

McNeill, Carly IRR:EX

From: Scott, Douglas S IRR:EX
Sent: January 17, 2018 1:41 PM
To: Hill, Edward GCPE:EX; McNeill, Carly IRR:EX
Subject: RE: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

Approved

From: Hill, Edward GCPE:EX
Sent: Wednesday, January 17, 2018 1:15 PM
To: McNeill, Carly IRR:EX
Subject: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

Hi Carly, seeking ADM review and approval of this response to media on the West Moberly and Prophet River First Nations civil claim regarding Site C. Not sure if I should be sending this to Doug S or Trish.

s.14

Deadline is 5pm.

Thanks

Ted

Suggested response:

Statement from the Ministry of Indigenous Relations and Reconciliation:

The Province recognizes that construction of Site C will adversely impact some Treaty 8 First Nations. As we continue to move forward with reconciliation, our government and BC Hydro will work collaboratively with Treaty 8 First Nations to seek solutions to address their concerns regarding Site C.

The Province is committed to reconciliation and adopting the UN Declaration on the Rights of Indigenous Peoples, and our government will continue to work in partnership with Indigenous peoples to make progress on this important work. We respect the right of West Moberly and Prophet River First Nations to seek redress through a legal claim, and the Province will respond to their claims in court.

Reporter

Sarah Cox, Reporter
DeSmog Canada
sarah@desmog.ca
250-812-1762

Deadline Wednesday, January 17, 2018 12:00 PM

Request

I'm taking a more in-depth look at the Site C court case that was launched by First Nations yesterday and have a few questions. I reached out to Jen Holmwood in the Premier's office and she suggested I contact your ministry. I'm hoping that you will be able to provide a short statement to answer the following questions.

Given that the question of whether or not Site C violates treaty rights has never been tested in the courts, and given the government's stated intention to uphold the UN Declaration on the Rights of Indigenous Peoples, will the government consider cancelling the project if the courts determine that it violates treaty rights?

Lawyers say a court decision in favour of First Nations could result in a \$1 billion settlement. How much is too much for the government, given the comparative costs of a settlement versus the financial impact of cancelling the project? Is the government prepared to add another \$1 billion to Site C's tab if the courts award that amount of money to the First Nations?

My understanding is that it would be up to the courts to determine what portion of a potential settlement would be shouldered by each level of government.

Recommendation

Respond on background.

Dick, Jolleen IRR:EX

From: Hill, Edward GCPE:EX
Sent: Wednesday, January 17, 2018 3:51 PM
To: Sas, Jonathan IRR:EX
Cc: Dick, Jolleen IRR:EX; Plank, Sarah GCPE:EX; Ritchie, Leanne GCPE:EX; Sam, Anne-Marie IRR:EX
Subject: RE: FOR REVIEW: MIRR Media Request: First Nations Site C civil claimSam, Anne-Marie IRR:EX <AnneMarie.Sam@gov.bc.ca>

Will do. Thank you.

From: Sas, Jonathan IRR:EX
Sent: Wednesday, January 17, 2018 3:47 PM
To: Hill, Edward GCPE:EX
Cc: Dick, Jolleen IRR:EX; Plank, Sarah GCPE:EX; Ritchie, Leanne GCPE:EX; Sam, Anne-Marie IRR:EX
Subject: Re: FOR REVIEW: MIRR Media Request: First Nations Site C civil claimSam, Anne-Marie IRR:EX <AnneMarie.Sam@gov.bc.ca>

Thanks...

A few things;

- It should use "the government" not "our" as it is Ministry not Minister statement. The "we" too doesn't make sense
- Can we say "a range of issues that matter to their leadership and communities" at end of para 2...
- Also begin para 3: "The government remains steadfastly committed to adopting and implementing ...

Thanks

Jonathan Sas | Senior Ministerial Assistant to Minister Scott Fraser | Ministry of Indigenous Relations and Reconciliation

From: Edward.Hill@gov.bc.ca
Sent: January 17, 2018 3:29 PM
To: Jonathan.Sas@gov.bc.ca
Cc: Jolleen.Dick@gov.bc.ca; Sarah.Plank@gov.bc.ca; Leanne.Ritchie@gov.bc.ca; AnneMarie.Sam@gov.bc.ca
Subject: RE: FOR REVIEW: MIRR Media Request: First Nations Site C civil claimSam, Anne-Marie IRR:EX

Edited based on our discussion:

Statement from the Ministry of Indigenous Relations and Reconciliation:

- The Province recognizes that construction of Site C will adversely impact some Treaty 8 First Nations. As we continue to move forward with reconciliation, our government and BC Hydro will work collaboratively with Treaty 8 First Nations to seek solutions to address their concerns regarding Site C.
- Our government held direct government-to-government meetings with Treaty 8 First Nations most impacted by the project, and we will continue working closely with Treaty 8 First Nations on a range of issues.

- **The Province is committed to adopting and implementing the UN Declaration on the Rights of Indigenous Peoples, and our government will continue to work in partnership with Indigenous peoples to make progress on this important work.**
- **We respect the right of West Moberly and Prophet River First Nations to seek redress through a legal claim, and the Province will respond to their claims in court.**

Reporter

Sarah Cox, Reporter
DeSmog Canada
sarah@desmog.ca
250-812-1762

Deadline Wednesday, January 17, 2018 12:00 PM

Request

I'm taking a more in-depth look at the Site C court case that was launched by First Nations yesterday and have a few questions. I reached out to Jen Holmwood in the Premier's office and she suggested I contact your ministry. I'm hoping that you will be able to provide a short statement to answer the following questions.

Given that the question of whether or not Site C violates treaty rights has never been tested in the courts, and given the government's stated intention to uphold the UN Declaration on the Rights of Indigenous Peoples, will the government consider cancelling the project if the courts determine that it violates treaty rights?

Lawyers say a court decision in favour of First Nations could result in a \$1 billion settlement. How much is too much for the government, given the comparative costs of a settlement versus the financial impact of cancelling the project? Is the government prepared to add another \$1 billion to Site C's tab if the courts award that amount of money to the First Nations?

My understanding is that it would be up to the courts to determine what portion of a potential settlement would be shouldered by each level of government.

Recommendation

Respond on background.

From: [Holmwood, Jen](#) PREM:EX
To: [Sas, Jonathan](#) IRR:EX
Subject: Fwd: Site C agreements with First Nations
Date: Thursday, December 7, 2017 1:06:29 PM

Are you able to answer this (Ie is your comms Director) as you were the ones in the discussion? If it is an AG thing, or other, let me know.

Jen Holmwood
Deputy Communications Director
Office of the Premier | Government of BC
250-818-4881

Begin forwarded message:

From: Sarah Cox <sarah@desmog.ca>
Date: December 7, 2017 at 10:57:32 AM PST
To: Jen.Holmwood@gov.bc.ca
Subject: Site C agreements with First Nations

Good morning Jen,

I have a question about a statement Premier Horgan made last week regarding Site C and First Nations. He said that the government had been informed by some First Nations that they would launch legal challenges if Site C were cancelled, while other First Nations said they would launch legal challenges if the project continues.

I checked the Site C Project Tripartite Land Agreements that BC Hydro signed with the McLeod Lake Indian Band and other Treaty 8 First Nations. The agreements have a clause that says that if Site C is abandoned the agreements can be terminated with 60 days notice.

The West Moberly and Prophet River First Nations have been clear that if Site C proceeds they will launch a suit on the basis that the project violates treaty rights - a premise not yet tested in the courts.

What isn't clear is where any legal challenges arising from cancellation could come from, especially given the cancellation clause in First Nations Site C agreements. Can you please provide some more details about this?

thank-you,

Sarah

Sarah Cox
DeSmog Canada
250.812.1762

From: [Sas, Jonathan IRR:EX](#)
To: [Hill, Edward GCPE:EX](#)
Subject: Re: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim
Date: Wednesday, January 17, 2018 2:54:41 PM

hey Ted,

Can you call me?

Jonathan Sas I Senior Ministerial Assistant to Minister Scott Fraser I Ministry of Indigenous Relations and Reconciliation

From: Edward.Hill@gov.bc.ca
Sent: January 17, 2018 2:25 PM
To: Jonathan.Sas@gov.bc.ca; AnneMarie.Sam@gov.bc.ca
Cc: Jolleen.Dick@gov.bc.ca; Sarah.Plank@gov.bc.ca; Leanne.Ritchie@gov.bc.ca
Subject: RE: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

5pm.

From: Sas, Jonathan IRR:EX
Sent: Wednesday, January 17, 2018 2:24 PM
To: Hill, Edward GCPE:EX; Sam, Anne-Marie IRR:EX
Cc: Dick, Jolleen IRR:EX; Plank, Sarah GCPE:EX; Ritchie, Leanne GCPE:EX
Subject: Re: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

Whats deadline?

Jonathan Sas I Senior Ministerial Assistant to Minister Scott Fraser I Ministry of Indigenous Relations and Reconciliation

From: Edward.Hill@gov.bc.ca
Sent: January 17, 2018 1:45 PM
To: Jonathan.Sas@gov.bc.ca; AnneMarie.Sam@gov.bc.ca
Cc: Jolleen.Dick@gov.bc.ca; Sarah.Plank@gov.bc.ca; Leanne.Ritchie@gov.bc.ca
Subject: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

Hi, seeking approval for this response to media (DeSmog) on the West Moberly and Prophet River First Nations Site C civil claim. The response is framed as a statement from the ministry. s.14

Deadline is 5pm.

Thanks
Ted

Suggested response:

Statement from the Ministry of Indigenous Relations and Reconciliation:

The Province recognizes that construction of Site C will adversely impact some Treaty 8 First Nations. As we continue to move forward with reconciliation, our government and BC Hydro will work collaboratively with Treaty 8 First Nations to seek solutions to address their concerns regarding Site C.

The Province is committed to reconciliation and adopting the UN Declaration on the Rights of Indigenous Peoples, and our government will continue to work in partnership with Indigenous peoples to make progress on this important work. We respect the right of West Moberly and Prophet River First Nations to seek redress through a legal claim, and the Province will respond to their claims in court.

Reporter

Sarah Cox, Reporter
DeSmog Canada
sarah@desmog.ca
250-812-1762

Deadline Wednesday, January 17, 2018 12:00 PM

Request

I'm taking a more in-depth look at the Site C court case that was launched by First Nations yesterday and have a few questions. I reached out to Jen Holmwood in the Premier's office and she suggested I contact your ministry. I'm hoping that you will be able to provide a short statement to answer the following questions.

Given that the question of whether or not Site C violates treaty rights has never been tested in the courts, and given the government's stated intention to uphold the UN Declaration on the Rights of Indigenous Peoples, will the government consider cancelling the project if the courts determine that it violates treaty rights?

Lawyers say a court decision in favour of First Nations could result in a \$1 billion settlement. How much is too much for the government, given the comparative costs of a settlement versus the financial impact of cancelling the project? Is the government prepared to add another \$1 billion to Site C's tab if the courts award that amount of money to the First Nations?

My understanding is that it would be up to the courts to determine what portion of a potential settlement would be shouldered by each level of government.

Recommendation

Respond on background.

From: [Sas, Jonathan IRR:EX](#)
To: [Hill, Edward GCPE:EX](#); [Sam, Anne-Marie IRR:EX](#)
Cc: [Dick, Jolleen IRR:EX](#); [Plank, Sarah GCPE:EX](#); [Ritchie, Leanne GCPE:EX](#)
Subject: Re: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim
Date: Wednesday, January 17, 2018 2:23:56 PM

Whats deadline?

Jonathan Sas I Senior Ministerial Assistant to Minister Scott Fraser I Ministry of Indigenous Relations and Reconciliation

From: Edward.Hill@gov.bc.ca
Sent: January 17, 2018 1:45 PM
To: Jonathan.Sas@gov.bc.ca; AnneMarie.Sam@gov.bc.ca
Cc: Jolleen.Dick@gov.bc.ca; Sarah.Plank@gov.bc.ca; Leanne.Ritchie@gov.bc.ca
Subject: FOR REVIEW: MIRR Media Request: First Nations Site C civil claim

Hi, seeking approval for this response to media (DeSmog) on the West Moberly and Prophet River First Nations Site C civil claim. The response is framed as a statement from the ministry. S.14

S.14

Deadline is 5pm.

Thanks

Ted

Suggested response:

Statement from the Ministry of Indigenous Relations and Reconciliation:

The Province recognizes that construction of Site C will adversely impact some Treaty 8 First Nations. As we continue to move forward with reconciliation, our government and BC Hydro will work collaboratively with Treaty 8 First Nations to seek solutions to address their concerns regarding Site C.

The Province is committed to reconciliation and adopting the UN Declaration on the Rights of Indigenous Peoples, and our government will continue to work in partnership with Indigenous peoples to make progress on this important work. We respect the right of West Moberly and Prophet River First Nations to seek redress through a legal claim, and the Province will respond to their claims in court.

NR

Reporter

Sarah Cox, Reporter
DeSmog Canada
sarah@desmog.ca
250-812-1762

Deadline Wednesday, January 17, 2018 12:00 PM

Request

I'm taking a more in-depth look at the Site C court case that was launched by First Nations yesterday and have a few questions. I reached out to Jen Holmwood in the Premier's office and she suggested I contact your ministry. I'm hoping that you will be able to provide a short statement to answer the following questions.

Given that the question of whether or not Site C violates treaty rights has never been tested in the courts, and given the government's stated intention to uphold the UN Declaration on the Rights of Indigenous Peoples, will the government consider cancelling the project if the courts determine that it violates treaty rights?

Lawyers say a court decision in favour of First Nations could result in a \$1 billion settlement. How much is too much for the government, given the comparative costs of a settlement versus the financial impact of cancelling the project? Is the government prepared to add another \$1 billion to Site C's tab if the courts award that amount of money to the First Nations?

My understanding is that it would be up to the courts to determine what portion of a potential settlement would be shouldered by each level of government.

Recommendation

Respond on background.

From: [Sas, Jonathan IRR:EX](#)
To: [Hill, Edward GCPE:EX](#)
Cc: [Dick, Jolleen IRR:EX](#); [Plank, Sarah GCPE:EX](#); [Ritchie, Leanne GCPE:EX](#); [Sam, Anne-Marie IRR:EX](#)
Subject: Re: FOR REVIEW: MIRR Media Request: First Nations Site C civil claimSam, Anne-Marie IRR:EX
<AnneMarie.Sam@gov.bc.ca>
Date: Wednesday, January 17, 2018 3:46:46 PM

Thanks...

A few things;

- It should use "the government" not "our" as it is Ministry not Minister statement. The "we" too doesn't make sense
- Can we say "a range of issues that matter to their leadership and communities" at end of para 2...
- Also begin para 3:" The government remains steadfastly committed to adopting and implementing ...

Thanks

Jonathan Sas | Senior Ministerial Assistant to Minister Scott Fraser | Ministry of Indigenous Relations and Reconciliation

From: Edward.Hill@gov.bc.ca
Sent: January 17, 2018 3:29 PM
To: Jonathan.Sas@gov.bc.ca
Cc: Jolleen.Dick@gov.bc.ca; Sarah.Plank@gov.bc.ca; Leanne.Ritchie@gov.bc.ca; AnneMarie.Sam@gov.bc.ca
Subject: RE: FOR REVIEW: MIRR Media Request: First Nations Site C civil claimSam, Anne-Marie IRR:EX

Edited based on our discussion:

Statement from the Ministry of Indigenous Relations and Reconciliation:

- **The Province recognizes that construction of Site C will adversely impact some Treaty 8 First Nations. As we continue to move forward with reconciliation, our government and BC Hydro will work collaboratively with Treaty 8 First Nations to seek solutions to address their concerns regarding Site C.**
- **Our government held direct government-to-government meetings with Treaty 8 First Nations most impacted by the project, and we will continue working closely with Treaty 8 First Nations on a range of issues.**
- **The Province is committed to adopting and implementing the UN Declaration on the Rights of Indigenous Peoples, and our government will continue to work in partnership with Indigenous peoples to make progress on this important work.**
- **We respect the right of West Moberly and Prophet River First Nations to seek redress through a legal claim, and the Province will respond to their claims in court.**

Reporter

Sarah Cox, Reporter

DeSmog Canada

sarah@desmog.ca

250-812-1762

Deadline Wednesday, January 17, 2018 12:00 PM

Request

I'm taking a more in-depth look at the Site C court case that was launched by First Nations yesterday and have a few questions. I reached out to Jen Holmwood in the Premier's office and she suggested I contact your ministry. I'm hoping that you will be able to provide a short statement to answer the following questions.

Given that the question of whether or not Site C violates treaty rights has never been tested in the courts, and given the government's stated intention to uphold the UN Declaration on the Rights of Indigenous Peoples, will the government consider cancelling the project if the courts determine that it violates treaty rights?

Lawyers say a court decision in favour of First Nations could result in a \$1 billion settlement. How much is too much for the government, given the comparative costs of a settlement versus the financial impact of cancelling the project? Is the government prepared to add another \$1 billion to Site C's tab if the courts award that amount of money to the First Nations?

My understanding is that it would be up to the courts to determine what portion of a potential settlement would be shouldered by each level of government.

Recommendation

Respond on background.