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July 20, 2026

BC First Nations Energy and Mining Council (FNEMC)
Andrew McLaren, Consultant

High Bar First Nation (HBFN)
George Jennings, Stewardship & Lands Manager

Dear FNEMC-HBFN:

Re: FortisBC Energy Inc. (FEI)
2026 Long Term Gas Resource Plan (LTGRP)
Response to the FNEMC-HBFN Joint Information Request (IR) No. 1

On March 27, 2026, FEI filed the 2026 LTGRP referenced above. In accordance with the regulatory timetable established in BCUC Order G-84-26 for the review of the 2026 LTGRP, FEI respectfully submits the attached response to FNEMC-HBFN IR No. 1.¹

If further information is required, please contact the undersigned.

Sincerely,

FORTISBC ENERGY INC.

Original signed:

Sarah Walsh

Attachments

cc (email only): Registrar
Registered Interveners

¹ For convenience and efficiency, if FEI has provided an internet address for referenced reports instead of attaching the documents to its IR responses, FEI intends for the referenced documents to form part of its IR responses and the evidentiary record in this proceeding.

HIGH BAR FIRST NATION

I. Compliance with the Duty to Consult and Accommodate and the Declaration

The purpose and context of the series of information requests that follow begins with the duty to consult and accommodate, which is a “constitutional imperative” that flows from the unwritten constitutional principle of the honour of the Crown now enshrined in s. 35 of the *Constitution Act, 1982* (“**Section 35**”).¹

The honour of the Crown arises “from the Crown’s assertion of sovereignty over an Aboriginal people and *de facto* control of land and resources that were formerly in the control of that people.”² It recognizes First Nations “were here first, and they were never conquered; yet, they became subject to a legal system that they did not share.”³ To resolve the ‘tension’ between pre-existing Aboriginal rights enshrined in Section 35 and assumed Crown sovereignty, the honour of the Crown “gives rise to different duties in different circumstances” that operationalize “the process of reconciliation mandated by [Section 35].”⁴

Principally, “[w]here treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims. Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty, and to define Aboriginal rights guaranteed by [Section 35].”⁵ The duty to consult and accommodate is “an essential corollary” to the duty to negotiate.⁶ Simply put, “[t]he Crown ... cannot cavalierly run roughshod over Aboriginal interests where claims affecting these interests are being seriously pursued in the process of treaty negotiation and proof.”⁷ Consultation and accommodation “preserves the Aboriginal interest pending claims resolution and fosters a relationship between the parties that makes possible negotiations, the preferred process for achieving ultimate reconciliation.”⁸

High Bar First Nation (“**HBFN**”) is one of the “[A]boriginal peoples of Canada” under Section 35 and a “band” under the *Indian Act*.⁹ HBFN and the Crown never entered into treaty and HBFN holds unceded and unsurrendered Aboriginal rights—including title—throughout its territory, which spans roughly from Taseko Lakes in the west to Young and

¹ *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40 at para 24 [*Clyde River*]; *Toronto (City) v Ontario (Attorney General)*, 2021 SCC 34 at para 62; *Taku River Tlingit First Nation v British Columbia (Project Assessment Director)*, 2004 SCC 74 at para 24 [*Taku River*].

² *Manitoba Metis Federation Inc v Canada (Attorney General)*, 2013 SCC 14 at para 66 [MMF].

³ MMF at para 67 [citations omitted].

⁴ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 at para 18 [*Haida Nation*]; *Taku River* at para 24.

⁵ *Haida Nation* at para 20.

⁶ *Haida Nation* at para 38.

⁷ *Haida Nation* at para 27.

⁸ *Haida Nation* at para 38.

⁹ *The Constitution Act, 1982*, *Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, s 35; *Indian Act*, RSC 1985, c I-5, s 2.

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1 Hihiium Lakes in the east and from the Chilcotin River in the north to the Camelsfoot and
2 Marble Ranges in the south. Enbridge's T-South System and parts of FortisBC Energy
3 Inc.'s ("**FEI**") Interior Transmission System run through HBFN territory.

4 HBFN's outstanding claims against the Crown are being "seriously pursued."¹⁰ On August
5 28, 2023, HBFN sought to initiate stage 1 of the British Columbia Treaty Process by
6 submitting a statement of intent ("**SOI**") to the British Columbia Treaty Commission
7 ("**BCTC**"). On November 29, 2024, the BCTC rejected HBFN's SOI. On August 8, 2025,
8 HBFN brought a petition in the Supreme Court of British Columbia challenging that
9 decision. Until that proceeding is resolved and the BCTC comes to the negotiation table,
10 "consultation and accommodation ... are the best available legal tools" for HBFN to seek
11 to preserve its Section 35 rights.¹¹

12 The duty to consult arises where the Crown has "knowledge, real or constructive, of the
13 potential existence of the Aboriginal right or title and contemplates conduct that might
14 adversely affect it."¹² Because HBFN has advanced its claims "in the context of
15 negotiations," the Crown has real knowledge of its Section 35 rights.¹³

16 The duty is "not confined to decisions ... which have an immediate impact on lands;" it
17 extends to "strategic, higher level decisions" like that of the British Columbia Utilities
18 Commission ("**BCUC**") under s. 44.1 of the *Utilities Commission Act* ("**Act**") in relation to
19 FEI's 2026 Long-Term Gas Resource Plan ("**2026 LTGRP**").¹⁴ This is also consistent with
20 courts' repeated confirmation that, "[i]f it is to be meaningful, consultation cannot be
21 postponed until the last and final point in a series of decisions. Once important preliminary
22 decisions have been made there may well be 'a clear momentum' to move forward with a
23 particular course of action."¹⁵

24 Thus, the decision the BCUC must make in relation to the present application under s.
25 44.1 triggers a distinct duty to consult from any downstream applications FEI may make
26 for a certificate of public convenience and necessity under s. 45 of the *Act*, which would
27 also trigger a further, distinct duty to consult.

28 "The content of the duty to consult and accommodate varies with the circumstances ...
29 [and] is proportionate to a preliminary assessment of the strength of the case supporting
30 the existence of the right or title, and to the seriousness of the potentially adverse effect
31 upon the right or title claimed."¹⁶ In the era of the *Declaration on the Rights of Indigenous*
32 *Peoples Act*, the United Nations Declaration on the Rights of Indigenous Peoples
33 ("**Declaration**") is an "added contextual layer that informs the scope and content of the

¹⁰ [Haida Nation](#) at [para 27](#).

¹¹ *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, [2017 SCC 54](#) at [para 86](#).

¹² [Haida Nation](#) at [para 35](#).

¹³ *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, [2010 SCC 43](#) at [para 40](#) [**Carrier Sekani**].

¹⁴ [Carrier Sekani](#) at [para 44](#); [Clyde River](#) at [para 29](#).

¹⁵ *Squamish Nation v. British Columbia (Community, Sport and Cultural Development)*, [2014 BCSC 991](#) at [para 137](#).

¹⁶ [Haida Nation](#) at [para 39](#).

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duty to consult and accommodate.”¹⁷ The standard of free, prior and informed consent enshrined in the Declaration “is a right to a robust process.”¹⁸

“The first step in the process is to discuss the process itself” with the First Nation in question.¹⁹ “The Crown is then obligated to design a process for consultation that meets the needs for discharge of this duty *before operational decisions are made*.”²⁰ Here, the relevant operational decision is the decision of the BCUC to either accept or reject the 2026 LTGRP under s. 44.1(6) of the *Act*.

In discharging the duty, “[t]he Crown may delegate procedural aspects of consultation to industry proponents” (like FEI) and “may rely on steps undertaken by a regulatory agency [(like BCUC)] to fulfill its duty to consult;” however, because ultimate legal responsibility rests with the Crown, “any decision affecting Aboriginal or treaty rights made on the basis of inadequate consultation will not be in compliance with the duty to consult ... [and] should be quashed on judicial review.”²¹

Through this series of information requests—and given the duty to consult and accommodate is not addressed anywhere in the 2026 LTGRP—HBFN seeks to probe: (i) whether the Crown has fulfilled its duty to consult and accommodate HBFN in relation to the 2026 LTGRP and the present application under s. 44.1 of the *Act*; and (ii) whether and how FEI intends to fulfill procedural aspects of the duty to consult and accommodate HBFN in relation to future development contemplated in the 2026 LTGRP, including future applications for certificates of public convenience and necessity under s. 45 of the *Act*:

1. The 2026 LTGRP states, “FEI recognizes and respects the constitutional rights of Indigenous Peoples ... and is guided by key principles established by ... [the Declaration];... and [Section 35].”²²

- 1.1 Section 8.1(3) of the *Interpretation Act* states, “[e]very Act ... must be construed as being consistent with the Declaration,” including s. 44.1 of the *Act* and the factors under ss. 44.1(6) and (8) of the *Act*.²³ In relation to HBFN in the context of the present application under s. 44.1 of the *Act*, how do the 2026 LTGRP and the process of its development comply with the requirements of the Declaration—specifically, Article 32(1), which provides, “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”?²⁴

¹⁷ *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para 129 [*Kebaowek*]. See also *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 at para 163 [*Gitxaala*].

¹⁸ *Kebaowek* at para 131.

¹⁹ *Huu-Ay-Aht First Nation et al v The Minister of Forests et al*, 2005 BCSC 697 at para 113 [*Huu-Ay-Aht*].

²⁰ *Huu-Ay-Aht* at para 113 [emphasis added].

²¹ *Haida Nation* at para 53; *Clyde River* at paras 22, 24.

²² 2026 LTGRP, p 2-12.

²³ *Interpretation Act*, RSBC 1996, c 238, s 8.1(3); *Gitxaala* at para 163.

²⁴ *Declaration*, Annex, Art. 32(1).

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Response:

Contrary to the premise of this series of information requests (IRs), the Crown's duty to consult HBFN is not triggered by the BCUC's decision under section 44.1(6) of the *Utilities Commission Act* (UCA) to accept or reject the 2026 LTGRP, as the approvals sought by FEI do not have the potential to have adverse impacts on aboriginal rights or title. FEI is seeking the BCUC's acceptance of the 2026 LTGRP as being in the public interest pursuant to section 44.1(6) of the UCA, but is not seeking any exemptions or conclusive determinations pursuant to section 44.1(9), such as any determinations that an expenditure or energy supply contract is in the public interest.

Consistent with the requirements of section 44.1 of the UCA and the BCUC's Resource Planning Guidelines, the 2026 LTGRP establishes a range of energy demand, supply and infrastructure pathways, rather than a forecast of what will happen or a commitment to any single pathway. Long-term resource planning necessarily involves preparing for uncertain outcomes in policy, market conditions, customer behaviour, and technological advancement over an extended planning horizon. The 2026 LTGRP is set in the context of particular uncertainty, therefore, any impact of the 2026 LTGRP is speculative. As such, the BCUC's decision to accept or reject the 2026 LTGRP under section 44.1(6) would not be an "operational" decision that is capable of causing even indirect physical or economic impacts. The BCUC's acceptance would not predetermine the need for specific projects or energy supply resources, nor would it authorize the construction of specific facilities.

Any potential effects on asserted Aboriginal rights remain contingent on future decisions, at which point FEI's relevant projects will be defined and any required consultation can occur in a meaningful, project-specific way. Any major infrastructure that FEI may advance in the future will be subject to separate regulatory approvals, including from the BC Energy Regulator, which would involve any required Crown consultation. It is at this point that potential projects are sufficiently defined and certain to be conducive to meaningful consultation about non-speculative impacts.

FEI will engage with affected First Nations communities on any future application for authorization of its projects, including CPCN applications under section 45 of the UCA, in a flexible manner consistent with its commitment to reconciliation and in alignment with the *Declaration on the Rights of Indigenous Peoples Act*. The Supreme Court of Canada has been clear that the procedural scope and content of consultation depends on the circumstances.²⁵ Therefore, in the context of future applications under section 45 of the UCA, FEI will develop an engagement plan that is tailored to the circumstances of the specific project.

While the duty to consult is not triggered by the acceptance of a long-term resource plan under section 44.1 of the UCA, as described in Section 8 of the 2026 LTGRP and in Section 3 of Appendix E of the 2026 LTGRP, FEI deeply engaged Indigenous communities in the robust process to develop the 2026 LTGRP by:

- Implementing a formal engagement process supported by an external facilitator and informed by feedback from First Nations communities;

²⁵ *Haida Nation* at para. 44.

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- Establishing an open dialogue with First Nations communities at the earliest opportunity during the LTGRP planning stages so that expectations for engagement were understood and addressed in the process and that input was considered;
- Conducting seven engagement sessions across Vancouver Island, the Lower Mainland, Fraser Valley, Kootenay, Northern BC, and North and South Interior communities;
- Providing advance notice of engagement sessions to support preparation;
- Making travel assistance available for in-person engagement sessions;
- Inviting Indigenous communities not currently served by FEI to participate in engagement sessions; and
- Explicitly incorporating feedback from Indigenous communities into the 2026 LTGRP.

The BCUC's regulatory process provides further opportunities for Indigenous communities to seek additional information with respect to FEI's 2026 LTGRP and raise concerns to be considered in the BCUC's determination under section 44.1(6) of the UCA.

FEI considers that the 2026 LTGRP, and the process followed in its development, are aligned with the *Declaration on the Rights of Indigenous Peoples Act*. The LTGRP does not direct or decide how lands or resources will be used within Indigenous territories. Rather, it maintains flexibility for a range of future outcomes, while preserving the role of Indigenous Nations, including HBFN, in determining their own priorities. Where specific projects are proposed, those proposals would be subject to further engagement and regulatory review processes, including CPCN and other proceedings, at which point potential effects and Indigenous interests would be considered in a more detailed and project-specific context. In this way, the LTGRP does not approve or predetermine development within HBFN's traditional territory, nor does it limit HBFN's ability to establish its own priorities with respect to land and resource use.

- 1.2 In relation to HBFN in the context of the present application under s. 44.1 of the *Act* explain whether: (i) FEI turned its mind to potential impacts of the 2026 LTGRP—including the potential infrastructure projects identified in questions 9 and 10, below—on the rights HBFN holds under Section 35; (ii) what those potential impacts are; (iii) how such potential impacts are addressed in the 2026 LTGRP; (iv) what impact assessment methodology was employed, including in relation to impacts on Section 35 rights, culture, way of life; (v) how that methodology considers the Indigenous perspective; and (vi) whether FEI shared that methodology with and sought input from HBFN.

Response:

Please refer to the response to FNEMC-HBFN IR1 1.1.

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1 2. “If the Crown is delegating any consultation to third parties, it must inform the third party
2 and the aboriginal group of this fact.”²⁶

3 2.1 Is it the understanding of FEI that the Crown has delegated procedural aspects of
4 the duty to consult and accommodate HBFN to FEI in relation to the present
5 application under s. 44.1 of the *Act* respecting the 2026 LTGRP?
6

7 **Response:**

8 Please refer to response to FNEMC-HBFN IR1 1.1.
9

²⁶ J. Woodward, K.C. and E. Krindle, “Aboriginal Law in Canada” (Release No. 2, May 2026), §5.1801, cited in *Halalt First Nation v British Columbia (Environment)*, [2011 BCSC 945](#) at [para 73](#) and *Louis v British Columbia (Energy, Mines and Petroleum Resources)*, [2011 BCSC 1070](#) at [para 234](#).

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3. “[W]here the Crown relies on the processes of a regulatory body to fulfill its duty in whole or in part, it should be made clear to affected Indigenous groups that the Crown is so relying.”²⁷

3.1 Is it the understanding of FEI that the Crown is relying on the processes of the BCUC to fulfill the duty to consult and accommodate HBFN in relation to the present application under s. 44.1 of the *Act* respecting the 2026 LTGRP?

Response:

Please refer to the response to FNEMC-HBFN IR1 1.1.

²⁷ [Clyde River](#) at [para 23](#).

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4. Page ES-15 of the 2026 LTGRP states, “FEI *engaged* with three distinct groups,” including “Indigenous Communities, whose constitutional rights set out by Section 35 ... and energy priorities are recognized and affirmed in alignment with the ... Declaration;” and “FEI undertook a number of initiatives to offer interested participants the opportunity to contribute to the discussions that informed the 2026 LTGRP,” including holding “seven regional engagement sessions with First Nations Communities.”²⁸

Page 8-6 of the 2026 LTGRP states, “FEI held seven *engagement* sessions across Vancouver Island, Lower Mainland, Fraser Valley, Kootenay, Northern BC, and North and South Interior communities.”²⁹

Page 7 of Appendix E of the 2026 LTGRP states, “[s]even *engagement* sessions took place between May 2025 and October 2025, involving communities across multiple regions to ensure that the dialogue focused on regional community priorities.”³⁰

Table 4: “Overview of First Nations Communities *Engagement* Sessions – Feedback Summary on Key Discussion Topics” on pages 8 and 9 of Appendix E of the 2026 LTGRP indicates a virtual engagement session occurred on July 22, 2025 for “First Nations Communities in Northern BC.”³¹ HBFN attended this engagement session.

Page 7 of Appendix E of the 2026 LTGRP states, “FEI supported participation by ... sharing session materials post session for reflection and further feedback.”³²

On September 11, 2025, FEI emailed attendees of the July 22, 2025 session the session materials: (i) a slide deck entitled, “2026 Long-Term Gas Resource Plan (LTGRP), Engagement with Indigenous Communities – North of B.C., Integrated Resource Planning” (Jul. 22, 2025) (“**July 22 Slide Deck**”); and (ii) meeting summary notes in a document entitled, “FortisBC 2026 Long-Term Gas Resource Plan: Engagement Session with Indigenous Communities in Northern B.C.” (Jul. 22, 2025). The slide deck states, “this is an *engagement*, not a *consultation*.”³³ The meeting summary notes state, “[i]t was clarified that this is an engagement session, not formal consultation.”³⁴

4.1 Is it the position of FEI that—in relation to the present application under s. 44.1 of the *Act* respecting the 2026 LTGRP—it has conducted no consultation with First Nations, generally, or HBFN, specifically, for the purpose of the duty to consult and accommodate flowing from the honour of the Crown?

²⁸ [2026 LTGRP](#), p ES-15, ES-16 [emphasis added].

²⁹ [2026 LTGRP](#), p 8-6 [emphasis added].

³⁰ [2026 LTGRP](#), Appendix E, p 7 [emphasis added].

³¹ [2026 LTGRP](#), Appendix E, pp 8-9 [emphasis added].

³² [2026 LTGRP](#), Appendix E, p 7.

³³ “2026 Long-Term Gas Resource Plan (LTGRP), Engagement with Indigenous Communities – North of B.C., Integrated Resource Planning” (Jul. 22, 2025), p 7 [emphasis in original].

³⁴ “FortisBC 2026 Long-Term Gas Resource Plan: Engagement Session with Indigenous Communities in Northern B.C.” (Jul. 22, 2025), p 3.

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1 **Response:**

2 Please refer to the response to FNEMC-HBFN IR1 1.1.

3

4

5

6 4.2 If it is the position of FEI that it has conducted consultation with First Nations,
7 including HBFN, for the purpose of the present application under s. 44.1 of the *Act*,
8 advise of: (i) what consultation process FEI followed; and (ii) whether FEI
9 discussed the consultation process with the relevant First Nation before
10 commencing consultation.

11

12 **Response:**

13 Please refer to the response to FNEMC-HBFN IR1 1.1.

14

15

16

17 4.3 Is it the position of FEI that the 2026 LTGRP contains no explanation or plan for
18 how it will consult with First Nations whose Section 35 rights will potentially be
19 impacted by the future infrastructure projects contemplated therein, including in
20 relation to future applications under s. 45 of the *Act* for a certificate of public
21 convenience and necessity?

22

23 **Response:**

24 Please refer to the response to FNEMC-HBFN IR1 1.1.

25

5. Under 2010 First Nations Information Filing Guidelines for Crown Utilities (Appendix A to Order G-51-10), the BCUC explains “that where the duty to consult is triggered, the Commission has the obligation to assess the adequacy of Crown consultation with First Nations within the scheme of its regulation.”³⁵ While FEI is not a Crown utility, the decision of the BCUC under s. 44.1 of the *Act* is capable of triggering the duty to consult.³⁶ In assessing whether the duty to consult is fulfilled, “[t]he Commission is guided by the emerging law in the area of First Nations consultation and accommodation.”³⁷

In accordance with the “right to a robust process” enshrined in the Declaration, indicia of deep consultation include: (i) “formal participation [by the First Nation] in the decision-making process;” (ii) Crown engagement with the First Nation in “a discussion of the consultation process;” (iii) the Crown meeting “in good faith with an open mind to discuss issues and concerns raised,” including an “opportunity [for the First Nation] to make submissions for consideration;” (iv) serious consideration by the Crown of “the concerns raised.” “[A] dialogue must ensue that leads to a demonstrably serious consideration of accommodation” “to mitigate in an attempt to minimize adverse impacts;” (v) “[w]ritten explanations that show that the concerns of the Indigenous group(s) were considered and that show the impact that they had on the decision.” The Crown must “advise of the course of action taken and why;” and (vi) “dispute resolution procedures like mediation or administrative regimes with impartial decision makers.”³⁸

5.1 Explain how the development of the 2026 LTGRP and the 2026 LTGRP itself comply with the indicia of deep consultation, set out above, for the purpose of the present application under s. 44.1 of the *Act*.

Response:

Please refer to the response to FNEMC-HBFN IR1 1.1.

5.2 Explain how FEI intends to engage in consultations with First Nations, including HBFN, in a manner that complies with the indicia of deep consultation, set out above, in relation to the future infrastructure projects contemplated in the 2026 LTGRP, including in relation to future applications under s. 45 of the *Act* for a certificate of public convenience and necessity.

³⁵ 2010 First Nations Information Filing Guidelines for Crown Utilities ([Appendix A to Order G-51-10](#)), p 1.

³⁶ [Clyde River](#) at [para 29](#).

³⁷ 2010 First Nations Information Filing Guidelines for Crown Utilities ([Appendix A to Order G-51-10](#)), p 3.

³⁸ [Haida Nation](#) at [para 44](#); [Coldwater First Nation v. Canada](#), 2020 FCA 34 at [para 41](#); [Ross River Dena Council v Yukon](#), 2024 YKCA 18 at [para 54](#); [Tsleil-Waututh Nation v Canada \(Attorney General\)](#), 2018 FCA 153 at [para 501](#); [Mikisew Cree First Nation v. Canada](#), 2005 SCC 69 at [para 54](#) [[Mikisew](#)].

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- 1 **Response:**
- 2 Please refer to the response to FNEMC-HBFN IR1 1.1.
- 3

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6. Page 2-12 of the 2026 LTGRP states, “[FEI] continues to advance Reconciliation through a multifaceted approach that prioritizes relationship-building, operational certainty, and inclusive economic participation. This includes the advancements of Indigenous agreements that foster long-term partnerships and support mutually beneficial outcomes.”³⁹

Page 2-13 of the 2026 LTGRP states, “collaboration also extends to economic participation and shared benefits. Advancing Indigenous equity in major infrastructure projects helps ensure that Nations share directly in the economic opportunities the developments create.”⁴⁰

Page 2-14 of the 2026 LTGRP states, “FEI will continue to explore future opportunities for Indigenous participation in collaboration with interested Nations.”⁴¹

6.1 How does FEI plan to explore future opportunities for partnerships with HBFN in relation to future infrastructure projects—either contemplated in the 2026 LTGRP or not—including HBFN equity participation in such future infrastructure projects?

Response:

FEI will continue to engage with HBFN on future infrastructure projects in HBFN territory, including sharing project information at early stages and working collaboratively with HBFN to explore contracting and other economic opportunities. The following is a summary of FEI’s engagement activities with HBFN since October 2025:

- On October 29, 2025, HBFN’s Stewardship & Lands Manager emailed FEI asking for an update on the status of FEI’s 2026 LTGRP.
- On November 3, 2025, FEI responded to the Stewardship & Lands Manager stating that FEI was working on filing the 2026 LTGRP in March 2026, that FEI would inform HBFN upon filing so it could participate in the proceedings, and that FEI’s Community & Indigenous Relations (CIR) team would be in contact with HBFN to discuss any work that is planned for their traditional territory. The recipients of the email were HBFN’s Stewardship & Lands Manager, HBFN’s Business Development Manager and two other staff.
- HBFN’s Business Development Manager responded to FEI’s email on November 4, 2025, requesting a meeting with FEI to discuss its projects and integrity programs in their area.
- On November 14, 2025, FEI responded to the email stating there were not many projects planned for their traditional territory at this time and that FEI would set up a meeting in January.

³⁹ [2026 LTGRP](#), p 2-12.

⁴⁰ [2026 LTGRP](#), p 2-13.

⁴¹ [2026 LTGRP](#), p 2-14.

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- 1 • On December 11, 2025, FEI sent a meeting invite to HBFN's Business Development
2 Manager for January 13, 2026, and requested that they include anyone from HBFN that
3 would like to attend. The meeting was forwarded to the Chief of HBFN and was tentatively
4 accepted.
- 5 • On January 13, 2026, HBFN's Business Development Manager requested to reschedule
6 the meeting for later in the month. A new meeting request was sent for January 27, 2026.
- 7 • On January 27, 2026, FEI met with HBFN's Business Development Manager and
8 discussed projects planned for 2027/2028.
- 9 • On February 20, 2026, FEI emailed HBFN's Business Development Manager to request
10 HBFN's business list and informed them of two small sustainment projects in HBFN's
11 traditional territory planned for 2026.
- 12 • On February 21, 2026, HBFN's Business Development Manager responded with the
13 business list and provided some recommendations on contractors based on their
14 individual scopes.
- 15 • On April 1, 2026, HBFN's Business Development Manager emailed FEI's CIR team to
16 introduce their business partner, SPI Ltd., and their Community Relations lead.
- 17 • On May 7, 2026, FEI's CIR team met with SPI's Community Relations Lead to discuss
18 FEI's procurement process and the Williams Lake 114 Lateral project planned for
19 2027/2028.
- 20 FEI will continue to provide project updates and share opportunities for potential participation with
21 HBFN's Business Development Manager.

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II. FEI Evaluation of Impacts to the Section 35 Rights of First Nations, Including HBFN

In the context of the duty to consult and accommodate, HBFN has a reciprocal obligation “to make their concerns known.”⁴² Given the lack of consultation on the part of the Crown and FEI to date and to better understand the gaps in the understanding of FEI, through this series of information requests, HBFN seeks to probe how FEI conceives of and understands the impacts of the future infrastructure projects contemplated in the 2026 LTGRP on the rights, claims, and interests of HBFN under Section 35 so it may more fulsomely fulfill its obligation to make its concerns known to FEI and the Crown in relation to the 2026 LTGRP:

7. On October 29, 2025, HBFN emailed FEI to request an update on any developments on infrastructure projects discussed in the July 22, 2025, engagement session. HBFN asked FEI to “schedule a meeting with HBFN to update HBFN on the current status of [FEI]’s long term Gas resource planning.”⁴³
- On November 3, 2025, FEI responded advising its “Community and Indigenous Relations team ... will connect with you directly to continue the conversation.”⁴⁴ HBFN followed up via email on November 4, 2025, to schedule a meeting and advised that HBFN “[w]ould like to get a better understanding of capital projects coming as well.”⁴⁵
- On November 14, 2025, FEI responded to HBFN, advising they “do not believe there will be a ton upcoming as the pipe network in the area is not very large, but ... will gather some info and set up a meeting time for January.”⁴⁶ FEI did not keep its commitment to arrange a meeting with HBFN in January 2026. No meeting occurred.
- On April 22, 2026, FEI emailed HBFN and others: (1) the 2026 LTGRP; and (2) the regulatory timetable for the BCUC’s review of the 2026 LTGRP.⁴⁷
- 7.1 Why did FEI not keep its commitment to HBFN to meet in January 2026, or at all, to discuss the 2026 LTGRP, including its potential impacts on the rights, claims, and interests of HBFN under Section 35 for the purpose of the present application under s. 44.1 of the *Act*?

⁴² [Mikisew at para 65.](#)

⁴³ Email from G. Jennings to A. John (Oct. 29, 2025).

⁴⁴ Email from A. John to G. Jennings (Nov. 3, 2025).

⁴⁵ Email from T. McLeod to A. John, B. Weston and A. Bridgwater (Nov. 4, 2025).

⁴⁶ Email from A. Bridgwater to T. McLeod and G. Jennings (Nov. 14, 2025).

⁴⁷ Email from Integrated Resources Planning Team, FEI, to HBFN et al (Apr. 22, 2026).

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1 **Response:**

2 The premise of the question is incorrect. FEI did meet with HBFN's Business Development
3 Manager in January 2026 to discuss the 2026 LTGRP. Please refer to the response to FNEMC-
4 HBFN IR1 6.1 for a list of the engagement activities with HBFN since October 2025.

5

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8. During the July 22, 2025, engagement session hosted by FEI, which HBFN attended, FEI staff presented the July 22 Slide Deck. The figure on page 13 of the July 22 Slide Deck—reproduced below in Figure 1—shows three planned or existing FEI gas lines off Enbridge’s T-South system north of Kamloops and within HBFN territory. None of these planned or existing FEI gas lines are addressed in the 2026 LTGRP.

8.1 Identify and explain how each of the FEI gas lines north of Kamloops linking to Enbridge’s T-South system fits into the 2026 LTGRP, with reference to the factors set out by s. 44.1(2), (6), and (8) of the *Act*.

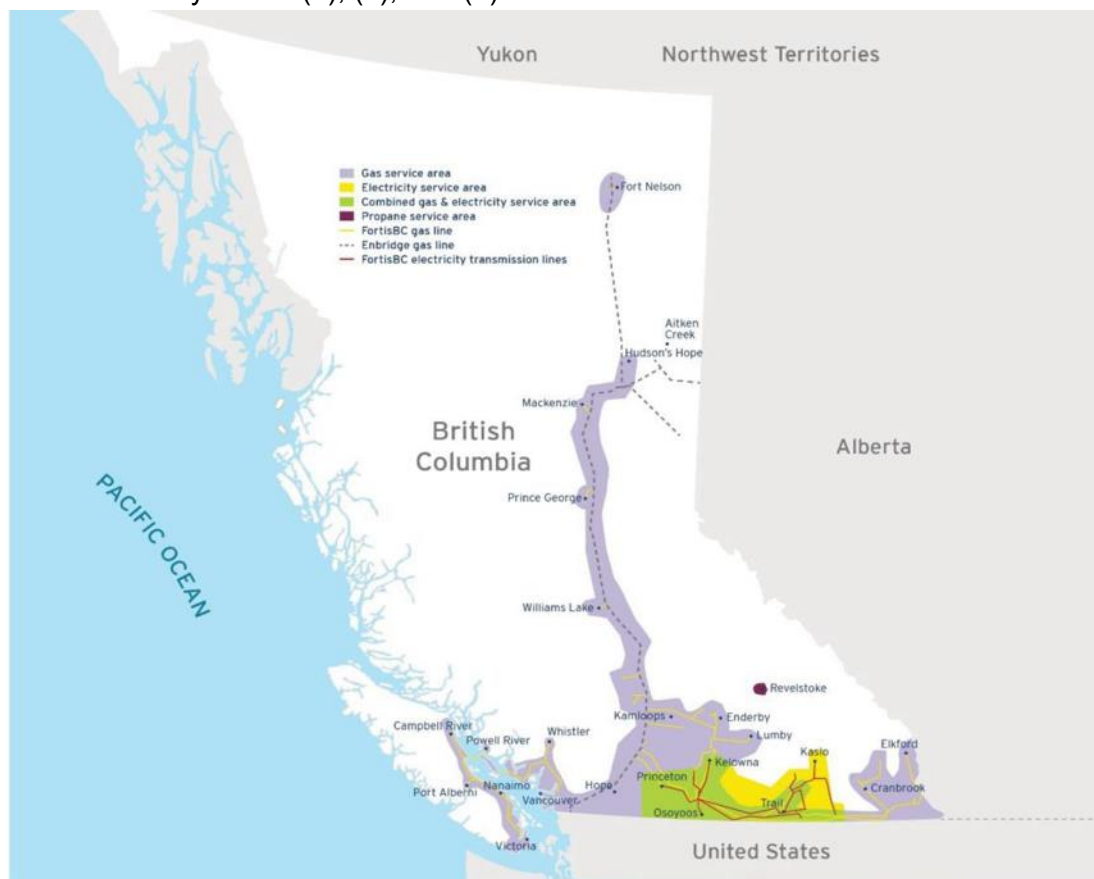


Figure 1: FEI Infrastructure Map at Page 13 of the July 22 Slide Deck

Response:

Please refer to the response to BCUC IR1 18.1 for a description of all FEI laterals, including those connected to Enbridge’s T-South system north of Kamloops. Please also refer to the response to BCUC IR1 18.2 which describes FEI’s approach to monitoring capacity, and how the laterals were considered in the 2026 LTGRP. In the context of section 44.1(2), (6), and (8) of the UCA, as explained in the response to BCUC IR1 18.2, the capacity of FEI’s lateral pipelines to serve customers is assessed based on FEI’s forecast of peak demand across all transmissions systems, of which the laterals are a component. The response to BCUC IR1 18.3 describes how FEI is monitoring the Cache Creek/Ashcroft lateral and has initiated a sustainment capital project to evaluate options to expand the capacity of the Williams Lake Lateral.

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9. Page 7-1 of the 2026 LTGRP explains, “[t]o resolve capacity constraints, FEI evaluates traditional resource options such as pipeline and compressor additions as well as storage and other non-pipe solutions (NPS). Each alternative is analyzed with respect to Indigenous ... impacts.”⁴⁸ No such analysis is contained in the 2026 LTGRP.

9.1 In the context of the present application under s. 44.1 of the *Act*, advise of all impacts—including cumulative impacts—to the rights, claims, or interests of First Nations, including HBFN, under Section 35 FEI has identified, including in relation to the contemplated infrastructure projects listed in question 10, below. Provide all accompanying analyses and their methodologies.

Response:

Please refer to the response to FNEMC-HBFN IR1 1.1

⁴⁸ [2026 LTGRP](#), p 7-1.

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10. Page 6-13 of the 2026 LTGRP states, “[a]dditional infrastructure in the region has been a major focus for FEI to maintain its existing portfolio of resources, for supply resiliency and reliability and to meet growing demand.”⁴⁹

Page 6-15 of the 2026 LTGRP states, “[f]uture pipeline infrastructure projects are an important consideration for FEI’s supply portfolio planning. ... [N]ew regional pipeline infrastructure will likely be required.”⁵⁰ These include:

Rockies Columbia Connector Project: The Rockies Columbia Connector Project is a potential project including an expansion from Stanfield, Oregon to Sumas, Washington. Pages 6-16 to 6-17 of the 2026 LTGRP state, “FEI is currently working with Northwest Pipeline to determine whether this expansion could physically flow gas north to Huntingdon. If feasible, FEI would be interested in placing a firm bid to support this expansion, as it would enhance FEI’s diversity of supply and supply resiliency within the portfolio.”⁵¹

Regional Gas Supply Diversification Project: Page 6-17 of the 2026 LTGRP states, “[i]n 2022, FEI began investigating the proposed Regional Gas Supply Diversification Project [“(RGSD Project)”], which would extend FEI’s SCP westwards from Oliver to some point on the T-South system.”⁵² Page 6-18 of the 2026 LTGRP states, “the development work undertaken to investigate the RGSD Project continues to provide value by identifying viable pipeline alternatives and informing future infrastructure solutions that could benefit FEI’s customers.”⁵³

Coquitlam Watershed/VAN-MAN Loop: Page 7-13 of the 2026 LTGRP states, “[a] section of the existing [Vancouver Island Transmission System (“VITS”)] between the end of [Eagle Mountain – Woodfibre Gas Pipeline project (“EGP”)] South and the beginning of EGP North (approximately 29 km of the existing 12-inch VAN-MAN pipeline) remains un-looped through the Coquitlam Watershed.” Page 7-13 also states that if a new large load is added downstream of Squamish on the VITS, “FEI would require either the addition of a pipeline loop through the Coquitlam Watershed, or an equivalent pipeline system connection between the [Coastal Transmission System (“CTS”)] and VITS.”⁵⁴

CTS Expansion Beyond Tilbury 1B: Page 7-16 of the 2026 LTGRP states, “[t]he next future expansion of LNG liquefaction at Tilbury will require construction of a 2 km pipeline upgrade which will replace a nominal pipe size 6 pipeline from the plant to the CTS transmission pipelines east of the plant site.” Page 7-17 of the 2026 LTGRP states, “[t]his 2 km section will be required to accommodate the approved [Tilbury LNG Storage

⁴⁹ [2026 LTGRP](#), p 6-13.

⁵⁰ [2026 LTGRP](#), p 6-15.

⁵¹ [2026 LTGRP](#), pp 6-16, 6-17.

⁵² [2026 LTGRP](#), p 6-17.

⁵³ [2026 LTGRP](#), p 6-18.

⁵⁴ [2026 LTGRP](#), p 7-13.

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Expansion] project which may dictate its timing, regardless of the need to support additional [liquefied natural gas] liquefaction demand.”⁵⁵

CTS/VITS Expansion for New Large Industrial Load: One FEI forecast at pages 3-17 and 7-18 of the 2026 LTGRP contemplates a new large industrial load beginning in 2033.⁵⁶ The specific location of the new large load is not yet known, but page 7-19 of the 2026 LTGRP states, “regardless of the delivery location, an expansion of the Langley Compressor Station ... would likely be required. In addition, pipeline loops in the Coquitlam area between Coquitlam station and Eagle Mountain (V1) are also likely required.”⁵⁷

Interior Transmission System/Okanagan Long-Term Capacity Expansion: Page ES-14 of the LTGRP states, the Interior Transmission System (“ITS”) “remains capacity-constrained and FEI continues to manage a growing capacity constraint in the Okanagan as new customer connections continue to drive increases in expected peak demand.”⁵⁸ Pages 7-20 to 7-21 of the 2026 LTGRP provide the approved Okanagan Capacity Mitigation Project (“OCMP”) will come online in 2026/27, but “provides only enough capacity to mitigate the anticipated shortfall if combined with short-term mitigations, some of which rely on factors outside of FEI’s control.”⁵⁹ Pages 7-23 to 7-24 of the 2026 LTGRP state FEI is considering ways to add permanent capacity to the region, including “pipeline loops, compression facilities, or combinations of both ... in preparation for the likely submission of a [certificate of public convenience and necessity] application.”⁶⁰

Expansion to Support Simple Gas Turbine Near Kelowna: Page 7-24 of the 2026 LTGRP states FEI’s “previous two electric resource plans identified that the most cost-effective and reliable option to meet the generation needs for new firm peak demand is a simple-cycle gas turbine [(“SCGT”)] generating facility.” Page 7-25 of the 2026 LTGRP states, “[t]he addition of an SCGT near Kelowna ... would require an expansion for gas.”⁶¹

10.1 For each of the infrastructure projects listed above, describe the consultation with First Nations, including HBFN, FEI has undertaken to date for the purpose of the present application under s. 44.1 of the *Act*.

Response:

Please refer to the response to FNEMC-HBFN IR1 1.

⁵⁵ [2026 LTGRP](#), p 7-16, 7-17.

⁵⁶ [2026 LTGRP](#), p 3-17, 7-18.

⁵⁷ [2026 LTGRP](#), p 7-19.

⁵⁸ [2026 LTGRP](#), p ES-14.

⁵⁹ [2026 LTGRP](#), pp 7-20, 7-21.

⁶⁰ [2026 LTGRP](#), pp 7-23, 7-24.

⁶¹ [2026 LTGRP](#), pp 7-24, 7-25.

1 Note that FEI is not the proponent of the Rockies Columbia Connector Project, which is being put
2 forward by Northwest Pipelines LLC in the US.

3
4
5
6 10.2 For each of the infrastructure projects listed above, if FEI has undertaken no
7 consultation to date, advise when FEI intends to commence consultation and the
8 First Nations with which FEI intends to consult for the purpose of the present
9 application under s. 44.1 of the *Act*.

10
11 **Response:**

12 Please refer to the response to FNEMC-HBFN IR1 1.1.

13
14
15
16 10.3 Advise of the impacts FEI anticipates each of the infrastructure projects listed
17 above would have on the operational capacity of the T-South system, including
18 whether each such project may increase the need for additional infrastructure
19 projects within HBFN territory not currently contemplated in the 2026 LTGRP for
20 the purpose of the present application under s. 44.1 of the *Act*.

21
22 **Response:**

23 The Westcoast T-South system (owned by Enbridge) is a key transmission pipeline that transports
24 natural gas from production regions in northeast BC to demand centers in southern BC and the
25 US Pacific Northwest. As such, it plays a central role in enabling FEI's access to upstream supply
26 and in supporting reliability and deliverability across FEI's operating service area. Projects that
27 increase demand for transportation service into or within FEI's system, such as new pipeline
28 interconnections (i.e., the Regional Gas Supply Diversity project), system expansions, or the
29 addition of large industrial loads may increase throughput requirements on the T-South system.
30 At the same time, capacity requirements and potential expansions of the T-South system may
31 also be influenced by third-party developments, including downstream demand growth in the US
32 Pacific Northwest.

33 The infrastructure projects identified above, with the exception of the Rockies Columbia
34 Connector Project,⁶² could affect capacity utilization on T-South and may, depending on how
35 supply paths and capacity constraints evolve, contribute to the need for additional upstream
36 infrastructure requirements on T-South. However, FEI does not anticipate that these projects will

⁶² The Rockies Columbia Connector Project is a proposed expansion on the Williams Northwest Pipeline, and has no impact on the T-South system.

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1 materially change overall system configuration or create new capacity pressures beyond those
2 already assessed in the 2026 LTGRP. As such, no additional infrastructure within HBFN territory
3 is required at this time. FEI will continue to monitor system conditions and demand trends, and
4 any future need for additional infrastructure would be addressed through established planning
5 and regulatory processes, including engagement with affected Indigenous communities.

6

BC FIRST NATIONS ENERGY AND MINING COUNCIL

III. FEI Estimated Demand-Side Management Potential Savings and First Nations Engagement

11. Table 8-2 of the application notes First Nations welcomed programs such as the Partners in Indigenous Energy Efficiency & Resilience (“**PIEER**”) program, but noted barriers related to administrative capacity and complex funding mechanisms. FEI stated in response it “will continue engaging with communities to: (1) better understand opportunities to increase energy efficiency program participation; (2) consider ways to mitigate ongoing barriers through future program design (e.g., PIEER and other programs); and (3) promote new capacity funding available through PIEER to increase accessibility and participation in conservation and energy management programs.”⁶³

Section 4.3 of the application provides FEI’s estimated Demand-Side Management (“**DSM**”) potential savings for each long-term demand scenario.⁶⁴

Section 10.2 of the application includes as action item 3 that “FEI will continue to submit adequate and cost-effective DSM expenditure plans with the BCUC”.⁶⁵

11.1 Can FEI comment, qualitatively or quantitatively, on the degree to which capacity barriers for First Nations communities are currently limiting the DSM potential savings described in Section 4.3?

Response:

Based on FEI’s engagement with First Nations communities, capacity barriers in First Nations communities may affect participation in DSM programs and, in turn, the realization of the potential DSM savings described in Section 4.3 of the 2026 LTGRP. These capacity constraints can arise from a range of factors, many of which are outside the energy sector and beyond FEI’s direct influence. Such factors may include challenges related to staff retention and turnover, as well as competing operational priorities for housing and facility management resources. These considerations may affect the ability of communities to fully participate in, and benefit from, DSM opportunities.

FEI has designed its DSM programs to address and reduce these barriers where possible, but such constraints may nonetheless impact program uptake.

⁶³ [2026 LTGRP](#), p 8-7.

⁶⁴ [2026 LTGRP](#), pp 4-2-4.5.

⁶⁵ [2026 LTGRP](#), p 10-4

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11.2 In FEI's view, do the existing capacity constraints (financial and non-financial) limit the uptake of otherwise cost-effective DSM programs?

Response:

In FEI's view, both financial and non-financial capacity constraints can limit participation in DSM programs. Based on engagement with communities, these constraints may affect awareness of available programs, the ability to complete application processes, and the capacity to manage and implement projects.

As noted in the response to FNEMC-HBFN IR1 11.1, FEI has designed its DSM programs to address and reduce these barriers where possible, but such constraints may nonetheless impact program uptake.

11.3 Can FEI provide examples of the 'other programs' beyond PIEER that might be implemented to mitigate ongoing barriers?⁶⁶

Response:

In addition to PIEER, FEI offers several programs and supports intended to mitigate capacity-related barriers:

- **Community Energy Specialist Program:** Provides funding either (i) for a dedicated community employee to support energy efficiency initiatives as well as funding for strategic energy management plans, or (ii) to retain external expertise to support such projects.
- **Conservation Education and Outreach Program:** Supports community energy planning, engagement, and outreach activities. This program also offers skills training opportunities for community members interested in energy efficiency, including both classroom and hands-on experience, as well as certifications (e.g., first aid and safety training).

In the context of PIEER, additional supports include:

- Access to energy coaches who assist communities with application preparation and navigation of program requirements;
- Funding to support project management resources including navigation through application processes and project implementation;

⁶⁶ Such programs—without more—do not constitute accommodation or mitigation of impacts to the rights a First Nation may hold under Section 35.

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- Provision of up to 50 percent upfront incentive funding once a project is approved, to help address financial barriers; and
- Planned implementation of quality assurance services to support verification that retrofits have been completed as intended.

11.4 Can FEI provide a timeline for when it will update First Nations on efforts to address these ongoing barriers, through future engagement or other mechanisms?

Response:

FEI will continue to engage with First Nations communities on an ongoing basis through existing engagement channels, including direct community engagement, PIEER participant feedback, collaboration with Indigenous governing bodies, and PIEER's Advisory Council.

Updates on efforts to address energy-sector, capacity-related barriers are incorporated into these regular engagement activities and will continue to inform future program design, including enhancements to PIEER and other DSM offerings. FEI does not have a single fixed timeline for updates, as engagement is continuous and iterative.

IV. First Nations Equity Participation in New Projects

12. On pages 2-13 and 2-14 of the 2026 LTGRP, FEI notes “Advancing Indigenous equity in major infrastructure projects helps ensure that Nations share directly in the economic opportunities the developments create.” “FEI developed an equity partnership with the Stz’uminus (Chemainus) First Nation and Cowichan Tribes on FEI’s Mount (Mt) Hayes LNG facility. Each Nation invested into the project, creating jobs and economic opportunities in their communities.”⁶⁷

12.1 Is FEI contemplating First Nation equity participation in any near term supply projects? If so, please describe any such contemplated arrangements. If not, why not?

Response:

FEI is anticipating equity participation in its upcoming projects at the Tilbury LNG facility. FortisBC and Musqueam Indian Band (xʷməθkʷəy̓əm) signed an equity option agreement that will see both parties working in close collaboration as the Tilbury LNG projects are developed.

12.2 Would FEI consider a commitment to requiring a minimum level of First Nations equity participation in all future projects? Why or why not?

Response:

FEI recognizes that Indigenous equity participation can support economic reconciliation and create shared benefits, as demonstrated by the Mt. Hayes LNG partnership with Stz’uminus First Nation and Cowichan Tribes. However, a uniform minimum equity requirement would not reflect differences in project characteristics, commercial considerations, or the interests and capacity of individual Indigenous Nations. In some circumstances, a prescribed minimum could introduce cost, timing, or feasibility challenges that may not be in the public interest.

FEI will instead continue to take a project-by-project approach, engaging with Indigenous Nations to understand their interests and exploring economic opportunities where there is mutual interest and in alignment with FEI’s obligation to provide safe, reliable, and cost-effective service. FEI considers this approach to be the most appropriate way to advance Indigenous equity participation while remaining consistent with the BCUC’s public interest mandate.

⁶⁷ [2026 LTGRP](#), pp 2-13-2-14.

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12.3 Can FEI provide additional information on the non-equity benefits (jobs or other economic opportunities)⁶⁸ that flowed to First Nations as part of the Mt. Hayes LNG facility either directly through agreements with FEI or as enabled by the equity participation?

Response:

FEI developed an equity partnership with the Stz'uminus (Chemainus) First Nation and Cowichan Tribes in 2012 on its [Mt Hayes LNG facility](#). Each nation invested \$5.7 million, creating jobs and economic opportunities in their communities. FEI maintains and continues to develop collaborative and respectful working relationships with Stz'uminus First Nation, Cowichan Tribes, and other First Nations whose reserve lands and traditional territories are proximate to the Mt. Hayes LNG facility.

These relationships extend beyond equity participation and include non-equity benefit opportunities such as employment, contracting, capacity-building, education, cultural initiatives, and ongoing engagement. Non-equity benefits that have flowed to First Nations in connection with the Mt. Hayes LNG facility are described below.

Employment, Training, and Economic Opportunities

- FEI communicates employment opportunities associated with its operations to Stz'uminus First Nation, Cowichan Tribes, and other nearby Nations, supporting awareness of and access to job opportunities;
- FEI maintains contracting relationships with Cowichan Tribes member-owned businesses and contractors, supporting local Indigenous economic participation; and
- FEI engages with First Nations to identify procurement opportunities associated with operations and maintenance activities.

Education and Capacity Building

- FEI has provided training, scholarships and bursary funds to Stz'uminus First Nation in connection with the Mt. Hayes agreement; and
- FEI invites Stz'uminus and Cowichan Tribes representatives to participate in emergency exercises at the Mt. Hayes facility, providing opportunities to build familiarity with facility operations, emergency preparedness and response, and related technical knowledge.

Cultural Awareness, Community Initiatives, and Reconciliation

- FEI has supported and participated in cultural and educational initiatives, including the Ladysmith Secondary School welcome figure carving project, where students engaged in

⁶⁸ Such benefits—without more—do not constitute accommodation or mitigation of impacts to the rights a First Nation may hold under Section 35.

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1 multi-year carving and weaving programs. FEI employees also participated in associated
2 activities and ceremonies;

- 3 • FEI commissioned “Every Child Matters” artwork from a Stz’uminus First Nation artist,
4 developed in collaboration with a Penelakut Elder. This initiative was subsequently
5 expanded through collaboration with the Town of Ladysmith, broadening community
6 awareness and engagement; and
- 7 • FEI continues to support cultural learning, education, and reconciliation initiatives through
8 ongoing engagement with local First Nations.

9 ***Ongoing Engagement and Relationship Development***

- 10 • FEI works with First Nations on matters related to regulatory compliance for activities at
11 and near the Mt. Hayes LNG facility; and
- 12 • This engagement supports ongoing dialogue, relationship-building, and identification of
13 additional opportunities for collaboration.

14 Through these activities, FEI aims to ensure that the benefits associated with the Mt. Hayes LNG
15 facility extend beyond equity participation and contribute to meaningful, long-term economic and
16 social outcomes for participating and nearby First Nations.

17