
From: Phyllis Jezewsky <phyllis_jezewsky@splatsin.ca>
Sent: Wednesday, March 17, 2021 3:26 PM
To: Commission, Secretary
Cc:
Subject: Notice of Intervene RE:FortisBC Stargas Utilities Asset Purchase Project
Attachments: Request to Intervene _ British Columbia Utilities Commission.pdf

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Here is the filled in form from your website; Request to Intervene.

Regards,
Phyllis Jezewsky
Territorial Stewardship Trainee
Splatsin Title and Rights
Cell: (250)308-8130
Email phyllis_jezewsky@splatsin.ca

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Request to Intervene

In accordance with the Commission's **Rules of Practice and Procedure** (/Documents/Participant-Info/G-15-19_BCUC_Rules_of_Practice_and_Procedure.pdf), a Request to Intervene form must be received by the Commission by the deadline included in the proceeding's regulatory timetable. Please complete the form below.

Proceeding name*

FEI and Stargas – Asset Disposition and CPCN Application – Transfer Assets from Stargas to FEI

Participant contact information

Organization or individual name*

City*

Enderby

Province*

British Columbia

Email

Phone number

[Privacy](#) - [Terms](#)

For organizations only - representative contact information

Name

Splatsin

Organization (if different from above)

City

Enderby

Province

British Columbia

Email

Phone number

Also representing (if applicable)

Additional information

Please state your reasons for intervening in this proceeding.*

Splatsin has aboriginal interest in the sale regarding FortisBC's proposed purchase of Stargas Utilities Assets.

Please state how you are directly or sufficiently affected by the Commission's decision in this matter; or describe your experience, information, or expertise relevant to this matter that would contribute to the Commission's decision making.*

Splatsin acknowledges receipt of your letter dated March 10, 2021 providing notice of FortisBC Stargas Utilities Asset Purchase Project Update (the "Project"). Splatsin has reviewed the information that you have provided, which raised a number of questions and concerns. Splatsin expects to be meaningfully consulted to ensure that adverse impacts are substantially addressed and accommodated prior to any decision regarding the Project. Meaningful consultation includes more than an exchange of information, and we hope that this is the beginning of a productive dialogue between us.

Please list the key issues you intend to address in the proceeding.*

About Splatsin

Splatsin is the southernmost campfire of the Secwepemc people, and we have occupied the south-central part of British Columbia for at least 10,000 years. Secwepemc territory stretches from the British Columbia-Alberta border near the Yellowhead Pass to the plateau west of the Fraser River, southwest to the Arrow Lakes and the upper reaches of the Columbia River.

Splatsin are the caretakers or Yucwmenlúcucw of our area of responsibility of Secwepemculucw. Our stewardship area is generally considered to be the Eagle River Valley. Historical and genealogical records as well as oral history link Splatsin to the Arrow Lakes, to the Sicamous Narrows, to the Columbia River at Revelstoke, north to where the Mica Dam is now located, and everywhere in between. We have cared for the lands and waters in our territory for thousands of years.

Our caretaker responsibilities, or Yucwminmen, are a deeply imbedded aspect of Secwepemc law and way of life. These responsibilities guide us in our role as stewards of the land. The protection and maintenance of Secwepemculucw means the resources Splatsin people rely on for sustenance and cultural practices will continue to support current and future generations. Our stewardship allows us to continue our way of life, which is constitutionally protected under s. 35(1) of the Constitution Act, 1982.

Duty to Consult Where Potential Impacts to Aboriginal Rights and Title

Splatsin asserts Aboriginal rights and title in Secwepemculucw. As the Project falls within this area, any potential impact arising from the Project or cumulative impacts resulting from the Project on Splatsin's Aboriginal rights and title will trigger the duty to consult and accommodate Splatsin.

Given the extent of cumulative impacts in Splatsin's traditional territory, even a small project may have serious consequences for the exercise of our constitutionally-protected rights and title and may therefore require deep consultation and accommodation. Further, Splatsin asserts Aboriginal and other common law rights to the lands and water resources within, under, and adjacent to our reserve lands, and Splatsin has the right to govern those lands and water resources. To the extent the Project potentially impacts Splatsin's reserve land and/or water resources and/or Splatsin's ability and authority to govern our reserve lands and water resources, the duty to consult is engaged at the higher level, including the requirement to obtain Splatsin's consent.

Implementation of the United Nations Declaration on the Rights of Indigenous People (UNDRIP)

If the Government of Canada is working to implement UNDRIP recommendations, they will respect

and acknowledge ARTICLE 26 WHICH STATES:

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.

We also ask that the Government of Canada recognizes Article 32 of UNDRIP:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall 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.

Do you intend to participate fully, including attendance at hearings and submission of evidence or information requests, if applicable?*

Yes

Do you intend to request PACA funding? This does not impact your ability to participate.*

Yes

Have you or your organization web-registered as an intervener or interested party in the past 12 months?*

No

Submit

To submit your Request to Intervene by email, mail or fax please click print and send the completed form to the following address:

Mail:

Commission Secretary
British Columbia Utilities Commission
900 Howe Street
Suite 410
Vancouver, BC V6Z 2N3

Fax: (604) 660-1102

Email: commission.secretary@bcuc.com (<mailto:commission.secretary@bcuc.com>)

The BC Utilities Commission is authorized to collect and publish a person or organization's personal information when they participate in a matter before the Commission under sections 26(c) and 33.1(r)(ii) and (iii) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA). Subject to FOIPPA, all documents filed in respect to an application will be placed on the public record.



British Columbia Utilities Commission (</about/contact-us.html>)

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Vancouver, BC Canada V6Z 2N3

Phone: 604.660.4700 (tel:604.660.4700)

BC Toll-free: 1.800.663.1385 (tel:1.800.663.1385)

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