BC First Nations Energy and Mining Council Summary Report

BC Hydro 2025 Call for Power Review Webinar

October 29, 2026

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Acknowledgements

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Special thanks and acknowledgement to knowledge keeper Carleen Thomas of the Tsleil-Waututh Nation for opening the webinar, to Regional Chief Terry Teegee of the BC Assembly of First Nations for his opening remarks, and to the First Nations participants in the 2025 Call for Power Review webinar for their valuable input and feedback.

Executive Summary

This report summarizes First Nations participants' key messages and recommendations from FNEMC's 2025 Call for Power Review webinar held on September 17, 2026.

Background

Since 2023, FNEMC and BC Hydro have worked together to improve First Nations participation in BC Hydro's calls for power. FNEMC's Phase 4 engagement on the 2024 Call for Power concluded with a final summary report in May 2025 setting out 30 recommendations from First Nations participants.

BC Hydro's 2025 Call for Power resulted in four electricity purchase agreements totalling about 3,500 gigawatt hours per year, each with 51 percent First Nations ownership. FNEMC convened the September 17 webinar under its capacity agreement with BC Hydro to review the design and outcomes of the 2025 Call from the perspective of First Nations participants, and to gather recommendations for future procurements.

2025 Call for Power Review Webinar

Participants recognized the results of the 2024 and 2025 Calls, which set the precedent that First Nations equity ownership belongs in major new energy infrastructure in BC, and acknowledged BC Hydro's continued commitment to the Declaration on the Rights of Indigenous Peoples Act (DRIPA).

A concern raised was BC Hydro's position that First Nations equity will not be considered in its upcoming Battery Energy Storage System (BESS) procurement, because BC Hydro intends to own the asset outright. Regional Chief Teegee and participants described this as a two-tiered approach, with equity encouraged where power is purchased from independent producers and absent where BC Hydro builds, and warned that it would set a precedent for all BC Hydro-

owned infrastructure. Tribal Chief Tyrone McNeil of the Stó:lō Tribal Council wrote to BC Hydro and the Minister of Energy and Climate Solutions calling for the BESS Request for Proposals to be amended before it is finalized. As of the date of this report, FNEMC was not aware of a formal response.

Participants identified challenges impairing meaningful First Nations participation, including compressed timelines and deadlines over holiday periods, limited early information on transmission capacity, minimum project sizes that exclude community-scale projects, the costs Nations carry before bid outcomes are known, bid and performance security requirements, and uncertainty in the Form 5 process. Participants called for First Nations to be at the design table for future calls from the outset.

Participant recommendations are grouped by theme below. Unless stated otherwise, the recommendations are directed toward and intended to be undertaken by BC Hydro and responsible Crown agencies, and may be supported by FNEMC with adequate funding.

Battery storage and consistency of First Nations equity:

1. Amend the Battery Energy Storage System (BESS) Request for Proposals (RFP) before it is finalized to include meaningful First Nations equity participation, and establish a First Nations co-development table before the RFP is released.
    a. The Stó:lō Tribal Council proposed 25 percent First Nations ownership as a minimum benchmark, stronger scoring for majority (above 51 percent) First Nations ownership, and a dedicated First Nation-led procurement stream.
    b. If BC Hydro maintains that it cannot offer direct equity, the Stó:lō Tribal Council called for a binding, co-developed package of long-term revenue sharing, profit or benefit sharing, joint governance, a First Nation trust or beneficial-ownership structure, access to a dedicated infrastructure investment fund, and a right of first refusal on future ownership, expansion or related BESS opportunities.
2. Apply First Nations equity participation consistently across all procurements, whether power is purchased from independent power producers or the asset is owned by BC Hydro.
    a. Participants described the current approach as a two-tiered system: same territory, same impacts, different rules.

Structural improvements in the call for power design process:

3. Involve First Nations in the design of future calls from the outset, including decisions on technology, project size and location, rather than engaging after key parameters are set. FNEMC is prepared to assist in redesigning the procurement framework.

4. Publish a multi-year indicative schedule for calls for power, share the 2028 engagement plan well in advance, and avoid deadlines over holiday periods. This information will assist FNEMC in its outreach to First Nations to prepare bids and develop partnerships.
    a. FNEMC anticipates that calls will be needed annually rather than every two years, as demand continues to outpace supply.
5. Provide early regional information on transmission capacity and priority areas before First Nations and proponents incur significant costs, and restore interconnection transparency at least to 2024 levels.
6. Create a procurement pathway for community-scale projects below the current 40 megawatt (MW) minimum.

Access to capital and capacity building:

7. Provide capacity funding for independent technical, legal and financial advice to First Nations ahead of bid outcomes.
8. Review bid and performance security requirements to reduce the capital burden on First Nations proponents.
9. Support expanded First Nations equity financing, including a review of the per-project cap on the Canada Infrastructure Bank (CIB) Indigenous Equity Loan and potential provincial backing mechanisms.

Bid evaluation, fairness monitoring, and process clarity:

10. Clarify the Form 5 process, wording and terminology, including how letters of non-equity participation relate to future equity opportunities.
    a. Some participants secured Form 5 letters only minutes before bid deadlines.
11. Increase transparency in how evaluation credits are applied, and monitor the effect of BC Hydro's right of first refusal (ROFR) on bid prices.
12. Extend and sustainably fund the First Nations Clean Energy Representative, with proactive community outreach and a defined working relationship with BC Hydro's Fairness Monitor.

Crown relationship and resourcing:

13. Resource the Relationship Protocol between FNEMC, the First Nations Leadership Council (FNLC) and the Ministry of Energy and Climate Solutions (ECS), and engage FNEMC at the ministerial level on the structural issues raised in this report.

Introduction

This report summarizes First Nations participants' key messages and recommendations from FNEMC's 2025 Call for Power Review webinar held on September 17, 2026.

Background

In 2023 and 2024, FNEMC and BC Hydro held a series of First Nations engagement workshops to improve First Nations participation in the 2024 Call for Power design and procurement process. FNEMC's Phase 4 final summary report, delivered in May 2025, set out 30 recommendations from First Nations participants for future calls for power, including on equity participation, timelines, access to capital, bid evaluation and fairness monitoring.

BC Hydro subsequently launched the 2025 Call for Power. FNEMC convened the 2025 Call for Power Review webinar under its capacity agreement with BC Hydro to review the design and outcomes of the 2025 Call from the perspective of First Nations participants, to hear how First Nations experienced the process, and to gather recommendations ahead of BC Hydro's upcoming Battery Energy Storage System procurement and the next call for power, anticipated in 2028. In September 2026, BC Hydro and FNEMC also executed a five-year capacity funding agreement, which provides the vehicle through which FNEMC will table the recommendations in this report.

This report is intended to be read together with FNEMC's Phase 4 final summary report, and incorporates the Stó:lō Tribal Council's submission on the BESS procurement as an appendix.

Webinar Planning and Delivery

Preparation and Community Outreach

FNEMC and the FNLC conducted outreach to raise awareness of the webinar, including:

a. Direct email invitations, with virtual meeting access details, to First Nations leaders, technicians, and community members;

b. Reminder notices circulated to registrants in advance of the session;

c. Circulating an annotated agenda to speakers and partners in advance;

d. Coordinating opening remarks with the BC Assembly of First Nations and the First Nations Leadership Council; and,

e. Providing direct support to participants connecting by phone or online.

General Rights Preservation Statement

Participation and contributions are without prejudice to Aboriginal rights, title and jurisdiction. Neither participation in the webinar nor inclusion in this report constitutes project consent, endorsement of a procurement process, waiver of rights, or confirmation that Crown consultation and accommodation obligations have been fulfilled.

Representation

Participants included First Nations leadership, technical staff, and advisors, together with representatives of BC Hydro, the Province, and industry. FNEMC leadership and technical staff attended the webinar, and FNEMC's Chief Executive Officer moderated the session.

Represented organizations, First Nations, and Tribal Councils include:

- Stó:lō Tribal Council
- Tsleil-Waututh Nation
- Stellat'en First Nation
- Nadleh Whut'en First Nation
- Cheslatta Carrier Nation
- Tl'azt'en Nation
- Neskonlith Indian Band
- Skwlāx te Secwepemcúlecw
- Stk'emlúpsemc te Secwépemc Nation
- St'át'imc Government Services
- Xa'xtsa (Douglas First Nation)
- Katzie First Nation
- Seabird Island Band
- Malahat Nation
- Tseshaht First Nation
- BC Hydro
- Canadian Renewable Energy Association
- BC First Nations Energy and Mining Council
- BC Assembly of First Nations
- First Nations Summit

Webinar Overview

The webinar agenda comprised:

a. Welcome and opening by knowledge keeper Carleen Thomas, Tsleil-Waututh Nation;

b. Opening remarks from Regional Chief Terry Teegee, BC Assembly of First Nations, on behalf of the First Nations Leadership Council;

c. Framing remarks from the FNEMC Chief Executive Officer;

d. Presentation by Monique Stevenson, Senior Manager, Power Acquisitions, BC Hydro, on the design and outcomes of the 2025 Call for Power;

e. Remarks from Aaron Bruce, First Nations Clean Energy Representative;

f. A community perspective from Douglas Casimel, Stellat'en First Nation; and,

g. A plenary discussion for comments, questions, and recommendations.

Participants provided spoken and written feedback during the plenary discussion and were invited to provide written submissions to FNEMC following the session.

Key Messages and Recommendations

BC Hydro Report on the 2025 Call for Power

BC Hydro reported that the 2025 Call for Power resulted in four electricity purchase agreements (EPAs) totalling about 3,500 gigawatt hours per year (GWh/y), enough to supply roughly 350,000 homes. All four projects carry 51 percent First Nations ownership. The awarded projects are in the Peace and southern Interior regions, a narrower geographic distribution than in the 2024 Call. Three selected projects are in the Peace region; Nicola, the largest selected project at 496 MW, is in the southern Interior.

Process changes introduced for the 2025 Call included:

a. An increase in the First Nations Community Economic Benefit Credit from $1 to $2 per megawatt hour (MWh);

b. Recognition of benefits to multiple First Nations, with agreements required by commercial operation rather than at bid submission;

c. A new Canadian content incentive and a BC Hydro right of first refusal; and,

d. Schedule relief, including a two-week extension to the proposal deadline and five additional business days to execute agreements.

BC Hydro noted that more than 100 people attended its Standards for Consultation sessions, that one-on-one meetings were offered but lightly used, and that interconnection information was less transparent than in 2024 because of time constraints. The next call is anticipated in 2028, and its engagement plan has not yet been finalized.

Guiding Principles for Power Procurement in BC

Regional Chief Teegee's opening remarks framed the discussion. The question is no longer whether First Nations participate in calls for power, but what role First Nations play in deciding the future of energy in BC. Growth in mining, critical minerals, ports, transmission, housing, and community load means that every new energy project sits on, or affects, First Nations territory. The federal National Electricity Strategy commits to doubling the size of the grid by 2050, and BC Hydro has signalled calls roughly every two years; FNEMC anticipates annual calls as demand continues to outpace supply.

Participants stated that First Nations must be part of energy planning from the earliest stages, consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and DRIPA, and that First Nations are increasingly asserting free, prior, and informed consent (FPIC) rather than conventional consultation. With provincial electricity demand projected to grow by roughly 50 percent, participants emphasized that First Nations are essential partners in BC's energy future.

The Regional Chief recognized BC Hydro for holding to DRIPA and, together with the Province and FNEMC, setting the precedent through the 2024 and 2025 Calls that First Nations equity ownership belongs in major new energy infrastructure in BC. FNEMC and BC Hydro will review BC Hydro's UN Declaration implementation plan in early 2027. The session, originally scheduled for November 5, 2026, was rescheduled following the call of the provincial election.

The Regional Chief raised two concerns. First, BC Hydro is not considering First Nations equity in the upcoming BESS RFP because it intends to own the asset outright. He stated that contracts are not equity, and that if this position holds for storage it becomes the rule for all BC Hydro-owned infrastructure. Second, he noted that the Minister of Energy and Climate Solutions had been invited to the session over several months, and that ministry staff attended but were not able to take questions live. He called for the Relationship Protocol between FNEMC, FNLC, and ECS to be honoured and resourced.

The Regional Chief closed with three requests:

a. To BC Hydro's President and CEO and the Minister of Energy and Climate Solutions: intervene now and direct that the BESS RFP include meaningful First Nations equity mechanisms;

b. To the Minister: meet directly with FNEMC to close the gap between the protocol as signed and the protocol as resourced; and,

c. To the Province and BC Hydro: build on the 2024 and 2025 Calls, and redesign procurement with First Nations at the design table, not the comment table.

Challenges Identified by First Nations Participants

Participants viewed the exclusion of First Nations equity from BC Hydro-owned procurements such as battery storage as an unwelcome precedent and inconsistent with the direction set by the 2024 and 2025 Calls. Participants called for First Nations to be at the design table for future procurements, including decisions on technology, project size, and location, which are currently settled before First Nations are engaged.

Compressed schedules, including deadlines falling over holiday periods, were repeatedly identified as the main barrier to meaningful participation. First Nations need time for governance decisions, community ratification, and independent review, and participants asked for multi-year indicative call schedules and sustained technical, legal, and financial capacity support.

The absence of early information on transmission constraints and priority areas was described as a significant source of risk and sunk cost. BC Hydro acknowledged the gap and indicated that it intends to build on the early feasibility process used in 2024 to provide earlier information for the 2028 Call.

Douglas Casimel, working with Stellat'en First Nation, emphasized the importance of stewardship, early and reliable regional transmission information, and adequately resourced Nation decision-making. His contribution highlighted the need for procurement processes that allow Nations to assess opportunities before incurring substantial costs, supported by independent technical, legal and financial advice. Respectful coordination among neighbouring Nations should support these processes while preserving each Nation's rights, jurisdiction and decision-making authority. Stellat'en First Nation's participation and contributions are without prejudice to its Aboriginal rights, title and jurisdiction. Neither participation in the webinar nor inclusion in this report constitutes project consent, endorsement of a procurement process, waiver of rights, or confirmation that Crown consultation and accommodation obligations have been fulfilled.

Other participants described the difficulty of competing projects in overlapping territories and the value of early discussion among neighbouring First Nations. Securing Form 5 letters of non-equity participation was a particular challenge, in some cases resolved only minutes before bid deadlines, and participants raised concern about how these letters bear on future equity opportunities. BC Hydro acknowledged the need to clarify the Form 5 process and terminology.

First Nations incur legal, financial, and technical costs before knowing bid outcomes, and letters of credit for bid and performance security tie up scarce capital. Participants stressed the need for independent advisors given the resources available to developers. The Canada Infrastructure Bank was recognized as an important source of Indigenous equity financing, although the per-project cap on its Indigenous Equity Loan limits support for larger projects.

Participants raised concern about developers prospecting for wind in territories without prior relationships, leaving First Nations to enter partnerships under time pressure with proponents whose values may not align. Early regional coordination and shared planning were identified as ways to reduce this risk.

Aaron Bruce, First Nations Clean Energy Representative, reported limited uptake of the role, partly due to low awareness and unclear scope. Participants called for the position to be extended and sustainably funded, and asked for greater transparency in how evaluation credits are applied and in the effect of BC Hydro's right of first refusal on bid prices. Participants also linked energy planning with climate and wildfire resilience and stewardship, citing Indigenous-led initiatives such as fire drone partnerships.

Following the session, the Canadian Renewable Energy Association (CanREA) advised that many of the concerns raised are shared by its independent power producer members, and offered to prepare a joint letter with FNEMC to BC Hydro and the Province on the next call for power.

Stó:lō Tribal Council Submission on Battery Energy Storage

On the day of the webinar, President and Tribal Chief Tyrone McNeil of the Stó:lō Tribal Council wrote to BC Hydro President and CEO Charlotte Mitha and the Honourable Adrian Dix, Minister of Energy and Climate Solutions, calling on both to intervene before the BESS RFP is finalized. The letter is included as Appendix A.

Tribal Chief McNeil stated that First Nations are rights holders, title holders, governments, and economic partners, not stakeholders, and that procurement and contracting opportunities are not a substitute for ownership, governance, or a lasting share of the value created on First Nations territories. The letter sets out the political outcomes sought, required procurement commitments, minimum alternatives should BC Hydro maintain that it cannot offer direct equity, and the constitutional, legal, and UNDRIP foundations for these positions. It asks BC Hydro and the Province to answer publicly why First Nations equity is recognized in Call for Power generation projects but excluded from BESS.

In his covering correspondence, Chief McNeil requested a timely response given the BESS procurement schedule, offered to meet, and requested FNEMC's support at that meeting. As of the date of this report, FNEMC was not aware of a formal response.

List of Recommendations

Participants' recommendations are grouped by theme below. Unless stated otherwise, the recommendations are directed toward and intended to be undertaken by BC Hydro and responsible Crown agencies, and may be supported by FNEMC with adequate funding.

Battery storage and consistency of First Nations equity:

1. Amend the Battery Energy Storage System (BESS) Request for Proposals (RFP) before it is finalized to include meaningful First Nations equity participation, and establish a First Nations co-development table before the RFP is released.
    a. The Stó:lō Tribal Council proposed 25 percent First Nations ownership as a minimum benchmark, stronger scoring for majority (above 51 percent) First Nations ownership, and a dedicated First Nation-led procurement stream.
    b. If BC Hydro maintains that it cannot offer direct equity, the Stó:lō Tribal Council called for a binding, co-developed package of long-term revenue sharing, profit or benefit sharing, joint governance, a First Nation trust or beneficial-ownership structure, access to a dedicated infrastructure investment fund, and a right of first refusal on future ownership, expansion or related BESS opportunities.
2. Apply First Nations equity participation consistently across all procurements, whether power is purchased from independent power producers or the asset is owned by BC Hydro.
    a. Participants described the current approach as a two-tiered system: same territory, same impacts, different rules.

Structural improvements in the call for power design process:

3. Involve First Nations in the design of future calls from the outset, including decisions on technology, project size and location, rather than engaging after key parameters are set. FNEMC is prepared to assist in redesigning the procurement framework.
4. Publish a multi-year indicative schedule for calls for power, share the 2028 engagement plan well in advance, and avoid deadlines over holiday periods. This information will assist FNEMC in its outreach to First Nations to prepare bids and develop partnerships.
    a. FNEMC anticipates that calls will be needed annually rather than every two years, as demand continues to outpace supply.
5. Provide early regional information on transmission capacity and priority areas before First Nations and proponents incur significant costs, and restore interconnection transparency at least to 2024 levels.
6. Create a procurement pathway for community-scale projects below the current 40 megawatt (MW) minimum.

Access to capital and capacity building:

7. Provide capacity funding for independent technical, legal and financial advice to First Nations ahead of bid outcomes.

8. Review bid and performance security requirements to reduce the capital burden on First Nations proponents.
9. Support expanded First Nations equity financing, including a review of the per-project cap on the Canada Infrastructure Bank (CIB) Indigenous Equity Loan and potential provincial backing mechanisms.

Bid evaluation, fairness monitoring, and process clarity:

10. Clarify the Form 5 process, wording and terminology, including how letters of non-equity participation relate to future equity opportunities.
    a. Some participants secured Form 5 letters only minutes before bid deadlines.
11. Increase transparency in how evaluation credits are applied, and monitor the effect of BC Hydro's right of first refusal (ROFR) on bid prices.
12. Extend and sustainably fund the First Nations Clean Energy Representative, with proactive community outreach and a defined working relationship with BC Hydro's Fairness Monitor.

Crown relationship and resourcing:

13. Resource the Relationship Protocol between FNEMC, the First Nations Leadership Council (FNLC) and the Ministry of Energy and Climate Solutions (ECS), and engage FNEMC at the ministerial level on the structural issues raised in this report.

Next Steps

FNEMC will table the recommendations in this report with BC Hydro and will serve as a conduit for follow-up with the Province. Participants may provide further written comments or corrections to FNEMC, which will be reflected in any subsequent update.

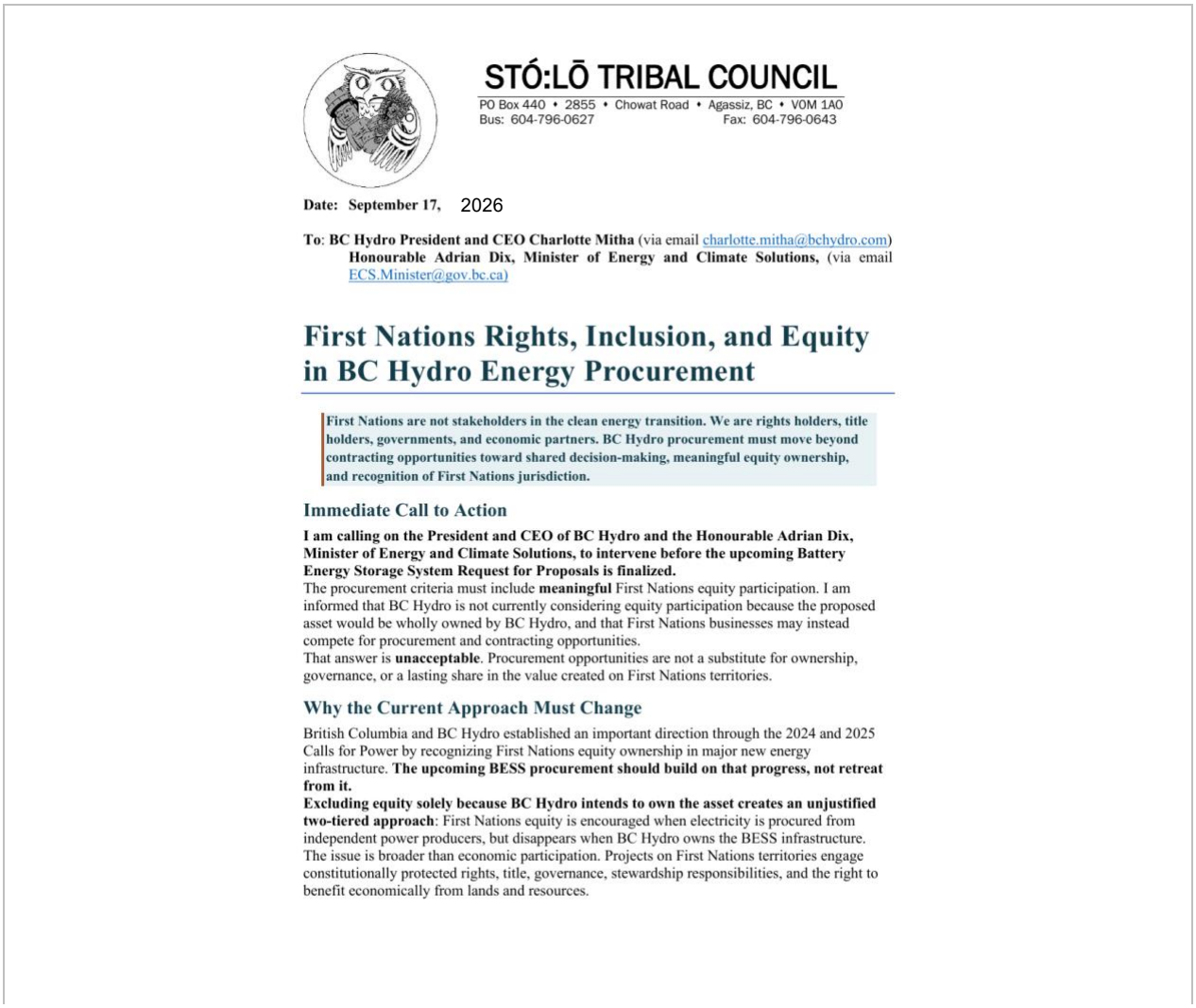
Action Items

Party	Action	Timing
FNEMC	Support the Stó:lō Tribal Council at any meeting with BC Hydro and ECS on the BESS RFP, as requested by Chief McNeil	Before the RFP is finalized
FNEMC	Continue discussions with CanREA, following the introductory meeting on October 1, 2026, on a joint letter to BC Hydro and the Province on the next call for power	Ongoing
FNEMC	Collect participants' written submissions and transmit them to BC Hydro with this report	On finalization

Party	Action	Timing
FNEMC	Share Douglas Casimel's presentation and notes with BC Hydro and participants	With this report
FNEMC	Coordinate with BC Hydro and First Nations on 2028 Call design, including early engagement and interconnection visibility	Ongoing
FNEMC	Support community outreach on the First Nations Clean Energy Representative role	Ongoing
FNEMC and BC Hydro	Review BC Hydro's UN Declaration implementation plan	Early 2027 (rescheduled from November 5, 2026 following the call of the provincial election)
BC Hydro	Respond to the Stó:lō Tribal Council letter and the BESS equity request	Before the RFP is finalized
BC Hydro	Review and clarify Form 5 wording and related consultation commitments	Before the 2028 Call
BC Hydro	Consider changes to bid and performance security requirements	Before the 2028 Call
BC Hydro	Improve access to regional transmission information for the 2028 Call	Before the 2028 Call
BC Hydro	Work with FNEMC and First Nations on engagement and information sessions for future calls	Ongoing
First Nations Clean Energy Representative	Continue advisory support to First Nations on RFP process issues, in collaboration with the Fairness Monitor	Ongoing
Regional Chief Teegee and First Nations leadership	Continue advocacy with the provincial government on equity participation and the Relationship Protocol	Ongoing

Appendix A: Stó:lō Tribal Council Letter *on BC Hydro Energy Procurement*

Letter from President and Tribal Chief Tyrone McNeil of the Stó:lō Tribal Council, to BC Hydro President and CEO Charlotte Mitha and the Honourable Adrian Dix, Minister of Energy and Climate Solutions, sent September 17, 2026. The date shown on the letter was corrected from 2027 to 2026 with the author's consent.



STÓ:LŌ TRIBAL COUNCIL

PO Box 440 • 2855 • Chowat Road • Agassiz, BC • V0M 1A0
Bus: 604-796-0627 Fax: 604-796-0643

Date: September 17, 2026

To: BC Hydro President and CEO Charlotte Mitha (via email charlotte.mitha@bchydro.com)
Honourable Adrian Dix, Minister of Energy and Climate Solutions, (via email ECS.Minister@gov.bc.ca)

First Nations Rights, Inclusion, and Equity in BC Hydro Energy Procurement

First Nations are not stakeholders in the clean energy transition. We are rights holders, title holders, governments, and economic partners. BC Hydro procurement must move beyond contracting opportunities toward shared decision-making, meaningful equity ownership, and recognition of First Nations jurisdiction.

Immediate Call to Action

I am calling on the President and CEO of BC Hydro and the Honourable Adrian Dix, Minister of Energy and Climate Solutions, to intervene before the upcoming Battery Energy Storage System Request for Proposals is finalized.
The procurement criteria must include **meaningful** First Nations equity participation. I am informed that BC Hydro is not currently considering equity participation because the proposed asset would be wholly owned by BC Hydro, and that First Nations businesses may instead compete for procurement and contracting opportunities.
That answer is **unacceptable**. Procurement opportunities are not a substitute for ownership, governance, or a lasting share in the value created on First Nations territories.

Why the Current Approach Must Change

British Columbia and BC Hydro established an important direction through the 2024 and 2025 Calls for Power by recognizing First Nations equity ownership in major new energy infrastructure. **The upcoming BESS procurement should build on that progress, not retreat from it.**
Excluding equity solely because BC Hydro intends to own the asset creates an unjustified two-tiered approach: First Nations equity is encouraged when electricity is procured from independent power producers, but disappears when BC Hydro owns the BESS infrastructure. The issue is broader than economic participation. Projects on First Nations territories engage constitutionally protected rights, title, governance, stewardship responsibilities, and the right to benefit economically from lands and resources.

Political Outcomes Sought

- **A public commitment from BC Hydro during the webinar that meaningful First Nations equity will be addressed in the BESS procurement.**
- **A commitment from Minister Dix to direct the amendment of the BESS RFP before it is finalized.**
- **A commitment to establish a First Nations co-development table before the BESS RFP is released.**

Rights-Based Foundation

- **Constitution Act, 1982, section 35:** recognizes and affirms existing Aboriginal and treaty rights.
- **Tsilhqot'in Nation v. British Columbia, 2014 SCC 44:** confirms that Aboriginal title includes the right to decide how lands are used and to benefit economically from those lands.
- **Haida Nation v. British Columbia, 2004 SCC 73, and Mikisew Cree First Nation v. Canada, 2005 SCC 69:** establish that consultation and accommodation must be meaningful and responsive.
- **United Nations Declaration on the Rights of Indigenous Peoples, Articles 3, 18, 26, 29, and 32:** supports self-determination, participation in decisions, lands and resources rights, conservation, and free, prior, and informed consent.
- **Declaration on the Rights of Indigenous Peoples Act and the UN Declaration Implementation Action Plan:** require provincial action to align laws, policies, and practices with the UN Declaration.
- **Truth and Reconciliation Commission Call to Action 92:** calls for meaningful reconciliation in corporate and economic relationships.

> **The BESS framework must recognize First Nations jurisdiction and establish consent-based decision-making, not merely consultation after material choices have already been made.**

Required Procurement Commitments

1. Co-development from the outset

- Award meaningful evaluation points where **First Nations are founding partners** and jointly develop a project from inception.
- Distinguish genuine **co-development** from late-stage contact or consultation after key decisions are made.

2. Equity ownership as a floor, not a ceiling

- Include **mandatory requirements, evaluation criteria, incentives, direct ownership opportunities, or another model co-developed** with affected First Nations.
- Treat 25 percent ownership as a minimum benchmark and provide stronger scoring incentives for majority First Nations ownership, **including ownership above 51 percent.**
- Establish a **dedicated First Nation-led project stream.**

3. Inclusion at every decision-making level

- **Include First Nations in policy and procurement design, project governance, construction, operations, environmental monitoring, revenue sharing, and long-term strategic planning.**
- **Provide First Nations representation** on governance boards, monitoring committees, procurement oversight bodies, and operational committees.

4. Shared territories and multi-Nation governance

- Enable **collaborative ownership** where territories overlap through kinship, stewardship, and shared use.
- Provide **enhanced bid credits** and financing support for multi-Nation partnerships.

5. Capacity equal to industry capacity

- Provide **project-readiness funding**, legal and technical review funding, independent advisory support, and transaction and financing support.
- Ensure Nations can **participate on an informed** and properly resourced basis.

6. First Nation-led stewardship

- Require First Nation-led **cumulative-effects assessment** and monitoring.
- Integrate First Nations **knowledge systems** and governance responsibilities throughout project planning and operations.

7. Generational wealth and lasting benefits

- **Evaluate First Nation procurement, revenue sharing, employment, training, ownership retention, and long-term community wealth creation.**
- **Measure success** by durable authority, ownership, revenue, and opportunity, not only by the number of projects built.

Specific Request to BC Hydro and the Province

> **I request that BC Hydro's CEO and Minister Dix intervene now and direct that the upcoming BESS RFP include:**

- Explicit **recognition** of section 35 rights and title, First Nations jurisdiction, and consent-based decision-making.
- **Alignment** with the UN Declaration and BC's Declaration Act.
- **Co-development** with affected First Nations before procurement terms are finalized.
- Meaningful mechanisms and **enhanced incentives** for First Nations equity participation, including majority ownership.
- Multi-Nation **ownership** options and a dedicated First Nation-led stream.
- **Capacity** funding, technical support, and fair access to financing.
- **First Nation-led** stewardship, cumulative-effects assessment, and monitoring.
- Shared and **consent-based** decision-making across the full BESS project lifecycle.

Questions Requiring a Public Answer

> **What legal, policy, financial, or governance rationale supports BC Hydro recognizing First Nations equity in Call for Power generation projects while excluding equity participation in the BESS project?**
>
> **If First Nations equity ownership is considered essential to reconciliation when power is procured from private proponents, why does reconciliation cease to require equity participation when the BESS asset is owned by BC Hydro?**

Canada (Minister of Citizenship and Immigration) v. Vavilov SCC 2019
Where First Nations raise **substantive** concerns regarding rights, title, jurisdiction, reconciliation, and economic participation, decision-makers **must provide reasons** that are **responsive**, **justified**, and **consistent** with the legal framework governing the decision. A **failure** to meaningfully address those concerns may render a decision **unreasonable**. This standard must apply to all aspects of the **relation** between BC Hydro and BC Firsts to ensure that the **Crown** relation BC Hydro has is held to the **Honour of the Crown** and maintained going forward.

Minimum Alternatives

If BC Hydro maintains that direct equity cannot be provided because it intends to retain ownership, procurement-only participation remains unacceptable. **At a minimum,** BC Hydro must co-develop a binding package that includes all of the following:

- **Revenue sharing** tied to the long-term value of the BESS asset.
- **Profit-sharing** or an equivalent benefit-sharing mechanism.

- **Joint governance** with affected First Nations throughout the project lifecycle.
- An First Nation **trust** or comparable beneficial-ownership structure.
- Access to an First Nation **infrastructure investment fund** or dedicated financing vehicle.
- A right of **first refusal** for affected First Nations on future ownership, expansion, partnership, or related BESS opportunities.

Closing

British Columbia has said that **reconciliation must be reflected in how major projects are developed**. This is an opportunity to demonstrate that commitment in practice.
The clean **energy transition cannot succeed** without First Nations. T**he future is not consultation after decisions are made**. The future is **recognition** of **rights**, shared **governance**, shared **prosperity**, and shared **stewardship**.

We expect the Province and BC Hydro to build on the progress made through the 2024 and 2025 Calls for Power. Reconciliation requires more than participation. It requires authority, ownership, and inclusion at every level of decision-making.

As a Crown agency, BC Hydro should be advancing First Nations rights, jurisdiction, and economic reconciliation through meaningful equity participation in the BESS procurement, not creating exceptions that deny First Nations ownership when the Crown chooses to own the asset itself.

Regards,

Tyrone McNeil
President & Tribal Chief
Stolo Tribal Council

Cc: FNEMC
FNLC