

Memorandum



To: WEI Table participants
From: Rahul Ray and Jason Collier
Date: June 26, 2019
Re: Rio Tinto Water Engagement Initiative Table meeting summary: Meeting 1

The first Table meeting for the Rio Tinto Water Engagement Initiative (WEI) was held on June 13, 2019 at Scott's Grille in Vanderhoof, British Columbia. The session was open to the public and ran from 10:00 AM to 3:40 PM.

This document is a meeting summary and is not word-for-word "meeting minutes". The information presented highlights the topics raised, key discussions, conclusions, and identified action items. The draft meeting summary was circulated to meeting participants for review and revision. This document incorporates the comments received. At the meeting, the facilitators were Rahul Ray (RR) and Jason Collier (JC) from EDI. Jayson Kurtz (JK) from Ecofish Research was introduced as the Technical Working Group (TWG) coordinator and Trinda Elwert (TE) from Avison Management as process support.

Justus Benckhuysen (JB), Rio Tinto Nechako Operations Coordinator, and Danielle De Kay (DD), Rio Tinto Communities and Communications Advisor were also present as process support. Andrew Czornohalan, Rio Tinto Acting General Manager was a participant at the Table.

Below is a list of the participants and they organizations they are associated with.



Table 1. June 13, 2019 WEI Table meeting participants

Individual	Organization
Christina Ciesielski	Carrier Sekani Tribal Council Fisheries
Mike Robertson	Cheslatta Carrier Nation
Gina Layte-Listen	City of Prince George
Mike Henry	Department of Fisheries and Oceans
Brian Naito	Department of Fisheries and Oceans
Kevin Moutray	District of Vanderhoof
Gerry Thiessen	District of Vanderhoof
Chantelle Grafton	Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
Dave Francis	Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
Carrie Smith	MLA John Rustad's office
Arthur Halleran	Nak'azdli Whut'en First Nation
Henry Klassen	Public participant
Gerd Erasmus	Public participant
Craig Smith	Public participant
Donna Klingspohn	Public participant
Dustin Snyder	Public participant
John Alderliesten	Public participant
Dr. Paul Collard	Public participant
Wayne Salewski	Public participant
Dr. Dennis Ableson	Public participant
Lyla Brophy	Nechako Regional Cattlemen's Association
Ray Klingspohn	BC Wildlife Federation (BCWF)
Paula Tait	Northern Health
Mike Ridsdale	Office of the Wet'suwet'en
Jason Llewellyn	Regional District of Bulkley Nechako
Mark Parker	Regional District of Bulkley Nechako
Clint Lambert	Regional District of Bulkley Nechako
Jerry Peterson	Regional District of Bulkley Nechako
Andrew Czornohalan	Rio Tinto
Gary Blackwell	Southside representative
Gord Sterritt	Upper Fraser Fisheries Conservation Alliance
Rodney Holland	Village of Fraser Lake



The following provides a summary of the topics discussed at the meeting. The presentation given at the meeting accompanies this summary.

- The WEI project team introduced themselves and provided details on their respective roles in the WEI Process.
- Meeting participants then introduced themselves and identified the organization they represent (if they are associated with an organization). They then spoke about their interest in the Nechako Region and the WEI Process.
- A question was asked if the District of Vanderhoof (DOV) are full participants in the WEI process. Mayor Thiessen responded that the DOV and the Regional District of Bulkley-Nechako's (RDBN's) participation is dependent on the implementation of the four points identified in the letter provided by the Province. The letter can be found at: <https://www.getinvolvednechako.ca/wei>
- AC clarified that Rio Tinto is a participant at the table and are not leading the WEI process. He will represent Rio Tinto's interest in the same fashion as other participants. His interests include being accountable to Rio Tinto's business interests in BC, which also represents approximately 1,500 employees. AC commented the Rio Tinto's operations in BC produce low CO₂ emission aluminum and generate approximately \$400 million per year to the economy, through employment, tax revenue, pensions, and other avenues. Rio Tinto is also the largest independent power producer in BC and generates enough energy to power 140,000 homes. Rio Tinto is undertaking the WEI in order to improve their operations.
- RR commented that EDI is part of the WEI process as Independent Facilitators. RR's role is to facilitate a fair process and to ensure that people's interests are heard. EDI does not have a stake in the outcomes generated through the WEI process. EDI works for the participants.
- A comment was made that is good that an independent facilitator will be leading the process, but that there is concern about who makes the decision at the end of the process to implement the outcomes? Who will pay the bill or compensation? It was noted that the Province is also culpable to what has happened. The question is how do we start the process when the Province says they are there to ensure the process doesn't evolve into something bigger with scope creep, and not having a long process? This situation is not a quick fix.
- The Province clarified that what was meant as watching for scope creep was that the Province would not like to see the WEI turn into a major land use planning process. The Province wants to help address issues, but not focus on items being addressed through other efforts or initiatives, and that the focus remains on the Nechako, its water use and flows, and timing.
- Discussion centered around the expected timeframe for the WEI Process. RR stated that based on experience in similar processes, the timeframe could be 18 months, but that is not a hard deadline. The



duration depends on the issues to address and participant preferences, but efforts will be made to keep the process efficient.

- AC commented that the timeframe is important, and the table can shape the specifics of the process. He mentioned that immediately implementable short-term opportunities can be implemented during the WEI Process. For more complex scenarios, the 18-month timeframe seems realistic.
- A comment was made that there is a plenty of good data and scientific information available that can help the process. It is true that things can be done now, but a flow regime needs to be in place in order to implement long-term changes.
- A comment was made that there is still concern with the initiative. It was thought that the 1987 and 1997 Agreements would bring new life to the Nechako, but that did not happen. What is needed is a new plan to move forward. Having independence is important.
- RR stated that the intent is to improve operations, to bring interests and knowledge together. The WEI process is based on the principles and approaches outlined in the BC Water Use Plans (WUP) guidelines. The WEI process will build on Strategic Decision-Making approaches. RR clarified that the WEI process will be driven by the participants, not Rio Tinto.
- Comment was made that we don't have a lot of time for the process. Fish are suffering. Fish stocks are way down and spawning is getting less and less every year. Runs are at historic lows and crisis appears everywhere. For the Sturgeon effort underway, it is doomed unless the habitat improves. Reaching consensus is great, but we need to do something now.
- Comment was made that for true consultation to occur, we need many voices whose input needs to be valued and heard. If there is a set result in mind, then it is not true consultation. It is simply a discussion. AC commented that Rio Tinto does not have a pre-determined flow regime in mind. The WEI process is being conducted to hear about the interests and issues held by interested parties. The WEI is not a duty to consult. It is not checking a box. Rio Tinto would like to understand how best to balance the multiple interests in the region. Participant replied that there is still a lot of skepticism based on past actions. AC commented that he has tried to understand what occurred. He confirmed that Rio Tinto is invested in the region and BC, and believes there is a better way of doing business.
- A comment was made that there has been ample talk today about the Nechako River. But not much is being said about the reservoir itself. There are plenty of issues there, as well, to consider. RR agreed and said that all interests need to be brought forward, so that participants can understand all the issues and concerns. People want to work through a process that is impactful, and meaningful.
- Comment was made that the 1987 and 1997 Agreements were made without input, behind closed doors. It took a long time for the Nechako Watershed Council (NWC) to go through its process. Industry can get things done if it wants to.



- Comment was made that small things are not going to make a big difference. The NWC came to determination that a spillway was needed at Kenney Dam and the sturgeon recovery effort should be contingent on the spillway being built. A different flow regime and flushes are needed to address and fix habitat. BC could re-visit the recommendations brought forward by the NWC, but it is time to get on with achieving our goals. RR stated that the WEI process will look at these issues. There are many issues to examine and we should use the knowledge compiled and experience of the participants to develop a plan of action.
- A comment was made about the need to help all participants understand the work that has been to date. It would take a long time to bring folks up to speed, so that decisions can be made in the proper context. RR replied that participants will have the support of the Technical Working Group to help inform and share information with participants. The intent is for participants that have the information made available to them in an approachable manner.
- Some discussion occurred on the topic of quick wins. An example was provided with respect to ranching being conducted on the banks of the Nechako. It would be useful for ranchers to have forward-looking information on flows, so that they can plan activities accordingly to protect their cattle, horseman, and hay crops.
- A comment was made that gathering information will be very useful, but that participants will need to understand where flows will come from. RR replied that infrastructure needs can be discussed during the process.
- Comment made on how Rio Tinto has many assets in the Nechako Region and participants will need to know what isn't on the table? What Rio Tinto is not willing to do? Participants will need to know the sensitivities of the Water License, and if a different flow regime can be on the table. AC replied that the water release facility at Kenney dam is being looked at by the First Nations Major Projects Coalition and Rio Tinto is working with them. It is not off the table and a feasibility study is currently in the works. A change in flows is also not off the table, but surrendering 30% of the Water License could be difficult to do, and AC will represent Rio Tinto's interests at the table. However, the WEI process may find ways to free up flows, and there may be a better balance to be found.
- There was discussion on the risks involved in going through the process and making change to the current situation. The risks will need to be evaluated and addressed quickly, so that changes can be made. However, it should be noted that as soon as lawyers become involved, the process can slow down considerably. RR stated that one of the reasons the provincial and federal governments are at the table is so regulatory risks can be identified early during the process and solutions identified.
- A comment was made that the NWC identified risks related to the spillway at Kenney dam, the Cheslatta fan, and the dewatered portion of the Nechako. There were high risks of mobilizing sediment downstream should the spillway be constructed at Kenney dam. Participants will need to be aware that they may be



reluctant to implement changes if it risks damaging spawning habitat downstream, even though the change needs to be done. Many studies have been in favour of building a spillway at Kenney dam, and if it is not built, other work may not be useful in the long-term.

- Discussion centered around the availability of data, and how it is being amalgamated. It will be important to have access to the information and have it stored appropriately. The more information we can gather, the better off we will be. Ecofish, in the role of technical coordinator, is currently amalgamating the documents, and will be a valuable source of information. The TWG will be formed with specialists with extensive backgrounds working on the Nechako. The TWG is open, and Table members can recommend TWG members. A question was asked about who pays for Ecofish's work. RR answered that Jayson's work is funded by Rio Tinto, but he is an independent professional, guided by the Table and the facilitator. JK has plenty of experience working on similar processes and his input will be valuable.
- A comment was made on importance of trying to make things better. Even when people thought they lost during the 1987 and 1997 Agreements, they always won something. For example, the 1987 Agreement removed other watersheds that were planned for the reservoir and established long-term flows. The 1997 Agreement established flows of 36.8 m/s and continued cooling flows established prior to the 1987 agreement. There were improvements made. When an invite comes from Rio Tinto, the participants need to try once more to improve the situation. The Table may not get everything they want, but will win something in the end.
- Discussion centered around the Guiding Principles and focused in on the scope of the WEI and its boundaries. AC said Rio Tinto isn't sure about where to draw the line in terms of boundaries, and should be left up to the participants. It is true that in terms of dam safety, the reach is all the way to Vancouver. Boundaries were discussed in terms of cooling effects, flows, watersheds, operations, fish, economics. RR wanted to know how far Rio Tinto's modeling goes.
- **Action Item: AC to report how far their downstream modeling extends next meeting.**
- A participant expressed concern about getting bogged down in the details with how far the discharge of Nechako effects downstream. Comment that we need to focus on the process now, and not get caught-up in determining the end results. A comment was made that if we start at the end, we will lose focus on the wider context.
- *The Draft Guiding Principles document was reviewed as a group, section by section. Discussion on wording in Section 2.1 Mandate and Purpose and 2.3 Planning Area occurred. A revised draft for table review will be provided ahead of the next meeting.*
- **Action Item: Draft Guiding Principle wording to be updated by RR, and a revised draft provided electronically to participants ahead of the next meeting.**



- A question was asked if the Province has given the authority to the FLNRORD representatives to act with authority. The speaker suggested the Province has an important role to play and should invest resources and tax dollars in the river. The FLNRORD representative responded that they did have authority to make decisions, but cannot guarantee the outcomes as they are not known yet. Their role in the WEI will be as participants, and will provide technical support, such as supplying data and weighing in on technical information. The representatives are participating in order to listen, identify red flags on issues, report back to the Minister on progress, and to ask questions that the participants may have of the Province. Another important aspect of the Province's participation is the UN Declaration on the Rights of Indigenous Peoples and their commitment to engage with First Nations. AC stated that Rio Tinto has been discussing the WEI with the Water Comptroller, who is fully supportive of the process.
- As promised, RR read a statement from June Wood who was unable to attend the meeting today. She stated, "recognition that in order to enable restoration of the Nechako River to a healthier, more natural condition, changes to existing rights and agreements will be required."
- **Action Item: Post support letter from the DFO on the Get Involved Nechako website: [getinvolvednechako.ca](https://www.getinvolvednechako.ca). (RR comment: Complete. The letter is posted at: <https://www.getinvolvednechako.ca/7037/documents/15124>)**
- Discussion centered on the First Nation court cases involving Rio Tinto. AC acknowledged that the court cases are proceeding and that they will take their course, but that the WEI Process can help understand and address some issues in the short term, before the legal proceedings conclude.
- Discussion centered around having media present during the WEI meetings. It was agreed that the process needs to be transparent, but it is important that the media not distract from the process or take things out of context. Suggestion was made that one person be designated as the media spokesperson.
- **Key outcome: Rahul was confirmed as the media spokesperson for the Table. Participants will review draft media releases before they are issued.**
- **Key outcome: Participants agreed that, if needed, they can communicate with the media on a personal level, not as a representative for the WEI Table.**
- **Key outcome: Participants confirmed that field trips around the Nechako region would be valuable in providing a common understanding to all participants. Suggestions for field trips should be sent to RR who will present options to the Table.**
- Participant funding was discussed. Funding from Rio Tinto will cover travel costs, a day of preparation time ahead of meetings, and meeting attendance. Details will be presented at the next meeting.
- Question about where the Table meetings will be held. RR replied that the meetings will rotate through different communities in the watershed, suggested, and confirmed with participants.



- Scheduling of the next meetings was confirmed:
 - Meeting 2:
 - Tuesday, July 16, 2019: 10 AM to 4 PM at Scott's Grille in Vanderhoof
 - Meeting 3:
 - Field Trip: Wednesday, August 21, 2019 – Field Trip – Details to be determined
 - Thursday, August 22 – Meeting location to be determined
 - Meeting 4:
 - Wednesday, September 11 – Meeting location to be determined

Action Items

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