

March 14, 2025

Minister Adrian Dix
Ministry of Energy and Climate Solutions
Province of British Columbia

Dear Minister Dix,

Re: Proposed Renewable Energy Projects in Doig River First Nation's Planning Area and Proposed Legislative and Regulatory Changes to Project Assessment

Doig River First Nation writes to express our perspectives on the Province of BC's (the "Province") notification of legislative and regulatory changes to project assessment, and the deeply flawed process for advancing renewable energy projects in our territory.

We are raising concerns about two issues. First is the advancement of two proposed wind projects within DRFN's Planning Area and within DRFN's Landscape Planning Pilot Area ("LPP Area") that ignore the Province's commitments to manage cumulative effects and implement the *Declaration Act on the Rights of Indigenous Peoples*: Innergex's Stewart Creek Wind Project ("Stewart Wind") and EDF Renewables' Taylor Wind Project ("Taylor Wind"). Second is the Province's intent to eliminate the environmental assessment requirements for major electricity transmission and generation projects and transfer regulatory responsibility to the BC Energy Regulator ("BCER").

BC Hydro Call for Power and Signing of Electricity Purchase Agreements Prior to DRFN Engagement and Consultation

Although DRFN participated in BC Hydro's invitation to provide input into the Call for Power, we were not consulted or engaged in any way by BC Hydro or the Province on the two renewable energy projects selected to negotiate electricity purchase agreements that are located within DRFN's Planning Area. We only learned that these two projects were moving forward in media reports on the awarding of electricity purchase agreements in December 2024.

In June 2024, prior to the Call for Power process, DRFN advised Water, Lands and Resource Stewardship ("WLRS") of significant issues concerning the issuance of investigative wind licenses in response to receiving a batch of dozens of investigative wind licenses to review. Stewart Wind was among these investigative licenses. There was no indication that an advanced stage project was in the development phase. DRFN's response included the following:

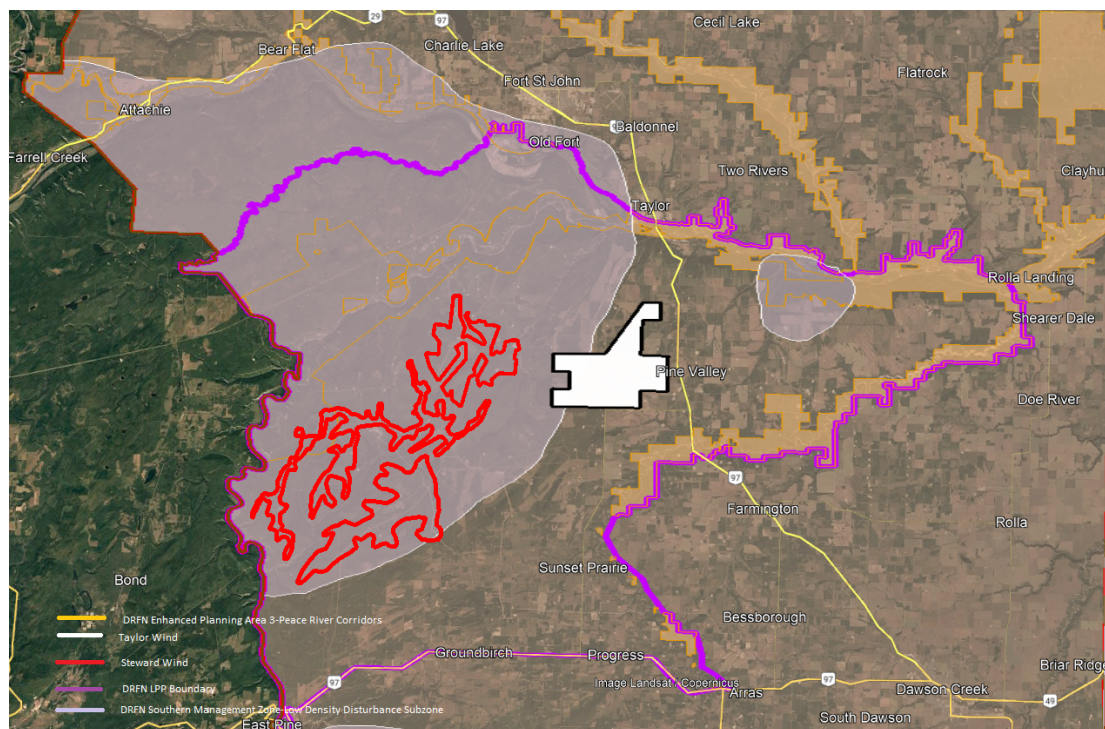
- These applications are within the South Peace Management Zone (SPMZ) of our Land Use Plan and within or partly within a SPMZ sub zone that is flagged for more conservative land management regimes due to the relative intactness of this area. The South Peace is under heavy development pressure and has significant industrial and private land footprint as a result. This makes the remaining in-tact Crown land areas **critical for biodiversity and the practice of Treaty Rights**.



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- DRFN would like to better understand the footprint required for the investigative licences and receive the more **detailed consultation package**.
- Given the high value of the sub-zone these applications fall within **DRFN expects significant challenges in the future establishment of a wind project in these locations**.
- These projects are within the BRFN Claim Area where the court has declared a breach of Treaty. There has been no Provincial policy or action on management of cumulative effects, and the restoration funds put in place to address cumulative effects is gravely inadequate to address the scale of the issue. Therefore, **the contribution of these projects to cumulative effects will need to be considered if there is interest in future establishment of a wind project**.

Other than through consultation on the investigative wind licenses, which always includes a statement by the Province that issuance of these licences does not mean that any proposed projects will necessarily go forward, BC Hydro and the Province did not inform DRFN of Stewart Wind or Taylor Wind, both of which are located within DRFN's Planning Area and LPP Area. The LPP, which has been agreed-to and funded by the Province, is to test and apply DRFN's Planning Framework, including its Land Use Plan, Cumulative Effects Management Tool and Consent-Based Decision-making approach to all proposed development within the LPP Area. The location of these projects is identified in the image below:



Our only engagement on these projects has been with the proponents. EDF Renewables engaged DRFN beginning in late 2023, providing detailed information and requesting to meet with staff and Chief and Council. However, our first contact with Innergex was only a few weeks ago, when Innergex met with DRFN on March 4, 2025. We raised concerns with them about being engaged on this project after the electricity purchase agreement had already been signed. They advised that they had never been informed by the Province of the concerns we raised during our review of the investigative licence stage, which caused us great concern given that the purpose of consultation at that stage is to inform decision-making on potential projects going forward. Clearly, WLRS dropped the ball and our responses to the investigative licence applications were ignored.

Province's Commitment to Reduce and Manage Cumulative Impacts

In response to the 2021 SCBC *Yahey* decision, the Province has entered into several agreements with DRFN and other Treaty No. 8 Nations to improve the assessment and management of natural resource development, and reduce or reverse cumulative impacts on the lands and resources to protect treaty rights, including the infringement of treaty rights that the court found.

Among these agreements is our current work to complete a Joint Land Use Plan for the agreed defined area of DRFN's core interests (the Planning Area) and a Terms of Reference for the LPP to collaboratively test and implement DRFN's Land and Resource Management Framework which includes DRFN's Land Use Plan, Cumulative Effects Management Tool and Consent-Based Decision-Making. In addition to the objective of improving the Province's project assessment processes to adequately address cumulative impacts, the Province and DRFN agreed to consider a higher standard of assessment for large, impactful energy projects managed by the BCER that fall beneath the threshold for an environmental assessment. This is in recognition of the inadequacy of the BCER's assessment of larger, impactful projects based on the same process BCER uses to assess small projects.

As noted above, two of the proposed wind energy projects to be exempted from an environmental assessment – Stewart Wind and Taylor Wind – are located within DRFN's Planning Area and LPP Area. This further degrades what the court already found to be an inadequate assessment process for cumulative effects and impacts to treaty rights.

A further concern we have is that these projects are proceeding despite the commitment the Province has made to DRFN to work with us to develop an Electricity Infrastructure Strategy which will provide guidance for the development and transmission of electricity. We are in the process of finalizing Terms of Reference for this initiative with the Ministry of Energy and Climate Solutions and it is intended to determine the anticipated demand for electricity based on the Province's climate action policies, identify all electricity infrastructure needs in the northeast region, and agree on management policies and actions to achieve balance with treaty rights and effective ecosystem management. It is imperative that the Province balance growth of industrial development with ecosystem health and protection of our treaty rights.



Proposed Legislative and Regulatory Changes to Project Assessment

While your letter of February 11, 2025, states that the proposed Legislative and Regulatory Changes to Project Assessment –particularly the elimination of environmental assessment requirements - will enable more consistent approaches to permit application requirements and conditions, the results would be disastrous to the lands and resources that have defined our way of life for millennia.

We recognize that the shift from fossil fuel to electricity in transportation, industry, and buildings is central to combatting the rise in average global temperatures. We also understand that renewable energy is necessary in the transition to less carbon-intensive and more sustainable energy systems.

However, these objectives cannot be pursued at the expense of treaty rights – particularly by exacerbating cumulative impacts in our territory. Electricity projects carry the same risks and liabilities as any other resource development requiring adequate resource project assessment and spatial planning.

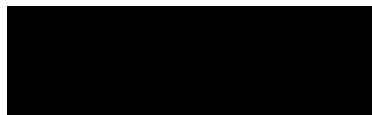
Removal of environmental assessment requirements for renewable energy projects and major electricity transmission lines will eliminate the standard of ecological and cultural management and protection that is essential to avoid significant cumulative effects and impacts to DRFN's treaty rights.

We have been working collaboratively with the BCER to improve the standards and procedures for regulating projects within their regulatory purview. Although we have a constructive and respectful working relationship with the BCER, transferring responsibility for assessing and regulating several major projects cannot be done effectively in a short timeframe. Their staff do not have the experience and expertise to manage the assessment of proposed major wind energy and electricity transmission projects to a sufficient standard, nor does it have the required capacity (staff and other resources).

Moreover, the BCER does not have a methodology for assessing mid to large-size projects. Rather, they apply the same methods that are used to assess applications for small-size projects. We have expressed to your ministry and others that this is inadequate, posing risks to our values and treaty rights and thereby also posing risks to the Province and the proponents.

We urgently seek a meeting with you to discuss the concerns we have set out above.

Sincerely,



CHIEF TREVOR MAKADAHAY





cc: Shona Nelson, DRFN Band Manager
Allisun Rana, DRFN Legal Counsel
Michelle Carr, Commissioner, BC Energy Regulator
Sean Curry, BC Energy Regulator
Leonard Hiebert, Chair, Peace River Regional District
Dan Davies, Davies North & Associates
Viva Wolf, Assistant Deputy Minister, Strategic and Indigenous Partnerships Division
Christine Boyle, Minister of indigenous Relations and Reconciliation
Randene Neil, Minister Water Land and Resource Stewardship

