

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

October 11, 2017

Commission Secretary  
British Columbia Utilities Commission  
Sixth Floor, 900 Howe Street  
Vancouver, BC V6Z 2N3  
Via email: [SiteCSubmission@bcuc.com](mailto:SiteCSubmission@bcuc.com)

**RE: Costs of Site C Project to First Nations**

Dear Commissioners,

On behalf of the Union of B.C. Indian Chiefs (UBCIC), we firmly believe the proposed Site C Project, associated structures and required rights-of ways will unjustly infringe upon the Aboriginal and Treaty Rights of the First Nations signatories of Treaty 8. Specifically, the UBCIC stand with the Prophet River and West Moberly First Nations right to exercise their right to deny their consent.

The proposed Site C Project will flood the river valleys through the heart of the territories of Prophet River and West Moberly First Nations. This proposed project will have a devastating impact on their Aboriginal and Treaty Rights. The project will eliminate Prophet River and West Moberly First Nations communities' ability to continue their way of life and exercise their Treaty-protected constitutionally recognized rights to hunt, fish, trap, harvest and carry out their practises along the Peace River Valley. By Resolution 2011-25 (enclosed), the UBCIC Chiefs Council fully supports their efforts to ensure that their Aboriginal and Treaty Rights are honoured and preserved.

We understand that your Commission is tasked with the following questions:

- a. whether the project is on time and within budget;
- b. the cost to ratepayers of suspending the project;
- c. the cost to ratepayers of terminating the project;

- d. what portfolio of generating projects and demand-side management initiatives could provide similar benefits; and
- e. what are expected peak capacity demand and energy demand.

This submission focuses primarily on questions b and c, namely the costs of the project going forward or, conversely, the benefit of the project being terminated. These costs include egregious violations of human rights, the loss of heritage sites and potential tourism and eco-tourism revenue, the loss of cultural values tied to land and resources, and the loss of land-based traditional economies.

### **Human rights**

The proposal for the Site C dam is in clear violation of the human rights of the Prophet River and West Moberly First Nations. Canada formally endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* in November 2010, and more recently both BC and Canada have committed to implementation of the *Declaration* without qualification. The *Declaration* sets out international standards for relationships between Nation states and Indigenous Peoples.

Flooding the Peace Valley would take away one of the last remaining places where Prophet River and West Moberly First Nations can still practice their cultures and traditions. In other words, it would violate fundamental rights protected by Treaty 8, the Canadian Constitution, and international human rights law.

Furthermore, the Paris Agreement, under the UN Framework Convention on Climate Change, calls on governments to increase the use of renewable energy but also reaffirms the obligation of all governments to acknowledge and respect human rights, including the rights of Indigenous peoples. In other words, energy projects that violate human rights are neither clean nor green.

### **Heritage and Tourism**

The UN Educational, Scientific, and Cultural Organization (UNESCO) is calling on the Canadian government to delay development and conduct an environmental assessment of a national park that will be impacted by the proposed Site C Dam. Wood Buffalo National Park in Alberta is recognized as a world heritage site by the UNESCO World Heritage Committee, and is facing increasing risk from the proposed Site C dam development on the Peace River. The park includes the Peace-Athabasca river delta, and was declared a world heritage site in 1983 for its abundant wildlife. The park is Canada's largest at 44,800 square kilometers. UNESCO's call was a direct response to a petition by Mikisew Cree First Nation, who, along with the Athabasca Chipewyan First Nation, have launched a federal legal challenge over the approval of the \$8.8-billion Site C project. We fully share their concerns that continued development will push the delta past the point of any possible recovery.

In total, 42 historical sites have been identified within the affected area, including Rocky Mountain Fort. These sites have significant potential for preservation, interpretation, and tourism - bringing with them economic benefit to surrounding communities.

### **Cultural Values**

Treaty 8 First Nations have occupied the Peace River Valley and its tributaries, the Athabasca and Mackenzie watershed region since time immemorial and continue to occupy this land. Their heritage, sacred, spiritual and burial sites are found throughout this area. This project will have many interconnected, immediate, long-standing and cumulative impacts on these communities and families. The desecration and destruction of grave sites, destruction of habitats, disruption of fisheries migrations, elimination of significant ecosystems, obliteration of land and resources which surrounding communities

rely upon, the proposed reservoirs will create a cumulative barrier to fish and wildlife, the project will release 147,000 tons of carbon dioxide into the atmosphere and will eradicate the land in which the Prophet River and West Moberly First Nations hold annual cultural camps to maintain their relationship with their heritage, territories and lands.

The resources the Prophet River and West Moberly First Nations draw from the land and waters in the area where the dam and other structures will be situated (and associated roads and power transmission lines) will be sited cannot be understated. The ability to share stories and pass on knowledge will be impacted if sacred spaces are flooded and digging up history and putting it in a museum is acceptable mitigation; which is not comparable to living one's culture in place. The Peace River Valley remaining intact is important in maintaining First Nations' cultural and spiritual identity; the valley is rich in cultural values that require protection for future generations to enjoy, flooding this valley only adds to cultural loss and the loss of opportunities for cultural tourism.

### **Land Based Traditional Economies**

We urge BCUC to not overlook the impact of this project on the land-based economies of Indigenous peoples which includes, but is not limited to:

- Food sources gathered from the area where the dam project and other structures are proposed to be built;
- Game hunted is a source of meat to be stored over the winter as well as other materials used for clothing, drums, and spiritual items;
- Medicinal plants; and
- Trapping.

### **Jobs**

We urge the BCUC to honour the value of long-term use of the land-based economies and the horrendous costs to that economy for the sake of short-term construction contracts based on an increasingly dated economic model of government-funded mega-projects requiring well-experienced specialized skill-sets of a transient workforce. To make a career, the apprentices, First Nations people, and women employed by the Site C project will have to join this transient workforce and move to temporary housing at the next mega-project.

For the record, the UBCIC supports the work of Robert McCullough of McCullough Research, and his public statements that building dams for energy is an outdated practice as the cost of renewable energy sources like wind and solar have decreased dramatically.

In a recent article Mr. McCullough, succinctly states "The era of big iron has passed... We just have had a technological change that people are adjusting to now. We can actually save \$1 billion dollars by simply abandoning the project and going to other technologies."

The conclusion of the joint federal-provincial environmental assessment was that the project would severely and permanently undermine Indigenous peoples' use of the land; harm rare plants and other biodiversity; make fishing unsafe for at least a generation; and submerge burial grounds and other crucial cultural and historical sites.

When the federal and provincial governments approved the project, they claimed that the severe harm that would be caused by Site C was 'justified' by the energy and the jobs it will produce. We strongly disagree.

Thank you for considering the costs that Indigenous peoples face in the assessment of this proposed project.

**On behalf of the UNION OF BC INDIAN CHIEFS**



Grand Chief Stewart Phillip  
President



Chief Robert Chamberlin  
Vice-President



Kukpi7 Judy Wilson  
Secretary-Treasurer

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Yellowhead Highway  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 1<sup>ST</sup> – JUNE 2<sup>ND</sup>, 2011  
VANCOUVER, B.C.

**Resolution no. 2011-25**

## **RE: BC Hydro's Proposed Peace River Site C Hydroelectric Dam Project**

**WHEREAS** BC Hydro submitted their Site C Dam Project Description Report to provincial and federal environmental assessment agencies on May 18, 2011, and the Province of British Columbia through their Crown Corporation, BC Hydro, plans to construct and operate an 1100 megawatt hydroelectric dam on the Peace River;

**WHEREAS** this project will have a devastating effect on the Treaty and Aboriginal Rights of Treaty 8 First Nations in British Columbia, Alberta and the North West Territories and the Treaty No. 11 peoples of the North West Territories. The project will eliminate our ability to continue our way of life and exercise our Treaty-protected constitutional rights to hunt, fish, trap, harvest and carry out traditional practise on the land;

**WHEREAS** the Treaty and Aboriginal rights of these Nations have already been infringed and the Treaty protected modes of life interfered by the devastation of vast amounts of wetlands and critical wildlife habitat by the construction and operation of the W.A.C. Bennett and Peace Canyon Dams. The Government of British Columbia and its crown agency, BC Hydro refuse to acknowledge crown responsibility for these ongoing infringements, and the Government of Canada has failed to use existing federal laws to protect and safeguard the rights of Treaty peoples from these ongoing infringements;

**WHEREAS** article 32(2) of the United Nations *Declaration on the Rights of Indigenous Peoples* requires States to consult and cooperate in good faith with the indigenous peoples in order to obtain their free and informed consent prior to the approval of any project. Article 32(3) of the Declaration also requires States to "provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact";

**WHEREAS** further, the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

**Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**Article 26:**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**Article 27:** States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

**WHEREAS** the Doig River, Halfway River, Prophet River and West Moberly First Nations (collectively, Treaty 8 First Nations) will use all available processes and legal options to oppose the construction of the Site C Hydroelectric Dam.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the efforts of Treaty 8 First Nations to ensure that their Aboriginal and Treaty rights are honored and preserved;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Treaty 8 Tribal Association staff and its member First Nations (specifically, Doig River, West Moberly, Halfway, and Prophet River First Nations) in their efforts to oppose the Site C Hydroelectric Dam;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the province of British Columbia to re-instate the authority of the BC Utilities Commission so that it may examine the true economic impacts to the people of British Columbia of constructing the Site C Hydroelectric Dam;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure that there is a federal full panel review of the Site C Hydroelectric Dam and that both the provincial and federal environmental assessment agencies' processes reflect Articles 4, 10, 12, 19, 26 and 29 of the United Nations *Declaration on Rights of Indigenous People*;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure there is full consultation and accommodation of all Treaty 8 First Nations through a fair, open and transparent process that includes sufficient resources to look at the potential impacts on the traditional, spiritual, environmental, social and economic interests of Treaty 8 First Nations, and mitigation to ensure that there is no net impact on Aboriginal and Treaty rights, or denial of approval of the dam if such impacts cannot be mitigated.

**Moved:** Chief Jonathan Kruger, Penticton Indian Band  
**Seconded:** Chief Geronimo Squinas, Lhooskuz Dene Nation  
**Disposition:** Carried  
**Date:** June 2<sup>nd</sup>, 2011