



Consultation on BC Hydro and BC Transmission Corporation's Long-Term Electricity Transmission Inquiry Evidence and Information

Kamloops Workshop # 1 – July 6, 2009

Kamloops Convention Centre,
Roger Way,
Kamloops, B.C.

Attendees	
Coldwater Band	Simpcw First Nation
Cayoose Creek (St'at'imc)	Soda Creek/Xats'ull First Nation
Lakes Division of Secwepemc Nation	Stl'atl'imx Nation Hydro
Lytton First Nation	Tsilhqot'in National Government
Klusklus First Nation	First Nations Energy and Mining Council
Shackan Indian Band	

BC Hydro/BC Transmission Corporation Representatives

Name	Organization	Responsibility
Suromitra Sanatani	BC Hydro, First Nation Consultation Project Manager Long-Term Electricity Transmission Inquiry	Project Manager, First Nation Consultation Long-Term Electricity Transmission Inquiry
Vesta Filipchuk	BC Hydro, Senior Aboriginal Relations Coordinator	Coordinator/Records
Jane Newlands	BC Transmission Corporation	Presenter



Lyle Viereck	BC Hydro, Director, Aboriginal Relations & Negotiations	Observer
Kristin Hanlon	BC Hydro, Energy Planning	Presenter

Neutral Facilitator

Name	Organization	Responsibility
Dan George	Four Directions Management Services	Neutral Facilitator

Welcome and Introductory Remarks Dan George

Dan George opened the session and acknowledged the meeting was being held in the traditional territory of participating First Nations. Participants were welcomed to the first session of the Long-Term Electricity Transmission Inquiry: First Nation Consultation, which will involve three rounds of workshops. The participants held a moment of silence and then introduced themselves and their organizations.

Dan George reviewed the agenda and explained that his role is to keep discussions on topic, and make sure input is recorded accurately. He asked the participants to: listen generously to one another; build on the ideas of others and ensure that we challenge ideas and not people; and look for solutions. He encouraged the participants to provide their views as the process is only as strong as the input they provide.

Comments and Discussion All

Consultation & Accommodation

Participants noted that this should not be viewed as consultation but rather as an information sharing session. First Nations representatives noted that in order for this to be true consultation, there must be Chief and Council involvement. Consultation should also occur at the Nation or Tribal unit level to allow for the involvement of both elders in the community and the young people who will be the future leaders.

First Nations noted that the BC Utilities Commission (Commission) “notice” was insulting. Some participants referred to the Inquiry as an “illegal process” and had questions about the duty to consult. Participants were of the view that First Nations should present their own interests directly to the Commission.



Participants discussed the Inquiry and the opportunity to participate in BC Transmission Corporation's and BC Hydro's discussions and the Commission Inquiry process. Some First Nations requested an opportunity to discuss the issue of the "duty to consult". Participants were advised they needed to respond to the Commission by July 24 regarding the procedural conference on the Commission's duty to consult that will be held in August.

It was noted that there should be accommodation for the use of any land and water in First Nations' territories. A specific example around the Columbia River Treaty was raised and the need to ensure notification by 2014 for the 2024 re-negotiation date was noted.

Capacity

There was considerable discussion about First Nations' capacity and their ability to participate in this process as a result. There was a desire to have First Nations representing themselves before the Commission and other regulators.

A participant asked how many people there are in BC Hydro and BCTC working on the Inquiry process. First Nations noted their people are going to forestry meetings and then mining meetings and that capacity is a significant issue. It was pointed out that in order for meaningful engagement to happen and for informed decisions to result, First Nations need resources and training. The amount of information that was required as pre-reading was said to be ridiculous. Participants asked how First Nations could provide good insight.

Past Grievances & Historical Impact

A couple of participants reinforced the need to deal with past grievances and historical impacts. In one participant's view, it was not a question of whether to consult with First Nations but more about the cost of doing business with First Nations. It was noted that there must be an understanding that the development of transmission lines has large impacts on First Nations lands and in many cases, the original impacts of existing lines have not been addressed. It was questioned why First Nations would enter into new arrangements.

One participant said it was okay to look to the future, but First Nations cannot look forward without looking back. Another used the analogy that it is like the coyote trying to pick out a thread from a spider's web. It is all attached.

Land Use Planning Process

One participant asked to what extent issues such as land management, regional growth plans, and so on could be included in the Inquiry process. It was confirmed that where this information is available, it will be included in the Inquiry either through this process underway now, or through the Commission process later.



It was reinforced that First Nations must be able to understand the impacts of the development on land at a Tribal Council and/or Nation level. The development of new facilities does impact First Nations' territories, and First Nations have significant concerns about cumulative impacts.

A participant raised the perspective that there were a number of First Nations who did not agree with the current land use planning process in B.C. and that First Nations need to complete their own land use planning. It was clarified that this planning process was different in that specific projects would not be identified and that the desired outcome is a high level view of the amount of power that could/should be developed, where that development might occur on a regional basis, and what type of transmission infrastructure will be required.

Participants indicated that they had particular concerns about BC Hydro's calls for power and the impact Independent Power Producers (IPPs) can have on communities. Participants stated that the IPPs have staked claims on just about every creek in the province. Participants noted that these types of activities do consider the transmission corridors required to connect the facilities. A question was asked about whether BCTC looked at clusters of IPP projects.

Participants were informed this was the first time the BC Utilities Commission was considering clusters or resource options based on a regional aspect. It was also clarified that when conducting bulk transmission options, BC Transmission Corporation's expansion planning does look at clusters of IPPs and how groups of single IPP projects can be clustered.

Transmission Requirements

One participant asked who makes the decision on what transmission requirements are needed. It was explained that both BC Hydro and BC Transmission Corporation will make submissions to the Commission's Inquiry in September 2009. By spring 2010 there will be a better understanding of the transmission needs required for the next 30 years. The inquiry will be undertaken every six years.

One participant questioned the value of moving ahead with new projects when there are existing facilities that require significant upgrading. It was explained that some of the upgrade projects are underway and others are being considered.

Electricity Rates

It was asked if there will be rate increases to pay for large capital projects and for First Nation settlements. It was explained that rate setting is part of a different process. The results of this Inquiry process will provide some overall direction on future transmission needs rather than impacts to rates.



Revenue Sharing

Participants stated that revenue sharing and co-management are important considerations for First Nations. It was pointed out that the resources are there to be shared but after 100 years, this still had not happened.

Partnerships & First Nation Ownership

Participants expressed a desire for more First Nation-owned run-of-river facilities and cited Atlin as an example where the federal government provided financial support for this project. There was also discussion of developing community electricity plans that include economic development objectives.

Electricity Export

Participants asked if the Inquiry was looking at the energy need for the province and/or for export. They expressed interest in understanding how BC Hydro determines how much energy to export. It was explained that there are export opportunities for clean and green energy.

One participant stressed that electricity is a commodity, and that BC Hydro exports and imports from Alberta and the U.S.A. Participants noted that they understand that we buy electricity for less than we sell it, but that there was still a need for some clear understanding about how this happens and the decision-making process. It is important for First Nations to understand how the electricity system works in order to participate effectively in the Commission process.

Alternative Energy

One participant stressed there is a misconception about clean and renewable energy, and that the price is paid in fish and land base alienation. If it is truly green, then it would not be so bad, but this is not always the case. The participant noted that the province should develop clean and renewable guidelines.

Also it was noted that if Provincial Government's criteria is not clear and BC Hydro exports, then the U.S.A. will be unable to count it as clean and renewable so what benefit are British Columbians getting from a climate change perspective? Participants noted that British Columbians are going to have to start making some tough choices since 53% of American electricity is generated from coal, which is ruining both of our ecosystems.

One participant asked how many years of supply are left and what opportunities there are for developing clean coal projects. Participants were informed that U.S.A. has 250 years of coal supply.

Energy Policy

Participants want to understand how the U.S.A.'s Energy Policy may be linked to B.C.'s energy policies, and there were comments that B.C. should not be an electrical battery for the U.S.A. If



the U.S.A. requires energy from B.C., First Nations in B.C. need to make sure that First Nations in the U.S.A. have access to this energy. It was noted that energy policy includes a complex set of issues and there may be some new things happening over the next few years. A participant asked how connected B.C. is to the U.S.A. and referenced Ontario as an example of concerns about going towards the use of nuclear energy given the lifespan of waste. It was clarified that in Canada, energy policy is the purview of provinces unlike the U.S.A. where the federal government undertakes a more active role. It was also noted that B.C. is not considering nuclear energy as an option.

Independent Power Producer (IPP) Development

Participants expressed concern regarding the number of IPPs active in First Nations' territories. They are concerned about the impacts on fish and wildlife and the potential for a "spider's web" of transmission lines.

First Nations want the right to say "no" to development because of the significant value in the land that includes both environmental and cultural uses (e.g., coming of age ceremonies) that are often misunderstood. It was noted that First Nations cultural traditions were not well understood and that IPPs need to build a relationship before they can wave around their papers and say they are going to build something.

A comment was made that there are about \$25 billion in projects in the queue and it is unfortunate that the Inquiry process is happening now instead of a few years ago.

Environmental Impact Assessments & Studies

Concerns were expressed about the appropriateness of using studies from previous projects to assess the impacts of new projects. An example was used of a mining company who undertook an environmental assessment 30 years ago and wanted to use it in the approvals to restart the mine. First Nations noted that studies undertaken for existing projects cannot be used for future projects. As things change, new information becomes available.

Inquiry Scope and Process

Several issues were raised in relation to the scope and logistics of the Inquiry.

- **Timing:** A participant asked how a submission in September could possibly provide enough time for adequate input. It was clarified that the fall 2009 submissions are initial submissions and that there will be further opportunities to discuss the options/scenarios.
- **Information:** Participants would like to see the summary information from the Inquiry (or at least some of it) before the September filing.



- Scenarios: Comments were made that it would be helpful to understand the creation of the scenarios, what values are used, how First Nation values are reflected in the scenarios, how/what trade-off analysis will be done, how it will work and who will make the decision.
- Trade-off analysis: Concerns were expressed about the use of multi-attribute trade-off analysis which was used in Water Use Plans (WUPs). There was concern expressed that the WUP process required unrealistic trade-offs (e.g., choosing between one fish species over another).
- Decision-making tools: Some participants noted they do not have the information or tools to provide useful comments.
- Decision making: Participants asked for clarity on the decision-making process and noted that First Nations need to have a role in this regard.
- Role of the Province: Questions were asked about the role of the Province including a listing of which ministries are involved in the Inquiry.
- Legislation: Questions were asked about the possible impact changes in legislation will have on the process and development (e.g., Water Act amendments).

This Inquiry will impact First Nations but also the province as a whole. Each of the communities has a land base. Participants asked how these communities will be affected by the impacts on the land base. One participant noted that their First Nation has four facilities in their territory and are in negotiations to deal with historical impacts. They stated that it is important to resolve past grievances and understand the goals and objectives for the future. They asked about the demands for energy. They also asked about the fastest growth areas to better understand the future demand for energy.

Additional Information Needs

Dan George

The facilitator asked participants what additional information they need to be involved in this process. The information needs they identified were:

- An understanding of the Commission process and how First Nations can participate most effectively.
- More information is required about capacity building options.



- An in-depth understanding about how scenarios are developed and how First Nation values are included and the criteria used for the trade-off analysis. BC Hydro and BC Transmission Corporation are not giving First Nations the tools they need to provide meaningful input. These things would help BC Hydro and BC Transmission Corporation and First Nations need to be present in the decision-making process.
- There is a need to look at the cumulative modeling analysis being used in Alberta (it was indicated that the cumulative modeling analysis is not used under Canadian Environmental Assessment Agency (CEAA) or British Columbia Environmental Assessment Office (BCEAO) but that BCEAO is better than CEAA in involving First Nations). Is there a way to collect baseline information and then make a more informed decision based on this kind of perspective? Everyone just keeps saying they have a small impact but when you put it all together it is significant. Believe BC Transmission Corporation and BC Hydro need to have a cumulative modeling exercise.
- More information about the electricity industry in B.C. and interactions with other markets in Canada and the U.S.A.; export and trade, BC Hydro and BC Transmission Corporation's objectives and plans (short term, mid-term, long-term), the different initiatives underway (BC Hydro's Long Term Acquisition Plan, BC Transmission Corporation's Capital Plan, Commission's Inquiry, etc.) and how it all fits together. Overview of utility planning and how the system works.
- Role of the Province in this Inquiry and a list of ministries involved.
- Better understanding of the Commission process and how First Nations can participate.

Summary and Wrap-up

Dan George/Suromitra Sanatani

The Facilitator reviewed his notes and confirmed they would be incorporated into the meeting notes. He thanked participants for attending the workshop and asked them to fill in the workbook and feedback forms.

Suromitra Sanatani also thanked participants for coming to the workshop and welcomed them to contact her if they had any questions about the consultation process. She indicated that meeting notes would be posted on a website and that a letter will be sent to participants notifying them when the notes are posted.