



BC Hydro's United Nations Declaration on the Rights of Indigenous Peoples Implementation Plan

What we heard

BC Hydro acknowledges that our infrastructure is located on land where First Nations peoples have title and rights, and have resided since time immemorial. We recognize that BC Hydro's system and operations have affected the land, and we share a responsibility to act as stewards for the land.





Background

BC Hydro is working to advance reconciliation with Indigenous peoples across our business. The Truth and Reconciliation Commission defines reconciliation as “an ongoing process of establishing and maintaining respectful relationships” between Indigenous and non-Indigenous peoples and calls on governments and organizations such as BC Hydro to adopt the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) as the framework for reconciliation. Having a plan to incorporate the principles of the UN Declaration into our business will help us build on the foundation of our work to date and continue to work in collaboration with First Nations to make progress in advancing reconciliation.

This report describes how we worked with First Nations on a UN Declaration Implementation Plan for BC Hydro. It outlines the feedback we received from First Nations on the draft plan, and how BC Hydro has incorporated this input into the current version of our UN Declaration Implementation Plan.

How we engaged

To ensure that our plan reflects the priorities of First Nations and Indigenous peoples, and the ways BC Hydro can best support those priorities, BC Hydro worked collaboratively with First Nations to develop it. Our engagement approach was designed to make the Plan accessible to First Nations across the Province, while also supporting our strategic focus on the Nations most impacted by our presence in their territories.



Engagement with First Nations started in 2021 and occurred in a phased approach stretching over two years, allowing time to consider the needs and interests of First Nations.

Phase 1 involved introducing First Nations to BC Hydro’s intent to develop a UN Declaration Implementation Plan and discussion of potential plan themes. During this engagement First Nations shared interests that helped to develop potential actions that could be included in the plan.

Phase 2 involved discussion of specific proposed actions for inclusion in a draft plan. Proposed actions were developed using First Nations’ input, surveying activities and initiatives designed to advance reconciliation that were already in development or on-going at BC Hydro, and ideas that aligned with items in the Province’s Declaration on the Rights of Indigenous Peoples Act Action Plan.

Phase 3 involved sharing a draft UN Declaration Implementation Plan and survey with First Nations so that they could validate and refine the plan.



To enable widespread opportunities for engagement, we reached out in a number of different ways:



Regional workshops/multi-nation forums

During BC Hydro's engagement on the Integrated Resource Plan in 2021, we scheduled three 5-hour regional workshops for First Nations. During those workshops, we introduced our intent to develop a UN Declaration Implementation Plan and potential plan themes. Through this we were able to present to 50 different First Nations.

In 2023, BC Hydro co-presented the draft UN Declaration Implementation Plan with the First Nations Energy and Mining Council during an Indigenous Clean Energy Opportunities workshop. The workshop was attended by over 75 First Nations representatives.



One-on-one meetings

We met individually, in some cases multiple times, with many of the Nations most impacted by our presence in their territories to collaborate on development of the UN Declaration Implementation Plan throughout the two-year engagement period. We also met with additional Nations one-on-one to discuss the plan upon request. Overall, we held 26 meetings with 18 First Nations to engage on the plan.



Opportunity for written input

In fall 2022, we sent the draft UN Declaration Implementation Plan to all B.C. First Nations for review and comment. We received 25 written responses from First Nations asking questions or suggesting thoughts on the draft plan.



Survey

We circulated a survey on the draft plan to all B.C. First Nations seeking their views on whether the actions in the draft UN Declaration Implementation Plan would advance reconciliation. We received survey responses from 26 different Nations.



First Nations Energy and Mining Council

We engaged the First Nations Energy and Mining Council to provide detailed written commentary on the draft plan.



What we heard

We received hundreds of comments on our proposed UN Declaration Implementation Plan over the two-year engagement period. While there was criticism of some aspects of the plan, and constructive suggestions for improvement, we received overall support for the plan. The draft plan, released in November 2022, has been revised based on feedback we heard during our engagement with First Nations. Development of new provincial initiatives, progress on some of the initial draft actions, as well as changes in BC Hydro's business context, have also resulted in changes to the draft plan. Because the plan will be a living document that is revisited over time, there remains room to incorporate feedback from Nations who want more time to consider the plan.

Overall, the feedback we received fell into two main categories: general feedback on the plan as a whole, and more specific feedback directed at the plan's individual themes and actions. This What We Heard Report will start by outlining the general feedback, followed by the theme and action-specific feedback, including how we revised the plan to reflect all the input we received.

General feedback

WE NEED TO ALIGN OUR WORK WITH THE PROVINCE'S

We heard from First Nations and government alike the need to address how BC Hydro's UN Declaration Implementation Plan relates to actions the Province is taking to implement the UN Declaration. We also heard that there needs to be more transparency, coordination, and involvement of BC Hydro in government-to-government relations where it is relevant to our work and shared priorities.

Incorporating feedback into the plan

In response to this feedback, we've included a new section in the plan that speaks to how the BC Hydro and Provincial plans to implement the UN Declaration support, but also differ from each other. We have been and will continue to connect with the Province on how we can work together to implement actions in our respective plans. An example of this our commitment to participate with the Province and First Nations in the Indigenous Clean Energy Opportunities engagement process (Action 5.6), which is a forum to address government policy issues relating to BC Hydro's business. We've also signaled our commitment to working with the Province and First Nations as they co-develop a new fiscal framework (Action 5.7).

THE LANGUAGE WE USE IS IMPORTANT

We recognize that language is important. During our engagement with First Nations, we heard that there were ways for our plan to be more culturally appropriate and respectful and strengthen how we present the plan. We also heard that how we talk about and recognize First Nations land is important.

Incorporating feedback into the plan

Throughout the plan we've revised our language to clearly acknowledge First Nations rights and title, including rights to self-determination and self-governance.

Recognizing that First Nations are partners in implementing the UN Declaration Implementation Plan, we've also included language noting that plan actions will be co-managed or co-developed, working together with First Nations.

A sample of what was said

"Create an entirely new piece of legislation, an Indigenous Energy Act a single piece of legislation that contains all proposed reforms, while also creating a formal administrative body, an Indigenous Energy Board."

"Improve consultation, power sharing, and transparency in decision-making by the Provincial government and BC Hydro by establishing a process that defines protocols for authentic collaboration."

"Align legislation, policy and priorities on clean energy projects."

"Strong belief that the Province should be more linked into BC Hydro's Plan."

A sample of what was said

"BC Hydro needs to acknowledge and commit to respect Aboriginal title, self-determination and self-governance and to start doing business in a very different way, to reflect that First Nations are the owners of their lands, waters and resources and must have a say in how they are used."

"There needs to be commitments to undertake this work in collaboration with First Nations... BC Hydro has to do more than just 'co-operate' with First Nations."

"First Nations have legal, constitutionally protected ownership rights to their lands. This needs to be reflected in BC Hydro's commitments."

THIS PLAN NEEDS TO BE CONCRETE AND MEASURABLE

During our engagement on the draft UN Declaration Implementation Plan, First Nations shared that it will be important to see meaningful progress on the actions in the plan, and that measurable targets should be a part of this.

Incorporating feedback into the plan

In developing the plan, we considered the unique and varied relationships we have with First Nations across the Province. The actions in the plan are in some cases broad so they may be adapted to different relationships, circumstances, and interests.

Reporting out on the UN Declaration Implementation Plan on an annual basis will help to ensure transparency and accountability and document our progress against each action. Our reporting format will be developed together with First Nations. Because actions in the plan may be advanced at different rates, according to the interests and priorities of the Nations we work with, reporting may highlight key advances on select actions each year. We will also align our reporting with other BC Hydro reporting efforts (for example, corporate Environment, Social, Governance reporting and the reporting we do to achieve Progressive Aboriginal Relations certification) to ensure broad consistency across our organization.

A sample of what was said

“Would like to see measurable actions with performance indicators.”

“Its the initial shuffle of a baby step. Meaning we want to see action and not just promises.”

“A lot of times I find it’s just words. We need to see action.”

“This sounds very aspirational, but we would like to see it implemented in real time.”

“Co-develop metrics and targets to measure progress against various actions in the UNDRIP Plan.”

1. Respectful relations

We heard a lot about the importance of listening and learning from the communities we work with as we engaged with First Nations on the draft plan. We had strong support for the actions included in this theme from the First Nations we heard from.

Incorporating feedback into the plan

Actions 1.1, 1.2 and 1.3 were included in the plan to affirm BC Hydro's commitment to educate our employees on the history and modern context of Indigenous peoples. They were refined based on feedback to specify the importance of building knowledge and awareness of BC Hydro's work with, and impact on First Nations, include Nation-led and Nation-specific training, and expressly acknowledge First Nations and their lands and territories on which we operate.

A sample of what was said

"I believe that the employees of BC Hydro and the contractors should get to know about the people whose territory that they are working in."

"The importance of Indigenous led cultural education awareness – Residential schools, colonization and intergenerational trauma are all important for people to understand."

"Building knowledge and awareness of First Nations history is extremely important. With knowledge and awareness will come understanding."

"Having a target of 80% is one thing, upholding that and providing a record of that will hold accountability and hopefully other businesses and organizations would follow."

"Respectful relations could be advanced through a better internal process around Consultation/Consent-based decision making, as well as building internal knowledge regarding cultural and historical relationships between BC Hydro and First Nations."

"Needs to include an acknowledgement of Aboriginal title and rights, self-determination and self-governance."

2. Social and cultural well-being

Throughout our engagement, First Nations emphasized the importance of social and cultural well-being and expressed a strong interest in having BC Hydro support and be actively involved in initiatives. We also heard from many about the need to better manage and protect archaeological and ancestral sites that have been or may be impacted by our projects and operations.

Incorporating feedback into the plan

Overall, many of the comments we received reflected agreement with the proposed actions in the draft plan. However, the language of several actions was refined to clarify that any actions BC Hydro takes to support social and cultural well-being must be done in collaboration with First Nations. In addition, Action 2.1 was updated to include references to both heritage resources and ancestral remains, reflecting comments that noted the importance of both items. Finally, we revised the draft plan's action around conservation and energy management to incorporate First Nations' feedback around the important social benefits energy management programs can provide in terms of the comfort and performance of peoples' homes, businesses, and community buildings (Action 2.6).

A sample of what was said

"Some of the sites could have our place names in our Language."

"Language revitalization is an important focus—look for opportunities to see it captured in materials, in projects and signage."

"Recognition of, and steps to address, the ongoing, profound damage to Aboriginal ancestral remains from BC Hydro operations."

"BC Hydro employees and contractors should respect culture and customs when working on First Nations lands."

"Community event sponsorship and funding community led programs are key considerations."

"BC Hydro should be committing to work with First Nations to devise better methodologies and approaches in assessments, given the inadequacies in current effects assessments, including in relation to cumulative effects, to properly assess cultural impacts."

"There is a need to have a diversity of representation when it comes to cultural recognition, acknowledging that BC Hydro has infrastructure across British Columbia, all of which is First Nations territory."

3. Decision-making

There was a strong interest in understanding what BC Hydro proposes to do to increase First Nations involvement in decision-making, and the importance of aligning with what the Province is doing. The importance of self-determination, self-governance, deep collaboration, and consent were raised repeatedly during our discussions with First Nations about potential actions under this theme.

Incorporating feedback into the plan

To respond to the feedback above, BC Hydro shifted the emphasis of several of the actions under this theme to expressly recognize the role of Indigenous self-determination, governance, and decision-making structures. We also updated Action 3.1, which speaks to free, prior, and informed consent in a BC Hydro context, to reflect that BC Hydro is now at a point where we are ready to co-develop real world, consent-based decision-making processes with Nations. We are actively implementing three initial opportunities for shared decision-making on our projects and programs, and will continue to identify other opportunities in collaboration with First Nations.

A sample of what was said

“Transparency and responsiveness are key to building trust and forming a relationship.”

“There needs to be a commitment to collaborative joint processes in planning, and not just ‘cooperation’.”

“We need BC Hydro to work with us, through our governance structures, and respect us as decision makers in our Territory.”

“We know our back and front yards better than anyone else. Sit down with us from the get-go and whatever you are planning, will probably run a lot smoother.”

“We need to define a process for how Free, Prior and Informed Consent would be implemented, together.”

4. Water, land and environment

BC Hydro's activities have had, and continue to have, impacts on land, water, and the environment in First Nations territories across the Province. Many First Nations indicated that they would like to see a focus on minimizing impacts as well as achieving environmental benefits that have additional value. There was also significant interest in BC Hydro's approach to cumulative effects.

Incorporating feedback into the plan

We heard early on in engagement that we should re-name the draft plan's theme "Water, Lands and Resources" to "Water, Land and Environment" given that the term "resources" suggests an economic value that can be traded off rather than the inherent value many Nations place on the natural world.

We know the historic impacts of our infrastructure continue to be of concern to First Nations, and many Nations expressed the need to resolve historic grievances during engagement on the draft plan. BC Hydro does not have a mandate from the Province to negotiate financial settlements to address historic impacts at this time. However, there are several actions we can take within our mandate to address historic impacts. Co-designing new approaches to minimize the environmental and archaeological impacts of BC Hydro activities and that also contribute to addressing past and ongoing impacts (Action 4.2) and exploring opportunities for environmental enhancements (Action 4.3) are actions we can actively pursue to facilitate the continued practice of Indigenous cultures and ways of life.

We also revised actions in this theme to align with the plan's decision-making theme and First Nations' feedback. For example, the draft plan included language that we would be "co-developing" an approach to water use planning with First Nations, which we have changed to "seeking consent and consensus" on water use and watershed planning (Action 4.4).

Finally, at the suggestion of one First Nation, we were able to include a new action under this theme related aquatic restoration programs and activities addressing fish and fish habitat (Action 4.5).

A sample of what was said

"If you want to work with us then work with us, the environment comes first and everything else is secondary, look a 100 years ahead instead a couple years down the road, work for our children and our children not born yet, our most valued assets."

"The impacts of the dams are quite large and widespread. The loss of homes, hunting areas, devastation of wildlife (both large and small), the termination of the ability to use a waterway – these things are not able to be truly mitigated."

"Historical grievances ... are at the heart of what we need to work through – this is a fundamental piece."

"There is an interconnectedness between First Nation cultures, spiritual practices and entire societies to their lands, waters and resources."

"There should be references to restoration, rehabilitation, reintroduction of extirpated species and sustainability."

"Need to look for more opportunities for enhancement as part of work and projects."

"The goal should be joint decision-making on water use and watershed planning."

"BC Hydro needs to see how we can work together, especially in regards to the land and the water."

5. Economic relations

Throughout our engagement on the draft UN Declaration Implementation Plan, First Nations told us they were looking for BC Hydro's support for their long-term economic aspirations. Nations suggested that support could take a number of different forms: financial contributions towards electrical upgrades, reduced cost of power, revenue sharing, procurement and employment opportunities, and participation in the renewable energy economy.

Incorporating feedback into the plan

The UN Declaration Implementation Plan contains a number of actions that First Nations agreed would support economic reconciliation. However, not all of the interests and concerns raised by First Nations during engagement could be addressed in the Plan at this time, as they are outside of BC Hydro's current mandate from the Province, or ability to implement without approval from our regulator, the British Columbia Utilities Commission. While BC Hydro cannot always address items which are outside of our mandate in a way First Nations would prefer, we continue to work to address the interests underlying such items.

- Cost of power: Enabling Indigenous peoples and First Nations to realize social and economic benefits associated with improving energy performance in their homes, businesses and community buildings through our energy management programs (Action 2.6).
- Revenue-sharing: Exploring opportunities to address First Nations' interests in revenue sharing, in alignment with the new fiscal framework currently being co-developed by the Province and Indigenous peoples (Action 5.7).

These actions signal our commitment to continue this work. We will update the Plan periodically to ensure continued alignment with provincial legislation and policy, and our own potentially evolving mandate and business context. In fact, our evolving business context has allowed us to include several new actions in the UN Declaration Plan. For example, a new mandate from the Province to explore Indigenous ownership opportunities allowed us to include an action in the plan around exploring the potential for Indigenous co-ownership of electrical infrastructure (Action 5.5). Further, at the time the draft plan was issued, BC Hydro was not forecasting the need for additional power until the 2030s. Recent developments in our load resource balance, however, have allowed us to include an action around supporting Indigenous economic participation in the renewable energy sector as part of future calls for power (Action 5.8).

A sample of what was said

"More concrete objectives to improve the economic well-being of First Nations communities need to be set out in this theme."

"Should include a commitment by BC Hydro to seek mandates from BC to enter into redress and revenue-sharing commitments with First Nations."

"Create a plan for relevant curriculum and training program development to support clean energy projects in remote communities. In particular, build capacity so that all communities can own clean energy projects; all projects should be Indigenous led and owned."

"Make these jobs accessible and reasonable to access."

"Develop a more collaborative approach to clean energy development between the Province and BC Hydro."

"Including Indigenous Nations as a shareholder is a definition of reconciliation."

"Revenue sharing remains important for Indigenous peoples."

"Revenue sharing is the essence of reconciliation and the Province and BC Hydro need to give back to communities by allowing them to share in the revenue in exchange for the resources that have been extracted."

"First Nations should receive a reduction in Hydro costs and our First Nations Elders require a substantial reduction in Hydro costs."

Conclusion: working together to advance reconciliation

The goal of BC Hydro's UN Declaration Implementation Plan is to identify the actions we have been taking and will take going forward to incorporate the principles of the UN Declaration into our business. Put simply, we could not have developed this plan without the ideas, advice, and constructive feedback of First Nations and Indigenous peoples. We are very grateful to everyone who took the time to collaborate on plan development with us, and who have been working with us throughout the years to advance reconciliation. As we continue our reconciliation journey, we especially appreciate the support and enthusiasm for this work that First Nations have expressed to us and will continue to work hard to earn it in the years to come.

A sample of what was said

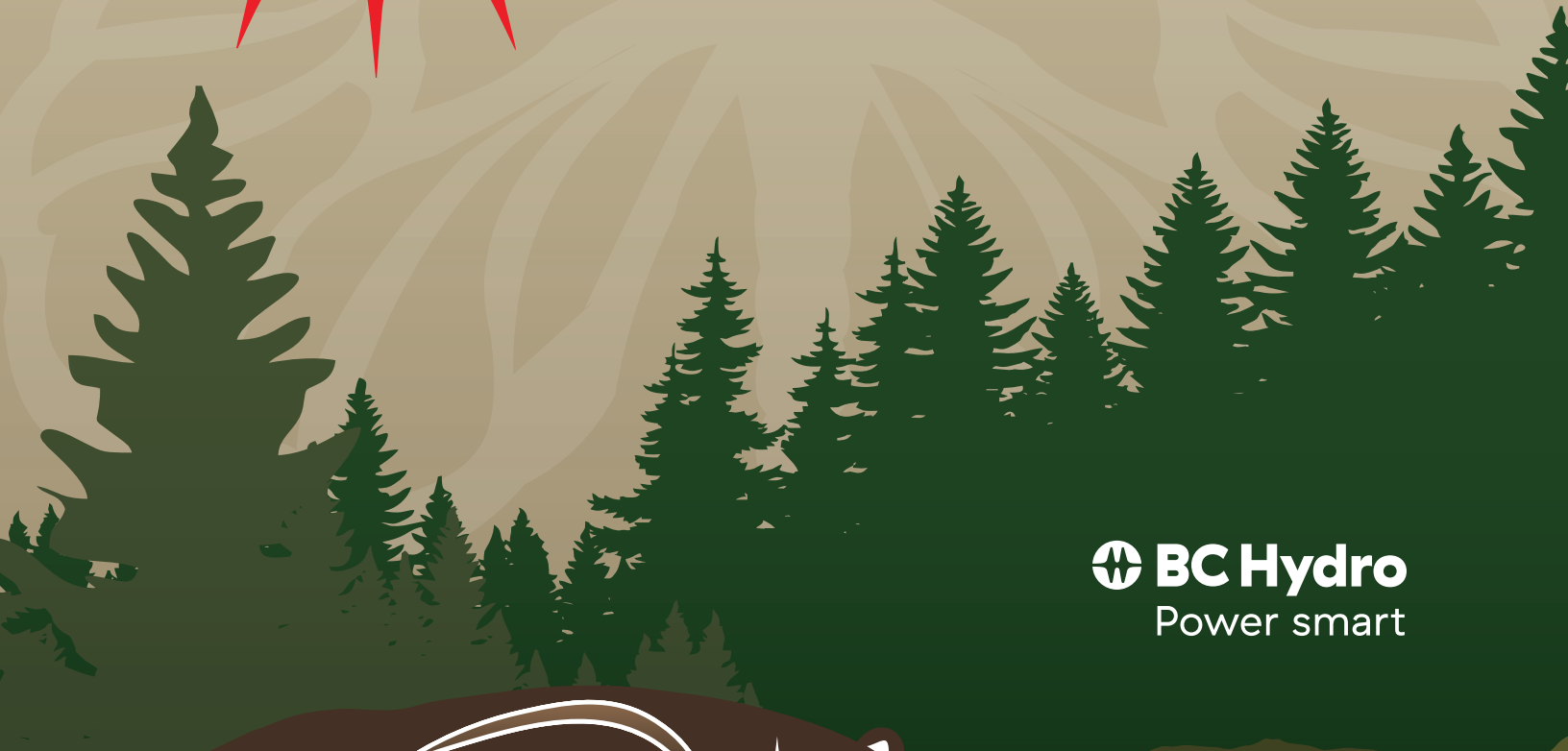
"Keep up the great work and continue to empower our Indigenous communities."

"Its a good start, it feels like you are trying to take the right actions."

"We like that BC Hydro is willing to learn and is taking action."

"These activities are in progress, so I'm happy with the progress so far as long as they continue to move ahead."

"See this as being a great opportunity for BC Hydro to become leaders in the implementation of UNDRIP by developing this plan."



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