

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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July 16, 2015

Honourable Christy Clark
Premier of British Columbia
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Victoria, BC, V8W 9E1
Via facsimile: (250) 387-1715

Honourable Mary Polak
Minister of Environment
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Honourable Bill Bennett
Minister of Energy and Mines
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RE: UBCIC Calls for Two-Year Moratorium on Construction of Proposed Site C Dam and Referral to BC Utilities Commission

Dear Premier Clark, Minister Bennett, and Minister Polak:

We are writing to support the urgent request by Treaty 8 First Nations for a two-year moratorium on construction of the proposed Site C Dam until the end of 2017, and that the proposed project be referred to the BC Utilities Commission for review and consultation.

Proceeding without decision on the current court cases surrounding the proposed Site C Dam will create extreme uncertainty and will lead to the wasting of millions of taxpayer dollars when the court cases uphold Treaty and Aboriginal Rights and are decided in favor of saving the Peace River.

We would like to bring to your attention the following key points that support our call for a two-year moratorium and referral to the BC Utilities Commission:

1. The proposed Site C dam, associated structures and required rights-of ways run directly through the heart of the Treaty 8 First Nations territories. This project will have a devastating impact on the Treaty and Aboriginal Rights of Treaty 8 First Nations. The project will eliminate the Treaty 8 First Nation communities' ability to continue their way of life and exercise their Treaty-protected constitutional rights to hunt, fish, trap, harvest and carry out their practises on their land. As you are aware, Treaty 8 has launched court proceedings to defend their rights.
2. The proposal for the Site C dam is in clear violation of the human rights of the Treaty 8 First Nations. Canada formally endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in November 2010. The Declaration sets out international standards for relationships between Nations states and Indigenous Peoples
3. Organizations representing 70% of BC's population, have added their voices to the federal/provincial Joint Review Panel's call for an independent review of Site C: the North Central Local Government Association (NCGLA) Association of Vancouver Island & Coastal Communities (AVICC), and Metro Vancouver.
4. The Site C dam will flood the last pristine stretch of the Peace Valley, destroying highly productive alluvial farmland that could produce fruit and vegetables for at least 1 million people. Former chair of the Agricultural Land Commission, Richard Bullock, described the flooding of this farmland as a "sin against humanity."
5. The BC government needs to properly investigate alternatives to the proposed Site C dam. Energy alternatives like wind, solar and geothermal energy have, in recent years, expanded globally at an incredible pace. Harry Swain, Chair of the Joint Review Panel, has said that the BC government's failure to properly investigate alternatives to Site C dam amounts to "dereliction of duty." Robert McCullough, a respected international energy economist, says Site C dam's business case assumptions are 2 to 5 years out-of-date. In a world where energy technology, including wind, solar, and geothermal are rapidly decreasing in cost, other renewable energy options are likely to be half the cost of Site C. Robert McCullough notes further that south of the border, developments like Site C require full independent review with procedural safeguards like cross-examination of experts on their reports. New studies confirm that geothermal is a proven, low-risk, low-cost alternative.
6. The United Nations 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.

UBCIC is extremely concerned that BC Hydro plans to start construction activities on Site C Dam prior to July 20, despite the fact that the court proceedings are still in motion and a decision on Site C proceeding has yet to be determined. UBCIC fully supports Treaty 8 First Nations' application for judicial review stating Site C infringes on the treaty rights of the Treaty 8 First Nations and without Treaty 8 First Nations free, prior and informed consent.

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 Treaty 8 First Nations hold annual cultural camps to maintain their relationship with their heritage, territories and lands.

The resources that the Treaty 8 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 area supports the traditional land-based economy of the people and for the peoples and communities affected, we hope that this assessment of this project will not be one-sided and imbalanced as often is the case in such reviews.

In considering the economic impacts of this project, the UBCIC agrees the British Columbia Utilities Commission should review and consult on the development of Site C. The UBCIC would urge BCUC to not overlook the impact of this project on the land-based traditional economies of Indigenous peoples which includes but is not limited to:

- Traditional food sources gathered from the area where the Dam project and other structures is proposed to be built;
- Medicines;
- Trapping is an important part of the economy;

- Game hunted may also be a source of other materials used for buckskin, drums, and other material items;
- Plant materials can be used for baskets, utensils, clothing, etc.

Treaty 8 First Nations have applied for judicial review of Ottawa's decision to support the project, stating the proposed Site C project infringes on the treaty rights of the Treaty 8 First Nations. The Federal Appeal begins the week of July 20, 2015. The BC government and BC Hydro have ignored the requests of Treaty 8 First Nations to put construction on hold until the outcomes of the court proceedings are known.

By denying the Treaty 8 First Nations their day in court, the government is making an outright statement that they are above democratic rights and the judicial system. If construction begins, it will be understood as a clear message that this government has absolutely no respect for the Treaty 8 First Nation people, and is blatantly disregarding constitutionally recognized Aboriginal Title, Rights, and Treaty Rights. Lastly, irresponsibly rushing ahead of the courts and denying the BCUC to review the project is an irresponsible and negligent use of tax dollars.

Given that you are holding a summer session in the legislature, we strongly urge you to implement the two-year moratorium on construction of the proposed Site C Dam as soon as possible. We also reiterate our request that the proposed project be referred to the BC Utilities Commission for review and consultation. As you are aware, municipalities throughout BC are currently considering and passing resolutions supporting these two requests, and public support is growing. We request an immediate meeting with you to discuss this issue.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief Robert Chamberlin
Vice-President



Kukpi7 Judy Wilson
Secretary-Treasurer

CC: John Horgan, Leader, BC NDP, Official Opposition
Norm MacDonald, Energy and Mines Critic, BC NDP
Adrian Dix, BC Hydro Critic, BC NDP
Jessica McDonald, President, BC Hydro
BC Utilities Commission
Treaty 8 First Nations
UBCIC Chiefs Council
First Nations Summit
BC Assembly of First Nations