 11)

B. EAO Record of the Brilliant Power Plant Expansion Project

The Brilliant Dam is located near the confluence of the Kootenay and Columbia Rivers--approximately 50 km from the Waneta Dam upstream on the Columbia River. The application for the Brilliant Power Plant Expansion Project was submitted to the EAO on December 11 2000 and a Project Approval Certificate was granted in October 2001.

The Report and Recommendations of the Brilliant Power Plant Expansion Project Committee, dated September 28, 2001, noted that the project lay in the vicinity of the traditional territory claimed by KKTC, the ONA; and, Shuswap Nation Tribal Council (SNTC). Given the "controversy" over their status, Sinixt representatives were treated as "interested parties" but not accorded First Nations status for the purposes of project committee membership. (Project Committee Report, page 14)

The ONA and KKTC were the only two Aboriginal groups that participated throughout the EAO process for the Brilliant Application. The Shuswap Nation Tribal Council did not choose to participate in the proceeding, however they were provided with all notices and information relevant to First Nations issues.

The KKTC's position, as recounted in the Application (section 4.1.1) was that the project area falls within their aboriginal territory, regardless of whatever other designation it might have.

On March 12, 2001, the ONA submitted comments on the Application to the EAO. The ONA stated that their participation was "without prejudice to its position that it holds aboriginal title to the whole territory within which the proposed activity lies..." The ONA did not provide specific information supporting its asserted claims, but requested that the Proponent fund an Aboriginal Interest and Use Study.

In a letter dated, May 23, 2001, the Proponent responded to the ONA's request for an Aboriginal Interest and Use Study and stated, "we ask for clarification and elaboration concerning the "unknown aboriginal values" and "...fisheries and related aquatic values... in the spiritual realm" which may be affected by the project. During the information sharing occasions and invitations to comment that are referenced in the attached Chronology, the ONA has given no real indication of what these particular impacts might be, or indeed if they exist for the Brilliant Expansion."

The EAO concluded that an Aboriginal Interest and Use Study was not warranted:

"taking into consideration the small footprint of the project and the relatively disturbed state of much of the proposed site, we are not convinced that an Aboriginal Interest and Use Study as requested by the ONA is warranted, although we are interested in knowing any First Nations interest that may be adversely impacted by the project."

Subsequently, on June 18, 2001, the ONA wrote to the EAO indicating that it had reached an agreement with the proponent to address certain issues outside the EAO process.

The EAO Report describes the First Nation's Traditional Resource Use of the Project area as including fishing, hunting, settlement camps, and burial sites. This 'use' is described in the following quotes from the project Application:

“The lower course of the Kootenay River has been noted as a place where aboriginal people came to fish in the spring and the fall, and to camp while hunting in the surrounding hills. Fur trader Alexander Ross appears to have been the first person to record evidence of a settlement at the mouth of the Kootenay River, in the spring of 1825. He observed the remains of a deserted Native camp here, and described a stone weir which would have been used in conjunction with a trap to catch fish at low water. A decade later, James Douglas of the Hudson's Bay Company reported seeing a group of people under the leadership of a man, identified elsewhere as a Sinixt Chief, camped here in April. In May 1846, Father De Smet selected a site for a church on the commonly used Kootenay-Columbia confluence. However, circumstances changed and the church was never built. Ethnohistorical sources continued to identify Sinixt people living at the Kootenay-Columbia confluence in the mid-1800s.”

“Reports on the Kutenai people placed them east of Bonnington Falls prior to the 1860s. However, in October 1861, the Kutenai Chief Francoise asked the local Gold Commissioner to secure, for the use of his people, a small piece of land situated at the site now known as Brilliant. Although the Commissioner posted a notice advising others that the government had reserved the site until further notice, it was subsequently identified as a Government Reserve in 1865.”

“Native people interviewed in 1909 at the Brilliant site indicated that this Kootenay mouth settlement was one of the "important old headquarters" of the Sinixt people. Housepits and burials attested to its traditional use. In 1914, one of the Sinixt residents told a Royal Commission that the settlement here had been occupied by his people "from time immemorial." Though only a few aboriginal people remained living here at this time, they were well-known to the local non-Native residents whose diaries and memoirs occasionally refer to the aboriginal people engaged in fishing in both the Columbia and Kootenay rivers, and hunting and trapping in the nearby hills.”

(1) *Bouchard and Kennedy (2004/2005)*

In May 2004, the Waneta Expansion Power Corporation commissioned a further report from R. Bouchard and D. Kennedy entitled “First Nations' Aboriginal Interests and Traditional Use in the Waneta Hydroelectric Expansion Project area: A Summary and Analysis of Known and Available Background Information.” The report was produced in August, 2004, and subsequently the authors revised and updated the report in November, 2005 (hereinafter, referred to as “Bouchard and Kennedy (2004/2005)”). The authors state that the report re-focuses and expands upon those sections of the Bouchard and Kennedy (2000/2005) work that are relevant to the Waneta area (Bouchard and Kennedy (2004/2005), p. 1).

It should also be noted that this is the same report provided to BC Hydro by legal counsel for the Sinixt on September 7, 2009, as discussed above.

The authors again state the view that the Waneta Hydroelectric Expansion Project area lies within the core territory of the Lakes (Bouchard and Kennedy (2004/2005), p. 6). The authors note that the Okanagan Nation Alliance claims a traditional territory that includes the Waneta Hydroelectric Expansion Project lands and the Ktunaxa/Kinbasket Tribal Council also include the area in their asserted traditional territory. (Bouchard and Kennedy (2004/2005), pp. 10/11).

Bouchard and Kennedy note that the available literature concerning the Similkameen Okanagan and Northern Okanagan provides:

“virtually no information about traditional use by these groups of the Waneta Hydroelectric Expansion Project area. This is because historically, these groups had an extremely limited presence in this study region, apart from their social and possibly political relations with the Lakes (*sngayskstx*).” (Bouchard and Kennedy (2004/2005), p. 13)

In contrast, Bouchard and Kennedy state:

“Native people speaking the Lakes dialect of the Okanagan Colville language *did* utilize the Waneta Hydroelectric Expansion Project area traditionally. However, the Lakes people underwent a demographic transition during the middle of the 19th century, which saw them sift their primary settlements and the focus of their subsistence activity south, to the vicinity of Kettle Falls, Washington.” (Bouchard and Kennedy (2004/2005), p. 14; Emphasis in original)

In the view of the authors:

“Other aboriginal groups – the Okanagan, Kutenai (Ktunaxa) and Shuswap – sometimes entered *sngayskstx* [Lakes] territory, either to visit and trade with the *sngayskstx* [Lakes], to pass through en route to visit another resource site or aboriginal group, or to hunt and fish with the *sngayskstx* [Lakes] in their territory. Such use of the area may have increased subsequent to the relocation of many *sngayskstx* [Lakes] people south of the US/Canada border, a process that began in the early 19th century.” (Bouchard and Kennedy (2004/2005), p. 23)

The authors give an overview of the site-specific traditional use information relating to the area and (as in the 2000/2005 report) discuss the available evidence regarding “*nkw’lila7*”--a Lakes settlement formerly located at the mouth of the Pend d’Oreille River. The authors state that ethnohistoric sources indicate that the Lakes people asserted control over the mouth of the Pend d’Oreille, and the right of passage from the Columbia up to the upper Pend d’Oreille. (Bouchard and Kennedy (2004/2005), p. 24-26) Observations from the mid-nineteenth century suggest that gold miners working the flats and bars of the lower Pend d’Oreille from its mouth up to the Salmo river confluence travelled along footpaths “so seldom used” that they were in very bad condition. (Bouchard and Kennedy (2004/2005), p. 27)

Not far from the village site at Waneta was Fort Shepherd, a Hudson’s Bay Company post built 1856/57 about one mile north of the Canada/US border on the west side of the Columbia. After

its construction, the Fort became a headquarters for the Lakes people. When the Fort was temporarily closed between 1860 and 1863, it remained a centre for the Lakes. When the Fort reopened, it was reported that 200 to 300 Lakes camped in the Fort's vicinity. The Fort operated until 1870 and burned to the ground in 1872, although Lakes people are believed to have resided there into the early 1900s. (Bouchard and Kennedy (2004/2005), p. 28/29; see also p.45)

In summary, the authors state the view that the Waneta area is of "cultural significance to the sngaytskstx (Lakes)." However the village at the mouth of the Pend d'Orielle seems to have been vacated by approximately 1900 and the community at Fort Shepherd (on the west side of the Columbia) seems to have been vacated shortly thereafter, approximately 1910. (Bouchard and Kennedy (2004/2005), p.45) The documentation regarding non-Lakes group use of the general region is "scant", but none of the known and available sources place any of these activities in the location of the Waneta Expansion Project Lands. (Bouchard and Kennedy (2004/2005), p. 46)

(2) *Madrone (2004)*

In December 2004, Madrone Environmental Services Ltd. (Bjorn O. Simonsen, Archaeologist) prepared a report entitled "Archaeological Impact Assessment of the Waneta Hydroelectric Expansion Project" for Waneta Expansion Power Corporation (hereinafter Simonsen (2004)) in which it reviewed, among other things, archaeological resources and previous research in the Waneta study area.

In the course of early archaeological investigations in the area, only seven archaeological sites were recorded – not considered to be a very high number when compared to other areas in the province of similar size. (Simonsen (2004), at p.9) Two of these sites became the subject of a "salvage archaeology" excavation program work, which concluded that the sites represented small camp locations that were only utilized for short periods of time (probably seasonally) as bases for hunting and fishing activities, as well as locations for the processing of game and/or fish. (Simonsen (2004), at p.9)

Subsequent archaeological investigations found little evidence of past aboriginal land-use or occupation in the subject area. (Simonsen (2004), at p.10) The work for the Simonsen (2004) report included shovel test and came to a similar conclusion as the earlier studies – none of the potential impact locations examined within the Waneta Hydroelectric Expansion Project area contained any evidence of either past aboriginal land-use or of occupation in the form of archaeological deposits or remains.

"...we can conclude that none of the potential impact locations examined within the Waneta Hydroelectric Expansion Project area contain any evidence of either past aboriginal land-use or of occupation in the form of archaeological deposits or remains. This conclusion is generally consistent with the findings and predictions of the earlier Archaeological Overview Study, which found no definitive information to suggest that any of the specific impact locations would contain evidence of past aboriginal land-use features or settlement sites. Our findings are also consistent with the results of most of the previous archaeological field studies within the lower Pend d'Oreille-Columbia rivers confluence area, whereby little or no archaeological evidence of aboriginal occupation has been observed by archaeologists working in this area."

On this basis, the Simonsen (2004) report recommended that the proposed Waneta Hydroelectric Expansion Project would have no negative impact on archaeological resources, and that no further archaeological investigations were warranted. (Simonsen (2004) at p.19)

C. EAO Record of the Waneta Expansion Project

The pre-application process for the Waneta Expansion Project commenced in June 2003 and an Environmental Assessment Certificate was granted in November 2007.

The Application Report was submitted May, 2006, and in it the proponent made a number of comments regarding the ONA and KNC's lack of specific Aboriginal rights asserted regarding the project area.

“It is evident that Plateau First nations depended upon hunting, fishing and gathering for food and materials, and that some of these activities may have been carried out in the Columbia River-Pend d’Oreille confluence region in the vicinity of Waneta. Notwithstanding, the only site-specific information available relates to a Sinixt fishery at the mouth of the Pend d’Oreille River.” (Report, 3-65)

“WEPC has not received any specific information on an aboriginal right to fish, or current use of the fisheries resources for traditional purposes, that might be affected by the construction of the power plant or that the site of the power plant was a fishing location. Lacking specific information from the involved First Nations, but accepting the known and available information that there may have been traditional use of fish in the general area, WEPC has analysed if the construction of the powerhouse would impact the aquatic environment, including traditional fishery resources remaining in the area.” (Report, 6-111)

“WEPC has not received information from any First Nation that would indicate the transmission line is located in an area containing any First Nations settlements, ceremonial sites or harvesting areas previously or currently used for traditional purposes. Furthermore, the known and available information does not indicate such use.” (Report, 6-114)

The above references to “known and available information” were cited to the Bouchard and Kennedy (2004/2005) report.

In a letter dated September 18, 2006 to the Project Assessment manager at the Environmental Assessment officer, the ONA state that, “the Okanagan Nation has a long established and recognized territorial and cultural claim to this region and as a result takes its responsibility to the environment and its aboriginal rights, title and interests very seriously....This project clearly is located within the traditional territory of the Okanagan Nation.”

In a memorandum written by the KNC to the British Columbia Environmental Assessment Office (dated September 12, 2006), the KNC state that, “the Columbia River was an important travel corridor for the Ktunaxa and other First Nations.”

(1) Traditional Use Studies and Project Assessment Report

The Proponent of the Waneta Expansion Project provided funding for both the ONA and KNC to conduct traditional use studies regarding their interests in the project area. These studies are not publicly available, and therefore we have not had the opportunity to review these studies. However, the Project Assessment Report dated October 2007 provided a summary of First Nations consultations and provides some information regarding the information contained in the traditional use studies.

The Project Assessment Report comments that the ONA Traditional Use Study and the Bouchard and Kennedy report (2004/2005) (discussed above) both indicate that the “Lakes people occupied a settlement in the Waneta area” (Project Assessment Report, at pg. 35) but that by the late 1800s, had for the most part, moved South to the Washington area. The Project Assessment Report further states:

“Notwithstanding the gradual movement south, there is evidence to suggest that the Arrow Lakes people continued to use the Arrow Lakes and Slocan regions up until the 1930’s. On October 5, 1953, Annie Joseph, the last known surviving member of the Arrow Lakes Band, died. Canada subsequently declared the Arrow Lakes Band to be extinct and transferred the reserve to BC in 1956. According to Bouchard and Kennedy, the Okanagan and the Lakes people are distinct groups of Okanagan-Colville speaking people with their own distinct territories. The Okanagan Nation Alliance indicates that the Sinixt and the Northern Okanagan shared the same language, culture, history and traditions. However, ethnographic sources indicate that there would appear to be no overarching political or governance connection between the Northern Okanagan and the Sinixt people” (Project Assessment Report, at pg. 36).

The Project Assessment Report also comments on the ONA’s claim to Aboriginal rights and title to the proposed project area based on the fact that the project area lies within the Lakes traditional territory which the ONA consider to be subsumed within the boundaries of the First Nations that make up the ONA. In addressing the ONA’s use and ties to the project area, the Project Assessment Report states that “the summary of the general pattern of historic and pre-historic land-use and occupation of lands in the project area indicates that there was at least one large village at or in close vicinity to the Waneta Dam. It is believed that a Lakes settlement existed in the Pend d’Oreille River area, prior to the 1900s, on the east side of the Columbia River and immediately north of the Canada-U.S. border” and further, “the Lakes people continued to use and occupy the project area for several more decades after the period of demographic transition.” (Project Assessment Report at pg. 36).

The ONA apparently expressed the view that the Okanagan and Similkameen Bands have historic ties to Fort Shepherd. The Project Assessment Report states:

“Fort Shepherd was permanently closed in the 1870s but Lakes people are believed to have resided at the location after that date. The Okanagan Nation Alliance state in their Aboriginal Interests and Traditional Use Study that ‘Fort Shepherd was closed in 1870, the buildings emptied and left in the care of the local Indian Chief. A name has not yet been located for this Indian Chief. As

such, it seems that the Fort Shepherd area has explicit historic ties with the Okanagan and Similkameen.’ However, Bouchard and Kennedy state on page 29 of Background Report #7 that after the Fort closed it was in the care of the Lakes people. Fort Shepherd burned to the ground in 1872.”

The Project Assessment Report further states that “the Okanagan Nation Alliance Aboriginal Interests and Traditional Use Study states that it was noted during the interviews that a number of Similkameen packers for the Hudson’s Bay Company used the Pend d’Oreille River, on a regular basis, to navigate between Fort Hope and Fort Shepherd. Several other Lakes communities continued living off-Reservation in Washington State until around 1910, when the remaining few Lakes communities migrated to the Colville Reservation.”

The Project Assessment Report noted that the conclusions of the Madrone (2004) report (discussed above) (Project Assessment Report, at pg. 37) and concluded that “none of the potential impact locations examined within the project area contained any evidence of either past Aboriginal land-use or of occupation in the form of archaeological deposits or remains which is consistent with the Archaeological Overview Assessment which found no definitive information to suggest that any specific impact locations would contain evidence of past Aboriginal land use features or settlement sites.” (Project Assessment Report, at pg. 39)

In the ONA Traditional Use Study (as summarized in the Project Assessment Report), the ONA apparently stated that generally that their people were dependent on local vegetation and animals as resource for food, medicine and materials and indicate that a seasonal food quest precipitated the gathering of this food. However, the Project Assessment Report ultimately concluded that “available literature concerning the Similkameen, Okanagan and Northern Okanagan provides virtually no information about traditional use by these groups of the project area” (Project Assessment Report, at pg. 37) and that the EAO is “satisfied that the likelihood of significant adverse effects on the current use of land and resources for traditional purposes by Aboriginal groups represented by the Okanagan Nation Alliance is low.” (Project Assessment Report, at pg. 45)

The KNC Traditional Use Study (as summarized in the Project Assessment Report), apparently asserted that the Lower Ktunaxa led a life oriented towards the usage of the lower Kootenay and Columbia River systems and “that Hudson Bay records indicate Kutenai Indians traded furs at Fort Colville and Fort Shepherd (Waneta area). Further, the Aboriginal Interests and Traditional Use Report notes a 1989 Kutenai National Resource Book prepared by the Kutenai Language Task Force intended for use by the local Kootenay area schools identified hunting and fishing areas that extended to the 49th parallel near the Waneta border.” (Project Assessment Report, at pg. 50)

The KNC Traditional Use Study (as summarized in the Project Assessment Report), apparently put forward the view that the area around Waneta was an area of “joint mutual usage”. However, the EAO concluded that this view “does not seem to be supported by the archaeology background”. The EAO referenced the Madrone (2004) report (discussed above) in this context. (Project Assessment Report, at pg. 50)

In the Project Assessment Report, the EAO ultimately concludes that based on a survey of the available information, there “will be a minimum impact on the Ktunaxa Nation Council asserted

Aboriginal rights from the proposed Project” and that “the likelihood of significant adverse effects on the current use of lands and resources for traditional purposes by Aboriginal groups represented by the Ktunaxa Nation Council is low.” (Project Assessment Report, at pg. 56)

V. CONCLUSIONS RELATING TO SPECIFIC ABORIGINAL GROUPS BASED ON INFORMATION AVAILABLE TO DATE

A. Sinixt

(1) Summary of Information Available

As discussed above, the Sinixt remain unrecognized as a First Nation in Canada and neither the provincial nor federal government recognise the Sinixt First Nations interests. The Province has expressed the view that is not clear at this time that the Sinixt are “an aboriginal people of Canada” as referred to in section 35 of the *Constitution Act, 1982*. Nevertheless, the Directors of the Sinixt Nation Society (“SNS”) have filed a Writ of Summons asserting, *inter alia*, that the Sinixt Nation are an aboriginal people within the meaning of s. 35(1) of the Constitution Act, 1982 and claiming aboriginal title to an asserted traditional territory (as shown on the map reproduced above in Part II). In response, BC Hydro has taken this opportunity to engage with the Sinixt to develop any opportunity that may exist in the context of the Transaction to further reconciliation efforts with Aboriginal people. BC Hydro ARN’s engagement with the Sinixt is not intended to signify any change in any position that the Province may have taken in other contexts.

The Waneta Dam is centrally located within the Sinixt’s asserted traditional territory.

The Sinixt indicated to BC Hydro ARN that they did not intend to intervene in the BCUC proceeding, but would like to be further consulted. In a letter dated September 7, 2009, legal counsel for the Sinixt indicated that the Sinixt were “an indigenous people whose history includes traditional use of the lands and waters at the site of the Waneta Dam.” The letter went on to state:

“The establishment of the Waneta Dam permanently interfered with the exercise of aboriginal rights by the Sinixt on the Pend d’ Orelle River, a significant tributary to the Columbia River, which was traditionally a main transportation route for the Sinixt, as well as a site of significant economic, cultural, social and spiritual activity for the Sinixt. In particular, the Waneta Dam site was the location of a large Sinixt village called *nkwlila7* near Fort Shepherd. The site has been home to an array of animals, birds and aquatic life of cultural significance to the Sinixt.”

In the letter dated September 7, 2009, legal counsel for the Sinixt states:

“We accept that the prospective purchase by BC Hydro of the Waneta Dam will be neutral from an operational and waterflow standpoint. However, with respect to matters of aboriginal reconciliation, the prospective purchase will not be neutral because the transfer of the site from private to public ownership will engage the process of reconciliation...”

“In particular, the transfer of the Waneta Dam from private to public ownership will trigger the honour of the Crown in its dealings with aboriginal people.”

The letter went on to identify proposed “heads of compensation” for the Sinixt.

The letter also provided a copy of the Bouchard and Kennedy (2004/2005) report referenced above in Part IV.

This report, along with the other publicly available material reviewed by BC Hydro ARN (as described above in Part IV), indicates that the Sinixt Nation had a historic presence at the mouth of the Pend d’Oreille River at a village known in as “*nkw’lila7*”. However, the available information suggests that no one has lived at the village site since approximately 1900. Apart from this settlement, the available information indicates that the lower Pend d’Oreille/Salmo River region does not appear to have been used extensively by any Native group and the ethnohistoric data is almost entirely bereft of references to Native people using this area. This ethnographic and ethnohistoric information appear to be consistent with the archaeological record as very few archaeological sites along the lower Pend d’Oreille River have been recorded. Even seasonal campsites appear to have been rare on the lower Pend d’Oreille. On the west side of the Columbia River was Fort Sheppard, a Hudson’s Bay Company post built 1856/57, which became a headquarters for the Lakes people. The Fort operated until 1870 and burned to the ground in 1872, although Lakes people are believed to have resided there into until approximately 1910. From the late 1800’s to the early 1900’s, the Sinixt gradually relocated south of the Canada/US border. In 1953, the last known surviving member of the Arrow Lakes Band died. Canada subsequently declared the Arrow Lakes Band to be extinct and transferred the reserve to BC in 1956.

(2) *Strength of Claim*

Based on the available information, BC Hydro ARN has sought to assess the strength of the claim asserted by the SNS on the assumption that its claim to represent the Lakes people are upheld notwithstanding the current views of the Federal and Provincial governments. In performing this assessment, the following evidence was considered most important:

- There is little evidence known to BC Hydro ARN that suggests that the lower Pend d’Oreille was extensively used by any Aboriginal people;
- The Sinixt or Lakes people appear to have vacated the mouth of the Pend d’Oreille River by 1900 and the general area by 1910 at the latest and were not present in the area when the Waneta Dam was constructed and began operations;
- Other First Nation groups (the ONA and KNC/KKTC) have claimed that the lands in the vicinity of the Waneta Dam are within their traditional territory.

In BC Hydro’s ARN’s view, the claim of the Sinixt to an interest in the lower Pend d’Oreille River would face significant obstacles because of their lack of physical presence in the area for almost 100 years after 1910 or thereabouts. While the Sinixt appear to have been the Aboriginal group that was present in the area originally, their migration away from the area during the last century may significantly weaken the strength of any claim they might otherwise have had.

Because BC Hydro ARN is not aware of any judicial pronouncements relating to circumstances involving First Nations that have migrated out of the region, an ultimately successful claim by the Sinixt remains possible. However, ARN believes that, if the SNS could establish that they represented an Aboriginal people within the meaning of s. 35(1) of the *Constitution Act*, 1982, the probability of that result would be in the low to moderate category.

(3) *Seriousness of Potential Impact*

Similarly, BC Hydro ARN has sought to assess the significance of the impact, if any, of the Transaction on the interest asserted by the Sinixt. The following evidence was considered most important in that regard:

- The SNS accept that the Transaction will not adversely affect (or indeed, affect at all) the flow regime on the Pend d'Oreille River or other physical characteristics of the Waneta Dam or its operations;
- No non-physical adverse impacts of the Transaction on Sinixt interests have been identified either by the Sinixt or in the public record.
- BC Hydro will be acquiring a non-controlling interest in the facility and will not become the operator. However, BC Hydro will obtain a right to sit on the Operating Committee responsible for making operational decisions in connection with the Waneta Dam.

BC Hydro ARN does not believe that, on these facts, any adverse effect, whether physical or non-physical, on any Aboriginal right, title or interest will result from the Transaction. As BC Hydro ARN understands the position put forward by the Sinixt, their concern is not so much about any impact of the Transaction on their interests, but rather the fact that it may be dishonourable for the Crown to seek to obtain a benefit from facilities that were constructed long ago in the absence of adequate consultation.

The Waneta facilities were constructed in the 1950s at a time when the Sinixt do not appear to have been present in the area. It is thus difficult to see how it can be said that the Crown failed to treat the Sinixt honourably in the 1950s when the Waneta facilities were constructed and began operations since there was no Sinixt interest known to the Crown at the time. This fact, coupled with the absence of any physical or non-physical impacts of BC Hydro entering into the Transaction, appears to suggest that the potential adverse effects of the proposed Transaction by BC Hydro on Sinixt interests are low. Indeed, the fact that BC Hydro will obtain a minority voice on the Operating Committee suggests that the potential to bring forward Sinixt concerns will be enhanced by the Transaction, not diminished.

In these circumstances, the potential for the proposed Transaction to have an adverse effect on Sinixt asserted Aboriginal rights, title or interest would appear to be very low.

(4) *Placement on Haida Spectrum*

Based on the observations above and the information received by BC Hydro ARN to date, given the low to moderate strength of claim and the very low potential for adverse effects, BC Hydro ARN currently believes that the consultation obligation on BC Hydro in connection with a decision to enter into the APA as identified by the spectrum analysis in the *Haida* decision is

towards the lower end of the range. Timely notice of the Transaction and a bona fide willingness to engage in discussions to share information necessary to determine the nature of any impact on alleged Sinixt interests ought to be sufficient to permit BC Hydro to move forward with signing the APA at this time.

Notwithstanding this assessment, BC Hydro ARN will continue to consult with the Sinixt. In particular, BC Hydro ARN will provide a copy of this report to the representatives of the Sinixt and invite them to provide any supplemental, contradictory or otherwise relevant information or perspectives that are not reflected herein. BC Hydro ARN will reassess its obligations in respect of the Sinixt based on additional information it receives before completing the acquisition contemplated in the Transaction.

(5) Adequacy of Consultation to this Point in Time

The APA is expressly contingent on BC Hydro's obligation to close arising only in circumstances where BC Hydro continues to believe it is honourable to do so. BC Hydro ARN believes that the consultation undertaken with the Sinixt to date has been adequate to permit BC Hydro to honourably sign the APA.

B. ONA (including the Upper Nicola Indian Band)

(1) Summary of Information Available

As discussed above, the Waneta Dam is at the extreme eastern edge of the ONA's asserted traditional territory. The closest ONA member community is approximately 150 kilometres (in a straight line; approximately 250 kms by road) from the Waneta Dam. There are no ONA First Nation Reserves within the Pend d'Oreille watershed. Among the member First Nations of the ONA, only the Upper Nicola Indian Band independently contacted BC Hydro ARN in response to the various notices provided.

The Upper Nicola Indian Band (UNIB) is a member First Nation of the ONA. The UNIB's main community and reserves are located near Merritt and are approximately 250 kms (in a straight line; approximately 425 kms by road) from the Waneta Dam. After its initial conversation with BC Hydro, the UNIB has not initiated or responded to BC Hydro ARN's attempt to engage in independent consultation separate from the ONA. Accordingly, BC Hydro ARN has assessed their claim with the ONA as a whole.

Early in the consultation process, the ONA wrote to BC Hydro ARN to indicate their view that given the "existing and ongoing impact of the Waneta Dam on the Okanagan Title and Rights", the ONA expected that BC Hydro will commit to a process of deep consultation, with the ONA on this matter. BC Hydro provided the ONA funding to determine whether the proposed Transaction will affect the interests of the ONA and to support the ONA's engagement in the Waneta Dam consultation process.

Prior to September 15, 2009, the most complete articulation of the concerns of the ONA received by BC Hydro was contained in a September 9, 2009 letter from Grand Chief Phillip which stated that:

“[The Waneta Dam] has been operating for 55 years within Okanagan Territory without any regard for Okanagan Aboriginal Title and Rights, including any meaningful consultation and accommodation regarding its footprint and on-going impacts. In all this time, there has been no serious consideration of Okanagan interests or direct benefits to the Okanagan people from this Dam’s use of our water and its impacts on our Territory. It would be dishonourable for BC Hydro, a provincial Crown agent, to become an owner of this facility without accommodating Okanagan Aboriginal Title and rights. This would simply capitalize on and perpetuate injustice and create significant uncertainty for this proposed Transaction.

Water is the lifeblood of our Territory, and the use of it for hydroelectric purposes has dramatic impacts, including for example the on-going flooding of our lands, the on-going effects on fish, wildlife and habitat and the on-going appropriation of water for hydroelectric purposes. All of these have cultural, spiritual, environmental and economic ramifications for our communities.”

The letter suggested that in respect of these concerns:

“consultation and accommodation should occur directly with BC Hydro using a process we have mutually agreed upon that is appropriately resourced (human and financial) so that we can achieve a meaningful and certain result in a timely manner.”

While BC Hydro has recently asked that ONA to provide greater specificity with respect to the issues raised by Grand Chief Phillip, that has not yet occurred and BC Hydro ARN has had to use information available from public sources and Teck as described in Part IV to perform its assessment at this stage of the consultation process. BC Hydro has committed to the ONA that it will consider any additional information provided by the ONA up to November 18, 2009 in making its final assessment as to whether completing the Transaction is honourable if the APA is indeed signed.

The publicly available material reviewed by BC Hydro ARN (as described above in Part IV) indicates that there is little evidence to suggest the area of the lower Pend d’Oreille River was extensively used by any Aboriginal people—given the difficulties of travel in the area. The available evidence does indicate a historic presence by the Sinixt at the mouth of the Pend d’Oreille River in the vicinity of the Waneta Dam. However, according to the material reviewed (Bouchard and Kennedy) the Northern Okanagan and Sinixt were distinct groups of Okanagan-Colville speaking people with their own distinctive territories and ethnographic sources indicate that there would appear to be no overarching political or governance connection between the Northern Okanagan and the Sinixt.

In addition, BC Hydro ARN notes that the Westbank First Nation (the only ONA First Nation that is participating in the BC Treaty Commission Process) has filed a Statement of Intent map that does not include the area around Waneta. A number of other ONA member First Nations (including UNIB and Okanagan Indian Band) are located to the north and west of Westbank and are even more remote from the Waneta Dam.

(2) *Strength of Claim*

Based on the available information, BC Hydro ARN has sought to assess the strength of the claim asserted by the ONA. In performing this assessment, the following evidence was considered most important:

- There is little evidence known to BC Hydro ARN that suggests that the lower Pend d'Oreille was extensively used by any Aboriginal people;
- The evidence that does exist suggests that the Sinixt or Lakes historically occupied the area, but were not present in the area when the Waneta Dam was constructed and began operations. There is very little evidence of use or presence of ONA member communities in the area;
- The available evidence indicates that there was no overarching political or governance connection between the Northern Okanagan and the Sinixt; and
- Other First Nation groups (the Sinixt and KNC) have claimed that the lands in the vicinity of the Waneta Dam are within their traditional territory.

In BC Hydro ARN's view, the claim of the ONA to an interest in the lower Pend d'Oreille River would face significant obstacles because of physical distance of the Waneta Dam from the ONA member communities and the paucity of evidence indicating ONA occupation or use of the area (either before or after the Sinixt departure). The Waneta facilities were constructed in the 1950s. The evidence does not suggest the ONA were in the area at the time or previously. The claim that the Crown failed to treat the ONA honourably in the 1950s is difficult to make out when there was no apparent ONA interest known to the Crown at the time. BC Hydro ARN does not rule out the possibility of the ONA making a successful title claim in the vicinity of the Waneta Dam. However, ARN believes that overall the ONA strength of claim is low.

(3) *Seriousness of Potential Impact*

Similarly, ARN has sought to assess the significance of the impact, if any, of the Transaction on the interest asserted by the ONA. The following evidence was considered most important in that regard:

- The Transaction will not adversely affect (or indeed, affect at all) the flow regime on the Pend d'Oreille River or other physical characteristics of the Waneta Dam or its operations;
- No non-physical adverse impacts of the Transaction on ONA interests have been identified either by the ONA or in the public record.
- BC Hydro will be acquiring a non-controlling interest in the facility and will not become the operator. However, BC Hydro will obtain a right to sit on the Operating Committee responsible for making operational decisions in connection with the Waneta Dam.

BC Hydro ARN does not believe that, on these facts, any adverse effect, whether physical or non-physical, on any Aboriginal right, title or interest will result from the Transaction. As BC

Hydro ARN understands the position put forward by the ONA, their concern is not so much about any impact of the Transaction on their interests, but rather the historical impacts of the Waneta Dam and the allegation that it may be dishonourable for the Crown to seek to obtain a benefit from facilities that were constructed in the absence of adequate consultation.

The fact that BC Hydro will obtain a minority voice on the Operating Committee suggests that the potential to bring forward ONA concerns will be enhanced by the Transaction, not diminished. This fact coupled with the absence of any physical or non-physical impacts of BC Hydro entering into the Transaction, appear to suggest that the potential adverse effects of the proposed Transaction by BC Hydro on ONA interests are low.

In these circumstances, the potential for the proposed Transaction to have an adverse effect on ONA asserted aboriginal rights or title would appear to be very low.

(4) Placement on Haida Spectrum

Based on the observations above and the information received by BC Hydro ARN to date, given the low strength of claim and the very low potential for adverse effects, BC Hydro ARN currently believes that the consultation obligation on BC Hydro in connection with a decision to enter into the APA as identified by the spectrum analysis in the *Haida* decision is at the low end of the range. Timely notice of the Transaction and a bona fide willingness to engage in discussions to share information necessary to determine the nature of any impact on alleged ONA interests ought to be sufficient to permit BC Hydro to move forward with signing the APA at this time.

Notwithstanding this assessment, BC Hydro ARN will continue to consult with the ONA. In particular, BC Hydro ARN will provide a copy of this report to the representatives of the ONA and invite them to provide any supplemental, contradictory or otherwise relevant information or perspectives that are not reflected herein. BC Hydro will reassess its obligations in respect of the ONA based on additional information it receives before completing the acquisition contemplated in the Transaction.

(5) Adequacy of Consultation to this Point in Time

The APA is expressly contingent on BC Hydro's obligation to close arising only in circumstances where BC Hydro continues to believe it is honourable to do so. BC Hydro ARN believes that the consultation undertaken with the ONA to date has been adequate to permit BC Hydro to honourably sign the APA.

C. KNC and the Shuswap Indian Band

(1) Summary of Information Available

As discussed above, the Waneta Dam is at the extreme western edge of the Statement of Intent map previously put forward by the KKTC (on behalf of the four Ktunaxa communities and the Shuswap Indian Band). From the consultation program, BC Hydro ARN understands that the KNC (the four Ktunaxa communities) and the Shuswap Indian Band are no longer acting together. BC Hydro ARN also understands that the KNC asserts a similar traditional territory as that previously asserted by the KKTC. While BC Hydro ARN has not seen a separate map for

the Shuswap Indian Band, it has been verbally advised by the Shuswap Indian Band that it continues to assert a claim to the area around the Waneta Dam.

The closest KNC member community (Lower Kootenay) is approximately 85 kilometres (in a straight line; approximately 130 kms by road) from the Waneta Dam. There are no KNC First Nation Reserves within the Pend d'Oreille watershed. None of the member First Nations of the KNC independently contacted BC Hydro ARN in response to the various notices provided.

Early in the consultation process, the KNC requested capacity funding to facilitate meaningful consultation. BC Hydro ARN subsequently provided the KNC funding to determine whether the proposed Transaction will affect the interests of the KNC and to support the KNC's engagement in the consultation process.

On September 16, 2009, the KNC did provide BC Hydro on a confidential basis with certain historical material prepared for the KNC and certain documents from the EAO review process in connection with the Waneta Hydroelectric Expansion Project. In BC Hydro ARN's view, material submitted provided very limited factual evidence to support the assertion that the Ktunaxa occupied the region surrounding the Waneta Dam.

The KNC identified four interests that are of key concerns relating to the Transaction:

- (a) the Waneta Dam impedes KNC's efforts to restore anadromous Salmon;
- (b) the impacts of White Sturgeon of the Footprint and Operations of the Waneta Dam;
- (c) other Operational Impacts of the Waneta Dam; and
- (d) other Footprint Impacts of the Waneta Dam.

These interests are discussed in the context of the "Seriousness of Potential Impact" section below.

The Shuswap Indian Band's claim to the area was originally brought through the KKTC. Although the Shuswap Indian Band has suggested in a meeting on August 6, 2009 that they would send a letter to BC Hydro indicating any specific concerns they had with the project, no such letter has been received. In the absence of any other evidence the Shuswap Indian Band represents Aboriginal people who made traditional use of the area around the Waneta Dam, BC Hydro has considered their interest to be subsumed in that of the KNC or at most, of similar character to the KNC's. In BC Hydro ARN's view, the material submitted provided fairly limited factual evidence to support the assertion that the Ktunaxa occupied the region surrounding the Waneta Dam.

(2) *Strength of Claim*

Based on the available information, BC Hydro ARN has sought to assess the strength of the claim asserted by the KNC and Shuswap Indian Band. In performing this assessment, the following evidence was considered most important:

- There is little evidence known to BC Hydro ARN that suggests that the lower Pend d'Oreille was extensively used by any Aboriginal people;
- The evidence that does exist suggests that the Sinixt or Lakes historically occupied the area, but vacated the area were not present in the area when the Waneta Dam was constructed and began operations. However, following the departure of the Sinixt there is very little evidence of use or presence of KNC member communities and/or Shuswap Indian Band in the area;
- The available evidence does not suggest any political or governance connection between the KNC and/or Shuswap Indian Band and the Sinixt; and
- Other First Nation groups (the Sinixt and ONA) have claimed that the lands in the vicinity of the Waneta Dam are within their traditional territory.

In BC Hydro ARN's view, the claims of the KNC and/or Shuswap Indian Band to an interest in the lower Pend d'Oreille River would face significant obstacles because of physical distance of the Waneta Dam from the KNC member communities and/or Shuswap Indian Band and the paucity of evidence indicating KNC and/or Shuswap Indian Band occupation or use of the area (either before or after the Sinixt departure). BC Hydro ARN does not rule out the possibility of the KNC and/or Shuswap Indian Band making a successful title claim in the vicinity of the Waneta Dam. However, ARN believes that overall the KNC and/or Shuswap Indian Band strength of claim is low.

(3) *Seriousness of Potential Impact*

Similarly, ARN has sought to assess the significance of the impact, if any, of the Transaction on the interest asserted by the KNC and/or Shuswap Indian Band. The following evidence was considered most important in that regard:

- The Transaction will not adversely affect (or indeed, affect at all) the flow regime on the Pend d'Oreille River or other physical characteristics of the Waneta Dam or its operations;
- No non-physical adverse impacts of the Transaction on KNC and/or Shuswap Indian Band interests have been identified either by the KNC and/or Shuswap Indian Band or in the public record.
- BC Hydro will be acquiring a non-controlling interest in the facility and will not become the operator. However, BC Hydro will obtain a right to sit on the Operating Committee responsible for determining actual flows on the river.

The concerns raised by the KNC relate to ongoing issues they have had with the Waneta Dam that has existed since 1954. They expressed the concern that BC Hydro will "impede [our] attempts to have our long-standing grievances related to the Waneta Dam addressed".

The KNC's concern appears to assume that BC Hydro will invoke its status as a new owner of an interest in the Waneta Dam as basis for avoiding for any responsibility it may have towards First Nations in that area. BC Hydro does not believe it has provided the KNC with any basis for that

assumption. Accordingly, BC Hydro believes that the KNC's ability to pursue relief in connection with the historical grievances will be unimpaired by the Transaction.

BC Hydro will become a member of the Operating Committee of the Waneta Dam as a result of the Transaction. While Teck will retain voting control on the Operating Committee so long as it retains a majority interest in the facility, BC Hydro will be able to make suggestions to that Committee where there are opportunity to accommodate specific concerns of the KNC.

BC Hydro ARN does not believe that, on these facts, any adverse effect, whether physical or non-physical, on any Aboriginal right, title or interest will result from the Transaction. In these circumstances, the potential for the proposed Transaction to have an adverse effect on KNC and/or Shuswap Indian Band asserted aboriginal rights or title is low.

(4) Placement on Haida Spectrum

Based on the observations above and the information received by BC Hydro ARN to date, given the low strength of claim and the low potential for adverse effects, BC Hydro ARN believes that the consultation obligation on BC Hydro in connection with a decision to enter into the APA as identified by the spectrum analysis in the *Haida* decision is at the low end of the range. Timely notice of the Transaction and a bona fide willingness to engage in discussions to share information necessary to determine the nature of any impact on alleged KNC and/or Shuswap Indian Band interests ought to be sufficient to permit BC Hydro to move forward with signing the APA at this time.

Notwithstanding this assessment, BC Hydro ARN will continue to consult with the KNC and Shuswap Indian Band. In particular, BC Hydro ARN will provide a copy of this report to the representatives of the KNC and Shuswap Indian Band and invite them to provide any supplemental, contradictory or otherwise relevant information or perspectives that are not reflected herein. BC Hydro will reassess its obligations in respect of the KNC and Shuswap Indian Band based on additional information it receives before completing the acquisition contemplated in the Transaction.

(5) Adequacy of Consultation to this Point in Time

The APA is expressly contingent on BC Hydro's obligation to close arising only in circumstances where BC Hydro continues to believe it is honourable to do so. BC Hydro ARN believes that the consultation undertaken to date with the KNC and Shuswap Indian Band has been adequate to permit BC Hydro to honourably sign the APA.

VI. FURTHER CONSULTATION PROCESS REQUIRED

BC Hydro ARN will continue to consult with First Nations that have indicated a desire to consult as the Transaction moves forward through to closing date, to determine that the Agreement is consistent with the honour of the Crown. BC Hydro ARN will provide additional information updates and respond to questions or information requests pertaining to the Transaction that may be received from these First Nations. BC Hydro ARN will also provide notice of the Transaction and a copy of this report to the Lakes Division Secwepemc First Nations based on the new information (map) that has recently come to light. BC Hydro ARN will work with these First Nations to understand potential adverse effects, including any physical or non-physical impacts,

arising from the proposed Transaction and determine whether the Transaction will affect interests of First Nations. BC Hydro ARN will work to address any concerns or issues that are raised by First Nations and where appropriate, BC Hydro ARN will engage in discussions with First Nations to identify means to avoid, mitigate, minimize or otherwise accommodate any concerns or issues relating to the Transaction.

A log of First Nations consultation and reporting activities will continue to be maintained during the remainder of the Waneta Dam BCUC Application and completes the Transaction.

ARN does note the focus of all First Nations consulted was their wish to have enhanced input into operating considerations on the Pend d'Oreille River. To accommodate this concern, BC Hydro ARN suggests that BC Hydro commit that it will advise Teck, the party directly responsible for operation of the facility, of any concerns that any of the First Nations may have as part of BC Hydro's participation on the Operating Committee. This may enhance First Nations' input in relation to operational matters. However, BC Hydro's role will be advisory only – that is, BC Hydro will have only one-third of the votes on the Operating Committee and will not be in a position to dictate outcomes in connection with the operation of the facility.

The Waneta Transaction



Appendix

A1

**Transaction Log Summary of
First Nations Communications**

APPENDIX A1

Transaction

Log Summary of First Nations Communications

Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Okanagan Nation Alliance					
Lower Similkameen First Nation					
2009-Jun-17	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation (Chief Joseph Dennis)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Lower Similkameen First Nation (Chief Dennis). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation
2009-Jun-18	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation (Chief Joseph Dennis)	Golder & Associates (Roxanne Scott) left a voicemail message in Lower Similkameen First Nation (Chief Dennis) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro pertaining to the contemplated Waneta Dam purchase transaction. Informed Chief Joseph Dennis that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-18	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation (Chief Joseph Dennis)	BC Hydro (Keith Vorland) sent a Cover Letter and copy of the Master Terms Sheet between BC Hydro and Teck dated June 17, 2009 via courier to Lower Similkameen First Nation (Chief Dennis). Letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					Utilities Commission process
2009-Jun-19	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation (Chief Joseph Dennis)	Golder & Associates (Roxanne Scott) got Lower Similkameen First Nation office voicemail, indicating the office was closed for Aboriginal Day. Did not leave voicemail message
2009-Jun-23	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation (Chief Joseph Dennis)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Lower Similkameen First Nation (Chief Dennis) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Dennis and replaced with the new pages enclosed.
2009-Jun-24	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation (Chief Joseph Dennis)	Golder & Associates (Roxanne Scott) left a voicemail message for Lower Similkameen First Nation (Chief Joseph Dennis) requesting confirmation of receipt of the letter faxed by BC Hydro pertaining to the contemplated Waneta Dam purchase transaction. Informed Chief Dennis that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-29	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation (Chief Joseph Dennis)	Golder & Associates (Roxanne Scott) talked with administrative person, who indicated Lower Similkameen First Nation (Chief Dennis) is not currently in the office, but should be back later this afternoon. Roxanne thanked her and indicated she will call back
2009-Jul-09	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation (Chief Joseph Dennis)	Golder & Associates (Roxanne Scott) left a message on Lower Similkameen First Nation (Chief Dennis) voicemail box stating that a Terms Sheet package was sent by courier a few weeks ago providing the details of the potential 1/3 purchase of the Waneta Dam by BC Hydro. Roxanne stated that she had left a number of voicemail messages for Chief Dennis inquiring whether he had received the Terms Sheet package and that the courier had confirmed that it had been delivered to the Lower Similkameen First Nation. Roxanne further stated that if Chief Joseph Dennis had not yet received the package, or if he had any questions about the potential purchase agreement, to contact Golder & Associates, (Roxanne Scott)

The Waneta Transaction - Exhibit B-11-2 - Appendix A1

Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-17	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation (Chief Joseph Dennis)	BC Hydro (Keith Vorland) faxed and couriered a letter to Lower Similkameen First Nation (Chief Dennis) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Lower Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Similkameen First Nation Chief Joseph Dennis	Golder Associates (Roxanne Scott) left a message for Lower Similkameen (Chief Dennis) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.
2009-Aug-31	Lower Similkameen First Nation	Information Package	BC Hydro (Regulatory Group)	Lower Similkameen First Nation Chief Joseph Dennis	BC Hydro invited Lower Similkameen First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation Chief Joseph Dennis	BC Hydro, (Keith Vorland) Follow-up Letter (to June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Lower Similkameen (Chief Dennis), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Lower Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Lower Similkameen First Nation Chief Joseph Dennis	BC Hydro, Keith Vorland sent Lower Similkameen (Chief Dennis) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Okanagan Indian First Nation					
2009-Jun-17	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabian Alexis)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Okanagan First Nation (Chief Alexis).The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the r

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-18	Okanagan Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Okanagan Indian First Nation (Chief Fabian Alexis)	Golder & Associates (Roxanne Scott) called and Okanagan Indian First Nation (Chief Alexis) was not in the office and talked to Josey. Roxanne asked whether she knew if Chief Alexis had received a letter faxed from BC Hydro regarding the contemplated Waneta Dam purchase transaction. Josey indicated that they did receive the letter. Roxanne informed Josey that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-18	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabian Alexis)	BC Hydro (Keith Vorland) sent a Cover Letter and copy of the Master Terms Sheet between BC Hydro and Teck dated June 17, 2009 via courier to Okanagan Indian First Nation (Chief Fabian Alexis). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-23	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabien Alexis)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Okanagan Indian First Nation (Chief Alexis) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Alexis and replaced with the new pages enclosed.
2009-Jul-07	Okanagan Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Okanagan Indian First Nation (Chief Fabien Alexis)	Okanagan Indian First Nation (Chief Alexis) was not in the office. Golder & Associates, (Roxanne Scott) spoke to Josey. Roxanne stated that the Terms Sheet package has been couriered to the Chief Alexis and he should have received it by now. If Chief Alexis has not received the package or has any questions or concerns around the purchase agreement, he can contact Golder & Associates, (Roxanne Scott)
2009-Jul-17	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabien Alexis)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Okanagan Indian First Nation (Chief Alexis) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-31	Okanagan Indian First Nation	Phone	Colleen Marchand (Advisor to Chief and Council, OIB)	Roxanne Scott (Golder Associates)	Okanagan Indian Band (Colleen Marchand) contacted Golder Associates (Roxanne Scott) to request that all further correspondences regarding the Waneta transaction be sent to her as well as Chief Alexis.
2009-Aug-31	Okanagan Indian First Nation	Information Package	BC Hydro (Regulatory Group)	Okanagan Indian First Nation (Chief Fabien Alexis)	BC Hydro invited Okanagan Indian First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabien Alexis)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Okanagan Indian Band (Chief Alexis), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-9	Okanagan Indian First Nation	Letter	BC Hydro (Keith Vorland)	Okanagan Indian First Nation (Chief Fabien Alexis)	BC Hydro, Keith Vorland sent Okanagan Indian First Nation (Chief Alexis) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Okanagan Nation Alliance					
2009-Jun-17	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Okanagan Nation Alliance (Pauline Terbasket, Executive Director). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as
2009-Jun-18	Okanagan Nation Alliance	Phone	Golder Associates (Roxanne Scott)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	Golder & Associates (Roxanne Scott) left voicemail message in the voice mailbox of Okanagan Nation Alliance (Pauline Terbasket, Executive Director) requesting confirmation of receipt of the faxed letter regarding the contemplated Waneta Dam purchase transaction. Informed Pauline that a non-binding term sheet outlining details of the agreement was sent to her by courier June 18, 2009.
2009-Jun-18	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	BC Hydro (Keith Vorland) sent a Cover Letter and copy of the Master Terms Sheet between BC Hydro and Teck dated June 17, 2009 via courier to Okanagan Nation Alliance (Pauline Terbasket, Executive Director). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Okanagan Nation Alliance	Phone	Golder Associates (Roxanne Scott)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	Golder & Associates (Roxanne Scott) left voicemail message in Okanagan Nation Alliance (Pauline Terbasket-Executive Director) the mailbox requesting confirmation of receipt of the letter from BC Hydro of the contemplated Waneta Dam purchase transaction. Informed Pauline that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-22	Okanagan Nation Alliance	Phone	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	Golder Associates (Roxanne Scott)	Okanagan Nation Alliance (Pauline Terbasket, Executive Director) called and stated she had received both the faxed letter and the Term Sheet. Pauline highlighted that pages 38 and 40 of the Term Sheet were missing in the package she received. Roxanne stated that she will inform the necessary parties with BC Hydro and that the missing information will be sent to Pauline..
2009-Jun-23	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Okanagan Nation Alliance (Pauline Terbasket, Executive Director) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Pauline Terbasket and replaced with the new pages enclosed.
2009-Jul-17	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Okanagan Nation Alliance (Pauline Terbasket, Executive Director) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-29	Okanagan Nation Alliance	Phone	Roxanne Scott (Golder Associates)	Pauline Terbasket, Executive Director, ONA	Golder Associates (Roxanne Scott) left a voicemail message for Okanagan Nation Alliance (Pauline Terbasket, Executive Director) indicating that BC Hydro had received the letter dated July 20, 2009 from the Okanagan Nation Alliance expressing interest in meeting with BC Hydro to discuss the Waneta Dam transaction. Roxanne stated that based on the dates provided in the letter, August 11, 2009 would be the preferred date to meet.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-20	Okanagan Nation Alliance	Letter	Okanagan Nation Alliance (Pauline Terbasket - Executive Director)	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (Pauline Terbasket, Executive Director) wrote a letter in response to BC Hydro's (Keth Vorland) Letter dated June 17, 2009 notifying Okanagan Nation Alliance of BC Hydro's intention to purchase a 1/3 interest in the Waneta Dam from Teck Metals Ltd and the June 18 letter that enclosed the Master Term Sheet for the proposed sale. The letter indicated that given the "Existing and ongoing impact of the Waneta Dam on the Okanagan Title and Rights", the ONA expect that BC Hydro will commit to a process of deep consultation, with the ONA on this matter, and that to facilitate meaningful consultation, sufficient capacity funding will be made available. In the letter, the ONA also requested that BC Hydro meet with the ONA to discuss capacity funding and framework for meaningful consultation and accommodation process.
2009-Jul-27	Okanagan Nation Alliance	Phone	Golder Associates (Roxanne Scott)	Pauline Terbasket, Executive Director, ONA	Golder Associates (Roxanne Scott) left a message for Okanagan Nation Alliance (Pauline Terbasket, Executive Director) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne also stated that BC Hydro would be available to meet on August 11, 2009 to discuss the transaction and the issues raised in the letters pertaining to the consultation process. Roxanne requested Pauline return her call.
2009-Jul-29	Okanagan Nation Alliance	Phone	Golder Associates (Roxanne Scott)	Pauline Terbasket, Executive Director, ONA	Okanagan Nation Alliance (Pauline Terbasket, Executive Director) indicated to Golder Associates (Roxanne Scott) that she will check her schedule and contact Roxanne to confirm a meeting for August 10, 2009.
2009-Aug-04	Okanagan Nation Alliance	Email	Golder Associates (Roxanne Scott)	Pauline Terbasket, Executive Director, ONA	Golder Associates (Roxanne Scott) sent an email to Okanagan Nation Alliance (ONA) (Pauline Terbasket) with an attached letter providing an agenda for the meeting between BC Hydro and the ONA scheduled for Monday, August 10, 2009. Roxanne also inquired if the ONA would have a projector and screen available for the meeting.
2009-Aug-10	Okanagan Nation Alliance	Meeting	Pauline Terbasket, Executive Director, ONA	Roxanne Scott (Golder Associates)	BC Hydro (Keith Vorland, Doug Robinson), Golder Associates (Roxanne Scott, and Allison Takasaki) met with Okanagan Nation Alliance (ONA) (Pauline Terbasket, Geoff Greenwell, and Gwen Bridge) to discuss the Waneta transaction.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Aug-14	Okanagan Nation Alliance	Letter	Golder Associates (Roxanne Scott)	Pauline Terbasket, Executive Director, ONA	BC Hydro ARN sent a follow-up letter to the ONA with responses to questions raised during the August 10th meeting which required further investigation by BC Hydro ARN. These questions were not directly related to the Transaction, and included a question on the potential changes to bio energy IPP rates and request for termination provisions associated with the Keenleyside Entitlement Agreement under which BC Hydro provides entitlement to the Arrow Lakes Hydro Project.
2009-Aug-14	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Pauline Terbasket, Executive Director, ONA	BC Hydro (Keith Vorland) sent a letter to Okanagan Nation Alliance (ONA) (Pauline Terbasket, Executive Director) indicating that BC Hydro was providing funding to assist the ONA to determine whether the proposed Transaction will affect the interests of the ONA and to support the ONA's engagement in the consultation process.
2009-Aug-31	Okanagan Nation Alliance	Information Package	BC Hydro (Regulatory Group)	Pauline Terbasket, Executive Director, ONA	BC Hydro invited Okanagan Nation Alliance to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Pauline Terbasket, Executive Director, ONA	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Okanagan Nation Alliance (ONA) (Pauline Terbasket, Executive Director), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					have any questions or concerns with the Transaction.
2009-Sep-02	Okanagan Nation Alliance	Phone	Golder Associates (Roxanne Scott)	Pauline Terbasket, Executive Director, ONA	Golder & Associates (Roxanne Scott) confirmed with ONA (Pauline Terbasket, Executive Director) that the letter providing details around capacity funding was received. ONA indicated they are formulating a response and will provide it to BC Hydro shortly. ONA inquired about the Workshop Notification received from BC Hydro and indicated that the Chief's are meeting that day and an alternate ONA representative may attend.
2009-Sep-09	Okanagan Nation Alliance	Letter	Pauline Terbasket, Executive Director, ONA	BC Hydro (Keith Vorland)	Okanagan Nation Alliance (ONA), (Pauline Terbasket, Executive Director) sent a letter to BC Hydro (Keith Vorland). ONA indicated that it believed the ONA will be adversely affected by the proposed Transaction and advised BC Hydro ARN that it was accepting the capacity funding from BC Hydro ARN.
2009-Sep-09	Okanagan Nation Alliance	Letter	Grand Chief Stewart Phillip, ONA	BC Hydro (Bob Elton, President & CEO)	Okanagan Nation Alliance (Grand Chief Stewart Phillip) sent a letter to BC Hydro (Bob Elton, President & CEO) regarding the Master Term Agreement between BC Hydro and Teck Resources Limited and Teck Metals Ltd. In his letter Grand Chief Stewart Phillips identified the ONA's interest in the Transaction. Grand Chief Phillips indicated that the historical affects of the Waneta Project as distinct from the physical impact of the proposed Transaction were of primary concern to the ONA. Grand Chief Phillips also indicated an interest in facilitated consultations moving forward.
2009-Sep-10	Okanagan Nation Alliance	Letter	BC Hydro (Keith Vorland)	Pauline Terbasket, Executive Director, ONA	BY Hydro ARN provided Okangan Nation Alliance (Pauline Terbasket, Executive Director) with a follow-up letter, informing them that any information regarding potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, received by BC Hydro ARN by September 15. 2009 would be considered in the course of determining whether to enter into APA on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sep-15	Okanagan Nation Alliance	Letter	Keith Vorland (BC Hydro)	Pauline Terbasket, Executive Director, ONA	BC Hydro (Keith Vorland) indicated that the letter addressed to the BC Hydro CEO was referred to the Aboriginal Relations Negotiating team. BC Hydro ARN indicated that it is committed to appropriate consultation with Aboriginal groups in connection with the Transaction. BC Hydro ARN indicated that it accepted that further discussion with the ONA after September 22, 2009 may be appropriate if BC Hydro decided to proceed with the Transaction. In particular, BC Hydro ARN requested further information in respect of the ONA's expressed concerns regarding flooding, effects on fish, wildlife and habitat and appropriation of water for hydroelectric purposes. BC Hydro ARN also indicated a willingness to consider facilitated consultation. In addition, BC Hydro ARN indicated that all consultations would need to be completed by November 18, 2009.
2009-Sep-15	Okanagan Nation Alliance	Fax	Pauline Terbasket, Executive Director, ONA	Keith Vorland (BC Hydro)	Okanagan Nation Alliance (Pauline Terbasket) indicated that the ONA will be unable to provide the information by the requested date of September 15, 2009. The earliest the information can be provided is September 18, 2009.
2009-Sep-15	Okanagan Nation Alliance	Letter	Stewart Phillip Grand Chief ONA	Keith Vorland (BC Hydro)	BC Hydro (Bob Elton) responded to Grand Chief Stewart Phillip confirming that BC Hydro was committed to consultation and that it was being carried out under the direction BC Hydro ARN.
2009-Sep-17	Okanagan Nation Alliance	Letter	Keith Vorland (BC Hydro)	Pauline Terbasket, Executive Director, ONA	BC Hydro (Keith Vorland) sent a letter to Okanagan Nation Alliance (ONA) (Pauline Terbasket, Executive Director) thanking her for her letter of September 15, 2009. BC Hydro ARN indicated, in response to the letter dated September 15, 2009, that information received after September 15, 2009 may not receive full consideration in the context of its decision to enter into the APA but, to the extent it does not, would be fully considered in connection with any ongoing consultation process with regard to the Transaction.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Osoyoos Indian First Nation					
2009-Jun-17	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Osoyoos Indian First Nation (Chief Louie). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for
2009-Jun-18	Osoyoos Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Osoyoos Indian First Nation (Chief Clarence Louie)	Golder & Associates (Roxanne Scott) left voicemail message in the Osoyoos Indian First Nation (Chief Louie) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro pertaining to the contemplated Waneta Dam purchase transaction. Also Informed Chief Clarence Louie that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-18	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro (Keith Vorland) sent a Cover Letter and copy of the Master Terms Sheet between BC Hydro and Teck dated June 17, 2009 via courier to Osoyoos Indian First Nation (Chief Louie). The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Osoyoos Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Osoyoos Indian First Nation (Chief Clarence Louie)	Golder & Associates (Roxanne Scott) left voicemail message in Osoyoos Indian First Nation (Chief Louie) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro pertaining to the contemplated Waneta Dam purchase transaction. Roxanne also Informed Chief Clarence Louie that a non-binding term sheet outlining details of the agreement was sent by courier June 18,

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					2009.
2009-Jun-23	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Osoyoos Indian First Nation (Chief Clarence Louie) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Louie and replaced with the new pages enclosed.
2009-Jun-24	Osoyoos Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Osoyoos Indian First Nation (Chief Clarence Louie)	Golder & Associates (Roxanne Scott), called Osoyoos Indian First Nation (Chief Louie) who was out of office. Left voicemail message explaining the purpose of the call.
2009-Jun-29	Osoyoos Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Osoyoos Indian First Nation (Chief Clarence Louie)	Golder & Associates (Roxanne Scott) spoke with the Osoyoos Indian First Nation office receptionist, who indicated Chief Louie will be out of the office until Thursday, July 2. Roxanne stated she will phone back.
2009-Jul-07	Osoyoos Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Osoyoos Indian First Nation (Chief Clarence Louie)	Golder & Associates (Roxanne Scott) left a message on Osoyoos Indian First Nation (Chief Louie) voicemail box stating that the Terms Sheet package was sent by courier a few weeks ago providing the details of the potential 1/3 purchase of the Waneta Dam by BC Hydro. Roxanne stated that she had left a number of voicemail messages for Chief Louie inquiring whether he had received the Terms Sheet package and that the courier had confirmed that it had been delivered to the Osoyoos First Nation. Roxanne stated that if Chief Louie had not yet received the package, or if he had any questions about the potential purchase agreement, to contact Golder & Associates, (Roxanne Scott)
2009-Jul-17	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Osoyoos Indian First Nation (Chief Louie) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Aug-31	Osoyoos Indian First Nation	Information Package	BC Hydro (Regulatory Group)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro invited Osoyoos Indian First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Osoyoos Indian First Nation (Chief Louie), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Osoyoos Indian First Nation	Letter	BC Hydro (Keith Vorland)	Osoyoos Indian First Nation (Chief Clarence Louie)	BC Hydro, Keith Vorland sent Osoyoos Indian First Nation (Chief Louie) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22,

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					2009. In fact, the decision will be made on September 22, 2009.
Penticton Indian First Nation					
2009-Jun-17	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Penticton Indian First Nation (Chief Kruger) The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation f
2009-Jun-18	Penticton Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Penticton Indian First Nation (Chief Jonathan Kruger)	Golder & Associates (Roxanne Scott) left voicemail message in the Penticton Indian First Nation (Chief Kruger) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-18	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Penticton Indian First Nation (Chief Kruger). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-19	Penticton Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Penticton Indian First Nation (Chief Jonathan Kruger)	Golder and Associates, (Roxanne Scott) left voicemail message in the Penticton Indian First Nation (Chief Jonathan Kruger) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-23	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Penticton Indian First Nation (Chief Kruger) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Jonathan Kruger and replaced with the new pages enclosed.
2009-Jun-24	Penticton Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Penticton Indian First Nation (Chief Jonathan Kruger)	Golder and Associates, (Roxanne Scott) left a voicemail message in the Penticton Indian First Nation (Chief Kruger) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-29	Penticton Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Penticton Indian First Nation (Chief Jonathan Kruger)	Golder and Associates, (Roxanne Scott) contacted Penticton Indian First Nation (Chief Kruger) on his cell phone. Roxanne stated that BC Hydro has sent Chief Kruger a letter notice, notifying of the contemplated 1/3 purchase of the Waneta Dam by BC Hydro, and a Term Sheet, providing details of the potential agreement. Chief Kruger stated he is presently in Kamloops and was away from the office last week, and does not know if the notice letter and Term Sheet package was received. He will be back in the office end of this week and should know if the package was received. Chief Kruger stated that the Band's Natural Resource Committee (and associated consultant who works for the Band) will likely review the information and provide him with an update on the information outlined in the package. Roxanne indicated she will contact Chief Kruger to confirm the package of information was received.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-07	Penticton Indian First Nation	Phone	Golder Associates (Roxanne Scott)	Penticton Indian First Nation (Chief Jonathan Kruger)	Golder and Associates, (Roxanne Scott) left a message on the Penticton Indian First Nation (Chief Kruger) voicemail box stating that a Terms Sheet package was sent by courier a few weeks ago providing details of the potential 1/3 purchase of the Waneta Dam by BC Hydro. Roxanne stated that she had left a few voicemail messages for Chief Kruger inquiring whether he had received the Terms Sheet package and that the courier had confirmed that it had been delivered to the Penticton Indian First Nation. Roxanne stated that if Chief Kruger had not yet received the package, or if he had any questions about the potential purchase agreement, to contact Golder & Associates, (Roxanne Scott)
2009-Jul-17	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Penticton Indian First Nation (Chief Kruger) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Aug-31	Penticton Indian First Nation	Information Package	BC Hydro (Regulatory Group)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro invited Penticton Indian First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sept-02	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Penticton Indian First Nation (Chief Kruger), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Penticton Indian First Nation	Letter	BC Hydro (Keith Vorland)	Penticton Indian First Nation (Chief Jonathan Kruger)	BC Hydro, Keith Vorland sent Penticton Indian First Nation (Chief Kruger) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Upper Nicola First Nation					
2009-Jun-17	Upper Nicola First Nation	Letter	BC Hydro (Keith Vorland)	Upper Nicola First Nation (Chief Tim Manuel)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Upper Nicola First Nation (Chief Manuel) The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					<p>anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for t</p>
2009-Jun-18	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation (Chief Tim Manuel)	<p>Golder and Associates, (Roxanne Scott) left voicemail message in the Upper Nicola First Nation (Chief Manuel) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.</p>
2009-Jun-18	Upper Nicola First Nation	Letter	BC Hydro (Keith Vorland)	Upper Nicola First Nation (Chief Tim Manuel)	<p>BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Upper Nicola First Nation (Chief Manuel). The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process</p>
2009-Jun-19	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation (Chief Tim Manuel)	<p>Golder and Associates, (Roxanne Scott) left voicemail message in the Upper Nicola First Nation (Chief Manuel) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.</p>
2009-Jun-23	Upper Nicola First Nation	Letter	BC Hydro (Keith Vorland)	Upper Nicola First Nation (Chief Tim Manuel)	<p>BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Upper Nicola First Nation (Chief Manuel) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Tim Manuel and replaced with the new pages enclosed.</p>

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-24	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation (Chief Tim Manuel)	Golder and Associates, (Roxanne Scott) left a voicemail message in the Upper Nicola First Nation (Chief Manuel) requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-29	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation (Chief Tim Manuel)	Golder & Associates, (Roxanne Scott) contacted the Upper Nicola (Chief Manuel) to notify that a Term Sheet has been sent providing details of the Transaction and to identify any questions or concerns that the UNIB had pertaining to the Transaction. Chief Manuel indicated that the approach the UNIB will take to consultation in respect of the Transaction will be influenced by the UNIB's unhappiness with the consultation approach BC Hydro has taken on other projects. During this call, BC Hydro ARN stated that it was ready to meet with the UNIB to further discuss their concerns and issues.
2009-Jul-09	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation (Chief Tim Manuel)	Golder & Associate (Roxanne Scott) left a voicemail message for Upper Nicola First Nation (Chief Manuel), indicating that BC Hydro would like to arrange a meeting with Chief Time Manuel to discuss concerns that he may have with the potential 1/3 purchase by BC Hydro of the Waneta Dam. Roxanne left her phone number stating that Chief Tim Manuel can contact her to arrange a meeting date.
2009-Jul-10	Upper Nicola First Nation	Phone	Upper Nicola First Nation Chief Tim Manuel	Roxanne Scott (Golder Associates)	Upper Nicola First Nation, (Chief Manuel) left a message on Golder Associates, (Roxanne Scott) voicemail explaining there is a technical body working with him on this project. Chief Manual stated that Upper Nicola First Nation Advisor (Jay Johnson) should be contacted at XXX-XXX-XXXX. The technical body will have some preliminary discussions and contact BC Hydro to discuss.
2009-Jul-13	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Jay Johnson	Left message with Jay Johnson, stating that Chief Manuel recommended that contact be made with him to discuss the Waneta Transaction at the request of Chief Tim Manuel
2009-Jul-15	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Jay Johnson	Golder & Associates, (Roxanne Scott) left a message on Upper Nicola First Nation, (Jay Johnson) voicemail. Roxanne explained that Upper Nicola First Nation, (Chief Tim Manuel) requested BC Hydro contact him to dicuss the Waneta Transaction and

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					arrange a meeting between BC Hydro and the Upper Nicola Indian Band.
2009-Jul-17	Upper Nicola First Nation	Letter	BC Hydro (Keith Vorland)	Upper Nicola First Nation (Chief Tim Manuel)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Upper Nicola First Nation (Chief Manuel) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-20	Upper Nicola First Nation	Phone	Jay Johnson	Roxanne Scott (Golder Associates)	Upper Nicola First Nation, (Jay Johnson) left a message for Golder & Associates, (Roxanne Scott) stating he has had conversations with several Chiefs requesting he hold a meeting with BC Hydro regarding the Waneta transaction. jay provided Roxanne with a new phone number
2009-Jul-21	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Jay Johnson	Golder & Associates, (Roxanne Scott) left a message on Jay Johnson's voicemail, returning his call from July 20, 2009. Roxanne provided her contact information.
2009-Jul-27	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Jay Johnson	Golder Associates (Roxanne Scott) left a message for Advisor to the Upper Nicola First Nation (Jay Johnson) to follow up that he is aware BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam as per the request of Chief Tim Manuel. Roxanne can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.
2009-Jul-27	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Chief Tim Manuel	BC Hydro ARN left a voicemail message for UNIB (Chief Manuel) asking if he could confirm that he had received BC Hydro ARN's letter to him dated July 17th, 2009, stating that BC Hydro has filed an application to the BCUC for the acquisition of 1/3 interest of the Waneta Dam. BC Hydro ARN's message also stated that BC Hydro ARN is ready to meet with the UNIB to discuss issues and concerns regarding the Transaction

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-29	Upper Nicola First Nation	Phone	Roxanne Scott (Golder Associates)	Upper Nicola First Nation Jay Johnson	Golder Associates (Roxanne Scott) left a voice mail for Advisor to the Upper Nicola Indian Band (Jay Johnson) as a follow up to her call on July 27, 2009. Jay Johnson's voicemail message indicated that he would be away from British Columbia until August 12, 2009.
2009-Jul-29	Upper Nicola First Nation	Phone	Roxanne Scott (Golder Associates)	Upper Nicola First Nation Chief Tim Manuel	Golder Associates (Roxanne Scott) phoned Upper Nicola First Nation (Chief Manuel) indicating that BC Hydro ARN had left multiple messages with Jay Johnson to discuss the Transaction but has not been successful in contacting him.
2009-Jul-29	Upper Nicola First Nation	Phone	Roxanne Scott (Golder Associates)	Upper Nicola First Nation Chief Tim Manuel	Upper Nicola First Nation (Chief Manuel) returned Golder Associates' (Roxanne Scott) phone call and stated that the UNIB has outstanding issues with BC Hydro on the ILM Project, and that they are considering intervening in the Transaction process. Chief Manuel indicated that until the ILM issues take a turn for the better, the Upper Nicola would be petitioning the courts regarding BC Hydro's duty to consult. BC Hydro ARN informed Chief Manuel that BC Hydro ARN has been consulting with the ONA on the Transaction and is in the process of scheduling a meeting with the ONA at their request. Chief Manuel indicated he would contact the ONA.
2009-Aug-05	Upper Nicola First Nation	Phone	Chief Tim Manuel	Roxanne Scott (Golder Associates)	Upper Nicola First Nation (Chief Manuel) called Golder Associates, (Roxanne Scott) stating he will be attending the meeting scheduled for Monday, August 10, 2009 with Okanagan Nation Alliance (Pauline Terbasket). Roxanne Stated that she would forward the meeting agenda to him by email.
2009-Aug-04	Upper Nicola First Nation	Letter	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Chief Tim Manuel	BC Hydro (Roxanne Scott) sent a letter to Upper Nicola (Chief Manuel) indicating the proposed agenda for the meeting between BC Hydro, the Okanagan Nation Alliance, and the Upper Nicola First Nation on August 10, 2009.
2009-Aug-31	Upper Nicola First Nation	Information Package	BC Hydro (Regulatory Group)	Upper Nicola First Nation Chief Tim Manuel	BC Hydro invited Upper Nicola First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sept-02	Upper Nicola First Nation	Letter	BC Hydro (Keith Vorland)	Upper Nicola First Nation (Chief Tim Manuel)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Upper Nicola First Nation (Chief Manuel) indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-02	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Chief Tim Manuel	Roxanne Scott (Golder Associates) left a message with the UNIB requesting the opportunity to discuss the Transaction, and reschedule a meeting if they so wished. Roxanne also indicated that a meeting was held with the ONA on August 10, 2009 and that BC Hydro ARN was continuing to engage in consultation with the ONA. .
2009-Sep-09	Upper Nicola First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Nicola First Nation Chief Tim Manuel	BC Hydro, Keith Vorland sent Upper Nicola First Nation (Chief Manuel) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset Purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Upper Similkameen First Nation					
2009-Jun-17	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Upper Similkameen First Nation (Chief Holmes). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation
2009-Jun-18	Upper Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Similkameen First Nation (Chief Richard Holmes)	Golder & Associate (Roxanne Scott) spoke with an administrative staff member in the Upper Similkameen First Nation Band office. Asked whether she knew if Chief Holmes had received a letter faxed from BC Hydro on the contemplated Waneta Dam purchase transaction. Informed the person that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009. Staff person indicated she would pass on the message to Chief Holmes.
2009-Jun-18	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Upper Similkameen First Nation (Chief Holmes). The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Upper Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Similkameen First Nation (Chief Richard Holmes)	Golder and Associates, (Roxanne Scott) left voicemail message in Upper Similkameen First Nation (Chief Holmes) voice mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-23	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Upper Similkameen First Nation (Chief Holmes) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Richard Holmes and replaced with the new pages enclosed.
2009-Jun-24	Upper Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Similkameen First Nation (Chief Richard Holmes)	Golder and Associates, (Roxanne Scott) left voicemail message in the Upper Similkameen First Nation (Chief Holmes) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-29	Upper Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Similkameen First Nation (Chief Richard Holmes)	Golder and Associates, (Roxanne Scott) Charlene at the Upper Similkameen First Nation office answered Roxanne's phone call, and indicated Chief Holmes was not in the office today. Roxanne asked Charlene if she knew whether the Notice Letter and Term Sheet information sent by BC Hydro was received. Charlene indicated that they had been received. Roxanne stated that BC Hydro is contemplating a 1/3 purchase of the Waneta Dam, and that the Term Sheet outlines details of this agreement. Roxanne stated that Chief Holmes can contact her directly with questions or concerns regarding this potential purchase transaction. Charlene stated that Chief and Council will be meeting tomorrow (Tuesday June 30) and will likely have a chance to review the documentation then.
2009-Jul-17	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Upper Similkameen First Nation (Chief Holmes) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Upper Similkameen First Nation	Phone	Roxanne Scott (Golder Associates)	Upper Similkameen First Nation Chief Richard Holmes	Golder Associates (Roxanne Scott) was informed that Chief Holmes was in a meeting. Roxanne indicated that she would call back later in the day.
2009-Jul-27	Upper Similkameen First Nation	Phone	Golder Associates (Roxanne Scott)	Upper Similkameen First Nation Chief Richard Holmes	Golder Associates (Roxanne Scott) left a message for Upper Similkameen (Chief Holmes) in his voice mailbox to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne indicated she can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.
2009-Aug-31	Upper Similkameen First Nation	Information Package	BC Hydro (Regulatory Group)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro invited Upper Similkameen First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Upper Similkameen First Nation (Chief Holmes), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Upper Similkameen First Nation	Letter	BC Hydro (Keith Vorland)	Upper Similkameen First Nation (Chief Richard Holmes)	BC Hydro, Keith Vorland sent Upper Similkameen First Nation (Chief Holmes) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Westbank First Nation					
2009-Jun-17	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Westbank First Nation (Chief Louie). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the re

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-18	Westbank First Nation	Phone	Golder & Associates (Roxanne Scott)	Westbank First Nation (Chief Robert Louie)	Golder & Associate (Roxanne Scott) left voicemail message in the Westbank First Nation (Chief Louie) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-18	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Westbank First Nation (Chief Louie). The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Westbank First Nation	Phone	Golder & Associates (Roxanne Scott)	Westbank First Nation (Chief Robert Louie)	Golder and Associates, (Roxanne Scott) left a voicemail message in the Westbank First Nation (Chief Robert Louie) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-22	Westbank First Nation	Phone	Westbank First Nation (Connie)	Golder Associates (Roxanne Scott)	Westbank First Nation office (Connie) telephoned Golder & Associates, (Roxanne Scott) informing her that Chief Robert Louie did receive the faxed letter and the Term Sheet. Connie stated that Raf Deguevara will be reviewing the documents
2009-Jun-23	Westbank First Nation	Phone	Westbank First Nation (Raf Deguevara)	Golder Associates (Roxanne Scott)	Westbank First Nation office (Raf Deguevara) telephoned Golder and Associates, (Roxanne Scott) and stated Westbank First Nations has received the Term Sheet and will be reviewing this and obtain input from Council. They will get back to BC Hydro with their views. Raf also stated that Westbank First Nation will be representing their own interests, independent of the ONA.
2009-Jun-23	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Westbank First Nation (Chief Louie) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Robert Louie and replaced with the new pages enclosed.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-17	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Westbank First Nation (Chief Robert Louie) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Westbank First Nation	Phone	Golder & Associates (Roxanne Scott)	Westbank First Nation (Chief Robert Louie)	Golder Associates (Roxanne Scott) left a voice message for Westbank First Nation (Chief Louie) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project. Chief Robert Louie will be out of the office until August 4, 2009.
2009-Jul-27	Westbank First Nation	Phone	Westbank First Nation, Janet Strachon	Golder Associates (Roxanne Scott)	Westbank First Nation (Janet Strachon) left a voicemail message for Golder Associates (Roxanne Scott). Janet indicated that she had received the letter from BC Hydro dated July 17, 2009 regarding the Waneta Dam purchase and was wondering if there had been any other correspondences sent to the Westbank First Nation. Janet requested Roxanne return her call.
2009-Jul-27	Westbank First Nation	Phone	Westbank First Nation, Janet Strachon	Golder Associates (Roxanne Scott)	Golder Associates (Roxanne Scott) called Westbank First Nation (Janet Strachon) in response to her question around previous correspondences to the Westbank regarding the Waneta purchase. Roxanne outlined the previous correspondences that had been sent and stated that the File to BCUC is publically available on the BCUC website. Janet stated that she will access the document, review the previous documents with Raf Deguevara and contact BC Hydro if they have any issues.
2009-Aug-31	Westbank First Nation	Information Package	BC Hydro (Regulatory Group)	Westbank First Nation (Chief Robert Louie)	BC Hydro invited Westbank First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Westbank First Nation (Chief Louie and Janet Strachon), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Westbank First Nation	Letter	BC Hydro (Keith Vorland)	Westbank First Nation (Chief Robert Louie)	BC Hydro, Keith Vorland sent Westbank First Nation (Chief Louie) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Ktunaxa Nation Council					
Akisiq'nuk First Nation (formerly Columbia Lake Indian Band)					
2009-Jun-17	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Askisiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Tenesse). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was
2009-Jun-17	Columbia Lake First Nation	Phone	Golder Associates (Roxanne Scott)	Columbia Lake First Nation (Adrian Bergeles - Communications Officer)	Golder and Associates, (Roxanne Scott) called for Askisiq'nuk First Nation (formerly Columbia Lake Indian Band), Chief Tenesse who was not in the office - talked to Adrian Bergeles - Communications Officer. Roxanne asked whether the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction was received. Adrian stated the letter was received. Also Informed Adrian that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009. Adrian asked whether there will be a change to Dam operations if the purchase takes place. Roxanne stated operations of the dam will remain unchanged.
2009-Jun-18	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Askisiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Wilfred Tenesse). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-23	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Askiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Wilfred Tenesse) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Wilfred Tenesse and replaced with the new pages enclosed.
2009-Jul-17	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Askiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Tenesse) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Columbia Lake First Nation	Phone	Roxanne Scott (Golder Associates)	Columbia Lake First Nation (Chief Wilfred Tenesse)	Golder Associates (Roxanne Scott) attempted to contact Askiq'nuk First Nation (formerly Columbia Lake Indian Band), Chief Wilfred Tenesse at the number provided, but there was no answer and the call was not directed to a voicemail box.
2009-Aug-31	Columbia Lake First Nation	Information Package	BC Hydro (Regulatory Group)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro invited Columbia Lake First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sept-02	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Askiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Tenesse), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Columbia Lake First Nation	Letter	BC Hydro (Keith Vorland)	Columbia Lake First Nation (Chief Wilfred Tenesse)	BC Hydro, Keith Vorland sent Askiq'nuk First Nation (formerly Columbia Lake Indian Band), (Chief Wilfred Tenesse) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Ktunaxa Nation Council					
2009-Jun-17	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Ktunaxa Nation Council (Bill Green). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the re
2009-Jun-18	Ktunaxa Nation Council	Phone	Golder Associates (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder and Associates, (Roxanne Scott) left a voicemail message in Ktunaxa Nation Council (Bill Green) mailbox requesting confirmation of receipt of the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009
2009-Jun-18	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Ktunaxa Nation Council (Bill Green). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Ktunaxa Nation Council	Phone	Golder Associates (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder and Associates, (Roxanne Scott) spoke with (Bill Green) Ktunaxa Nation Council by telephone. Bill informed Roxanne that he did receive both the faxed letter and the Term Sheet
2009-Jun-23	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Ktunaxa First Nation (Bill Green) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Bill Green, CORIFC Director and replaced with the new pages enclosed.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-24	Ktunaxa Nation Council	Phone	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates (Roxanne Scott)	Ktunaxa Nation Council (Bill Green) left a voicemail message at Golder & Associates for (Roxanne Scott) that the KNC did receive the letter and Term Sheet. Bill indicated his understanding that during the Waneta Expansion Environmental Assessment process, there was a condition written into the EA Certificate with respect to water use planning for the Pend d'Oreille River system. Mr. Green indicated that the Ktunaxa Nation is considering asking about the development of an integrated water use plan (WUP) for the Seven Mile Project and Waneta Dam facilities. Mr. Green stated this is an important issue for the KNC and one that was raised in the Waneta Expansion project. The Ktunaxa would like to discuss this with BC Hydro ARN.
2009-Jul-09	Ktunaxa Nation Council	Phone	Golder Associates (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder and Associates, (Roxanne Scott) spoke with Ktunaxa Nation Council (Bill Green), stating that as a follow-up to his voicemail message BC Hydro ARN would like to arrange a meeting with the KNC to discuss the KNC's expressed concerns pertaining to the Transaction. Mr. Green stated the KNC's concerns include seeking a commitment from BC Hydro ARN – as owner of the Seven Mile project and potential part owner of the Waneta Dam – to develop an integrated WUP for the Pend d'Oreille River system; and as an additional accommodation, seeking a share in the incremental revenues to BC Hydro (and/or the BC government) arising from BC Hydro's 1/3 share in the Waneta Dam
2009-Jul-09	Ktunaxa Nation Council	Email	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates (Roxanne Scott)	Ktunaxa First Nation, (Bill Green) sent Golder and Associates, (Roxanne Scott) an email, providing three relevant background documents, issues of concern for discussion at the proposed meeting and potential meeting dates.
2009-Jul-09	Ktunaxa Nation Council	Email	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder & Associates (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director) sent Roxanne an email, providing tentative meeting dates.
2009-Jul-13	Ktunaxa Nation Council	Email	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder & Associates, (Roxanne Scott) responded to Ktunaxa Nation Council (Bill Green) email regarding potential meeting dates. Roxanne will follow up.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-15	Ktunaxa Nation Council	Phone	Roxanne Scott, Golder Associates	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates (Roxanne Scott) left a message for Ktunaxa Nation Council (Bill Green) requesting clarification on the Ktunaxa questions for the meeting with BC Hydro. Bill's voicemail indicated he would be in meetings until July 16, 2009, but may be available on his cell phone. Roxanne will try to reach Bill on the cell phone number provided.
2009-Jul-15	Ktunaxa Nation Council	Phone	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Ktunaxa Nation Council (Bill Green) clarified two of his key questions around Water Use Plans and revenue sharing with Golder & Associates, (Roxanne Scott).
2009-Jul-17	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Ktunaxa Nation Council (Bill Green) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-20	Ktunaxa Nation Council	Phone	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates (Roxanne Scott) called Ktunaxa Nation Council (Bill Green) to confirm the location and time of the meeting on July 23, 2009 in Cranbrook. The meeting will be held at 1:30 at 201 14th Ave, on the second floor boardroom.
2009-Jul-23	Ktunaxa Nation Council	Meeting	BC Hydro, (Keith Vorland BC Hydro, (Renata Kurschner),	(Golder Associates) Roxanne Scott, , Bill Green, (CORIFC Director, Ktunaxa Nation Council), Helde Ponte, (Director Ktunaxa Economic Development Sector, Ktunaxa Nation Council)	BC Hydro (Keith Vorland, Renata Kurschner), Golder Associates (Roxanne Scott) met with KNC (Bill Green, Helde Ponte) to discuss the Waneta Transaction.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-27	Ktunaxa Nation Council	Email	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates (Roxanne Scott) provided Ktunaxa Nation Council (Bill Green) with a digital copy of the BCUC Application and Terms Sheet.
2009-Jul-28	Ktunaxa Nation Council	Phone	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Keith Vorland) left a voicemail message for Ktunaxa Nation Council (Bill Green) updating him on the status of the Framework agreement. Bill's voicemail indicated he would be out of the office until August 11, 2009.
2009-Aug-05	Ktunaxa Nation Council	Letter	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Roxanne Scott) provided BC Hydro's responses to the questions raised at the meeting between the Ktunaxa Nation Council and BC Hydro on July 23, 2009.
2009-Aug-08	Ktunaxa Nation Council	Letter	(BC Hydro) Eric Denhoff	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Eric Denhoff) provided Ktunaxa Nation Council (KNC) (Bill Green) with an update on the BC Hydro's position on the Framework agreement. Outstanding issues include coordination with the Water Use Planning and Water License Requirement, budget, and a list of historical grievances.
2009-Aug-14	Ktunaxa Nation Council	Phone	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	(Keith Vorland) spoke to Ktunaxa Nation Council (KNC) (Bill Green) on the phone. Keith Vorland received the letter from the KNC informing BCUC they were registering as an intervenor. In the meeting between BC Hydro and KNC, Bill Green asked BC Hydro to consider capacity funding to assist in intervening in the BCUC process, if the BCUC participant funding was not sufficient to cover all the cost. In a letter to KNC, BC Hydro indicated that they could not pay capacity funding to intervenors and provide participant funding for the same process, both would be ultimately paid for by BC Hydro. Keith Vorland noticed the KNC letter to the BCUC indicated they were requesting capacity funding for discussions with BCH and participant funding for the intervenor process. In this case BCH would consider capacity funding for discussions with BC Hydro and will get back to him early next week with a decision. Bill Green thanked Keith Vorland and stated he will be out of the office on holidays and will check his email. Keith
2009-Aug-17	Ktunaxa Nation Council	Email	(Ktunaxa Nation Council) (Bill Green, CORIFC Director)	(BC Hydro), Ryan McFadden	Ktunaxa Nation Council (KNC) (Bill Green) responded to the letter from BC Hydro (Eric Denhoff) regarding Framework Agreement negotiations. KNC requested a meeting to discuss and provided some potential dates.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Aug-17	Ktunaxa Nation Council	Email	BC Hydro (Eric Denhoff)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Eric Denhoff) proposed to meet with Ktunaxa Nation Council (KNC) (Bill Green) on September 21, 2009 at 11:00 am.
2009-Aug-18	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro letter (Keith Vorland) was sent to Ktunaxa Nation Council (Bill Green) thanking him for their discussion in the July 23 meeting and that BC Hydro will provide the Ktunaxa Nation Council funding to assist in determining if the proposed Waneta Transaction will affect the interests of the Ktunaxa Nation Council and to support engagement in the consultation process
2009-Aug-21	Ktunaxa Nation Council	Email	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Keith Vorland) emailed Ktunaxa Nation Council (Bill Green) the letter of Aug 18th advising of the funding provided
2009-Aug-26	Ktunaxa Nation Council	Email	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Eric Denhoff (BC Hydro)	Ktunaxa Nation Council (KNC) (Bill Green) confirmed the date proposed by BC Hydro (Eric Denhoff), September 21, 2009 at 11:00 am, was suitable for the KNC. KNC will follow up with a meeting location.
2009-Aug-31	Ktunaxa Nation Council	Information Package	BC Hydro (Regulatory Group)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro invited Ktunaxa Nation Council to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-01	Ktunaxa Nation Council	Phone	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Roxanne Scott) left a voicemail message for Ktunaxa Nation Council (KNC) (Bill Green) requesting confirmation of receipt of letter dated August 18, 2009. BC Hydro requested a KNC return the call to discuss next steps.
2009-Sept-01	Ktunaxa Nation Council	Email	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Roxanne Scott) sent an email to KNC (Bill Green) requesting confirmation of receipt of letter dated August 18, 2009. BCH indicated would follow-up with a call to discuss next steps.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sept-02	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Ktunaxa Nation Council (Bill Green), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-10	Ktunaxa Nation Council	Letter	BC Hydro (Keith Vorland)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro (Keith Vorland) provided Ktunaxa Nation Council (Bill Green) with a follow-up letter, informing them that any information regarding potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, received by BC Hydro ARN by September 15, 2009 would be considered in the course of determining whether to enter into the APA on September 22, 2009.
2009-Sep-11	Ktunaxa Nation Council	Email	Ktunaxa Nation Council (Bill Green, CORIFC Director)	Golder Associates, (Roxanne Scott)	KNC thanked BC Hydro ARN for their proposed funding assistance, and requested clarification and confirmation by BC Hydro ARN that this funding is to be used to identify impacts of the proposed Transaction on Ktunaxa interests and to support negotiations between the KNC and BCH on possible measures to address these impacts. The KNC also requested an extension to Wednesday, Sept. 16th for receipt of their submission to BC Hydro ARN in response to BC Hydro ARN's Sept. 2nd and September 10th, 2009 request.
2009-Sep-11	Ktunaxa Nation Council	Email	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	BC Hydro ARN responded to KNC's email stating that the proposed funding assistance is to be used to identify impact of the Transaction on KNC's interests and support KNC engagement in the consultation process. BC Hydro ARN confirmed that September 16th was acceptable for receipt of the KNC's submission.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sep-16	Ktunaxa Nation Council	Letter	Golder Associates, (Roxanne Scott)	Ktunaxa Nation Council (Bill Green, CORIFC Director)	KNC sent letter and documents to BCH communicating its interests pertaining to the proposed Transaction. Enclosed, with this letter was a copy of a report marked "Confidential" dated September, 2006.
Lower Kootenay First Nation					
2009-Jun-17	Lower Kootenay First Nation	Letter	BC Hydro (Keith Vorland)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Lower Kootenay First Nation (Chief Luke). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for t
2009-Jun-18	Lower Kootenay First Nation	Letter	BC Hydro (Keith Vorland)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Lower Kootenay First Nation (Chief Luke). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jul-02	Lower Kootenay First Nation	Phone	Golder Associates (Roxanne Scott)	Lower Kootenay First Nation (Chief Christopher Luke)	Golder and Associates, (Roxanne Scott) requested to speak with Lower Kootenay First Nation (Chief Luke), he was unavailable so spoke to Trina instead. Roxanne indicated that BC Hydro is considering purchasing 1/3 of the Waneta Dam and that a terms sheet package providing details of the potential purchase was recently sent by courier. Roxanne asked if Trina was aware if the Chief had received this information. Trina stated she had seen the package in the Chief's mail and believes it was received on July 1, 2000. Roxanne

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					indicated that her phone number is included in the information package and that Chief Luke can contact her with any questions or concerns.
2009-Jul-07	Lower Kootenay First Nation	Phone	Golder Associates, (Roxanne Scott)	Lower Kootenay First Nation (Chief Christopher Luke)	Golder and Associates, (Roxanne Scott) called the Lower Kootenay First Nation (Chief Luke) was not in so Roxanne talked to Trina. Roxanne asked Trina if she know whether a letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction was received. Trina indicated that the letter had been received. Roxanne also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009. Trina stated she would pass on the information to Chief uke
2009-Jul-17	Lower Kootenay First Nation	Letter	BC Hydro (Keith Vorland)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Lower Kootenay First Nation (Chief Christopher Luke) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Lower Kootenay First Nation	Phone	Golder Associates, (Roxanne Scott)	Lower Kootenay First Nation (Chief Christopher Luke)	Golder Associates (Roxanne Scott) was informed by Lower Kootenay (Trina) that Chief Luke was out of the office. Roxanne inquired as to whether she knew if Chief Luke had received the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Trina stated that she had received two packages from BC Hydro, but she had not opened them and could not confirm the contents. Roxanne stated that if Chief Luke had any questions or concerns about the Waneta project to contact Roxanne Scott.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-27	Lower Kootenay First Nation	Phone	Golder & Associates (Allison Takasaki)	Lower Kootenay First Nation (Chief Christopher Luke)	Golder Associates (Allison Takasaki) informed the Lower Kootenay (Office Administrator) that a package was sent by DHL to their mailbox.
2009-Aug-31	Lower Kootenay First Nation	Information Package	BC Hydro (Regulatory Group)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro invited Lower Kootenay First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Lower Kootenay First Nation	Letter	BC Hydro (Keith Vorland)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Lower Kootenay First Nation (Chief Luke), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-9	Lower Kootenay First Nation	Letter	BC Hydro (Keith Vorland)	Lower Kootenay First Nation (Chief Christopher Luke)	BC Hydro, Keith Vorland sent Lower Kootenay Nation (Chief Luke) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
St. Mary's First Nation					
2009-Jun-17	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to St. Mary's First Nation (Chief Casimer). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for th
2009-Jun-18	St. Mary's First Nation	Phone	Golder Associates, (Roxanne Scott)	St. Mary's First Nation (Chief Cheryl Casimer)	Golder and Associates, (Roxanne Scott) A different number was provided to Roxanne for Chief Casimer Could get through to leave a message at this phone number
2009-Jun-18	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to St. Mary's First Nation (Chief Casimer) . . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-22	St. Mary's First Nation	Phone	Golder Associates, (Roxanne Scott)	St. Mary's First Nation (Chief Cheryl Casimer)	Golder and Associates, (Roxanne Scott) left voicemail message in the St. Mary's First Nation's general voice mailbox requesting confirmation that Chief Casimer received the letter faxed by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-23	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to St. Mary's First Nation (Chief Casimer) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Cheryl Casimer and replaced with the new pages enclosed.
2009-Jun-29	St. Mary's First Nation	Phone	Golder Associates (Roxanne Scott)	St. Mary's First Nation (Chief Cheryl Casimer)	Golder and Associates, (Roxanne Scott) spoke with St. Mary's First Nation (Chief Casimer) . Roxanne stated that BC Hydro has sent Chief Casimer a letter notice, notifying her of the contemplated 1/3 purchase of the Waneta Dam by BC Hydro, and a Term Sheet, providing details of the potential agreement. Chief Casimer stated she did receive the package, but thinks she has sent to her Land and Resource Manager for review. Chief Casimer stated she will ask to get the information back and will notify Roxanne if there she has any questions or concerns with the proposed transaction.
2009Jul-17	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro Letter (Keith Vorland) was faxed and couriered to St. Mary's First Nation (Chief Casimer) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-07-27	St. Mary's First Nation	Phone	Golder Associates, (Roxanne Scott)	Chief Cheryl Casimer	Golder Associates (Roxanne Scott) left a message for St. Mary's First Nation (Chief Casimer) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne indicated that she can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Aug-31	St. Mary's First Nation	Information Package	BC Hydro (Regulatory Group)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro invited St. Mary's First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to St. Mary's First Nation (Chief Casimer), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	St. Mary's First Nation	Letter	BC Hydro (Keith Vorland)	St. Mary's First Nation (Chief Cheryl Casimer)	BC Hydro, Keith Vorland sent St Mary's First Nation (Chief Casimer) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised her there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Tobacco Plains First Nation					
2009-Jun-17	Tobacco Plains First Nation	Letter	BC Hydro (Keith Vorland)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Tobacco Plains First Nation (Chief Mahsellah). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation
2009-Jun-18	Tobacco Plains First Nation	Phone	Golder Associates, (Roxanne Scott)	Tobacco Plains First Nation (Chief Mary Mahseelah)	Golder and Associates, (Roxanne Scott) with an administrative person at Band Office. Roxanne asked if she knew whether the letter faxed by BC Hydro specifying the contemplated Waneta Dam purchase transaction was received by Chief Mahseelah. Roxanne also informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009. The administrative contact indicated she would follow-up with Chief Mary Mahseelah to determine if these documents have been received.
2009-Jun-18	Tobacco Plains First Nation	Letter	BC Hydro (Keith Vorland)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Tobacco Plains First Nation (Chief Mahsellah). The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-19	Tobacco Plains First Nation	Phone	Golder Associates (Roxanne Scott)	Tobacco Plains First Nation (Chief Mary Mahseelah)	Golder and Associates, (Roxanne Scott) left a voicemail message in Tobacco Plains First Nation (Chief Mahsellah) voicemail mailbox requesting confirmation of receipt of the letter faxed

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					by BC Hydro of the contemplated Waneta Dam purchase transaction. Also Informed that a non-binding term sheet outlining details of the agreement was sent by courier June 18, 2009.
2009-Jun-22	Tobacco Plains First Nation	Phone	BC Hydro (Keith Vorland)	Roxanne Scott (Golder Associates)	BC Hydro (Keith Vorland) contacted Golder and Associates, (Roxanne Scott) indicating that Tobacco Plains are not able to receive courier packages. The Term Sheet package was resent by Canada post on Monday, June 22, 2009
2009-Jun-24	Tobacco Plains First Nation	Phone	Golder Associates, (Roxanne Scott)	Tobacco Plains First Nation (Chief Mary Mahseelah)	Golder and Associates, (Roxanne Scott) spoke with an administrative person at the Band Office. Roxanne asked if she know whether the letter faxed by BC Hydro specifying the contemplated Waneta Dam purchase transaction was received by Chief Mary Mahseelah. Administrative person indicated yes they have received the letter, but not the mailed Term Sheet package.
2009-Jul-07	Tobacco Plains First Nation	Phone	Golder Associates, (Roxanne Scott)	Tobacco Plains First Nation (Chief Mary Mahseelah)	Golder and Associates, (Roxanne Scott) spoke to the administrator in the Band Office who indicated that Chief Mahseelah does not work out of the Band office, but does receive her messages and mail left there. Roxanne asked if the administrator knew if the Chief had reviewed the Terms Sheet Package which was couriered to her. The administrator stated she believed the package had been received and, if so, that it would be reviewed by council. Roxanne stated that if Chief Mahseelah had any questions or concerns regarding the Waneta purchase to contact her at the number provided.
2009-Jul-17	Tobacco Plains First Nation	Letter	BC Hydro (Keith Vorland)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro Letter (Keith Vorland) was faxed and couriered to Tobacco Plains First Nation (Chief Mahseelah) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-07-27	Tobacco Plains First Nation	Phone	Golder Associates, (Roxanne Scott)	Chief Mary Mahseelah	Golder Associates (Roxanne Scott) spoke to an office administrator at the Tobacco Plains First Nation. Roxanne was informed that Chief Mahseelah does not work in the office on a daily basis. The administrator indicated that the documents pertaining to the Waneta purchase have been circulated to advisory personnel who will raise any issue with Chief Council. Roxanne stated that if there are any questions or concerns pertaining to the transaction, she can be reached at XXX-XXX-XXXX to discuss.
2009-Aug-31	Tobacco Plains First Nation	Information Package	BC Hydro (Regulatory Group)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro invited Tobacco Plains First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Tobacco Plains First Nation	Letter	BC Hydro (Keith Vorland)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Tobacco Plains First Nation (Chief Mahseelah), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sep-09	Tobacco Plains First Nation	Letter	BC Hydro (Keith Vorland)	Tobacco Plains First Nation (Chief Mary Mahseelah)	BC Hydro, Keith Vorland sent Tobacco Plains First Nation (Chief Mahseelah) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised her there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Shuswap First Nation					
2009-Jun-17	Shuswap First Nation	Letter	BC Hydro (Keith Vorland)	Shuswap First Nation (Chief Paul Sam)	BC Hydro (Keith Vorland) faxed and couriered an Introductory letter to Shuswap First Nation (Chief Sam). The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the recip
2009-Jun-18	Shuswap First Nation	Phone	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Golder and Associates, (Roxanne Scott) spoke with Shuswap First Nation, (Dean Martin). Dean indicated that the letter was received. Dean stated that a meeting will be requested by the Shuswap First Nation, to discuss concerns about the change of partial ownership of the dam, and what it might trigger in relation to past consultation and accommodation agreements
2009-Jun-18	Shuswap First Nation	Letter	BC Hydro (Keith Vorland)	Shuswap First Nation (Chief Paul Sam)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Shuswap First Nation (Chief Sam). The letter stated the Term Sheet was being provided for review and consideration by

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-23	Shuswap First Nation	Letter	BC Hydro (Keith Vorland)	Shuswap First Nation (Chief Paul Sam)	BC Hydro Letter (Keith Vorland) dated June 22, 2009 regarding 3 missing pages from the Master Terms Sheet sent to Shuswap First Nation (Chief Sam) by courier on June 18, 2009. BC Hydro requested that pages 37 to 43 be removed that were sent to Chief Paul Sam. and replaced with the new pages enclosed.
2009-Jul-09	Shuswap First Nation	Phone	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Golder and Associates, (Roxanne Scott) spoke with Shuswap First Nation, Chief Sam. Roxanne stated BC Hydro is prepared to arrange a meeting with BC Hydro ARN and SIB to discuss questions or concerns the SIB may have with the Transaction. The SIB requested a fax be sent proposing a meeting and potential meeting dates, whereby the SIB will respond to BC Hydro ARN identifying a preferred date.
2009-Jul-10	Shuswap First Nation	Fax	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Letter was faxed to Shuswap First Nation, Chief Sam proposing meeting dates anytime between July 20-24 and July 27-31.
2009-Jul-15	Shuswap First Nation	Phone	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Roxanne spoke to Shuswap First Nation, Chief Sam as a follow up to the fax sent to the Shuswap last week outlining potential dates for a meeting. Chief Sam indicated that the community is hosting a gathering over the next few weeks and would not be available to meet until after the BC Day Long Weekend. Chief Sam requested BC Hydro send another fax with potential meeting dates in August.
2009-Jul-16	Shuswap First Nation	Fax	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Letter was faxed to Shuswap First Nation, Chief Sam proposing meeting dates anytime between August 4-11, 2009 or alternatively August 24-31, 2009
2009-Jul-17	Shuswap First Nation	Letter	BC Hydro (Keith Vorland)	Shuswap First Nation (Chief Paul Sam)	BC Hydro Letter (Keith Vorland) was faxed and couriered and couriered to Shuswap First Nation office (Chief Sam) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					BCUC website (www.BCUC.com) or a copy will be provided upon request.
2009-Jul-27	Shuswap First Nation	Phone	Golder Associates (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Golder Associates (Roxanne Scott) spoke to an office administrator at the Shuswap First Nation. Roxanne was informed that Chief was not in the office. The administrator indicated that the documents letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam had been received. Roxanne stated that if Chief Sam had any questions or concerns pertaining to the transaction, to contact her at XXX-XXX-XXXX to discuss.
2009-Jul-30	Shuswap First Nation	Email	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Chief Paul Sam)	Golder Associates (Roxanne Scott) sent an email to the Shuswap First Nation (Chief Sam) requesting to meet with Dean Martin when he is in Vancouver on August 3, 2009.
2009-Aug-04	Shuswap First Nation	Email	Golder Associates, (Roxanne Scott)	Shuswap First Nation Dean Martin	Golder Associates (Roxanne Scott) sent an email to Shuswap First Nation (Dean Martin) confirming he will be at the BC Hydro office in Vancouver on August 6th for meetings and requesting they meet in the afternoon to discuss BC Hydro's 1/3 undivided interest on Teck's Waneta Dam.
2009-Aug-06	Shuswap First Nation	Meeting	Golder Associates, (Roxanne Scott)	BC Hydro, (Keith Vorland); Kinbasket Development (Dean Martin & Matt Frey); Golder & Associates (Allison Takasaki)	BC Hydro (Keith Vorland) Golder Associates (Roxanne Scott, Allison Takasaki) meet with Shuswap Indian Band (Dean Martin and Matt Ney) to discuss the Waneta transaction.
2009-Aug-18	Shuswap First Nation	Letter	Keith Vorland (BC Hydro)	Shuswap First Nation (Chief Paul Sam)	BC Hydro letter (Keith Vorland) was sent to Shuswap First Nation (Chief Paul Sam) indicating that BC Hydro was provided funding to the Shuswap Indian Band to determine whether the proposed Transaction will affect the interests of the Shuswap Indian Band and to support engagement in the consultation process.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Aug-31	Shuswap First Nation	Information Package	BC Hydro (Regulatory Group)	Shuswap First Nation (Chief Paul Sam)	BC Hydro invited Shuswap First Nation to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Shuswap First Nation	Letter	Keith Vorland (BC Hydro)	Shuswap First Nation (Chief Paul Sam)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was faxed and couriered to Shuswap First Nation (Chief Sam), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-02	Shuswap First Nation	Email	Golder Associates, (Roxanne Scott)	Shuswap First Nation (Dean Martin)	BC Hydro (Roxanne Scott) sent an email to Shuswap Indian Band (Dean Martin) requesting confirmation of receipt the August 18, 2009 providing details around capacity funding. BC Hydro requested an opportunity to meet and discuss the next steps.
2009-Sep-02	Shuswap First Nation	Phone	Golder Associates (Roxanne Scott)	Shuswap First Nation (Dean Martin)	BC Hydro (Roxanne Scott) left a voicemail for Shuswap Indian Band (Dean Martin) requesting confirmation of receipt the August 18, 2009 providing details around capacity funding. BC Hydro requested an opportunity to meet and discuss the next steps.
2009-Sep-10	Shuswap First Nation	Letter	BC Hydro, Keith Vorland	Shuswap First Nation (Chief Paul Sam)	BC Hydro, (Keith Vorland) sent Shuswap First Nation (Chief Sam) a follow-up to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised him there was a typographical error in that letter suggesting that a decision regarding whether or not to sign

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
Sinixt Nation					
Sinixt Nation Society					
Marilyn James and Taress Alexis					
2009-Sept-02	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was couriered to Sinixt Nation Society (Marilyn James, Director and Taress Alexis, Director), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Marilyn James and Taress Alexis, Directors)	BC Hydro, Keith Vorland sent Sinixt Nation Society (Marilyn James and Taress Alexis, Directors) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised them there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
2009-Jul-02	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	Golder and Associates, (Roxanne Scott) spoke to a resident of Marilyn James and Taress Alexis' household. Roxanne was told Marilyn James and Taress Alexis would be out of town until July 6, 2009. A fax number was provided, however, the person was not sure if it was the correct number.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-29	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	Golder and Associates, (Roxanne Scott) left voicemail message for Lance and/or Lola Campbell, Directors stating that BC Hydro recently sent a letter notice and Term Sheet outlining details of a potential 1/3 purchase by BC Hydro of the Waneta Dam. Requested that Roxanne be contacted by phone to confirm receipt of this information, and if Lola/Vance had any questions or concerns
2009-Jun-25	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Marilyn James - Director)	Golder and Associates, (Roxanne Scott) left voicemail message for Marilyn James, Director stating that BC Hydro recently sent by courier a letter notice and Term Sheet describing a contemplated Waneta Dam purchase transaction by BC Hydro. Requested that she be contacted by phone to confirm receipt of this information, and if Marilyn had any questions or concerns.
2009-Jun-18	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Marilyn James - Director and Taress Alexis-Director)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Sinixt Nation Society (Marilyn James, Taress Alexis, Directors). . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-17	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Marilyn James - Director and Taress Alexis-Director)	BC Hydro Introductory letter (Keith Vorland) couriered to Sinixt Nation Society (Taressa Alexis, Director) .The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for the re

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-27	Sinixt Nation Society	Phone	Roxanne Scott (Golder Associates)	Sinixt Nation Society (Marilyn James and Taress Alexis, (Directors)	Golder Associates (Roxanne Scott) left a message Sinixt Nation Society (Marilyn James and Taress Alexis) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.
2009-Aug-31	Sinixt Nation Society	Information Package	BC Hydro (Regulatory Group)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	BC Hydro invited Sinixt Nation Society to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2007-Jul-17	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	BC Hydro Letter (Keith Vorland) couriered to Sinixt Nation Society (Marilyn James, Director and Taress Alexis, Director) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.
2007-Jul-09	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Marilyn James - Director; Taress Alexis - Director)	Golder and Associates, (Roxanne Scott) talked to Marilyn James, Director. Marilyn stated she picked up the term sheet package at the post office today, but has not had a chance to look at it. Roxanne stated that if she has any questions or concerns pertaining to BC Hydro's 1/3 potential purchase of the Waneta Dam, that she can contact her (Roxanne) at XXX-XXX-XXXX and that BC Hydro would also be available to meet to discuss any concerns.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
Lola Jon Campbell and Vance Robert Campbell					
2009-Jun-17	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell - Director and Van Robert Campbell-Director)	BC Hydro (Keith Vorland) couriered an Introductory letter to Sinixt Nation Society (Lola Jon Campbell, Director) .The letter indicated that BC Hydro has entered into a non-binding agreement (Term Sheet) with Teck for a 1/3 undivided interest in Teck's Waneta Dam. A brief summary of the agreement was provided, highlighting that the operation of the facility and resulting water flows would be unaffected by the Transaction. The letter also indicated that the Term Sheet would be sent out to the letter recipient in a subsequent letter package. Letter recipients were advised that BC Hydro would be filing an expenditure schedule with the British Columbia Utilities Commission (BCUC) in connection with the Transaction, and that a Definitive Agreement [APA] was anticipated for August 2009, and if the Transaction proceeds, would be completed before the end of 2009 (pending BCUC approval of the expenditure being in the public interest and meeting). BC Hydro ARN contact information was provided as was an invitation for
2009-Jun-18	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	BC Hydro's (Keith Vorland) the copy of the Master Terms Sheet and Cover Letter between BC Hydro and Teck dated June 17, 2009 were sent via courier to Sinixt Nation Society (Lola Jon Campbell, Vance Robert Campbell, Directors) . The letter stated the Term Sheet was being provided for review and consideration by First Nations – in advance of public release through the British Columbia Utilities Commission process
2009-Jun-24	Sinixt Nation Society	Email	BC Hydro (Keith Vorland)	Golder & Associates (Roxanne Scott)	BC Hydro (Keith Vorland) informed Golder and Associates, (Roxanne Scott) that the notice and revised term sheets (including the two missing pages) were still undelivered due to initial wrong address. Have asked courier company to redirect to the new addresses - new package was mailed out to Sinixt Nation Society contacts
2009-Jun-25	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director)	Golder and Associates, (Roxanne Scott) left a voicemail message for Lola Campbell, Director stating that BC Hydro recently sent a letter notice and Term Sheet by courier, outlining the contemplated Waneta Dam purchase transaction by BC Hydro. Requested that Roxanne be contacted by phone to confirm receipt of this information, and if Lola had any questions or concerns

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jun-25	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell - Director)	The Master Terms Sheet sent by courier on July 18, 2009 could not be delivered . The complete document was re-sent via Xpress Post on June 25, 2009.
2009-Jun-25	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell, Director), (Vance Robert Campbell - Director)	BC Hydro (Keith Vorland)The Master Terms Sheet sent by courier on July 18, 2009 could not be delivered . The complete document was sent via Xpress Post on June 25, 2009.
2009-Jun-29	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	Golder and Associates, (Roxanne Scott) left voicemail message for Lola/Vance Campbell, Directors stating that BC Hydro recently sent a letter notice and Term Sheet outlining details of a potential 1/3 purchase by BC Hydro of the Waneta Dam. Requested that Roxanne be contacted by phone to confirm receipt of this information, and if Lola/Vance had any questions or concerns
2009-Jul-02	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	Golder and Associates, (Roxanne Scott) confirmed that the phone number provided for Sinixt Nation Society Lola Jon Campbell, Director and Vance Robert Campbell, Director is incorrect. The correct number is not known.
2009-Jul-03	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	Golder and Associates, (Roxanne Scott) stated that BC Hydro had mailed Sinixt Nation Society (Lola Jon Campbell - Director) and Vance Robert Campbell a package which included a letter and Term Sheet providing details on a potential 1/3 purchase of the Waneta Dam. Roxanne asked Lola if she had received a notice in the mail that the package was available for pick up at the post office. Lola indicated she had not received a notice. Lola provided Roxanne with her mailing address as well as the name and address of her lawyer – David Aaron (Address: Box 479 Nelson, B.C. V1L 5R3). Lola stated that BC Hydro should also send David Aaron the information on the potential purchase. Roxanne stated she would follow up by phone after she checks where the information package was at and talk with BC Hydro about potentially sending the package to David Aaron.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-03	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	Golder and Associates, (Roxanne Scott) phoned Sinixt Nation Society (Lola Jon Campbell - Director) to see if she has an email address or fax number where the package of information on the potential Waneta Dam purchase could be sent to. Lola provided a fax number and stated it was either Marilyn James (Sinixt Nation Society Director) or David Aaron's (her Lawyer) fax number, and that if the information was faxed to this number, she would not receive it at her home. She provided David Aaron's email address and requested that the information be sent to him by email.
2009-Jul-03	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell - Director, Vance Robert Campbell - Director)	Golder and Associates, (Roxanne Scott) phoned the Sinixt Nation Society (Lola Jon Campbell - Director), to let her know the BC Hydro package of information on the Waneta Dam purchase is currently at the Winlaw Post Office for her to pick up. Roxanne provided Lola with the package pick-up numbers. Lola indicated she will try to get to the post office today or tomorrow (July 4) however, was not able to guarantee that this would be the case. Lola requested that the package of information be sent to David Aaron.
2009-Jul-03	Sinixt Nation Society	Phone	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell - Director)	Golder and Associates, (Roxanne Scott) informed Sinixt Nation Society (Lola Jon Campbell - Director) that the term sheet package is available for pick-up from the Winlaw Post Office and that a copy of the materials has been sent to the Sinixt Nation Society Lawyer, David Aaron, as per her request. Roxanne will follow up with Lola to confirm Lola was able to retrieve the term sheet package from the post office.
2009-Jul-17	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Vance Robert Campbell, Director)	BC Hydro Letter (Keith Vorland) was couriered to Sinixt Nation Society (Vance Robert Campbell, Director) regarding the Master Term Sheet dated June 17, 2009 between BC Hydro and Teck Metals Ltd. Relating to the acquisition of an interest in Waneta Dam was provided to British Columbia Utilities Commission (BCUC). Upon receipt of the application the BCUC established a procedural schedule in connection of the review of its filing, for August 5, 2009, August 12, 2009 and August 17, 2009. The full text of the BCUC Commission's Procedural Order is available on the BCUC website (www.BCUC.com) or a copy will be provided upon request.

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Jul-27	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell and Vance Robert Campbell, Directors)	Golder Associates (Roxanne Scott) left a message Sinixt Nation Society (Lola Jon Campbell and Vance Robert Campbell) to confirm the receipt of the letter from BC Hydro dated July 17, 2009 confirming that BC Hydro has filed an application to BCUC for the acquisition of 1/3 interest of the Waneta Dam. Roxanne can be contacted at XXX-XXX-XXXX regarding any questions or concerns around the project.
2009-Aug-31	Sinixt Nation Society	Information Package	BC Hydro (Regulatory Group)	Sinixt Nation Society (Lola Jon Campbell, Director), (Vance Robert Campbell - Director)	BC Hydro invited Sinixt Nation Society to a workshop on Thursday, September 24, 2009 on the acquisition of one third of the Waneta Dam and associated assets. A Package was provided with a copy of the filing information with details on registering as a workshop participant. The letter invitation included as attachments the BCUC Order G-97-09A and BCUC Letter L-61-09 setting out the regulatory process and referenced the internet link to the Transaction BCUC Filing application.
2009-Sept-02	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (Lola Jon Campbell, Director), (Vance Robert Campbell - Director)	BC Hydro, (Keith Vorland) Follow-up Letter (regarding the June 17, 2009, June 18, 2009 & July 17, 2009 Letters) was couriered to Sinixt Nation Society (Lola Jon Campbell, Director, Vance Robert Campbell - Director), indicating if they wished to provide any further input or information that BC Hydro should consider regarding any potential adverse effects, including any physical or non-physical impacts, arising from the proposed Transaction, to provide it by September 15, 2009. Information requested included past or current use-specific to aboriginal rights, relevant ecological knowledge from use of the Waneta Dam area or adjacent areas, details on whether and how the proposed Transaction potentially impacts the uses identified above and proposed measures that could be used to avoid or reduce potential impacts to the above-identified uses. The letter also invited the First Nations to contact BC Hydro ARN if they have any questions or concerns with the Transaction.
2009-Sep-09	Sinixt Nation Society	Phone	Golder & Associates (Roxanne Scott)	Sinixt Nation Society (Lola Jon Campbell and Vance Robert Campbell, Directors)	BC Hydro, Keith Vorland sent Sinixt Nation Society (Lola Jon Campbell and Vance Robert Campbell, Directors) a correction letter to the previous letter sent September 2, 2009 regarding the "First Nations Comments on Waneta Dam". We advised them there was a typographical error in that letter suggesting that a decision regarding whether or not to sign an Asset purchase

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
					Agreement (the "Definitive Agreement") with Teck would be made on August 22, 2009. In fact, the decision will be made on September 22, 2009.
David Aaron (Legal Representation)					
2009-Jul-03	Sinixt Nation Society	Phone	Sinixt Nation Society (David Aaron - Legal Counsel)	BC Hydro, (Denis Roux)	Sinixt Nation Society (David Aaron, Legal Representative) returned BC Hydro (Denis Roux) call regarding Lola Campbell's request to send documents pertaining to Waneta Dam to him. BC Hydro (Denis Roux) advised Mr. Aron that we faxed a 47 page copy of the Letter dated June 17, 2009 and the Master Term Sheet Documents to him earlier today and we have a Fax confirmation.
2009-Sep-07	Sinixt Nation Society	Letter	Sinixt Nation Society (David Aaron - Legal Counsel)	BC Hydro, Keith Vorland	Sinixt Nation Society (David Aaron, Legal Representative) sent a letter to BC Hydro (Keith Vorland) regarding the Waneta Dam purchase. Mr Aron states in his letter that his clients the Sinixt Nation Society are an indigenous people whose history includes traditional use of lands and waters at the site of the Waneta Dam ("Traditional Use"). Mr Aaron states further in his letter that the establishment of the Waneta Dam permanently interfered with the exercise of aboriginal rights by the Sinixt on the Pend d'Oreille River, a significantly tributary to the Columbia River, which was traditionally a main transportation route for the Sinixt, as well as a site of significant economic, cultural, social and spiritual activity for the Sinixt. In particular, the Waneta Dam site was the location of a large Sinixt Village called nkw 'lila7 near Fort Sheperd. Mr Aaron attached a copy of the report prepared by historians Randy Bouchard and Dorothy Kennedy entitled "First Nations' Aboriginal Interests and Traditional Use

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Date	First Nation	Method of Communication	Initiated by (From)	Recipient (To)	Key Discussion
2009-Sep-10	Sinixt Nation Society	Letter	BC Hydro, Keith Vorland	Sinixt Nation Society (David Aaron - Legal Counsel)	BC Hydro (Keith Vorland) sent a letter to Sinixt Nation Society (David Aaron, Legal Representative) following up on their previous conversation of August 19th, 2009. In that conversation David Aaron had indicated he would be sending a letter to BC Hydro on behalf of the Sinixt First Nation, regarding the proposed Waneta Dam transaction. Keith Vorland noted as of this date BC Hydro has not received a letter from him and/or the Sinixt First Nations in this regard. Keith mentioned that he assumed that the BC Hydro letter of September 2, 2009 sent to his clients, the Sinixt First Nation, is known to him. Keith stated further that he has attached a copy of the September 2, 2009 letter so he will be familiar with the timelines. Keith further clarified in his letter to David he should note that the August 22, 2009 date referred to herein in the Definitive Agreement Decision should have referred to September 22, 2009 and to note the September 15, 2009 deadline associated with information that will be considered w
2009-Sep-15	Sinixt Nation Society	Letter	BC Hydro (Keith Vorland)	Sinixt Nation Society (David Aaron - Legal Counsel)	BC Hydro (Keith Vorland) thanked Sinixt Nation (David Aaron) for his letter and advised him that BC Hydro will use the information he provided in the decision making process. The decision will be made by September 22, 2009 with consultation continuing until November 18, 2009. BC Hydro will contact the Sinixt after September 22, 2009 to inform of Hydro's decision and, if necessary, arrange a meeting.