

# National Executive Forum on Public Property

## BC Hydro's Approach to Relationship Building and Collaboration with First Nations

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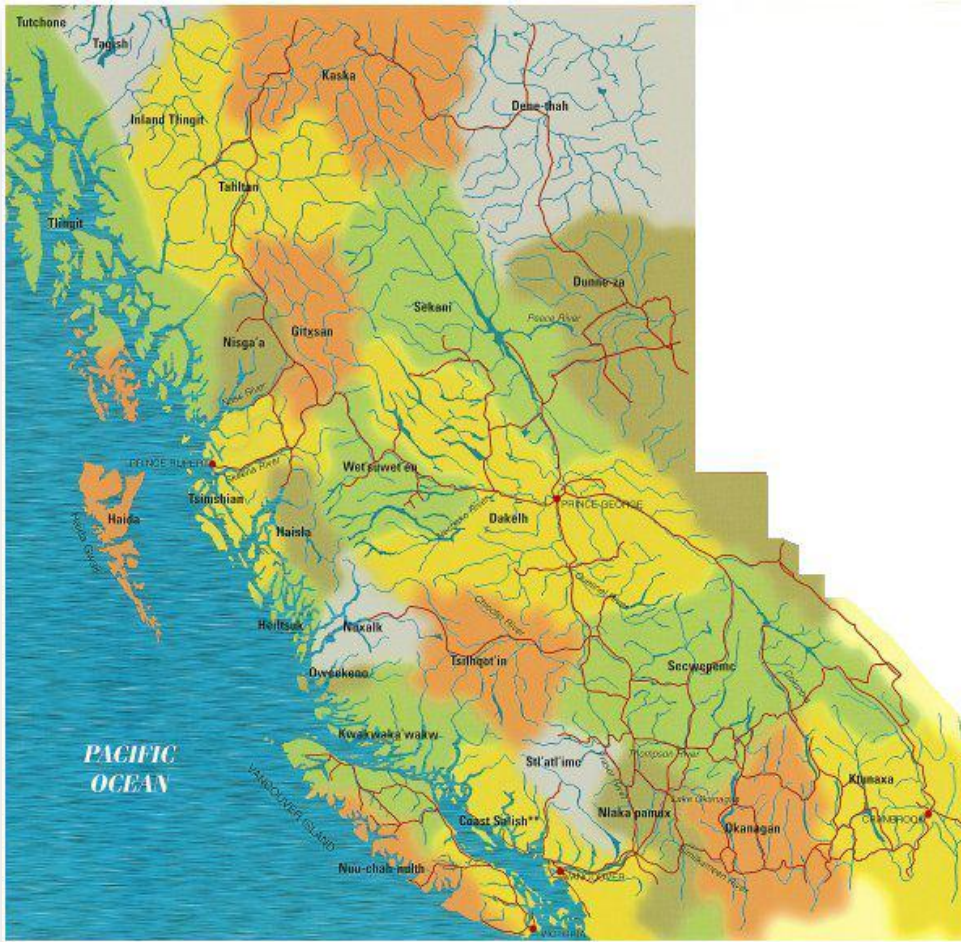
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## Constitutional Framework:

- *Constitution Act, 1982, Section 35*: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”
- First Nations gain momentum for the recognition of aboriginal rights in Canadian courts



# British Columbia and BC Hydro



Major language families of First Nations in BC

- All of BC Hydro's assets are on the traditional territories of one or more of the 203 First Nations in British Columbia
- Facilities on reserve and Treaty lands
- BC has the greatest diversity of Aboriginal cultures in Canada
  - 7 of 11 unique aboriginal language families are located exclusively in BC
- Majority of aboriginal rights unresolved in BC
  - Because very few treaties have been concluded with First Nations in BC



# BC Hydro and First Nations

- BC Hydro created in 1961 - BC Hydro undertakes some of the most ambitious hydroelectric construction projects in the world.
- 1992 – ARN established, First aboriginal member to Board, George Watts
  - Statement of principles and strategic plan for aboriginal relations
- Mid-1990s to mid-2000s - BC Hydro adopts a principle-based approach to establishing mutually beneficial relationships with First Nations
- 2005 - 20 year Long Term Goal of building relationships with First Nations



Between 2005 and 2011, BC Hydro makes significant progress in key strategic areas:

- Consultation and accommodation policies and strategies
- Addressing past grievances
- Education, employment and economic opportunities
- Future benefit arrangements on new projects
- Remote electrification
- Corporate team building and accountability



BC Hydro, as a Crown actor, has responsibility to uphold the honour of the Crown and support Provincial objectives with regard to the well-being and aspirations of aboriginal peoples in British Columbia

## *Haida* and *Taku* decisions (2005):

- an obligation to consult may arise even before aboriginal rights or title are proven
- Chief Justice McLachlin in *Haida*: “This Court supports the view that the duty to consult and accommodate is part of a process of fair dealing and reconciliation.... Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s. 35(1) of the Constitution Act, 1982.”
- Crown has a duty to consult and, where appropriate, accommodate aboriginal peoples where the interests of aboriginal peoples may be affected by a Crown action or decision
- Proven rights are not required to trigger the duty
- Crown also bound to balance broader societal interests with those of aboriginal peoples

# Building Relationships with First Nations

## Why We Build Relationships:

- Aboriginal Peoples play an important role at BC Hydro. Not only are they our employees, they are also our customers, contractors, service providers and landlords.
- BC Hydro recognizes that building, and succeeding, through relationships with Aboriginal Peoples is critical to Powering B.C. with clean, reliable electricity for generations.





# Building Relationships with First Nations

## Example: Northwest Transmission Line

- Impact Benefit Agreements (IBAs) are in place with Nisga'a Nation and all eight of the First Nations whose traditional territory is crossed by the project.
- Direct Award contracts for right-of-way clearing and access road construction have been finalized with the Tahltan Nation, Kitselas First Nations and Kitsumkalum First Nations. Work underway.
- Training "Boot Camps" held with area First Nations to help build skills and be "shovel ready" when NTL construction began.





# Building Relationships – Lessons Learned

- Must be committed. You can't turn it on and off.
- Needs to be multi-level commitment across the organization. All employees need to be key supporters and champions of building sustainable relationships with First Nations.
- Need to look long-term to build partnerships.
- Projects can be small. Allow for local initiatives.
- One size doesn't fit all. Leave room for different approaches.
- Need to recognize what has happened in the past will affect the ability to build the relationship for the future.
- Need to be seen as a company that's going to be engaged for the long-term.



## Questions?

