

An Open Letter to the Prime Minister of Canada and the Premier of British Columbia Regarding the Site C Dam

10 June 2016

The Right Honourable Justin Trudeau
Prime Minister of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

The Honourable Christy Clark
Premier of British Columbia
Box 9041 Station PROV GOVT
Victoria, BC
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Dear Prime Minister Trudeau and Premier Clark,

KAIROS: Canadian Ecumenical Justice Initiatives is concerned that construction of the Site C dam in the Peace River Valley will violate Indigenous peoples' rights and exacerbate ecological damage caused by previous dams.

Prime Minister Trudeau, we are encouraged by your mandate letter to Environment and Climate Change Minister Catherine McKenna which states that "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."

Similarly, Premier Clark, we were encouraged when, following the Supreme Court's decision recognizing the Aboriginal title of the Tsilhqot'in Nation you told BC Indigenous Chiefs that "We see [this recognition of Aboriginal] title as creating opportunities to make joint decisions, in true partnership."

While the Site C dam is an opportunity to demonstrate your commitment to a nation-to-nation relationship with Indigenous peoples in Canada that is based on partnership and the mutual recognition of rights and responsibilities, your actions to date contradict your words.

According to the federal / provincial Joint Review Panel, the dam would adversely affect the rights of Treaty 8 First Nations, and flooding an 80 kilometre section of the Peace River valley will negatively impact Indigenous fishing and hunting practices, traditional land use, and physical and cultural heritage resources in ways that cannot be mitigated. In light of this information, why have your governments not deferred construction permits for the Site C dam?



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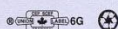
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We also do not understand why the federal government has not revisited the Site C approval made by the previous government, even though the identification of 22 significant adverse environmental effects by the Joint Review Panel is unprecedented since the enactment of the Canadian Environmental Assessment Act in 1992.

When the project was first proposed in the early 1980s, the Government of British Columbia referred it to the BC Utilities Commission for review, which automatically requires an examination of the adequacy of consultations with First Nations. In contrast, the BC Clean Energy Act of 2010 explicitly exempts the project from a review by the Utilities Commission.

Prime Minister Trudeau, we call on you to fulfill your government's commitment to respect the *UN Declaration on the Rights of Indigenous Peoples*. Allowing the Ministers of Fisheries and Transport to issue construction permits related to the Site C dam while the West Moberly and the Prophet River First Nations are contesting the project before the courts constitutes a failure to uphold their rights to free, prior and informed consent as outlined in the *UN Declaration*.

Premier Clark, you have said you want to advance the project "past the point of no return." This statement conflicts with your expressed wish to explore joint decisions and true partnerships with Indigenous people in BC. We are also concerned that BC Hydro continues with a civil suit against Stewards of the Land from Treaty 8 and local farmers who were attempting to prevent logging in an area slated for flooding, but who willingly dismantled the Rocky Mountain Camp once the courts declared it illegal.

Prime Minister Trudeau and Premier Clark, we call on you to recognize that the Joint Review Panel had neither the time nor a mandate to properly assess whether the project violates Indigenous peoples' rights. Nor has there been a thorough assessment of the need for additional power from this project in light of more ecologically responsible alternatives.

Accordingly, we call on you to suspend construction and to stop issuing permits for the Site C dam until the Indigenous peoples whose lands and ways of life will be affected are able to exercise their right to free, prior and informed consent in keeping with the *UN Declaration on the Rights of Indigenous Peoples*, and there has been a thorough, arms-length review by the BC Utilities Commission.

Sincerely,



Jennifer Henry
Executive Director
KAIROS, Canadian Ecumenical Justice Initiatives

Cc

Honourable Catherine McKenna, Minister of the Environment and Climate Change
Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs
Honourable Dominic Leblanc, Interim Minister of Fisheries
Honourable Jody Wilson-Raybould, Minister of Justice
Honourable Marc Garneau, Minister of Transport