

OBJECTIVE & SCOPE

Headquartered in Calgary, with offices in Edmonton, Red Deer and Lethbridge, AltaLink is Alberta's largest electricity transmission provider and is committed to provide innovative solutions to meet the province's demand for reliable and affordable energy. AltaLink recognizes this commitment must be achieved through the creation and enhancement of strong relationships with customers, stakeholders and Indigenous communities throughout its service territory.

Indigenous communities can be sensitive to the impacts AltaLink's activities may have on the natural environment, in particular their ability to exercise constitutionally protected Aboriginal and Treaty rights.

This Policy outlines the expectations that guide AltaLink's activities and interactions with Indigenous communities. It also confirms AltaLink's commitments and responsibilities to Indigenous communities, while adhering to our core principles of customer service, employee commitment, environmental respect, regulatory integrity, operational excellence and financial strength.

EXECUTIVE SUMMARY

Relationship Building

At AltaLink, we recognize the deep connections Indigenous Peoples have to the land and traditional territories. As such, we believe that building positive, respectful, trusting relationships with local Indigenous communities is the foundation for successful project outcomes and collaborative partnerships. These relationships will also serve to enhance government and public support for AltaLink's projects, add value to our customers, and assist regulatory authorities.

AltaLink also recognizes there must be a sincere commitment, at all levels, to work closely and collaboratively with Indigenous communities to address cultural, social, economic and environmental concerns related to our business. Through this Policy, AltaLink supports an environment that encourages open dialogue, with a willingness to listen, learn and understand the history, cultural protocols and priorities of Indigenous communities.

United Nations Declaration on the Rights of Indigenous Peoples

In November 2010, the Government of Canada (Canada) issued a statement in support of the endorsement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Subsequently, in July 2015, the Government of Alberta (Alberta) followed suit and also affirmed its support for the declaration.

According to Canada, "[t]he Declaration is an aspirational document which speaks to the individual and collective rights of Indigenous peoples, taking into account their specific cultural, social and economic circumstances." It also speaks to Indigenous culture, identity, language, employment, health, and

education, all while encouraging and emphasizing Indigenous peoples right to maintain and strengthen their own institutions and traditions, and protect and preserve their heritage.

AltaLink recognizes the importance of UNDRIP taken within the context of Canadian law.

AltaLink will continue to encourage and advance educational and training opportunities to ensure its employees are in alignment with industry best practices when engaging and consulting with Indigenous communities.

GUIDELINES

Guiding Principles

AltaLink believes the following principles will support meaningful and respectful engagements with Indigenous communities located within its service territory.

- I. **Respectful Indigenous Relations** is practiced across the company as we all have a responsibility and we all benefit from healthy and engaged communities across our province.
- II. **Respecting Indigenous Ways of Life** is integral at AltaLink, and we look for meaningful ways for Indigenous communities to be involved with our business of *keeping the lights on*.
- III. **Enhancing Relationships** with Indigenous communities, by delivering sustainable results and encouraging socio-economic growth and reconciliation.
- IV. **Communications** with Indigenous communities is open, respectful and ongoing. We will seek to communicate in ways that foster common understanding.
- V. **Balanced outcomes** are reached by managing our business to achieve positive outcomes including seeking opportunities for local communities.
- VI. **Meaningful Consultation** is essential to AltaLink's core values and to growing Indigenous participation. AltaLink will fulfill the duty to consult in ways that add value to both the community and our business.
- VII. **Community Support** for our projects is essential to our business.

STANDARDS

Consultation with Indigenous Communities

AltaLink's service area includes nineteen First Nations, two Métis Settlements, and four Regions of the Métis Nation of Alberta; as well as a number of non-status Indigenous communities. Consultation with Indigenous communities occurs when new transmission projects and/or maintenance of our existing facilities may have the potential to impact Crown land and Indigenous communities' ability to exercise their rights on those lands.

The Duty to Consult

The Supreme Court of Canada determined the Crown (federal, provincial and municipal governments) has a duty to consult and, where appropriate, accommodate, when Crown decisions may adversely impact potential or established Aboriginal or Treaty rights¹. This Duty stems from the Honour of the Crown and its unique relationship with Canada's Indigenous peoples. While the legal duty to consult does lie with the Crown, it may delegate procedural aspects of consultation to project proponents through its federal or provincial agencies with respective authority over the lands and activity of a project. The Government of Alberta's management and development of provincial Crown lands and natural resources is subject to its legal and constitutional duty to consult Indigenous peoples under the Indigenous Consultation Policies and Guidelines managed by the Aboriginal Consultation Office (ACO).

Aboriginal and Treaty Rights and Traditional Land Use

Aboriginal rights, such as First Nations Treaty rights and Métis harvesting, are those rights collectively held and protected by Section 35 of the *Constitution Act, 1982*. Any project that impacts a First Nation's and/or Métis community's ability to exercise these rights to hunt, fish and trap for sustenance may trigger the duty to consult.

AltaLink supports Traditional Land Use (TLU) assessments with Indigenous communities in order to gather information that will help inform AltaLink in an effort to avoid or mitigate potential impacts to Aboriginal and Treaty rights on Crown lands¹ that may arise during the assessment, construction and reclamation phases of a proposed project. Mitigations to TLU sites are developed with the respective Aboriginal group.

AltaLink's Roles and Responsibilities

The SVP Customer and Stakeholder Engagement and Indigenous Relations Team guides AltaLink's consultation and engagement efforts with Indigenous communities, delegated or otherwise, are conducted with good faith, reasonableness and responsiveness.

As directed by either the Government of Canada and/or the Government of Alberta (the Crown), AltaLink will notify Indigenous communities of its proposed project(s) as early as possible in order to consider their concerns during the planning stages. AltaLink will continue to engage potentially impacted Indigenous communities throughout the lifecycle of the proposed project and work with them to develop avoidance and/or mitigation strategies throughout the consultation process.

AltaLink will continue to keep the community informed of the status of the project as required. AltaLink will continue to collaborate with the respective Indigenous communities on areas of concern or significance throughout construction. Mitigations may involve commitments to continue collaborations on rights-of-way management practices or site-specific protections during operational activities.

¹ Alberta's Indigenous consultation guidelines address natural resource management activities affecting the traditional uses on provincial Crown lands.

Upon completion of a project, AltaLink's Indigenous Relations team may conduct a project survey with the consulted Indigenous communities to ensure all future consultation efforts are carried out in a fair, flexible manner that adheres to AltaLink's internal Indigenous consultation procedures. The survey will also serve to inform AltaLink of the effectiveness and consistency of its consultation practices and the Indigenous communities' satisfaction with AltaLink's avoidance and mitigation strategies.

Capacity Building

AltaLink understands that some Indigenous communities may be impacted by a lack of consultation capacity. These impacts, often related to the remoteness of communities, lack of government funding, and the need to allocate capacity funding to more pressing, community-based matters, can result in a community's inability to effectively participate in meaningful consultation.

For those Indigenous communities within AltaLink's service territory who may be impacted by project-related activities on Reserve, Settlement or Crown lands, AltaLink will continue to work with them to determine their consultation capacity needs and concerns throughout the life of the project. AltaLink will seek to address consultation capacity needs and concerns by providing communities with capacity funding via the development of signed work plans. The goal of such work plans is to assist Indigenous communities with their ability to participate in specific consultation-related activities such as project desk-top reviews, community engagement initiatives (i.e.: open houses, Elders engagement sessions), TLU assessments, community liaising and, if required, construction monitoring activities.

When projects or operational activities occur on reserve or settlement, capacity may be administered in accordance with the *Indigenous Community Access Procedure*.

Business and Economic Opportunities

As a regulated Transmission Facility Operator, AltaLink's direct assigned project procurement must comply with the Alberta Electric System Operator's Rule 9.1.5. However, while maintaining compliance with this rule, AltaLink will also encourage indigenous participation in its procurement activities.

AltaLink supports Indigenous economic participation by bringing qualified Indigenous businesses and employees into our supply chain. Businesses or contractors with Indigenous employment or capacity opportunities, will be considered positively in our procurement process. AltaLink's projects and operations seek to achieve Indigenous participation levels that are proportionate to their population levels in Alberta², or higher considering the opportunity presented by a project.

AltaLink's IR Team will work with Procurement and Project representatives to liaise with Indigenous businesses interested in opportunities with AltaLink's projects and operations. When required, AltaLink will facilitate connections between its contractors and Indigenous community businesses to foster relationships and initiate the pre-qualification for procurement process.

² According to Statistics Canada, as of 2016, Aboriginal peoples represented 6.5% of the total population of Alberta.

<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-PR-Eng.cfm?TOPIC=9&LANG=Eng&GK=PR&GC=48>

Community Investment

AltaLink's service area includes many Indigenous communities, municipalities and valued stakeholders and we look for broad-reaching initiatives to invest in the communities where we live and operate. Many of AltaLink's Indigenous community investment opportunities focus on supporting initiatives aligned with AltaLink's community investment priorities (including education, environment and youth) in and around Indigenous communities in our service territory.

Information about these Indigenous community investment opportunities can be found on AltaLink's website at <http://www.altalink.ca/community/overview-1.cfm>.

PROCEDURES

Biennial Policy Review

AltaLink commits to undertake a review of this Policy no less frequently than every two years. The purpose of this review will be to assess the performance, standards, and best practices of AltaLink's Indigenous Relations group and the tools used to engage Indigenous communities in all project-related activities and social interactions.

The Biennial Policy Review will be carried out by AltaLink's Indigenous Relations team. Any additions and/or revisions to this Policy will be reviewed and approved by the AltaLink executive team.

This Policy acts as AltaLink's primary policy for Indigenous Relations. Other AltaLink policies, as well as any practices or procedures, will seek to support this Policy where possible.

TERMS & DEFINITIONS

Aboriginal*: A community of First Nations, Inuit or Métis people that holds or may hold Aboriginal and Treaty rights under section 35 of the Constitution Act, 1982.

Aboriginal Rights*: Practices, traditions and customs integral to the distinctive culture of the Aboriginal group claiming the right that existed prior to contact with the Europeans (Van der Peet). In the context of Métis groups, Aboriginal rights means practices, traditions and customs integral to the distinctive culture of the Métis group that existed prior to effective European control, that is, prior to the time when Europeans effectively established political and legal control in the claimed area (Powley). Generally, these rights are fact and site specific.

Crown*: Refers to all government departments, ministries (both federal, provincial and territorial) and Crown agencies.

Duty to Consult*: The duty to consult is an obligation of the government as a whole. In Haida, Taku River and Mikisew Cree, the Supreme Court of Canada held that provincial and federal governments

have a legal obligation to consult when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights.

First Nation*: A term that came into common usage in the 1970s to replace the word “Indian” which some people found offensive. Although the term First Nation is widely used, no legal definition of it exists. Among its uses, the term “First Nations peoples” refers to the Indian peoples in Canada, both Status and non-Status. Some Indian peoples have also adopted the term “First Nation” to replace the word “band” in the name of their community.

Inuit*: An Aboriginal people in Northern Canada, who live in Nunavut, Northwest Territories, Northern Quebec and Northern Labrador. The word means “people” in the Inuit language, Inuktitut. The singular of Inuit is Inuk.

Métis*: For purposes of section 35 rights, the term Métis refers to distinctive peoples who, in addition to their mixed First Nation, Inuit and European ancestry, developed their own customs, and recognizable group identity separate from their First Nation or Inuit and European forebears. A Métis community is a group of Métis with a distinctive collective identity, living together in the same geographical area and sharing a common way of life.

Section 35 Rights: Section 35 of the *Constitution Act, 1982*, recognizes and affirms the existence of Aboriginal and Treaty rights of the Aboriginal peoples of Canada.

Traditional Land Use (TLU)**: Customs or practices that Indigenous peoples may engage in on the land that are not existing Section 35 Treaty rights but are nonetheless important to Indigenous communities. These may include burial grounds, gathering sites and historical or ceremonial locations and do not refer to proprietary interests in the land.

Traditional Territory*: Any designated lands and boundaries to which First Nations, Métis and Inuit communities claim or have established traditional use or occupation.

Treaty Rights*: Rights that are defined by the terms of a historic Treaty, rights set out in a modern land claims agreement or certain aspects of some self-government agreements. In general, Treaties (historic and modern) are characterized by the intention to create obligations, the presence of mutually binding obligations and a measure of solemnity (Simon, Sioui). A treaty right may be an expressed term in a Treaty, an implied term or reasonably incidental to the expressed Treaty right. The scope of Treaty rights will be determined by their wording, which must be interpreted in accordance with the principles enunciated by the Supreme Court of Canada (Badger 1996, Sundown 1999, Marshall 1999).

Where the parties disagree on the scope of obligations or what rights are provided for, a number of principles unique to Treaty interpretation apply. For example, Treaties should be liberally construed; ambiguities ought to be resolved in favour of the signatories in the context of historic Treaties; the goal of Treaty interpretation is to find the common intention and the result that best reconciles the interests of both parties at the time the Treaty was signed; the integrity and Honour of the Crown is presumed in

such interpretations; the courts cannot alter the terms of the Treaty and Treaty rights cannot be interpreted in a rigid or static way as they must be updated to provide for modern exercise (Marshall 1999; 2005).

*As defined in the Government of Canada's *Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to fulfill the Duty to Consult*, March 2011

**As defined in *The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management*, July 28, 2014

RELATED DOCUMENTS

Internal:

Code of Ethics
Environmental RESPECT Policy
Indigenous Community Access Procedure

External:

Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult, 2011

https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/intgui_1100100014665_eng.pdf

AESO Rule 9, 2016

<https://www.aeso.ca/assets/documents/Section-9-Transmission-ISO-Rules2.pdf>

Canadian Electricity Association (CEA) National Principles for Engagement of Aboriginal Peoples

<https://electricity.ca/lead/partnering-better-future/partnering-indigenous-communities/>

Government of Alberta's First Nations Consultation Policy on Land and Resource Management, 2013

<http://indigenous.alberta.ca/documents/GoAPolicy-FNConsultation-2013.pdf?0.3950166181546778>

Government of Alberta's Policy on Consultation with Métis Settlements on Land and Resource Management, 2016

http://www.indigenous.alberta.ca/documents/First_Nations_Consultation_Guidelines_LNRD.pdf?0.9088140754737821

The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014

http://www.indigenous.alberta.ca/documents/First_Nations_Consultation_Guidelines_LNRD.pdf?0.6132701301671812

United Nations Declaration on the Rights of Indigenous Peoples, 2008

https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
