NATIONAL ENERGY BOARD
OFFICE NATIONAL DE L'ÉNERGIE

Trans Mountain Pipeline ULC
Trans Mountain Expansion Project
National Energy Board reconsideration of aspects of its Recommendation Report as directed by Order in Council P.C. 2018-1177
Hearing Order MH-052-2018

Trans Mountain Pipeline ULC
Projet d'agrandissement du réseau de Trans Mountain
Réexamen par l'Office national de l'énergie de certains aspects de son rapport de recommandation, conformément au décret 2018-1177 de la gouverneure en conseil
Ordonnance d'audience MH-052-2018

VOLUME 4

Hearing held at
L'audience tenue à

Delta Hotels Victoria Ocean Pointe Resort
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Victoria, British Columbia

November 26, 2018
Le 26 novembre 2018

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MH-052-2018

IN THE MATTER OF Trans Mountain Pipeline ULC
Trans Mountain Expansion Project
National Energy Board reconsideration of aspects of its Recommendation Report
as directed by Order in Council P.C. 2018-1177
File OF-Fac-Oil-T260-2013-03 59

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Victoria, British Columbia, Monday, November 26, 2018
Audience tenue à Victoria (Colombie-Britannique), lundi, le 26 novembre 2018

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

Lyne Mercier	Chairperson/Présidente
Alison Scott	Member/Membre
Murray Lytle	Member/Membre

APPEARANCES/COMPARUTIONS

Applicants/Demandeurs

Trans Mountain Pipeline ULC
- Mr. Sander Duncanson
- Ms. Cassie Richards
- Mr. Phil Simmington
- Mr. Max Nock

Intervenors/Intervenants

Natural Resources Canada
- Mr. David Murray, Senior Policy Advisor

Stó:lō Tribal Council
- Mr. Tim Dickson
- Tribal Chief Tyrone McNeil
- Councillor Andrew Victor

Kwantlen First Nation
- Mr. Tim Dickson
- Chief Marilyn Gabriel
- Councillor Tumia Knott
- Councillor Les Antone
- Elder Kevin Kelly
- Mr. Michael Kelly-Gabriel

National Energy Board/Office national de l'énergie
- Ms. Carol Gagné

ERRATA

Thursday, November 22, 2018 - Volume 3

Should read:

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Papaschase First Nation
Chief Calvin Bruneau
Mr. Bryon Bailey Mr. Byron Bailey

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No.	Description	Paragraph No./No. de paragraphe

--- Upon commencing at 9:04 a.m./L'audience débute à 9h04

1220. **THE CHAIRPERSON**: Good morning, everyone.

1221. Before we commence our hearing today, the Board wishes to acknowledge with respect the Lekwungen-speaking peoples of whose traditional territory we are gathered, and the Songhees, Esquimalt, and WSÁNEĆ peoples whose historical relationships with the land continue to this day. It is with truth and respect we would like to acknowledge all the Indigenous ancestors of this place and reaffirm our relationship with one another. I am sorry if I -- you know, misspoke about the names of your tribes.

1222. Good morning everyone; welcome to the Oral Traditional Evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project Reconsideration. My name is Lyne Mercier. I am the Chair of the Panel. With me on my left is Alison Scott, and on my right, Murray Lytle. We want to welcome everyone who is here today, both in the hearing room, and listening in to the webcast.

1223. As a matter of housekeeping, I'd like to describe the evacuation procedures in the event of an emergency. If the building's evacuation tone begins sounding and we are asked to leave the building, the muster point for the venue is the waterfront walkway. Please exit in an orderly fashion through the lobby. At the muster point, please ensure your party is accounted for.

1224. In addition to the Panel, we have staff in the room to answer process-related questions that you may have. You will be able to recognize them by their brass name tags.

1225. With respect to our schedule for hearing oral traditional evidence, today we have scheduled time to hear from two Indigenous groups. We will normally plan to take breaks if required.

1226. In order to be fair to all presenters we have allotted up to two hours to hear from you. If two hours is not enough, at the end of the session please feel free to file additional oral traditional evidence by electronic means, such as video or some other method.

1227. Before we get underway, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Directions in regards to oral

traditional evidence.

1228. The Board understands that the Stó:lō Tribal Council has an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing.

1229. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. We appreciate that you've chosen to be here today.

1230. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for the witnesses. If so, witnesses can choose whether they will answer questions orally, or at a later date in writing, or a combination of both.

1231. With that, I believe we are ready to get underway. Before I call on to the Stó:lō Tribal Council to present their oral traditional evidence, I'd like to have the representatives of the Proponent, Trans Mountain, introduce themselves.

1232. **MR. DUNCANSON**: Thank you, Madam Chair. Good morning. My name is Sander Duncanson. I'm with the law firm Osler, Hoskin, Harcourt, representing Trans Mountain. With me is Cassie Richards from our office and Phil Simmington as well on behalf of Trans Mountain. Good morning.

1233. **THE CHAIRPERSON**: And I will also ask if there are any other intervenors in the room who would like to introduce themselves or if are there any preliminary matters that they would like to raise. And for the record, if you could indicate who you are and who you're representing. Thank you.

1234. Can you please come forward and use one of the microphones?

1235. **MR. MURRAY**: Good morning, and sorry for my lateness. Thank you, Madam Chair and Panel Members. My name is David Murray. I am a Senior Policy Advisor with Natural Resources Canada. I'm here as a representative of the federal Crown to hear the witnesses' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project.

1236. I do not intend to ask any questions today, but rather I am here as a representative of several federal departments and agencies that are registered intervenors. If necessary, we'll ask additional questions through the NEB's

Information Request process.

1237. Finally, I'd like to note that I'm honoured to be present at the hearing in the traditional territory of the Coast Salish. Thank you.

1238. **THE CHAIRPERSON**: Thank you. Are there any other intervenors? I see none.

1239. I understand that members of the Stó:lō Tribal Council wish to swear to indicate that the information they are presenting is accurate, and truthfully, to the best of their knowledge and belief.

1240. Ms. Comte, can you have the representatives sworn in, please?

TYRONE McNEIL: Affirmed
ANDREW VICTOR: Affirmed

1241. **THE CHAIRPERSON**: You now have the floor and I see that Counsel is sitting with you, so can you just please lead us through or tell us what your role is and what the role of the -- of each of the witnesses? Thanks.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR STÓ:LŌ TRIBAL COUNCIL :

1242. **MR. DICKSON**: Thank you, Madam Chair. My name is Tim Dickson and I am legal counsel for the Indigenous groups represented here today. And there are, in fact, four of them being represented by these two witnesses.

1243. Tribal Chief Tyrone McNeil is a member of the Seabird Island First Nation. He is a tribal chief as well with the Stó:lō Tribal Council.

1244. Councillor Andrew Victor is a member of Cheam First Nations council.

1245. And they as well are here speaking on behalf, to some extent -- that I'll describe in a moment -- speaking on behalf of Chawathil First Nation and the Stó:lō Tribal Council.

1246. So there are four groups, Cheam, Seabird Island, Chawathil First Nations and the Stó:lō Tribal Council. Each of those First Nations is associated

with the Stó:lō Tribal Council which is a tribal council that is comprised of the members of various bands that are associated with it.

1247. So Mr. McNeil and Mr. Victor are not here speaking on behalf of Chawathil and the Tribal Council with respect to any ultimate positions that those groups may take on the pipeline. They are here to speak to Stó:lō culture and Stó:lō interests, the connection with the Salish Sea, the potential impacts -- some of the potential impacts of project-related marine shipping. And so it's in that context that they appear.

1248. And I sort of intend to try to moderate a little bit as we go along in the discussion and try and keep things on track. And -- but this is not a normal Examination-in-chief kind of format, and so it will be a bit of a panel discussion.

1249. And so with that, I wonder if you could both speak a little bit to your involvement with your communities and a little bit of your backgrounds for the Panel? And whoever is -- wants to begin in that regard.

1250. **TRIBAL CHIEF TYRONE McNEIL:** Thank you, Tim.

1251. Thank you, Madam Chair.

1252. Our laws dictate that I begin my presentation in a language that I'm born with and the language of this land that I'm on -- currently on understands. And I'll do that. And I'll translate it after I'm finished.

(Speaking in Native language).

1253. Just acknowledging that though I'm from Seabird and Stó:lō, Stó:lō people, the people of the river on the mainland of southwestern and British Columbia, that the people here are my relatives. We're Coast Salish, we're Halq'eméylem. We've got family connections, direct family connections, indirect family connections. We share a similar and common language, a similar and common culture, traditions, and a particular spirituality.

1254. And it's in that sense here of being Coast Salish and in the past not having an opportunity to voice any concerns I or we may have with regards to the marine side of the proposed project, that I'm here today, as a Stó:lō person, as a Stó:lō leader, as a Coast Salish leader, within the context of extending my voice in support of my Coast Salish relatives, which I am obliged and obligated to do in

such a way that over the course of this morning we'll be identifying concerns that are specific and direct to us as Stó:lō people, as somebody from Seabird Island, Sth'kwóllh of the Stó:lō people, but also some indirect that may more directly impact my Coast Salish relatives, who may be more directly impacted by all the aspects of marine, but because they are directly impacted, I'm indirectly impacted and our people are indirectly impacted.

1255. I'll leave it at that for now.

(Speaking in Native language).

1256. **MR. ANDREW VICTOR:** (Speaking in Native language).

1257. Andrew Victor, Cheam Chief and Council.

1258. What were you wanting?

1259. **MR. DICKSON:** Maybe you could speak to your -- how long you've been on council and your involvement there. And then if you want to move into a little bit where Cheam is located?

1260. **MR. ANDREW VICTOR:** Okay. Yes, I've been on Chief and Council, this is my second elected term. So three years at this time.

1261. Cheam is part of Stó:lō and we're located within the s'olh temexw within our world, which is from the -- s'olh temexw would be from the dry rack fishery up above the Yale to the salt water resources here in the Salish Sea. And the Indian reserve presently is located just east of Chilliwack. Yeah.

1262. **MR. DICKSON:** Mr. McNeil, could you -- the Panel has a fair amount of filed evidence before it, not about -- not from Seabird, but from Cheam, from Chawathil, from a number of Stó:lō communities.

1263. Ms. Scott was on the earlier Panel, but Mr. Lytle and Ms. Mercier were not, and I wonder if you can expand on what Mr. Victor was saying about s'olh temexw and where the communities are? And start to describe for the Panel why are the communities where they are? You know, what brought Stó:lō people into the Fraser Valley? What is your connection? How was that area used? How is it used now? And start speaking in that direction.

1264. And I'd like to sort of draw that out for the Panel. It's an enormous discussion and we have only two hours. But if you could try to paint a little bit of a picture, as best we can in this setting?

1265. **TRIBAL CHIEF TYRONE McNEIL:** Certainly, Tim, and I can keep it high-level as the Tribal Chief and Vice-President of the Stó:lō Tribal Council and the Sth'kwóllhs.

1266. The tribal council represents eight of what we typically call the 24 Stó:lō villages, 24 Stó:lō communities. The tribal council consists of Chawathil, Shxw'ōwhámél, Seabird, Cheam, Sq'éwlets, Cowichan, Kwaw Kwaw Apilt, and Soowahlie.

1267. And that's laced throughout what we call s'olh temexw. So the literal translation of s'olh temexw is "everything you see is ours." So that's our declaration of title in our homelands. Nobody else can say that but us.

1268. And had this session taken place a little bit closer to home, like when NEB was in Chilliwack last year or the year before, I would have said something very similar to *s'olh temexw te ikw'elo. Xolhemet to mekw'stam it kwelat*. This is all ours. Everything you see is ours. We have a responsibility for everything that is ours.

1269. And when we say everything, that's -- in English that's the land, that's the water, that's the air, that's the four legged, the winged, the crawlers, the diggers. Everything. Whether they're human or not, we've got a responsibility for it and we're obliged to take care and look after everything we see.

1270. And it's in that regard where, in the creation of the tribal council, we're a political -- there's all different types of aggregations such as a tribal council. Stó:lō Tribal Council is a political advocacy body. So we're about meetings with senior leadership described in what Stó:lō title is, like expressing it in such ways that governments and others can understand and hopefully appreciate over time and begin changing their relationship with us.

1271. And in that s'olh temexw, it's so much more than two words. S'olh is "ours" and temexw is "land." But there's so much more to that that's innate in the spirit of who we are and how we express ourselves. We don't speak like English, where everything is said that's -- there's a deep understanding in our language.

1272. And being Stó:lō, what do you call the Fraser River? We call it the Mother River, Stó:lō. She feeds us. She looks after us. She's -- until recently, she was our prime method of movement up and down what is now the Fraser Valley into the Fraser Canyon and out here into the salt water.

1273. And we're -- other people called us Stó:lō before we called us -- ourselves Stó:lō, because in our world, in our s'olh temexw world, we identify each -- amongst each other differently than you would somebody else. So simplistically, in our language, we're talking about that we're the people. If you're not one of us, you're someone else other than -- you're different, you're not from here. It's only those that are from here that can actually say and express the rights and the values of being here.

1274. So in those rights and values we've been here since time immemorial. We've been here so long that what we call mountains elk we've seen them move over time and move significantly. We've seen, and witnessed, and lived through different ice ages. We've got stories that put in modern context puts the Fraser River about 300 feet higher -- 300 feet or more higher than it currently is. And talking about floods that would wipe out the entire Fraser Valley and we've got stories of how we protected ourselves from that.

1275. And in that the relation -- as human beings we've got relations with what you might call non-humans, the four-legged, the winged. The one relation that's most important to us is to the salmon people. Some people call us the salmon people, and we don't mind that, because, in effect, we are. We're very closely related to them.

1276. And we've been here so long that we have stories that tell us that when people could transform -- say for Andrew's community, a Cheam person could go up what we call Mount Cheam, they go up to a certain height and they could take off the human skin and they turn into goats because they're goat people, and coming back down they could flip the skin and become humans and walk amongst us again. Salmon people could do that. Bear people could do that. Sturgeon people could do that.

1277. So we've got direct relations with what you in English call resources, and none being more important than the salmon when -- although we occupied all of S'olh Temexw when others started landing here, when they started creating reserves, they seen our reliance and maybe they considered an over reliance on

salmon so they made our reserves a very small community alongside the river.

1278. And up in the Fraser Canyon where Andrew mentioned the dry rack fishery, that's a really important function to us, because over a millennium the wind drying of the salmon, that staple for us, the wind drying was the most effective way to cure it in such a way it would last through the winter. So it fed us in the winter and it was an extremely important diet.

1279. That when you go up in the Fraser Canyon the various reserves commissions might have created a reserve no bigger than a rock somebody stood on to fish, no bigger than a site where we put our wind dry rack to actually hang our fish, which would be about 20 feet by 20 feet in today's context.

1280. So our diet was basically mostly salmon. It certainly sustained us over that time. But in that we don't traditionally view salmon or others like deer or bear but when we're consuming them the proper role and the proper position for us is that we as two-legged human beings we're weaker than them. We rely on them for food source. They don't rely on us for anything. So we're weak.

1281. So when it comes to the salmon, because they occupy so much space of our diet, we're especially cognizant of them, and our relation to them, and how important it is that we remain respectful, that we always remember that we are the weak ones, that they're giving themselves so that we could sustain ourselves, but they don't need nothing from us.

1282. So we have very specific ceremony around them in different ways that, for the most part, isn't necessarily public but is our spiritual relation, our spiritual obligations to those salmon people, and we do that on a -- in various ways, some annually, some a little bit closer -- nearer to key times during the year, and it's repeated. But nonetheless it's that relation to those fin people in a way that is -- not only sustains us physically but sustains us spiritually, because one of our teachings is when you look after something they look after you. So we could say that to the salmon people, to the deer people, to the bear people, to the land and the water itself.

1283. So in some ways some of those teachings -- some of the practice and some of the expression of those teachings have been pressured due to various policies and interactions with both orders of government and others in our homelands. It's been oppressed. In some ways it's been completely stopped, certainly in a public sense. And you may be familiar with the anti-potlatch laws

and those kinds of things going back in the early 1900s where we couldn't gather more than six at a time; it was illegal. So policies put in place purposely to remove us and separate us from our culture, separate us from our history.

1284. We're just so fortunate nowadays that our elders are so strong that they've retained much of that knowledge; they retained much of that experience to pass on to the generations, and we're walking in their footsteps now and taking those footsteps to the next level in terms of how do we interact in a way that does appropriate purpose to the obligations that we have, in particular as leaders, to and for our people, our two-legged people, our fin people, our four-legged people, and so on.

1285. And it's about those connections between the human what you might call non-human that extends from where we are in the mainland of the Coast Salish to here the Vancouver Island part of the Coast Salish to what is now Washington State. Because these arbitrary borders like the 49th parallel they're not of our design, so a lot of our relatives live in Lummi and Nooksack and the Puget Sound, and the same thing, similar language -- when I say similar language but a different dialect.

1286. Our country is so broad. If you go from one end to the other it's similar but dissimilar at the same time. Some common words, some used differently, and some new words all together, but nonetheless it's that language, that culture, that spirituality, that heritage that binds us as people.

1287. And it's in that narrative that we're here supporting our Coast Salish relatives that are in a marine, the saltwater side of Coast Salish country, because they're going to have relations to other beings that we wouldn't typically in Stó:lō country because we don't see them up there as often, whether they might be a certain type of ground fish, or a mussel, or a clam, or a sea lion, so forth. We get the odd seal up our way but they're more down here.

1288. And one of the more direct linkages between what you might call terrestrial S'olh Temexw and the marine side and the Vancouver Island Lummi sides of it is we've got various narratives that connect us physically and spiritually as a people, and as a people more than human beings. And it will come up in our words this morning around the importance of certain beings in the Salish Sea in particular, such as orcas. We don't see them distinct from what we have in our area, the wolf, the steqó:ya.

1289. Seabird -- we're part of the wolf people, the steqó:ya people, and we've got stories where back in the day when we could go between human and non-human beings by putting on and taking off our human skins there is a small group of wolf people back in the day that were going blind. They could see less and less and they couldn't understand -- couldn't reason why. And they went into ceremony and as a result of the ceremony they heard direction to leave our land and head to the saltwater. So our people could hear these wolves running through the forest, through the mountains, heading west, and at the time they didn't know why, didn't understand why, just they were moving.

1290. And the story goes on to tell us that when those wolves hit saltwater they dove into the water, and when they first came up for air, they were wolves no longer, they were orcas. And in this -- in our contemporary minds, we look at what we call orcas nowadays, and wolves of the land. And they're so similar in how they behave, how they interact, how they hunt in packs, how they look after and nurture their young.

1291. It is one of those more rare cases where that kind of transformation happens but it isn't on an ongoing basis; it was a transformation from a wolf and an orca and they stayed that way.

1292. It wasn't all wolves, it was a certain type, a certain class of wolves. Those were the ones that were losing their sight and once they hit the saltwater their sight was regained. So they reclaimed their clan-hood as a different form.

1293. But it might be hard for others to understand that that kind of description of who were are and how we're related.

1294. But when you've been in one place, literally, for thousands and thousands of years, you develop those kinds of relations with your entire environment. And in those relations, over time, over millennia, you learn and you're taught your obligations and responsibilities as a two-legged human in that environment.

1295. And it's not about just me or my family, or my community, it's the larger tribes of the Stó:lō, of the Coast Salish, and how we need to find ways to support each other in an environment that doesn't recognize us, in some ways doesn't see us as human beings, in too many ways, wants to continue to assimilate us, to continue silencing our voice, to continue to ensure things are in place that we continue losing our language, we're losing our culture.

1296. But one of the statements we need to say here this morning, we continually say it, is that we've been here since the start of time. We're going to continue to be here. It's up to others to determine if they're going to make our stay an easier one or a harder one. But nonetheless, we're not going.

1297. When we travel to other lands, it feels odd. I do a lot of travelling in my role. And when I'm out of s'olh temexw it just -- there's something missing. It's not right. In my mind, that makes sense, because if you go back thousands and thousands of years, we wouldn't have travelled outside of our territory very often, maybe once in a lifetime. And now with today's technology, you're doing it on a daily basis.

1298. But nonetheless, there's heartstrings back to what we call s'olh temexw, what we call home, that feels good when we're there.

1299. And a part of the feeling good is knowing that we're doing what we can to maintain our obligations and our standing orders to look after what is ours.

1300. And most of our -- that's what we're here this morning for, is to look after what's important to us, or at least do what we can to look after what's important to us.

1301. I might have strayed there a little bit, Tim, but I hope that caught what you're looking for?

1302. **MR. DICKSON:** Oh, no, that's great.

1303. There's obviously so much that could be spoken to about where you live, and Stó:lō culture, your connections with your territory, and, I mean, you could speak for days and days, frankly, and all of it would be relevant to the considerations here.

1304. Mr. Victor, do you know -- and now just let you follow on that, on that end, if you wish, or we can begin to narrow it down. But why don't you start off?

1305. **MR. ANDREW VICTOR:** Okay, thanks. I guess the bit that comes to mind after the kind of the brief summary there, in our Stó:lō culture, a special link exists between the past, present, and future.

1306. And it's expressed in various ways, but in our Halq'eméylem language, we have the word *tómiyeqw*, and that would be translated into English as both great, great, great, great grandparent and great, great, great, great grandchild. And the relationship in the meaning of that word connects people seven generations past with those seven generations in the future. And the -- and so living today in the present is the connection between the past and the future. And our culture stems from our occupation and use of s'olh temexw since the beginning of time, since the time of (speaking in Halq'eméylem).

1307. And so we view our place and actions in our world as the center of a continuum extending to seven generations past and seven generations into the future. And so we live today in the world of both of our ancestors and relatives yet to come. And so our culture, including our land, the resources, the people, the ancestors, is ultimately all that we are. And so our culture and the full extent of who we are as the Stó:lō people must be treated with respect.

1308. And so I guess that would be the little bit that I would share with that.

1309. **MR. DICKSON:** Thanks, Mr. Victor.

1310. I -- if you'll indulge me, Madam Chair, to speak myself a little bit on that point?

1311. You know, as counsel for First Nations in various matters and a non-Indigenous person myself, it seems to me, of course, that the Crown has a duty -- the NEB, as we know, has a duty -- to wrestle with the rights of First Nations affected by the projects that you're considering, in the sense of taking into that conception, that different conception of time, and that responsibility that they bear to protect their territories.

1312. And the fact that they're not going anywhere, as Mr. McNeil says, they will continue to be vibrant in their culture, despite all of the pressures that have been intentionally and unintentionally arrayed against them.

1313. But it is deeper than that, in that there is such an intimate connection with their territories. They will not -- that they must stay. You know?

1314. And non-Indigenous people, we wander, you know? Our ancestors wandered and came into this territory. But Mr. McNeil and Mr. Victor and their families, and relatives, and their colleagues, they're not going to wander. And so

that -- the risk of something going wrong in their territory is so much greater for them. They have so much more at stake.

1315. So -- I'm sorry to speak in the third person that way.

1316. But there's that. But the other part of it that's never really spoken of that much is the incredible opportunity for the National Energy Board, for federal cabinet, for wider society to benefit from that different conception of time and that profound sense of responsibility to protect the territory, to listen, to bring in those values into wider society. There's a real opportunity there to expand our thinking.

1317. And if you want to follow up on that.

1318. **TRIBAL CHIEF TYRONE McNEIL:** Thanks, Tim.

1319. Like in terms of family, my own family, we did a family tree a few years ago and we've got about 1,200 on it, and we looked at it -- and this is fairly close family, like fifth cousin. And we looked at it in the context of proximity, and we went out to about fourth cousin and I've got 1,000 cousins -- close cousins living within 30 minutes of me. Like I've got very few family living outside of S'olh Temexw.

1320. Sometimes somebody might go to the University of Toronto and stay there a couple more years and come back, or University of Calgary and stay there and come back, but we tend not to go very far nor very long. It's not all of us but certainly the majority of us.

1321. And it's that sense of family between -- like my personal family as well as our family of communities and our family of community that makes us Coast Salish.

1322. And bridging that narrative of being here a long time, being related, we're not a stagnated people. We're not opposed to development, like this project. We are opposed to any development that does serious environmental harm. It doesn't matter how big or how small. So a part of this conversation needs to be about what safeguards are in place before a project such as this; what tools do we have as Stó:lō people have available to participate in that discussion.

1323. And knowing that there's been a series of consultations by the

Proponent, some of our community support it and signed agreements, and others tried to but never got to a place where they could sign an agreement, but for the most part I would say that should anything happen on the mainland side it's easier to respond and control than it is on the marine side, particularly during inclement weather.

1324. So think of it in that context what happens. What precautions are set in place; and what are some of the underlying principles that we feel we have at hand to have a conversation not only with you as agents of the Crown but other agents such as NRCan and Climate Change Canada, the two departments of what is now INAC, at the federal level, at the provincial level, similarly aligned.

1325. It really starts with the support for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples -- that's a legal framework that both orders of government have adopted with every intention to implement -- and how do we describe that in such a way that it's not something airy fairy, it's a UN declaration that doesn't apply to us, that doesn't connect to us, and when others see it as that, whereas we see it as a guiding legal framework to better relate -- better directly relate to First Nations such as Stó:lō and Coast Salish and others with government, with agents of the Crown, with various orders of government in allowing meaningful space, and nothing short of meaningful space, for us to have a conversation with whatever the project might be -- in this case it's a linear project on the land side and with marine implications on the outside -- with an understanding that we've got positions such as Supreme Court of Canada decisions in *Tsilhqot'in* that affirms title -- and we've got section 35 that recognizes and affirms inherent right -- in a way that isn't, in my view, intended to say no to any development right from the get-go. It allows us to have these kinds of conversations.

1326. We've had these kinds of conversations on the mainland side with Kinder with NEB but that's neither there nor here. But on the marine side we've never had the opportunity to engage like this and that's why we're here this morning. We weren't allowed to raise anything on the marine side under earlier conversations and now we see it as an opportunity to, because there's some values in what we call the marine side that are directly ours along with our Coast Salish relatives here, such as salmon. What if something happens in the middle of the summer when the salmon are coming through? We're directly impacted.

1327. Something that really stands out in my mind for me is that the leaders of the day in early 2000s they seen that -- there's another smaller finned people

that we love dearly. That's what you call the eulachon, we call *swí:we*. It's got some medicine in it that we only get from them when we consume them. And we saw those eulachon numbers decreasing over the years, and when we looked into it we seen that the shrimp fishery was catching tens and tens of tonnes as bycatch and just throwing them over the side of the ship valueless. So we worked with the orders of government and we put a three year moratorium on the shrimp fishery when the eulachon were travelling through.

1328. And at that time we were lucky to even see an eulachon as far up the river as Chilliwack. We typically we have to come to Kwantlen or even Katzie for it, whereas traditionally they went much farther up.

1329. So in that first of the three years that the shrimps weren't allowed to go when the eulachon were in the water the eulachon made it in numbers up to Hope, and we hadn't seen that in generations. So all we had to do was go to the Chilliwack area and catch our need. And that happened for three years.

1330. And then for some reason the powers that be decided that well so and they let the fishery come back in while the eulachon were in the water and we went down to nothing again. Where historically we would be catching hundreds of pounds we were at the point where each community was given 15 to 20 pounds for the entire community. And when it comes to a community like mine with 1,000 members 20 pounds doesn't go very far. Whereas historically when I was a kid, I could eat 20 pounds in two sittings and now we have to spread that out amongst key people within the 1,000 person population.

1331. So should there be an incident when the eulachon come in because they came up every year they could be extirpated completely. So that's a direct impact on us that we want safeguards put in place for.

1332. There's some salmon runs that we rely on, particularly the early Stuart. Going back thousands of years we targeted what is now called the early Stuart for our wind dry, because they had the right balance of muscle tissue and fat tissue that when we worked on them and hung them in the wind, they dried appropriately so that they could last throughout the winter and into the spring. We could do that with other runs but it's just not -- the quality isn't there.

1333. And then over the last number of years that run has been decimated so we haven't been able to target it. But they're coming back slowly, and by slowly I mean what where historically they could have been, you know, fins right across

the river, so many -- so plentiful down to about 30,000 pieces. Now they're rebuilding I believe up into the 60, 65,000 area. Whereas the Department of Fisheries and Oceans tells us they need to be up more than 115,000 for us to access.

1334. So again such a small salmon population, such a short window of time of which they're gathering out here, waiting for the right conditions to go up the Fraser. One incident could wipe out that entire run.

1335. And there's other runs now that they're so depleted we can't even fish them. When certain runs are in the water we have to pull our nets. So one incident and that salmon they're gone. So again that's a direct impact on us. Certainly there's going to be direct impacts on the Coast Salish relatives out here, but it goes up river, not only to us but others as well. Because we're not the only ones that rely on them, others do too.

1336. And it's in that regard that when I say that we don't automatically say no to development. It's about describing what development model might we support. Thinking of the declaration and its requirements for free, prior and informed consent, particularly on the consent to side, the necessary safeguards must be put in place.

1337. And this is the first opportunity we're having to talk about the marine side of safety, knowing that we're not alone. There's other Coast Salish. There's Chemainus and probably Quilmus (ph) and others participating. Hoping there's space for our relatives that are across the border, Lummi and others, because they're here -- they're right here as well. They're the same people as us; they're our relatives.

1338. And have the conversation about the safeguards that are in place. Going back to Tim's comments about we've been here a long time and we're staying. How do we build capacity within our communities, sustainable capacity within our communities here on the Coast within the Salish Sea? Because we're always going to be here. There's nobody that has a greater interest in protecting the marine environment, the coastal environment than we do.

1339. Yes, there is going to be environmentalists and others out there, but they're doing it for reasons other than ours. We're doing it because we're related to features of the land. We're related to the salmon and others. So there's a blood lineage obligation that mandates and obliges us to respond if there's an incident.

But right now, we're really limited on the tools that we have at hand to respond.

1340. Too often when a development comes through others are supported beyond us. Where you might have a local government or others, they might have their capacity built in such a way that they could respond. But we're standing by the waysides, seeing our environment being negatively impacted. And just that inability to act does harm to us as a people because it's our obligation to respond, but we don't have the tools, we don't the capacity.

1341. So I'm really hoping there's opportunity to dialogue about that somewhere in this process, knowing that there is different orders of government, there is different agents of governments involved, there's going to be competition because the local governments want the capacity thrown their way rather than ours. But we really need to encourage bodies like the NEB to take into consideration the fact that we've always been here and we'll continue to be here. Our values of protection of sustainability elevate standards, and I certainly hope everybody's interested in elevated and high standards safeguarding the environment.

1342. But whatever that safeguarding is, about whether its proper response planning should there be an incident, whether it's more research being necessary on shipping, and the impacts and possible impacts of shipping, the shipping lanes themselves, they're getting busier and busier. What are some of those impacts? Broadly, too, and not just on something like orcas that brings in the species at risk process.

1343. And the recognizing that when *SARA* is brought in, it needs to be brought in in its fullest sense, not teased apart and picked apart and to use to anybody else's advantage. The purpose of *SARA* is to protect key species when their numbers are low, and there shouldn't be any watering down of it. That priority over listed species absolutely needs to be fully integrated into any plans, terrestrial or marine.

1344. There's value in coming up with ways and means of doing things that minimizes impact on the environment, whether that's invasive species brought in by tankers and they're flushing their ballasts within the Salish Sea or in the Vancouver Harbour, introducing species that are foreign to this area. And those species don't have any competition so they take over, particularly, like clams and mussels, but there's going to be others. How is that monitored? And again, who is better to monitor something like that than us?

1345. We -- we're really hopeful that -- we're in a position now in our evolving and relation with the federal government, particularly, that's strengthening our relation in processes that lead to decision-making that lead to a new era where the industry isn't monitoring itself, which is historically the case, and we know that that's not a good scenario. And when you're worried about things like the environment and water and water quality, air and air quality, and those kinds of things that -- who better a third part to monitor than us? But again, we need some capacity support.

1346. We need strategies and plans to build and grow our education in key areas, and we're certainly willing to do that. Our education outcomes have been improving considerably over the last number of years, and it doesn't hurt if we start directing some of our community members towards environmental scientists and biologists and whatnot. They certainly have the capability. They just need some understanding that they're going to have a meaningfully paying job at the end of that kind of education.

1347. The -- when we're talking about the safeguards, the -- anytime we do do development in our area, even if it's on reserve, some order of government dictates and directs us that as a part of the development we need offsets. And for us, we always try to turn those offsets into salmon habitat reclamation, restoration, those kinds of things. So where is that here? What opportunities are there to put in offsets about reclaiming streams that have had their salmon runs extirpated since contact? What are the opportunities to reclaim those rivers and creeks and plant new fish in there of the same variety who then become -- call those streams and rivers home, like they have always been historically?

1348. And similarly, for other species like the clams that we would typically harvest -- we, being our Coast Salish relatives, and whatnot -- and look at in a sustainable model that does -- first and foremost protects the environment. As a second, looks at what harm has been done to the environment, and the cost of development should support rebuilding or fixing or remedying some of those harms. So there's tremendous opportunity here on the scope and size of this proposed project, and on the marine side.

1349. And that will be leave two things that have a direct -- indirect impact on us. It brings the salmon back to the locality that's been missing for a hundred years or so, which benefits those people here, the Songhees, the Esquimalt, and whatnot, but it also impacts me at home. Because these salmon runs have been

decimated, they're now relying on runs that I rely on in the Fraser, whereas historically they wouldn't have had to because they had lots of fish -- lots of other resources right there in their -- on their land, in their waters, in their backyard.

1350. So within the last few years, there has been more and more focus on salmon going up the Fraser, whereas traditionally -- and when I say traditionally, you're going back to 1,000, 2,000, 3,000 years -- there is a less of a reliance because everybody had those food sources close at hand at home; they looked after them at home. They didn't have to go too far to fill their caches and whatnot.

1351. So I'm really hoping, Madam Chair, that there's opportunities to engage in a very deep sustainable fashion with the locals and our support, as the case may be around the capacity development, around the resource support necessary to implement at capacity in that response context, in the planning context around shipping and shipping lanes and whatnot, on the monitoring and reporting of whatever those regulations are determined. They need to be policed quite closely.

1352. And in particular, how could we create some spin-offs from this proposed project that actually helps the local environment? In some ways we build, and in some ways protect, and in some ways sustain whatever the local environment's needs are, recognizing that I'm speaking in support of my local Coast Salish relatives out here in Salish Sea in the Strait of Juan de Fuca, and whatnot.

1353. And -- yeah.

1354. **MR. DICKSON:** Thanks, Mr. McNeil. Lots of ideas there.

1355. Mr. Victor, feel free to add on, follow on any of that. I also think it would be useful for the Panel to understand a little bit more vividly that importance of the Fraser and the fish within it to Stó:lō people.

1356. And just to make that real, to the extent you wish to, if you can speak to what you understand to have been the importance of salmon in the diet of your ancestors versus what is possible today because of depletions in the stocks and what that means for the health of your people? You know, the impacts on -- the health impacts of a reduction in salmon, for instance, is a possible way that you might understand what this really means for Stó:lō people when the salmon continue to be -- to decline in numbers.

1357. To the extent you wish to speak to that or anything else on this, feel free.

1358. **MR. ANDREW VICTOR:** Yeah, my hope is that the picture we're trying to present here is that we, as the Stó:lō, have sincere concerns about the project. And that the picture we're presenting, like what our cultural survival, or cultural prosperity is dependent upon our relations and how we relate to, well, what gets called as resources.

1359. And -- like, for present day struggle, I guess one picture is just the fact of the battle with legalities, the battle with jurisdiction, the -- of just having the opportunity to have our cultural salmon ceremony. That it's -- because of the depletion of the Chinook stock and the access to and just the broader picture of that realm of regulation and how that intersects with our cultural lives and how live today in relation to the ancestors of the past and relatives yet to come, that things are already in -- like, we already have sincere concerns as to where we're at culturally and having access to these resources for the survival, culturally, for the prosperity, culturally.

1360. And so the Stó:lō face uncertainty with the project's impacts to our way of life. There are serious risks that need to be assessed according to best practices.

1361. And so if the project proceeds, we want to see the project done in a good way. We want to see it done right and in a way that understands our culture and the impacts that is proposed within the project and the marine shipping and -- so that mitigation measures may be taken, but also that where there's conflicts with our culture and impacts to Stó:lō culture, that we need to see justification, and we need to see it in a way that it also minimized.

1362. And so when we have these anxieties about the potential of a potential spill and the -- well, for me, the impacts are uncertain as to how broadly and how over time the cumulative impacts will unfold.

1363. And, like it was mentioned earlier about the -- just the migration routes of these species and the juveniles pausing in the estuaries, the coastal estuaries, and the potential demise of -- these are sincere concerns of the Stó:lō people that needs to be adequately assessed. And that the time and resources need to be put in to mitigate those risks, but also to, as has been mentioned, to rebuild. And

there are opportunities to rebuild these habitats so that we can continue on.

1364. Like, the -- I'm a father of four children. And there's -- slowly they're all gaining more interest in coming on to the waters and just having that connection to the water, having that connection, culturally, to the water.

1365. And the difficulty is is that there are foods that have been vitally important to our way of life that my children don't even have access to. Like, it was mentioned about the eulachon. And so that is predominately provided for the elders. And so my children got to taste eulachon once to have that cultural connection of who they are. And how can they connect to tómiyeqw, to their ancestors? How can they have that connection to the relatives yet to come and to pass on those teachings where they don't even have access to experience their culture in the fullness?

1366. And the potential impacts of what a spill may have on our culture, as how our culture survives and prospers into the future. And so we can take a look at that in regards to the salmon stocks and to the sturgeon and the saltwater resources.

1367. And so the impacts to the environment -- we need to have them assessed and properly accounted for, and to do whatever can be done to prevent them.

1368. The Stó:lō have anxiety about the project and the risks to Stó:lō culture. And so we require mitigation, we require prevention measures to be put into place to reduce those risks, to reduce that anxiety as best that we can.

1369. And so the goal is for the concerns of impacts to ecosystems, to impacts to communities, to cultural sites, to recreational sites, to species, to the habitat -- yeah, the -- I guess the main stress that I want to give is just the serious implications to the Stó:lō way of life and how to continue to see that our culture prospers because we -- the Stó:lō rely upon healthy ecosystems and continue to rely upon wild fisheries and the saltwater resources for food and for economic needs.

1370. And the -- well, the provincial and federal governments have a legal obligation, a fiduciary obligation, to protect and support First Nations' access to these resources.

1371. And the Stó:lō depend upon the salmon and other stocks in almost every facet of our existence.

1372. The fish hold a central place in ceremonial, a central place in substance, and commercial aspects of our people's lives. The value of these resources has a tremendous impact on our quality of life.

1373. I think it was mentioned, like, about the vessel traffic and the vessel routes. And even if there isn't a spill, that the Stó:lō have concerns about the noise impacts and how significant that they are in marine life and in regards to the southern resident killer whale.

1374. And so, like even that, we need to see mitigation measures that are adequate, that support a continuance of a healthy ecosystem and a healthy marine life.

1375. **MR. DICKSON:** Yeah, and, Mr. McNeil, I'll give you an opportunity to follow in on that.

1376. And also, you know, we've got to start moving into the kind of mitigations we want to see, as Mr. Victor was just saying.

1377. But if you wish to -- before you start talking about that, if you wish to address that question of, if there is an interruption in your ability to fish salmon six months a year, two years, five years, what does that mean in terms of going out on the water and teaching the younger generations to fish? If you can speak to that? And what does it mean in terms of the impact on diet for your people?

1378. And I want to make -- try and see if we can make this a little bit tangible for the Panel on just how direct these impacts are.

1379. **TRIBAL CHIEF TYRONE McNEIL:** Sure. Let me start it this way, Tim.

1380. In my opening remarks, I say that we've been here a long time. We've got stories that predate salmon being in the Fraser River. We've got stories on how we came to an agreement with the Salmon People to allow us to consume them.

1381. And one of the more significant ones is when the first salmon of the

year come up the river, we have a ceremony. Part of that ceremony is how we return the bones of that salmon back to the river. And it's on that condition they continue to come back and they continue to allow us to consume them.

1382. So thinking back about how long ago that was, a couple of ice ages ago, when the salmon first started coming up. We've got stories of when things like cedar trees first appeared on the west coast. It's that -- it's been so long, it's just about been timeless.

1383. In that length of time, and that duration of time that we've had that arrangement with Salmon People and we've been consuming them, that even now in 2018, if we get physically sick, we make fish soup. If we get spiritually sick, we cook fish. When I say fish, it's salmon, mostly spring sockeye as well. When we have a wedding, we serve fish. When we have a funeral, we serve fish. When we have a celebration, we serve fish.

1384. We do so in a fashion that nowadays not everybody gets access to it like they would normally have. So at every opportunity we that have fish, we serve it so others can consume it, because we know it makes them feel good, physically and spiritually.

1385. That -- in doing that, not only are we respecting and maintaining that relation with the Salmon People, we're respecting and maintaining our obligations to our people. If somebody's in need, we're supposed to help.

1386. And although it's probably -- I shouldn't say probably. No doubt, our diet has changed in the last hundred years in particular.

1387. Just in my various roles, every once in a while I'll engage in other people, whether they be Tsimshian or Haida or Nuu Chah Nulth, somebody that isn't Stó:lō, isn't Coast Salish. And of our common remarks that we have amongst each other is, "How did you do in fishing this year?" And more times than not they'd say, "Oh, pretty good. We got what we needed." And I'd make a similar remark.

1388. But then overtime I started wondering, "Well what does that mean to these different people?" And if you were a younger Haida couple living in Vancouver, that was as little as two dozen pints of fish canned. We got what we needed. If you're Tsimshian, it might have been 50 fish, because they store it. They might can some, they might smoke some. Whatever. It's 50 fish.

1389. And relating that back to -- just to me and my wife and my two daughters, these past years, we probably got a little bit less than usual, though we canned 20 dozen pints, 10 dozen quarts.

1390. We wind dried just short of 158 Sockeye. I froze about 20 pieces, 20 fish and smoked about 20. Even that, I feel pretty confident I'll have something left by the time we start fishing next year. But it varies amongst us, due mostly to others, whether your DFO or individual landowners. Our fishery has been limited for generations and it's gotten to the point where some of our families, they don't even fight with the landowners any more because they can't access their fishing sites.

1391. A lot of our community are working pretty good now and because the fishing dates are so sporadic now, they can't take holidays to fish, so it's impacting their ability to fish. And what we're seeing, that those of us that remain close to the fishery that are accessing on a regular basis, our health is remaining pretty good. But for others, we're starting to see there's some other things coming into play. And in some regard, it's affecting them spiritually, I'm sure. In some regard, that disconnection from the salmon is leading to various addictions. There's something missing. They don't know what it is and they try to fill it with something at hand. And that's going to have long-term impacts.

1392. I'm thinking last year was a horrible and frightful year because we never got to fish Sockeye at all for the first time in my short history of 56 years at the time. I'm just lucky I -- we had seen it coming over the previous years so we'd put away a little bit more than we would need that year, so I had stores to tide us over. But a lot of our people, they can only put away enough to last the year, so they went without. And that's harmful, physically, emotionally, spiritually.

1393. We need some way of communicating that a different way. Like, I'm really not sure if you folks can even conceive of that connection that we have with those salmon people, that it's more than a protein, it's more than a healthy oil. It's in our DNA. It's in our spirit. And we may, at some point, be able to come to a point to quantify it in a way that you understand, but we'd hate to do that because then that kind of turns us into a consumer in our relation and that can't be that. It's much more than. Yes, we consume them, but they're not a commodity. They can never be a commodity, yet we need some way of explaining that relation that you folks would understand. And the challenge is up to us to do that. And maybe eventually we'll find a way.

1394. But it's in our relation and necessitates our, I would say demand, that stringent safeguards be developed in concert, in collaboration with Coast Salish First Nations on the marine side and others affected by the shipping side of it, that that co-development lead to capacity development, to sustainability models as communities see fit.

1395. One community, they may want a structure and some resources right within their communities so they have a boat they can throw in the water, go out to right now, and throw some booms in. And if they have that, they're going to deploy.

1396. I'm thinking when the ferry, Queen of the North went down, our folks were the first to respond. When that big tugboat went down just north of Bella Bella, our folks were the first to respond. If we have the resources, we will respond and we'll respond quickly.

1397. But with that said, we also need an opportunity to sit down and have a bigger, broader discussion on potential impacts. If something happens on a nice, sunny, windless day, I'm sure things can be contained in short order. But as you know, we don't get too many sunny, non-windy days here in southwestern B.C. So what different, new and different technologies might we be able to research and develop that does a better job in containing a spill in rougher waters, in storms, that does something to actually contain it? Because right now, for the most -- for my knowledge, there is nothing available.

1398. We're not satisfied that when a catastrophe happens that only three percent of the product is recovered, only four percent of the product is recovered. That's not satisfactory. That shouldn't be satisfactory to anybody, particularly if you're talking about diluted bitumen in an area that's so rich with salmon and other marine species, that it be done in a way that -- if I were part of the conversation, my initial conversation wouldn't be, "No, the project's not happening." It would be, "What are the safeguards you're currently considering?" And given that if I were here, I would argue that I got title to the marine environment, I got title to the coastal environment.

1399. So what you determine as a plan or a strategy or -- and you may even be satisfied with it. Given my relation with that title landscape, I should have the ability to say, "Well, I like what you're doing here, but over here, I think you need to beef it up a little bit. I think you need to grow the capacity within our

communities, build it and grow the capacity. I think you need more equipment at hand to deploy."

1400. We need to be a meaningful part of the communications callout from the command centres. We need to be participatory in processes that is new and brand new to you folks because we've never had the opportunity to engage in that fashion with the declaration, with things like Tsilhqot'in, and at some point, have the conversation where, considering various agents of the Crown, the Crown itself and agents of the Crown such as yourself, when it comes to something like the Supreme Court decision on *Sparrow* where the first priority of any salmon is conservation, and we absolutely support and endorse that. And we come immediately after that.

1401. So you have that decision by the highest court of the land, yet other processes within the Crown, within agencies of the Crown, and third party, could impact that in such a way that there's nothing for us to even access. There's nothing to conserve. What are the repercussions of that in the Crown itself, in the governments that are responsible such as DFO, such as NEB? What are the repercussions?

1402. And I'm not talking compensation because that will be there, but what are the repercussions when the safeguards weren't put in place to protect key features of the land, to protect key aspects of the environment such as salmon, such as southern resident killer whale, such as other listed species that are here? You know, it's not if they're here, they're here. It's about the human condition. The Tsleil-Waututh did their little research piece on what might happen if something happened in the Vancouver Harbour, and that was pretty alarming but telling. So there's definitely a potential for direct human impacts.

1403. And in that, I guess, Tim, leaving it this way, that now is an opportunity to get it right from the onset. Our short history in navigating our way with proponents -- and not just Kinder or Trans Mountain or the new corporation -- but whether it be forestry, whether it be land development, and whatnot, there's that -- when we get it right, good things happen throughout the project. Whether we're a stakeholder in the project, we buy in as a part of the project, or we're accommodated to a fashion that we deem acceptable in our line, project starts in -- well, I guess as is typical.

1404. But we've also shown time over time when we're excluded, when we don’t see ourselves in there somewhere, we have no other recourse other than go

back to the courts. And at least at the higher levels, we found that we tend to win more often than not. And it's going to be really interesting to see how it is that the courts change their lens, although for the most part, the senior courts recognize our rights, recognize our title, and they respond and decide accordingly.

1405. Now, there's another lens that they need to look at us and our positions through, and that's the Declaration, which in my view, will open more doors and more laneways for us to advance our title and rights, for us to advance our participation in decision-making and things like this project in such a way that we're confident in the sustainability of a project, where we're confident in the environmental impacts and whatever they might be, they've been determined and responded to and addressed, and ultimately, that we're confident in any response plan as a result of an incident or an accident suits our needs.

1406. And that way, we're allowed to do what we're obliged to do, look after what is ours, look after future generations. And in done so, that -- it may have an impact on development, it may not. It really depends on the social responsibility aspect any project might take.

1407. And the example I used back in the day when it was Kinder Morgan in and around the social responsibility, because trying to explain to them how important, how valuable salmon are to us. I told the Kinder Morgan that, in my view, if they were to describe a social responsibility model that we would endorse, one would be to use their wherewithal as a pretty good -- pretty big company to work with us to have the fish farms removed within the Salish Sea. Because that's going to remove the negative impacts on salmon going out and returning; it's going to help rebuild abundance, and when there's abundance, abundance can take an impact and survive.

1408. So if we rebuild abundance across the board, in all likelihood projects could happen a little bit easier because there's safety in numbers. You know, we don't want them impacted at all, but nonetheless, there's safety in numbers.

1409. And in that social responsibility, how does that play out when on a linear project that's land based and a pretty linear project that's marine based but has such potential for impact, negative impact, how do we turn that into more positive impacts, knowing that at some point there's going to be an accident? We don't know when or where or how, we just know there will be. When we look around the world, we see others in maybe not similar situations, but similar environments where things happen with ships, things happen with pipelines and

whatnot and see how they respond to it, and just trying to do the best we possibly we can to look after what we're responsible for.

1410. **MR. DICKSON:** Thanks, Mr. McNeil. So both you and Mr. Victor were talking about, you know, the need to make salmon habitat, for instance, more robust so that -- you know, using this project as an opportunity to enhance habitat to help rebuild stocks to safeguard against, not just a risk, but I hear you saying the likelihood or the certainty that there will be some sort of spill at some point.

1411. Another thing that came out was what happens when Indigenous people are excluded, and the flip side of that is what could happen when Indigenous people are included. And we heard -- you were speaking to spill response, and on the map, you know, there are First Nations all along that coast, marine people, a tremendous experience with the water, a tremendous commitment to protecting the waters. And so you were speaking of the importance of them being able to -- of harnessing them to respond to spills.

1412. And then another idea that had come up from both of you is monitoring. And you know, Mr. Victor, you can speak to any of this that you wanted to again, of course, but you know, I also know that both of you want to speak to that concept of monitoring by Indigenous people a little more. Mr. McNeil, you've spoken to it some. Mr. Victor, if you want to speak to that it would be useful, I think.

1413. **MR. ANDREW VICTOR:** Yeah, I guess to be a bit more explicit on what we would like to see here. Yeah. I guess in simplest terms is that, yeah, First Nations people need to be involved and in the centre of everything because that's where our lives are at, and to -- as has been mentioned already, is like we would have serious motivations as to why we're involved, as it directly correlates to our way of life.

1414. And so -- yeah. There needs to be a meaningful role, a significant role, a substantial role in being involved in the oversight and the monitoring of the project. And I guess even more explicitly, we need to see the Indigenous Advisory and Monitoring Committee having a substantial role in the oversight as well.

1415. We're -- the Stó:lō are grateful for the work that the IAMC has been doing, and especially in regards to being in the role of monitoring and oversight.

It's an important step forward. And then I guess just to another -- explicitly, I understood to highlight to what has been said already is -- yeah -- we need to have First Nations people involved in the -- in spill response to have that -- that have a quick response to begin containing, to minimize impacts as best as possible, to be a little more explicit on the vessel traffic and route and the noise impacts, the audible disturbances within the waters and how they're extremely amplified within the water. There needs to be work done to minimize the impacts of those propellers.

1416. And so I don't have the wherewithal to know exactly what kind of recommendation to make there, but whether it's vessels that are in transport or stopped within the -- as they trespass and migrate through these critical habitats that their impacts are minimized as best that can be done. Yeah, those are the few things I can think of at the moment.

1417. **TRIBAL CHIEF TYRONE McNEIL:** Just advancing that a little bit, and certainly concurring with Andrew around my support for the Indigenous Advisory Committee. That's probably the best response government could have ever had is creating that committee and funding it. But I look it as a door opener in terms of opportunity. We've got opportunity to continue growing our capacities that we're playing a more meaningful role and a more direct role in the inspection and monitoring of not only the construction, but post-construction of any project. I could see this -- all this geared towards Trans Mountain and the proposed and existing line. It could be applied broadly across any development throughout B.C. or throughout the rest of Canada.

1418. But we need a -- there needs to be an understanding that on the government and industry side, there seems to be a view that we can choose to participate or we can choose to not in any facet of, in this case, a pipeline, whether it's construction, monitoring, inspection, whatnot. And when in actuality, those opportunities, like many other opportunities within B.C. and within Canada, we're up against a racist environment.

1419. They just don't want to see us participate and they don't want to see us succeed, and that's just our reality. We live it way too often in every spectrum across the province.

1420. So now I see an opportunity through the committee working with NEB to start building our capacity in such a way that we become the inspection arm of NEB. We've got the skill, the capacity, the education, the knowledge, the

experience. You know it's not going to happen overnight, but let's plan it and work to that end because it goes back to, again, who better to monitor than us?

1421. Our values of being here and continuing to be here, of sustainability, of looking after, it's so deeply entrenched in us. In my mind, it's an easy next step to do it, provided there's a forceful reckoning in terms of the industry, in terms of the process, the structures that may be, to work with us, to build our skill, our capacity, our confidence. Bring us into the fold and support us and, at some point, you know, let us go as fledglings that we're inspecting by ourselves.

1422. And I'm thinking that just in the last couple of years where that ship in the Vancouver Harbour leaked 40,000 litres of bunker fluid. It took the current -- the existing agencies eight hours to respond.

1423. Now, if people like the Musqueam, Squamish and Tsleil-Waututh, if they had the capacity to respond if something like that comes up, I guarantee you it would not take them eight hours to respond. They'd be on it right now.

1424. No different than any of our other relatives along the coast here, and there's -- there's facets and components of the marine that our folks, our relatives over here know so well, whether it's tides and tidal conditions, winds, and the impacts it has on water in very specific spots. If something happened in a certain part of the lane, you talk to a couple of local Elders and they'll tell you which way any oil might go, whether it's going to go fast, whether it's going to go slow, whether -- we may not feel any wind here, but it's windy out there and it's going to go this fast.

1425. You know, it's that intimate knowledge that just needs recognition and support built into it in a systemic, sustainable fashion. And it doesn't have to cost anybody anything -- any more than what would be typical. Just that now rather than investing in what might be local governments or others, you're investing in us because of all those reasons.

1426. And being done so in such a way that knowing that should something happen, we're the most interested in an immediate response. We then have the skills and training to respond effectively.

1427. We've had -- we've got the wherewithal to communicate as necessary amongst our people because quite often, we're left out of the communication loops when something happens, and that seems odd when it's our environment

being impacted.

1428. That there's an ability and opportunity to build something with us, in concert with us that is sustainable because I know this federal government wants sustain -- models of sustainability, models of soft environmental impacts on an ongoing, long-term basis. And who better to build that with than us?

1429. And it's in that fashion that all we can do is ask to be included. It's certainly up to you folks and others to open a door or not, but it goes back to my earlier comment that when we are included, good things happen.

1430. And I don't mean that in any threatening way at all. It's just we've seen it over the history. Like take the LNG projects up north now where the First Nations are on board. It's gung ho, let's go.

1431. Here, we've got a whole number of the First Nations supporting the land-based side of the project, some not supporting. But on the marine side, they just haven't had the opportunity to have this kind of dialogue, and I really appreciate the NEB making time and space for that, although I feel it is a little bit rushed.

1432. We're doing what we can in this rushed timeframe. I'm sure my relatives out here feel the same. But it's about having this conversation and finding common ground.

1433. There is some common ground between the aspirations of the NEB, federal government as owners of this project and us as a people that have always been here and always will be here. And how do we find some mutual ground to advance that because there are tremendous opportunities to find that mutual ground, advance things that is win-win. Win-win-win, if you look three ways, and just advance.

1434. **MR. DICKSON:** Feels like a natural conclusion, but Victor, if you have anything else to say on this or Mr. McNeil. And if you don't, that's fine.

1435. And then I know we're coming up on our time, and then I thought that there -- it's possible there would be a question or two.

1436. So I'll leave it with that, if you're good.

1437. **TRIBAL CHIEF TYRONE McNEIL:** If there's questions, we'll go to that. If not, I can easily fill another 10 minutes.

1438. **MR. DICKSON:** We'll leave the opportunity now for some questions, if you have them, and if not, Mr. McNeil might wish to speak a little more.

1439. **THE CHAIRPERSON:** I'll start with the Proponent. Do you have any questions?

1440. **MR. DUNCANSON:** Madam Chair, if we could maybe just have two minutes just to confer and decide if we do.

1441. **THE CHAIRPERSON:** Yes, good.

--- (A short pause/Courte pause)

1442. **THE CHAIRPERSON:** Mr. Duncanson?

1443. **MR. DUNCANSON:** Thank you, Madam Chair. I just have one question of clarification, and it's for Tribal Chief McNeil.

1444. You stated a couple times that -- about engagement and there were certain things that were discussed on the mainland side, but not on the marine side. And I just wanted to clarify. The sense I got was that there was some perceived restriction on what you could and could not talk about.

1445. Can you just talk a little bit about where that came from? Was that something that was stated by Trans Mountain or where did that restriction come from?

1446. **TRIBAL CHIEF TYRONE McNEIL:** It came directly from Trans Mountain and the NEB when at the time for Trans Mountain we were told all we could is -- their own consultation was the 60-foot wide corridor and that's it. Nothing beyond that. Nothing beyond Westridge. And then the two times that we had an opportunity to engage NEB directly they were explicit that the whole marine discussion was off the table completely.

1447. **MR. DUNCANSON:** Okay. Thank you very much for that clarification.

1448. **THE CHAIRPERSON:** Madam Scott?

1449. **MEMBER SCOTT:** I do have a question, and either Mr. McNeil or Mr. Victor you may wish to answer. Perhaps both of you have a view.

1450. We heard a lot this morning about the consequences to the Stó:lō"s way of life and the impact on the Salish Sea that has occurred to date. And the project hasn't been permitted. I just -- I'm interested to know your thoughts about your interest in monitoring and future developments, aside from the TMX project, that you -- if you have any opinion about future development and what impact that may have on your way of life without even the TMX project.

1451. **TRIBAL CHIEF TYRONE McNEIL:** Starting with opportunities of like favourable or positive impact, currently I'm responsible for a contract with Kinder Morgan Trans Mountain on the integrity of the pipe -- existing pipe. That includes integrity digs. That includes right-of-way maintenance. That includes facilities maintenance. So we've been at it just over five years now and it's getting to the point where we're starting to talk about career development re: a linear pipeline in our backyard.

1452. And in that development, we found that who better to safeguard and maintain the pipe directly in terms of the integrity of the pipe than us ourselves. We're not doing it for the money or anything like that; we're doing it because it helps us fulfil our responsibility to maintain the pipe. Yes, Kinder Trans Mountain pays us in that process but it's our responsibility.

1453. And we see that in the past somebody like Kinder -- back when it was Kinder they may have had issues with the public when it comes to the pipeline. And when it's my crew, which is an all Stó:lō crew it's actually exposing the pipe, working on it, fixing it, backfilling it. When the public walks near the site they see all Stó:lō workers, they go good for you, and they turn around and no argument at all.

1454. So there's much more of those opportunities here because why aren't we the tugboat operators for these ships? Why aren't some of us the actual -- working on the ships themselves? Why aren't we working in the harbour? Like under the active participation side but equally on the monitoring and inspection.

1455. There's just too much -- and I don't know those processes well enough

but I just hear all too often because NEB is comprised of industry it's industry monitoring industry and that's isn't a good place to be. You want true third party arm's lengthy people, folks, and companies doing the inspection and monitoring. And again, who better than us? We've got a stake in it like nobody else does. So let's agree on those regulations.

1456. And I would argue that given the declaration, that given the certain Supreme Court wins, I as a leader and we as Stó:lō and Coast Salish leaders have the right to call NEB in particular to a table in such a way -- let's take a look at your regulations, are they adequate. If they're adequate let's check them off. If they're not adequate let's have the discussion to make sure that we deem those acceptable. Because in a title position I feel we're in a place to deem them acceptable or not. So we're having a different conversation with you as a Crown agency to build in necessary safeguards.

1457. And then on the flipside of it, it won't be me doing the inspection, it will be some other Stó:lõ that's got years of experience on pipelines doing inspections, who has a career as an inspector, that has a career as an environmental scientist, that has a career as a biologist, and so forth. So you're building sustainable capacity within our population. Something that we don't have great opportunity to do.

1458. But we certainly appreciate at least existing pipe in the ground, it's been there for a while; it's going to continue to be there for a while, so why don't create space, ways, and means that we're more participatory and for the right reasons. Our reasons are safeguarding the project.

1459. And from there whether we -- going back to my earlier comment that one of the reasons I really like this conversation here, and in particular the development and ongoing development of the advisory committee, it's an opportunity for us to come together on a linear project, pipeline and marine wide, in a fashion at least southern B.C.'s never had before.

1460. We've never -- I've never ever engaged Alberta First Nations on a project that directly impacts me and directly impacts them, and I'm finding their values are really similar to ours. So let's come to some common understandings amongst each other.

1461. And I know you folks aren't responsible for this but Canadian government is, creation of the *Indian Act*. You created 203 *Indian Act* bands.

Technically you did, you're an agency of the Crown. You created *Indian Act* bands out of tribes and nations. Where in a nationhood conversation we used to do so much better because we are truly a nation, same language, same culture, same history, and whatnot.

1462. So because the Declaration is there, it's how do we bring that sense of nationhood into play on a project such as this, or other projects. It means we want to be a part of the discussion at the earlies stages. We want to be a part of the development or ideally co-development of an initiative, whether that's us buying stake into it or otherwise, whether that's us taking a look at what do you have in place right now to safeguard the environment; am I satisfied with it or am I not?

1463. And you having that responsibility and authority over those regulations now see us as an equal in that conversation at the right time, at the right place, that we have that conversation. There's probably regulations that you -- because your committed, you're scratching your head why is the regulation like that? Well, let's create some space to have conversations and do good things.

1464. And then from there -- going back to the -- I'm really hoping you folks get the Declaration because it explains our perspective given a different fashion, that we want time and space to be a part of the regulatory system, whether that's inspections, whether that's reviewing and approving regulations, whether that's evaluating regulations and evaluating those inspections, those monitoring pieces that are put in place.

1465. You just can't set up a monitoring regime and hope it does well. It needs to be reviewed. Who better to do that with than us? Who better to actually do the inspections, ensuring high standards, that those high regulations are being met and maintained on an ongoing basis then doing it with us?

1466. So in a long-winded way of saying, in my view, we're at a time and place here in 2018 where there's opportunity to engage us in a different fashion by the NEB that's inclusive, that's open, that recognizes we've got title, we've got say, and that say doesn't start with an automatic no, it's let's look at it, let's build in the necessary safeguards, if the safeguards are there we'll support it, if the safeguards aren't there we won't support it. We're that transparent.

1467. So it's opportunities to get things right at the earliest stages, and we don't get those opportunities very often.

1468. **MEMBER SCOTT:** You've answered a question I'm not sure it was mine, but maybe I'll try one more time. I'm asking you to assume that there isn't a TMX project that the Westridge Terminal project -- the expansion isn't allowed. And I see a lot of work, according to the evidence that we're reviewing now on the part of the Government of Canada that they're undertaking in the Salish Sea. And your concerns are expressed about this project. And the evidence that I'm seeing from Canada indicates, if I can describe it, a more system-wide approach to the problem faced by the environment in the Salish Sea. And I'm wondering if you had any thoughts about participation with respect to activity in the Salish Sea beyond this project. It's a hypothetical. And I'm sure the lawyers over there would like me to stop asking it, but I am interested in the answer.

1469. **TRIBAL CHIEF TYRONE McNEIL:** Thank you for that clarification.

1470. My comment earlier about the advisory committee and allowing us to come together like we haven't come together before, that's my direct input on the land bay side. We're creating new space, new ground. I could see that happening in the Salish seaside as well, because in an ideal situation, our Coast Salish relatives and elders are coming together with folks like you, with folks like NRCan and others, and having a conversation. What is the appropriate table to set to have a conversation around this kind of development?

1471. **MEMBER SCOTT:** Yeah, I guess my question is more focused on whether or not there is a project, whether or not there is an increase. I'm interested in understanding what your thoughts are with respect to continue -- the go forward by Canada in their initiatives in the Salish Sea?

1472. **TRIBAL CHIEF TYRONE McNEIL:** I'm absolutely expecting that, because we've been trying to undertake that for the last 20 years or more.

1473. We've got a body called the Coast Salish. We're meeting on a regular basis. They're the ones that came up with the Salish Sea Initiative. And they're just -- just the renaming the Salish Sea, I think is an acceptance by the province that, you know, yes, we're here and whatnot.

1474. But from there, the emphasis of that Salish Sea Initiative is around the environment. So whether it's oil shipping or other commercial activities, fish farms, other development, increased ferry traffic, those kind of -- those are all on the table, absolutely. But right now, they're disjointed.

1475. Here, if we come up with a plan -- whether it's implemented or not, we come up with a plan that brings together federal government, provincial government, Coast Salish and other First Nations, local governments, and set the table to have those conversations, this is a tremendous opportunity to do that.

1476. And I think over time you'll find that given the right circumstances, we're all more than willing to try to work together. We just rarely get the opportunity because the province will say, "Oh, that's a federal responsibility." And the feds will say, "Oh, that's a provincial responsibility." Local governments will say, "Well, that's not your responsibility; it's somebody else's."

1477. Let's just try to take -- this is an opportunity to take all of that off the table and start new and start fresh. It doesn't matter what the development is. It doesn't matter what the potential impact could be, because it's not necessarily a marine-based development that could impact the environment of Salish Sea. It could be land-based having an impact as well.

1478. But ultimately, it's about safeguarding the environment and I'm certainly hoping everybody is interested in that, whether you're from here or not.

1479. I hope that got a little closer to answering your question.

1480. **MR. ANDREW VICTOR:** In what I understand of your question, I guess my short answer would be yes, that we would be interested in having a role there, in monitoring whatever, whether it's this project or other activities because we'd like to see our culture and customary laws acknowledged and honoured and having a role in our lives and how our lives are impacted.

1481. And so -- yeah, so what -- yeah, I'm not really sure which way to go. Like, I appreciate the comments that were said, but I'm not -- kind of lost of where direction the question was going at the moment.

1482. **MR. TIM DICKSON:** Ms. Scott, I wonder if I could add in a few comments?

1483. **THE CHAIRPERSON:** You're not supposed to testify, but I'll let you go and I'll intervene if it's not proper. You know, give it a try and we'll see.

1484. **MR. TIM DICKSON:** Well, I just wanted to observe that with this

project, being of the scale it is and of the national interest it, national interest in the sense of just gathering so much attention, I think you -- I expect you will hear over the course of these hearings and during this process that that need for strategic planning and the inclusion of Indigenous people in that strategic planning and we see more of an effort in the proposed legislation, Bill C-69, to move in that direction.

1485. And, you know, whether there is a project or not, what this consideration of TMX brings to light is the need for more and more of that strategic holistic planning with Indigenous people right at the center of it.

1486. **MEMBER SCOTT:** Thank you.

1487. **THE CHAIRPERSON:** And that was okay.

1488. I have a question for you, and it's -- maybe you didn't give it much thought so far, but we heard loud and clear from you, but also from other First Nations, how you desire to be involved in monitoring, who better than us? You know? And it was interesting to see how you, on land, you are already involved.

1489. So what I would like to hear from you is whether or not you have any kind of thought, vision, or suggestion on how can this be achieved, because, I have to be careful of the word I use, but, you know, transporting oil and gas, it's kind of a dangerous thing. We have lots of regulations and safeguards and we're keeping people safe, but it's not something that, you know, that can be tinkered with.

1490. So I was wondering whether or not you had a vision as to how to prepare and set the way for eventually having First Nations who on the land, know the land, to be able to be more involved, in whatever capacity, whether it's working for the NEB or formal -- you know, formal monitoring, you know, whatever will be.

1491. So perhaps you've thought about this subject, both of you?

1492. **TRIBAL CHIEF TYRONE McNEIL:** Some of the -- some, if not all of things we're currently doing with Kinder Morgan, it's the first time -- with Trans Mountain, it's the first time we've ever had an opportunity, First Nations, digging their live pipe and repairing it. We've got just about six years of experience with that now.

1493. So I could see directly or regularly that the folks that I am involved right now, I want to continue training them, building their capacity to that inspector level, where at some point, after 10 years of experience with me, they're ready to step into an inspector capacity kind of across the board. Then, like, I let them go, you hire them as inspectors, because they -- for all the right reasons. And by then, I've already got a plan to backfill those people that I'm losing going on to inspectors, and I'll continue to elevate capacity across the board.

1494. Because it's about career definition, career development. I know some of my folks, they're not going to want to work with me forever. Some of them are going to walk -- want to step into that inspector -- you know, take on more responsibility, because they've got the skills, capacity, and experience to do so.

1495. And it's about describing that space at the appropriate time, finding a way to build capacity.

1496. That's -- my earlier comment about advisory. Their ability to support us, to build that capacity, we've never had that dedicated support before. We've got pressure, we're too reliant on INAC or what is now ISC for our post-secondary in training, the funding is inadequate. Well here's some new funding, it's dedicated, it has the ability to meet our capacity, development capacity, grows needs. And I'm just hoping that that investment by Canada is continuing and ongoing because, first, to start occupying the space more meaningfully, whether it's my folks moving to inspectors, or the folks out here going from -- I'm looking on the map from the marine side, going from tug boat operators, to captains of vessels. You know, that kind of thing. It's career opportunity.

1497. And looking at that, where it might be transferable with your tugboat for an oil tanker, or a tugboat for a freighter, you know it's the same skills and same capacity. It's about building our capacity and creating space. Knowing that there's things out there that kind of work against us, it's removing those barriers and creating more space for us.

1498. And the monitoring piece, it's such an easy fit for us, because we're -- so the way our elders put it, we've been here so long, we're related to the soil that we stand on. We're born, we're sustained from the land. When our time is done, we return to the land. So you could say that for any part of (speaking in Native language), including my relatives out here could say the same thing. So it's that value of -- the true integrity of something like a linear project like this that we

need to be there firsthand. Our history has demonstrated to us that we can't trust anybody else.

1499. So let's build our capacity and work with regulators that were occupying a space in such a fashion that our chiefs see First Nations inspectors out there. They're relieved when they see that. And you're relieved because we've got the skill, capacity, and experience to do that in a professional manner, maintaining, knowing what the regulations are and ensuring that they're maintained on an ongoing basis.

1500. And if we're the ones doing integrity work on the pipe, again, that's another level down. We have confidence because we're doing -- we're seeing firsthand that it is an integrity maintenance program. If we're not in that trench, all we can do is guess and speculate and too often, that comes our negative.

1501. **THE CHAIRPERSON**: Mr. Victor, anything to add?

1502. **MR. ANDREW VICTOR**: No, I'll just affirm what he said.

1503. **THE CHAIRPERSON**: So like they say, seeing is believing.

1504. So we'd like to acknowledge the Stó:lō Tribal Council for their traditional knowledge and a bit more that you have shared with us today. We'll consider all we've heard as we decide on our recommendation for this hearing. We will reconvene this afternoon at 12:30 to hear from the Kwantlen First Nation. And thank you very much.

--- Upon recessing at 11:14 a.m./L'audience est suspendue à 11h14
--- Upon resuming at 12:32 p.m./L'audience est reprise à 12h32

1505. **THE CHAIRPERSON**: Good afternoon.

1506. Before we commence our hearing today, the Board wishes to acknowledge with respect the Lekwungen-speaking peoples in whose traditional territories we are gathered, and the Songhees, Esquimalt, and the Saanish peoples whose historical relationships with the land continue to this day. It's with truth and respect we would like to acknowledge all the Indigenous ancestors of this place and reaffirm our relationship with one another.

1507. I understand that you want to start with a prayer, so do you want to do it now or do I go -- now? Okay. That would be good. Thank you.

1508. **MR. DICKSON**: Madam Chair, perhaps I could first say on the record, I'm Tim Dickson, representing Kwantlen First Nation, their representatives here, and I'd ask Kevin Kelly to introduce them. Thank you.

1509. **ELDER KEVIN KELLY**: Beside Michael is my wife, (speaking in Native language), female version of her late father, Grand Chief Joe Gabriel, Hereditary Chief Manuel Gabriel. I forgot to mention my name, (speaking in Native language) and I'm married to the chief.

1510. With that, my son will pronounce our hereditary council. We're honoured to be here and thank you.

--- (Opening prayer and song)

MARILYN GABRIEL: Affirmed
TUMIA KNOTT: Affirmed
LES ANTONE: Affirmed
KEVIN KELLY: Affirmed
MICHAEL KELLY-GABRIEL: Affirmed

1511. **THE CHAIRPERSON:** Thank you. A very good way to start an afternoon. So everyone is welcome to the Oral Traditional Evidence Phase of the National Energy Board hearing regarding the Trans Mountain Expansion Project Reconsideration.

1512. My name is Lyne Mercier. I'm the Chair of the Panel. We me on my left is Alison Scott, and on my right is Murray Lytle. We want to welcome everyone who is here today, both in the hearing room and listening in to the webcast.

1513. As a matter of housekeeping, I would like to describe the evacuation procedures in the event of an emergency. If the building's evacuation tone begins sounding and we're asked to leave the building, the muster point for the venue is the waterfront walkway. Please exit in an orderly fashion through the lobby. At the muster point, please ensure your party is accounted for.

1514. In addition to the Panel, we have staff in the room to answer process-

related questions that you may have. You will be able recognize them by their brass nametags.

1515. With respect to our schedule for the hearing of oral traditional evidence, today we have scheduled time to hear from two Indigenous groups. So there was one this morning, and you are the one this afternoon. We will normally plan to take breaks if required.

1516. In order to be fair to our presenters, we have allotted about 2-hours to hear from you. If 2-hours is not enough, at the end of the session please feel free to file additional oral traditional evidence by electronic means such as video or some other method.

1517. Before we get underway, I would remind parties of the Panel's guidance in the Hearing Order and procedural directions in regard to oral traditional evidence. The Board understands that the Kwantlen First Nation has an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. Sharing your knowledge and stories about the use of your traditional territory is of value to us. We appreciate that you've chosen to be here today with us.

1518. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for the witnesses. If so, witnesses can choose whether they will answer orally or at a later date in writing or a combination of both.

1519. With that, we believe -- I believe we're under -- we are ready to get underway. Before I call into the Kwantlen First Nation to present their oral traditional evidence, I'd like to have the representative of the Proponent, Trans Mountain, introduce themselves.

1520. **MR. DUNCANSON:** Thank you, Madam Chair.

1521. Good afternoon. My name is Sander Duncanson. I'm with the law firm, Osler, Hoskin & Harcourt representing Trans Mountain. With me is Cassie Richards, and with Trans Mountain, Max Nock. So thank you.

1522. **THE CHAIRPERSON:** Thank you, Mr. Duncanson. And also, I'd like to ask if there was any other intervenors in the room who would like to introduce themselves, or if there is any preliminary matters that you would like to

raise. And for the record, please could you indicate who you are and who are representing. Thank you.

1523. Can you please come up to the -- one of the microphones? Oh, you have one. Thanks.

1524. **MR. MURRAY:** Thank you, Madam Chair. Thank you, Panel Members.

1525. My name is David Murray. I am a senior policy advisor with Natural Resources Canada. I'm here as a representative of the Federal Crown to hear the witnesses' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project. I do not intend to ask any questions today, but rather I am here as a representative of several federal departments and agencies that are registered intervenors. If necessary, we will ask additional questions through the NEB's information request process. Finally, I'd like to note that I'm honoured to be present at this hearing in the traditional territory of the Coast Salish. Thank you.

1526. **THE CHAIRPERSON:** Any other persons? I don't see any.

1527. So once again, we want to thank you for welcoming us today with your prayer, and we welcome you to our hearing process.

1528. With that, maybe we'll ask our lawyer, Mr. Dickson, to make an introduction. Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR KWANTLEN FIRST NATION:

1529. **MR. DICKSON:** Thank you, Madam Chair.

1530. You may know the Kwantlen First Nation is situated across from Fort Langley. Their main residential reserve, as you will hear, is in an island -- is on an island in the middle of the Fraser River, within the tidal portion of the Fraser River.

1531. And we have a number of speakers here today. Three primarily will speak. And as with the last panel, these speakers will want to give -- try to give you a sense in this setting and in this time of what -- of the profound importance

of their connection to their territory, and particularly the Fraser and the salmon within it and their linkages with the Salish Sea, and the anxieties that they have about this project, and the directions they believe would have to be taken to ensure that the project is done as safely as possible, if it were to proceed.

1532. So we'll start off trying to paint for you a picture of who the Kwantlen are, and again, of the profound importance of the river and the land to them, and just what they have at stake with this project and all the industrial development that goes on around them.

1533. And so with that intro, I'd like to turn first to Chief Gabriel for an opening comment.

1534. **CHIEF MARILYN GABRIEL:** O Siem, respected people, hardy leaders.

1535. I am Chief Marilyn Gabriel of the Kwantlen First Nation. My traditional name is Stakwsan. I stand with my family here to give me strength for the words I need to leave with you to your people on the importance of our sacred land, our sacred water, and our sacred ocean.

1536. Our people have been here, and you probably heard it from the other leaders, we've been here since time immemorial, and as First Nations people, we have a responsibility to take care. We're the caretakers of our land, our water, our air, and everything around us, and we are here to protect it. We're the protectors as well.

1537. When we come together -- it's so fitting that we're here in Victoria. Our family just did cultural work here a couple of weeks ago. When we walked in Songhees First Nations, the words said, "notsoman, notsoman, notsoman", "we are all one". In our language at home it's "lotsoman", one mind, one heart. And that's how we proceed as a people.

1538. We're told by our Elders and our old ones, that has passed down from our ancestors that everything we have, everything we are is sacred to our people. Everything. We have to take care of everything and every being on Mother Earth. That is our responsibility. But I say to you now, as I say to people that we work with, now it's all of our responsibility. You are living in our home. You are living in one of our leader's traditional territories throughout B.C. and Canada. So now we're tasking you that it's your responsibility. You have to be just as

accountable as us to our Elders.

1539. Everything we are, everything in the water, the finned, we have to look after; the two-legged, the winged ones, the four-legged, the mountains, everything we are responsible and accountable for. Now, that's on a national level because everyone's living within our territory, so you're equally as responsible as us.

1540. When we sit here, our teachings -- because we don't sit here for ourselves, nor should you. We sit here for the next seven generations.

1541. That is a task we hold dearly to our hearts and weighs on our shoulders. Now I'm saying that's your responsibility as well because you're within our territories. You're within all our homes. That's a big responsibility.

1542. We're honoured to be here. We're honoured that -- as one of my Elders said, please don't have painted ears. Please listen, not only with your mind, but your heart. We all have that responsibility.

1543. Our water is sacred. We host the salmon ceremony every year, and it's getting harder and harder to find a salmon to share with the whole community to honour it so our salmon people come back and will give back to the water.

1544. And we also pray for the precious water, the rivers and the oceans that our fish swim in, that only we rely on the salmon. There is many things that rely on the salmon. The further and further you go out to the ocean, there's a lot of species, lot of mammals that need it. The eagles, the whales.

1545. Not only our human being-ness, our animals. Our animal spirit needs that, too.

1546. So I guess when we come, our people -- all of our people, all our leaders come. We're speaking for them, too. We have to. That's our job. That's what we're tasked to do as a young child, to take care of that in a good, kind and respectful way.

1547. Everything we do, everything we do as a people impact something. We sit here because our Elders sent us here. Every -- each and every one of them sent us here to say *éwe*, no. Not on their watch. No way because I cannot put that on them because we're here for the next seven generations.

1548. That's not ours to do. And as a leader, I won't do it. So the answer in our nation is *éwe*, no.

1549. Again, I'm just grateful to be here and I will speak when my heart tells me to, but I wanted you to know from our people everything is sacred. And it's all of our responsibilities now, each and every one of us, to look after that.

1550. When we told one Elder, he said, "Marilyn, one drop of oil is too much". One drop. That will have an impact on our people. One drop. We're not talking about an oil spill and how we're going to fix it, if and when it happens because it will happen. We're human beings. We don't have answers to everything. It will come.

1551. And our salmon is depleted. Scientists tell you that. DFO tells you that. Our Elders tell you that. What are we going to have?

1552. For our people, our salmon is the most sacred thing. That is who we are. You heard prior, it's in our DNA. What I tell our people, it's part of who we are.

1553. If we lose the salmon, you'll lose our people. You lose the salmon, you lose our people. That is what we came to tell you.

1554. The next seven generations is your responsibility. That's what I'm telling you today as a leader.

1555. So many things that we do as human beings, mankind don't think that far ahead. We're told that since we're born as a people. One drop is too much.

1556. I thank you for listening. We're honoured to be here. And again, we're speaking for our next seven generations.

1557. **MR. DICKSON:** Thank you, Chief.

1558. I'd like to turn to Councillor Knott and Councillor Antone to try to expand on that critical point the Chief made, that you lose the salmon, you lose the people. And perhaps you could speak some more to the importance of the river and the salmon to your culture, to your people, to the health of them.

1559. **MS. TUMIA KNOTT:** Thank you for the opportunity to speak.

1560. We're blessed in our community at Kwantlen with very wise traditional knowledge that has been passed on to us today, and we're doing our best to carry that forward for our children and grandchildren and the next generations beyond that.

1561. I was blessed -- I have been blessed in my time at Kwantlen to sit with many of our Elders, and they've shared so much guidance and knowledge to me personally that has guided me.

1562. And one of our dear Elders, one thing she always spoke of was our connection to the river, and she described it. She said to me that "We are the river. The river is us. We are connected to that river. We are responsible for the health and well-being of that river and, in turn, it is responsible for our health and well-being".

1563. It's a very sacred thing, our connection to the water that is around us, and I feel very blessed where we're situated in that water is all around us.

1564. In the big booming metropolis of the lower mainland, one of our reserve lands is on an island that's right in the middle. The river goes all around us.

1565. We have, for generations, had longstanding connections to the river, many settlements and village sites all throughout the river, throughout its tributaries, as the Fraser River connects to the ocean, as it connects to other tributaries going to the north -- northern parts of our territory. It is our access way to so many different areas that we harvested traditional foods, medicines, our trade routes with other families and communities. It has been the provider for us of food sources that our people rely on.

1566. So when we think about the impacts that our territories have been through in the colonization of our territories it's very profound, and we celebrate those times when we can connect, as we know that our ancestors always connected, but when we have those opportunities to connect with the water, with our natural resources, with knowing that this has been a place and a space that we've always had a connection with, it's something very difficult to describe. It's something very spiritual. It's something very connected.

1567. We carry -- we try our best to carry that connection in everything that

we do so again that decisions that we're making respect that connection, because it is part of the way we look at the world. Everything is connected. We are all connected to the place where we live, to the bounty that it can provide to us. We're connected to each other. We're connected to our different generations. We're connected to our ancestors. We're connected to the legacy that we leave for the unborn and our next generations.

1568. And it's very hurtful and it does something to your soul when you see decisions being made all around us that seem very short sighted.

1569. I feel blessed to be able to be here as a representative of my community. I treasure the work that I do for my community. And echoing our Chief's comment of feeling that it is a responsibility that we carry to come today with the knowledge that we have been blessed with to share that and to encourage consideration of our perspective the way we look at things in the world around us, and that that becomes part of the thought process and consideration for big projects such as the Trans Mountain project.

1570. I know we'll have many other opportunities to share during the time we have here so I'll allow Councillor Les to carry on.

1571. **MR. LES ANTONE:** Thank you. My name is (Native name) Les Antone.

1572. We've been council now for gosh 26 years, I believe. We've lasted that long in council. And we've seen the changes come and go, good, bad, and ugly.

1573. As far as the river goes, the stocks of concern. The species at risk are growing and growing, which to us in the river it means a constraint on our fisheries, as if we didn't have enough constraints in our daily lives being First Nations. And all the influx of people and the multiple -- millions and millions of people coming to the Lower Fraser now. Surrey's going to grow, Langley, Mapleridge, Mission.

1574. We were part of New Westminster one time. We had two reserves down at New Westminster, but we called it Qayqayt. It's our meeting place right alongside the Musqueam. So we had the best of both worlds one time. You know, we fished any day we wanted. We had sturgeon. We had eulachon. We had steelhead, coho, chinook, sockeye. It was heaven on earth one time. But now

it's like stocks of concern. *Species at Risk Act* taking over, which just means more shutdown.

1575. I mean, we used to fish 12 months of the year. Now it's -- I think we're down to hours. We measure some of our fisheries in hours. Six hours for chinook, the early time chinook in April, May, and then skip a week, and then we go another six hours, because they measure our effort. DFO, I mean. They as a DFO.

1576. And trying to work in a co-management way in our mind we think it is but the Minister of Fisheries and Oceans we haven't met him. We had a -- in the last three years, as you know, we've been through three Fisheries ministers from Tootoo to LeBlanc and now were on Wilkinson, who lives in North Vancouver, and he's an MP from there.

1577. But we've sent several letters regarding fisheries and how to protect our right to fish, which is -- you know, it's guaranteed under their Section 35(1) in the Constitution of Canada. But what our Chief and Tumia speaks about it's our inherent rights that we have, the one that goes back thousands of years, and we have the anthropological proof in our archeological sites, getting those carbon dated when we find enough sites, find the fish bones from 8,000 years ago and our harp features in our area in the Stave, in the Fraser River.

1578. And we have several stocks of concern that the list keeps growing. It's just not stopping. I mean, when does it all stop? That's what we keep asking. Because we deal with that species at risk. We deal with a policy that we can't change in Ottawa. Can't even meet with the Minister.

1579. And the administration of it all is -- you know, I go to all the meetings. A lot of our fishery reps in each village -- 23 Nations under one roof. But we send our paperwork back and forth. It's monthly meetings, it's weekly meetings, on top of all of our council business with our elders, which we meet monthly and sometimes biweekly. I think we wear out our elders pretty good looking for input back from them.

1580. And oral tradition it takes a while for you to get something back from an elder sometimes, the right answer that you'd like an answer of any kind. But we're doing it. I mean, it was almost taken away with the *Indian Act*, and the *Fisheries Act* did a lot of damage to our rights, something that we're tap dancing around now today.

1581. But I think, in my opinion, we are in a crisis. The fisheries for our people is in crisis already. Last -- two years ago we had no sockeye. And Marilyn talked about the first salmon ceremony. Well we had no fish to share. And when you've got 400 or 500 people coming to your village to share fish at a salmon ceremony what are you supposed to do, you know, you can't serve Kentucky Fried Chicken, but we do anyway. We try to put away as much as we can when we can, but the truth is the way the food social ceremonial is being handled and all of the user groups fishing ahead of us in the Salish Sea -- you've got the recreation, commercial recreation.

1582. You've got the west coast to Vancouver Island troll fisheries, Johnson Strait, San Juan, west coast Vancouver Island, they're all taking before we hit the river. And they'll take up to 37,000 pieces before we get to go out. So the priority is by the DFO and the way that they're handling it is skewed. We're supposed to be first after conservation. And we do believe in conservation because we see that when sturgeon are dying and eulachon are dropping off to nothing.

1583. So we don't fish. We're the first ones to not fish. And we bear the brunt of the conservation annually, every year. We're getting used to it, which is kind of -- we shouldn't be getting used to it. We should be fighting for it, but we are fighting a losing battle when you got 200,000 sports and rec licences out there in the Salish Sea and in river now as well as all us commercials. Then you got the sport fishing guides out there who are -- you know, they charge 500, $800 per person on their boat. They're out there.

1584. Our biologists see that. They tell us when they catch a ferry. There's 200 boats at times taking 4 a day, 2 a day, or there's no real monitoring. They call it a Creel Survey, which we get -- they're rated in December. So we should be getting -- we got the reports now for last year. But that's too late in our game.

1585. So and then, you know, we add all kinds of other stuff in there. There's the fish farms, of course. We're all against that because it was never -- we were never consulted properly on that. We never gave the green light. A lot of the coastal nations are trying now, but as you see in the newspapers and the headlines, it's not a good story. They just move them off the migratory route because that's where the smelts go through. Like, they'll funnel out of the river even though we've constrained ourselves and our fishermen, which is the hard part, holding our fishers out of the water. And then the smelts will come out and

they got to swim through that and they got to swim by those places, and then that's where they -- you know, they can't survive through all those -- the diseases, the fish lice or whatever else is going through them.

1586. So there's a lot of stuff that's happened in our world in the last two decades that's not good, not good to the river, not good for the salmon, which -- you know, when the salmon are running, you should see our community. We're just buzzing around. Everybody's doing something with fish, cleaning fish, freezing fish, canning. The kids are all packing fish away and icing and doing all the stuff that we used to do.

1587. But it's very short, a short amount of time in now and the summer because some summers, we didn't fish in July because of the constraints on the Sockeye not coming back in big numbers. So we agree to sit out and let the stock rebuild. But it shouldn't be just the First Nations doing it. It should be all recreation and commercial have to buy in, but they're not right now.

1588. So we don't want to point fingers. We're taught to not do that, to try to build an understanding. Understanding is one of the seven great laws that we lived under in the generations -- generosity, humility, happiness, health, that's all the other great laws that we live under to protect the environment around us. And we use that. We're being re-taught that because it was taken away for almost a generation. But we're rebuilding.

1589. The fish are not coming back now and now you got to include the killer whale and other species out there that are dying off and we're over fishing still today, which is really not -- in our minds, it's not right.

1590. So and if the Trans Mountain Pipeline goes through and we start to increase traffic in that Salish Sea, then you know, it's -- we could almost say that it's going to happen. There's going to be a nasty accident out there with one of those tankers.

1591. And we've seen the examples of how the feds and the province react to a spill, just a small one. I mean, that small boat, that tugboat, there was a couple in the river that it took two weeks of meetings to finally get them to tell them to lift that thing out of there. And we're hearing from Montreal, Quebec, and Ottawa, people in Natural Resources that, you know, we got to get the go ahead for them to remove impediments in our rivers, in our ocean.

1592. So but we're trying. We stayed fast at our job. We keep pushing them to help -- well, stop the decline of the stocks first because it's growing. It's not getting better. And now you got to add steelhead to the thing. And so that's another constraint coming next year which could shut us down for September, October next year. There might be no gillnet fishing. So we're looking at that now. So we finally got a little heads up from Fisheries and Oceans that that could be coming.

1593. So and can the crisis withstand any more? I mean, do these other user groups know that it's not a bottomless pit any more? It's not. In the eighties maybe, seventies and eighties maybe when it was a lot -- where we were catching boatfuls and the commercial industry taking so much fish they were sinking boats in the Fraser at one time. And we saw that. We witnessed that in Area E Commercial which is in our backyard, below Mission Bridge.

1594. So we've seen it. We've experienced it. And it's just a waste of fish. They overdid it. They over fished. And then the next generations are paying for it. Now, our generation is paying for it. And there's not too many young people that are making a living off fishing in our area any more. And that's when I was growing up in Chehalis River and moving around in the tributaries taking salmon whenever we wanted, we only took what we needed though and we shared that, what we caught.

1595. But now it's -- now it's in dire straits. And we can't allow any more disasters in this water or in the air. I mean, we're surrounded by it, but how do you be a part of it? Are we true co-managers or not? That's what we keep asking DFO because they try to play us sometimes. But we're still restricted and constrained and so I think that's about all I got for now and I'll add to it.

1596. And thank the Chief Marilyn and Tumia for adding those good words that we can build on. Thanks.

1597. **MR. DICKSON**: Thank you, Councillor Antone. I will want to speak to your concerns about the marine shipping and some of that has been coming out. I wonder if we can still, however, talk a little bit more about the importance of salmon, again, to ground this for the Panel?

1598. Councillor Antone, you were talking about when the fishing is on, what that means for the community. And the community is really buzzing. And I think it would be useful for the Panel to hear what it means when there isn't

fishing for your community and what that means for teaching your young ones your culture.

1599. And another side of it that I think would be useful for you to hear is what the decline in salmon in the river has meant for the health of your people, for their diets, in as tangible terms as you can for people who are not well off in a cash context, don't have a lot of money for other foods. If you could speak to that a little bit as well. Thanks.

1600. **CHIEF MARILYN GABRIEL**: *O Siem*. You have to know sitting here how hard it is to try to gather we need to hear on behalf of our people and it's such a short time.

1601. I think what my -- as you heard, he's an expert on salmon. He's been our salmon portfolio holder since he's been in as council so he knows every start. You can try him, but he'll get you. But we, watching our people during the salmon -- this year was, they call it a brood year, or it's a good return.

1602. So we have young ones coming home are the ones that aren't living on a reserve, coming home and wanting to learn how to fish.

1603. But as I was sharing earlier, with my family, that the gaps are growing -- are getting bigger and bigger on when we're allowed in the water. And in that time, our gifted elders, the ones that knew how to fish, our master fishers, are passing away. So our young ones, when they're coming home, who do they have to go to for those teachings and to be passed on?

1604. We have a short little window as a community we -- they work -- our community worked their little butt off, just like other nations.

1605. A good year to our people is when we can put away and fill our freezers. Put away and can in the fall time. Put away and smoke in the fall time.

1606. But with the short window, the days when you're bringing your children -- I have a big family, I don't fish, but I work the salmon when my family brings it home, and it's a family affair. Everyone knows they can't go any holidays or anything. In the window, our family, and our community, and our nations are fishing. You're all home and you're all working in some way or another to get that fish home, caught, brought home, and processed.

1607. And you have to find your gift in that. I love cutting fish. I love fileting, that's my medicine. My dad -- my late father taught me when I was a little girl. And my husband and my daughter, they do the -- actually, my daughter-in-law, we've been teaching -- I've been teaching her how to filet as well.

1608. My son is the packer, the cleaner.

1609. My husband and my daughter put the fish away in vacuum packs.

1610. It's a beautiful thing.

1611. My grandson, he's 11, but a teeny-tiny 11-year-old, and he's got that salmon and he's putting it on the table, "I did good, right, Grandma?" "You did the best." "I'm helping you, right, Grandma?" "You are."

1612. But it's a beautiful thing. It's like our nation is alive again. Because that salmon is our medicine. That salmon is our medicine. It sustains us. It helps us.

1613. I have every illness in the book. And now my freezer's full this year. My cousin's making sure I get my salmon, because I have diabetes, arthritis, you name it, it's in the book, I got it.

1614. I was telling him, when we have dismal years like we've had the last three, the freezers are empty.

1615. Our nation's almost like in sorrow, if I can explain that to you, because they're not feeding their spirit with that medicine, the salmon we call medicine. It's not feeding who we are as a people.

1616. It's changed from year to year. You can't -- I can't pass on teachings to them in three or four days. I'm just getting the groove on my second opening. Third one I'm trying to pass down how to filet the fish, how to process it and clean it. Then it's closed.

1617. The window is getting narrower and narrower.

1618. But when our nation is booming, our families have food on the table, they have school supplies and school clothes for the beginning of the year.

Maybe, if they're lucky, they'll bring their family to the PNE. That's their holiday, one day a year, a holiday for most of our nations within B.C. They come to the PNE, one day.

1619. But it's all based on our sacred salmon. Everything of who we are is based on that salmon.

1620. You have to know this. I hope I'm tugging at your hearts, because that's who we are as a people. That's how sacred our salmon is. We need it.

1621. I said to our lawyer, not for this case, another lawyer for a salmon case, "Do you know our people, every time we go out on the water, we pray? We pray to our Salmon People. We pray that they'll come and plenish us, return to us, so that we can feed our family, and our community, and our elders."

1622. The eulachon, we have our salmon ceremony, we don't even eat anything for ourselves, we save it for our guests that come once a year, first week Friday in May. We set the table and they eat the eulachon. That's the only place they say they can come to get their feed, because we save it all for them. Because it used to be an abundance. Now they know we can go to (inaudible) and hopefully less is done is fishing and we'll have a feed at the table at the salmon ceremony.

1623. And that's not a word of a lie. And when you talk about -- we hosted our salmon ceremony on the Friday, Les and I are phoning every nation we knew to find salmon for our ceremony, because we're not allowed out there, if you can believe that. We're not allowed out there to get our sacred salmon for the most precious ceremony we have with all our people. And we share that ceremony with everyone. There's 1000 people that come. Even in the rain they come out. There's 800. But it's come to 1000. We don't even post it anywhere. That's a word of mouth.

1624. So you know, it's just, like, I want you to feel that, what that important salmon means to all of our people, and again, for our animals, our mammals.

1625. It's who we are, we've -- I've never -- I never thought I'd see it in my lifetime, where we had three years absolutely empty freezers. We got our fish from our spring salmon last year from our elder, and it was a piece like that of a spring salmon, and that was our catch for the year. And we ate it end of October with our family.

1626. I have eight children. That was our only feed.

1627. It's getting bad out there.

1628. But, you know what? Everyone's responsible. Our First Nations, we're only three percent of the catch. But on the media, we sound like we're 99.9 percent of it. But we're not. I have to tell you and let you know, we're only three percent of the catch. And we're conserving the best we can.

1629. But everyone has to do the same. All I keep saying to people is be fair. In everything you do, be fair.

1630. Even this, we had 155 days to come and see you and to speak to you for two hours. That hurts our people.

1631. Again, be fair. We'll do the best we can. And they'll all come -- our people will come up to and say they're honoured to be here, because we are, but be fair. Be fair to everybody. If you're going to make one thing happen, you do it for all.

1632. Be fair. Our people are so used to adapting to everything you throw at us, we'll do it again. It's dismal time right now, dismal time for our people and the salmon, and our waters, and so on and so on and so on. We're all connected to everything and every being. That's what our old ones tell us. We're affecting ourselves in this process. We're harming ourselves. If you look at it in the world around us, we're harming ourselves. We've got to stop doing that as human beings. We've got to stop it, have to stop it. The crucial time is now. Thank you.

1633. **MR. DICKSON**: Do either of you want to follow up on that?

1634. **MS. TUMIA KNOTT**: I've wanted to share a little bit about when we think about impacts of things in general to our place, our Kwantlen territory, and thinking about where our territory is situated, which it's been mentioned previously, again, our traditional territory was in much of the lower mainland area of Vancouver. Our reserve lands in Langley, Fort Langley, areas within Surrey, along the Fraser River, New Westminster, again, along the Fraser River, areas up in Mission, quite a breadth of territory, traditionally.

1635. It's a beautiful area and many others think so too. And so it's become

an area that is growing, crazy growing in areas all around us. And it's not stopping. It's going to -- all of the projections from the cities around us, some of the projections of Metro Vancouver indicating just continual growth in the area.

1636. We think about our beautiful Fraser River and this is an area again, as has been expressed, that is under tremendous pressure. Again, we think of the reliance of this river from a traditional standpoint and how it's benefitted our peoples for countless generations. And we think about, for example, all of the industrialization that is occurring and is creeping inward into the river as the city around us gets bigger and bigger.

1637. So there's industrialization that goes up the Fraser. There's big barges that now go up the Fraser all the way up into Surrey. I know there's contemplation of how far can barges go because there's a need for that delivering goods or transporting goods out, all of that ultimately going into the marine area.

1638. The system itself is so fragile, from our perspective. We are so vulnerable, and it's again, very difficult in the context of the time that we have here to really fully articulate that. But it's something that we know and it's something that we feel every time we're out on the river. And every time we're seeing all of the pressures of use and need on the river.

1639. And again, we go back to that connectedness and feeling that there is a huge disconnect with the uses along the river currently and the pressures for increased demands, the pressures that have already been shared, from the pressures on us of not being able to access salmon. It's a critical component of who we are as people. It's a critical component of our culture, of our health, of our wellness. And we're now, in my lifetime, talking about only days, if we're lucky, that we can go out and harvest.

1640. If there's not a critical mass change in terms of looking at the connectedness of everything, the rivers, to the oceans, to the industrialization, to the growth, to the pressures, to what it means for food, for health of tributaries, for our general health, I'm really worried about what it means for our next generations, and are they going to be able to access any salmon? I honestly -- I can't go there. I can't go there in my mind; otherwise, I'll -- I break down. I can't allow myself to go there. I do, sometimes.

1641. But I think that's why we know this is happening. We see it in front of us. We see all of these projects happening in and around our territories every day,

every time we cross the bridge, every time we exist within our traditional territories. And we see priorities being given again and again to development needs, to economic needs, ahead of sustainability needs and ahead of the environment. That's given a bigger priority all of the time.

1642. Right now there is talk within the province and within Canada of looking at things differently but it hasn't yet materialized to anything that gives me any sense of comfort. And I'm deeply concerned about that. I'm concerned about our future. And I don't say that just from a Kwantlen perspective; I say that from a human perspective, living in this beautiful place that we love and cherish.

1643. It requires a consolidated effort. It requires a new way of maneuvering these types of projects in territories. There is all the rhetoric out there of people wanting to do it the right way. It is hard. There is no easy solution. But it's something that we have to give true and honest effort to. And that's one of the hopeful things about human beings, is that we can do that. We can get ourselves out of many pickles but it requires that effort and that consolidation to the commitment to really do the hard work.

1644. When I think about again, impacts and impacts, we're talking a lot about our impacts to salmon and the pressures that we're feeling, we do feel it and we see it every day in our community. We have many, many gifted fishers within our community so knowledgeable on how to fish, where to fish, what signs the environment, Mother Earth, tell us about for when we can go out and fish, how to only take what you need, how to do things that's going to help the river in its healing, how we ceremonially connect back to that to thank it.

1645. And when we think about the hard years that we've just recently been through -- and the last few years, the last five years we've had some of the worst fishing that we've ever had. And it is, like Chief Marilyn said, it is a mourning, that's what it feels like, truly, in our communities. And it lingers. It has many effects on our health, on our physical health.

1646. Many of our families grew up with mom or dad being a fisher in their community, and that's how they earned revenue, that's what they did for a living. And that is no longer.

1647. We have a health department within our nation that's doing its best with the resources that we have to help our people, health wise. We have many situations of diabetes. We have other serious health problems. Again, a lot based

on nutrition, based on poverty, based on issues that affect their health and well-being. And that, again, is something that we experience in our community.

1648. It's very fearful to think about. Again, if we continue to go down this road of the development happening within our territories without a major shift in priorities and a major shift in how we look at accommodating different needs, but in trying our best to ensure that there's a balance of respect for the different interests and that one isn't given a priority over another.

1649. I think I'll end my comments on that topic. Thank you.

1650. **CHIEF MARILYN GABRIEL:** *O Siem.*

1651. I would say to people that don't know our First Nations people, we're a proud people. We don't want a handout, we want a hand up.

1652. And that's where you'll go and you'll hear from all the leaders all over; with the salmon declining, has changed our ways in our community.

1653. Our people used to barter to get things, what they needed, other than salmon, the fruit, the vegetables, things that their children needed, things that their babies needed. We bartered. And we could do that when the fish was plenty. And we can't do that anymore.

1654. So now our nation, as Tumia said -- I work with a health director closely. I develop programs and services around the needs of my people and it's always changing.

1655. We developed a program where we have to help our parents out because they don't have the means between at the beginning of the month to when child tax benefits come in. So we give Save-On Foods certificates so they can go get their babies their formula, the diapers, the fruit that they need that people always say the children need, but they wouldn't be able to afford it, because again, most of our families' ties are to fishing.

1656. Now, you know, we try not to show them that we're helping them because, as I said, they're proud people. So we have lunch on Mondays and we make sure it's in on Fridays. It's just there if they come in.

1657. We're feeding them more and more from our office. I can't rely on

the salmon no more. Our council, our people, our elders, the fishermen, fisherwomen. And I'm trying to create programs around that. Am I going to be giving out -- am I going to be giving out beef to them now? Beef packages for their families just to get by? So they can feed their children? And to feed the elders that are alone, single elders. Or do they get chicken packages? What do we have to do?

1658. Community gardens we're looking at. I finally got to -- finally, the last three years, be able to hunt in the heart of our territory, which is the States, to hunt elk. I think we get three a year.

1659. We have to create all the time. We have to create how we're going to help them in a good, kind, and respectful way. Always. We love our people. We love our families. We want the best for them. And again, we do it in a way that they don't know that we're helping them. We host lots of dinners so we know the families are getting fed. Because we're very fortunate, we have a cultural center in our longhouse that we can do that in.

1660. That's our creative ways our nations are doing to help their people. Because, again, we can't rely on the salmon.

1661. As much as I say, hopefully my great grandchildren won't just be looking in a book and sitting around telling them, "That's what we had here. That's what we had running in our water, in our rivers, in our oceans. But because as a collective, as a people, we didn't all respect it at that same time, and protect it at the same time, as all people here, it's gone."

1662. It's going to be gone.

1663. We're living in a sad time now, not just our own people. There's a lot of people that rely on the salmon and the finned ones in the ocean and the rivers. We have to do it collectively, as we say, as human beings.

1664. My mom says, "Don't point the finger, because three's pointing back at you."

1665. We can't keep doing that. What are we doing for our children's children's children? We've got to stop it. we've got to stop it now.

1666. It's time. We can't do these things anymore. We have to collectively

figure things out as a human being. It's our time to stand up -- my nephew would say raise up -- to take care of our environment. Because I told people Mother Nature -- Mother Earth is angry. Fires everywhere. Floods everywhere. She's showing us she's angry because we're not taking care of her the way we're supposed to be doing right now. And it isn't just our people's problem. It is all human beings problem.

1667. So you're pointing. Why don't you point at everybody through back at you. We all got to care. We all have to figure out a way working together but you have to have our people in it not asking after the problems are here. I always say is there an elder on the panel. I always ask him that for salmon. Is there elders at the table? Do you have leaders -- brilliant leaders in these committees. You have to have our people involved right from the get-go, not when we're in dire straits.

1668. One of our Elders, our Grand Chief, said "You watch, people are going to come to First Nations people and ask you what to do and how to do it." You know why, because your ways aren't working here now. You have time immemorial -- you have knowledge coming out of your yin-yangs in our communities with our elders just sitting there. There are knowledge keepers, there are record keepers, and all you have to do is open your ears to be able to listen how to work this out if we're going to work together. How do we do it collectively; how do we do it together, working together. And our language is *ya:yestel*. *Ya:yestel*, working together. And we have to do it (Native word). We are one.

1669. I don't know what else can come. It might be a little lightning bolt coming in here to say this is now, it's time now, you have to listen. You have to listen. We have to do the right thing. We're all responsible for that. We're all accountable to that. But it's affecting all people. It's affecting all people. Our finned ones are affecting all our people. And we're going to lose -- like he said, we're losing different species as we're having these meetings all the time. Everything's on the endangered species list. So the time again we're going to say is now. We all have to collectively be into this together.

1670. I thank you.

1671. **MR. DICKSON:** So thank you.

1672. So we've heard some about who the Kwantlen are, and where they are,

and why they're there in the middle of the river, and the vulnerability they're facing, the pressures on the system on which they rely, the pressures on the Kwantlen to exercise their right, on their very health. We're heard Chief Gabriel talk about how we're at a critical time and all these pressures have ramped up.

1673. So I do want to push forward into connecting that with this project and the marine shipping side of it, and so if you can speak a bit to your thoughts, and concerns, and observations about how marine shipping from this project connects with the river, and your fishing, and your culture, and your health, and your future.

1674. **MR. LES ANTONE:** Thanks, Tim.

1675. That's a tough one, because the -- you know, we're watching -- sit back and watch. There's already barges and tankers going out through that area. And then the thing that scares us is they want to increase that by 7-fold, 10-fold, whatever it is, to further endanger the sacred Salish Sea there with all the mammals, all the different -- you know, it's not just the exotic species like the chinook or the sockeye. There's rock fish. There's herring. There's all of our smelts coming and going out of that area. Every four years there's millions of smelts going out.

1676. And if you have a pink -- the pink are coming this year -- pink salmon, and there'll be multiple millions of smelts going out the year after that. And how that effects these little fish, because they swim on the surface, and you've got these big giant barges full of oil going -- who knows where it goes, because it sure doesn't pay our bills when you see those big tankers going across the ocean to China or whatever deal Trudeau has made on that.

1677. What really worries us is when we don't have control or a say in any of that, and we should be. We're trying. But to get the answers it's like I said when we're talking to Fisheries and Oceans Minister who's not even there. It's like the Wizard of Oz hiding behind that curtain. We never get to speak to him. And we've threatened him with court action. We've threatened him with a judicial review. It still didn't bring him out. And now they're into the third one in three years. What are we supposed to do? I mean, we're trying to do the best we can with what little resources we have.

1678. But I think the -- I know we always meet with mayors and councils in our different districts in Langley, Mapleridge, and Mission. We're always doing

the local education agreements with the right people, but when it comes to the ocean and the fish and all the industries that are connected into the Metro Vancouver, Surrey, Langley, Mapleridge area. You know, the things we can't control is what we have to get a hold of, and hopefully they will allow us into their boardrooms, their committee rooms, to make them make the right decisions, because it's totally going to affect if there's one spill.

1679. Like Marilyn said, it's like one drop of oil there is bad. I mean, it -- we can't fathom what one tanker full of bitumen will do there in any of those areas through the south part of that island -- the Vancouver Island.

1680. Because we don't -- even -- you know, we're part of the Coast Salish -- there's 57 Nations in the Coast Salish and there's about 14 or 15 of them in the U.S.A. My dad Kuya (ph) -- his mom and dad are from Lummi. So they've -- you know, they've got the Boldt Decision in their back pocket. They get 50 percent of the commercial fishing up there -- down there in the U.S.A. And, you know, they can buy new boats. They can get new gear. They can go out and purchase the best nets, the best sounders, the best everything, because you can build a business plan on that.

1681. You can -- like we have our business group working for us now in Kwantlen and, you know, they do all our business for us under our direction through the elders and our council. So we're very organized. I mean, the entire B.C. is very well organized, and we're all pushing the right buttons, but so far we're still just having meetings and talking.

1682. I always tell our buddies and DFO that, you know, it's not too late. There's still time to save these species. We can do it together if we have the mind to, as one mind, and lots -- a lot, and you know, there's a way around everything if we put our minds to it together. And that's what we're pushing because we want to be part of that landscape and the society around us and to contribute the best we can.

1683. But with this one, it's a head scratcher, because we don't -- we agree with some of the other Nations that are fighting against it, but it just doesn't make sense. And once all that oil is gone, and gas up north, well, how do you grow oil? And I don't think anybody has that recipe. Because once it's gone, once you've depleted the resource, then what? What's our grandchildren, our great-great grandchildren going to do for heat?

1684. You know, there's things to consider now and try to make the governments think in seven generations ahead. It's just like, it's like pulling eyeteeth. And you got to talk to the right guy or the right girls or the right government. And we're trying. We've got people in big high places and -- but they do get those jobs out there in the Crown but the problem is, they got to protect the Crown more than the land and the water and the river, the species.

1685. So I mean, hopefully, it doesn't mean that if it is cancelled then the CP Rail will increase 100 fold because that's even more dangerous because the CP Rail is so old and antiquated and it was probably built by John. A. MacDonald. We see that. The railways are not safe. And it's not if it will happen, it's when it will happen. So thanks.

1686. **MR. DICKSON**: So if any of you want to follow up on that, feel free. And then -- but an additional issue is, we've heard the desire and the need to be involved, right, in looking after your territory and being involved in this sort of decision making.

1687. And so another issue that the Panel has to consider -- it has its recommendation on -- to CPCN on whether to -- they should approve or not approve, but the Panel also has to put forward its views on what conditions ought to attach to any CPCN that might ultimately be approved.

1688. And so that's another topic, you know, and it's separate from the question of whether this project should go ahead or not. If -- and so I guess I'm wondering there what are your thoughts on the kinds of conditions that they should recommend to a CPCN? And I know that sounds very technical. But I'm going back to the question of Indigenous inclusion and if there were to be this project, if it were to go ahead, do you want to speak a bit to any need you see for monitoring by Indigenous nations, involvement in oversight, and that sort of thing?

1689. **CHIEF MARILYN GABRIEL**: Maybe you guys already unplugged my speaker. No, I'm just kidding.

1690. As my son said when I came in today, we're not here alone. We came with our ancestors, and I have to let you know, my late father, Grand Chief Joe Gabriel, he was on -- he was a leader for 30 years. What he taught us and I passed on to my hereditary council was partnerships and relationships outside of your community is everything. You have to learn to work with everyone,

ya:yestel.

1691. He did that. He lived by that. He lived by that. He had good relationships with the people in the Township of Langley and the City of Langley and all through our territory, traditional territory. They respected him and he respected them.

1692. We have four teachings as a people and they're simple and easy to remember. So maybe a lot of our people, not only our people will live by them, but everyone else.

1693. First, our elders told us about listening, to truly listen to one another without having painted ears. Fully listen with your heart. Respect one another. Our people, our teachers, our elders that have taught our family in our community, our people give you the utmost respect. You hear people saying, "Oh, you have to earn it." Our people, utmost, give you the utmost respect and it's up to our partnership or our relationship where it goes. It can go out and get better. As our communities staying with one another and working together, it will get better or stay the same and just leave it alone. Or it can go downhill.

1694. But from his words to our council here, working together, building a relationship, and I always say to the people around us in our traditional territory, "We need one another. We need one another, all of us." We all have a purpose. We all have a gift to bring, even around this circle. Everyone is in here for a reason and for a purpose.

1695. So we are willing. We have the capacity, as you heard my councillor speaking here. We have a business group. We have the capacity now to sit on many things, many committees, many panels, whatever you want to call it. But our goal here from our council is working together, in partnership and in a relationship. We're committed to do that. And a lot of our municipalities, neighbouring communities are honouring that. And I tell our staff and our council, "We asked for this. We asked to be part of this. Now you can't complain. You just have to get in there and work with them." We asked for this as a people.

1696. You have to have our piece in it too. It's kind of the history of where we are today. You need to know that. But it's not written in books. But we'll come and share our traditions and our teachings orally with you. And like I said, our Elders, our leaders, are the record, and our knowledge keepers. And we have

brilliant, smart people that are willing to do that work alongside with you, alongside with you, if you allow that to happen. And then we'll just be better for it.

1697. I will say please, don't come meet with us and we're an afterthought. Please think outside the box and include us in at the very beginning. We can be a role model for around the world on how one another are supposed to respect and work together as one, *lotsoman*, one mind, one heart and *notsoman*, we are all one. And our peoples, we don't give up that. We have never given up that. We work together, we'll move mountains. We will move mountains.

1698. So yes, we want to be part of many committees, you name it, we want in. And we want to help, and not to take over -- maybe I act like that sometimes -- but no. We want to help, we want to help our environment. Again, we're all responsible and accountable to that.

1699. Let our voices be heard at the appropriate times, not at the end of a meeting. Include us in everything. And we'll tell you our truth, because that's our teachings.

1700. So yes, thank you.

1701. **MR. DICKSON:** Madam Chair, I'm thinking that might be a good place to pause and see if there are questions from the proponent, from yourselves. I see the time.

1702. **THE CHAIRPERSON:** Thank you.

1703. So, Mr. Duncanson, do you want a couple of minutes to confer?

1704. **MR. DUNCANSON:** Sure. I don't think I'll even be two minutes this time. Thank you.

--- (A short pause/Courte pause)

1705. **MR. DUNCANSON:** So we do not have any questions, but thank you very much to each of you, on behalf of Trans Mountain. We definitely appreciated hearing your knowledge and wisdom. So thank you.

1706. **THE CHAIRPERSON:** Member Lytle?

1707. **MEMBER LYTLE:** Thank you, Madam Chair.

1708. Thank each of you as well. That was most interesting. It's always good to hear different perspectives on tough issues.

1709. I do have a question for you, Mr. Antone, and that is, you've told us, I thought very well, about the pressures on the salmon from overfishing, and actually salmon and other fish stocks.

1710. I'm wondering if you could talk a little bit about other kinds of pressures, both from down stream in the Salish Sea, contamination, perhaps, or upstream in the spawning beds. Are there other pressures that these fish are feeling, from your perspective as a fisherman?

1711. **MR. LES ANTONE:** It's -- yes, thanks for the question. It's not only just the harvesting part of it. We do have, you know, as far as the climate changes go, like, you know, there is stuff happening in the ocean that's affecting fish now. They're very delicate and fragile.

1712. When it comes to the food that our fish are eating when they go out to sea after one year in the estuaries, they'll move out as, say about that big, about six inches long, but they move out. But their food is being affected.

1713. And this warm blob, which scientists have shown us for the last, I think, five years, there's this thing called the warm blob that comes around and it kills everything in its wake. I mean, herring, eulachon, of course, are a part of it. And all these other stocks that are out there that -- they go through this, you know.

1714. And we've been trying to work with some of the municipalities in our area too to see what happens to all the sewage and whether the sewage is treated properly when it goes out into the big pipes out in the middle of the river. That's their way of dealing with sewage, they just make the pipe longer and it's okay and they get their checkmark.

1715. But the pollution of the river itself, and the climate change, which brings drought, because we've been through a few years of drought on the river, which is the lowest tides ever. I mean, we're in a tidal area below Mission Bridge and you can only fish for five or six hours anyways if you do go out, because the drought conditions in the summer is coming and it's one of the weirdest things

we've experienced in our lifetime.

1716. There is, you know, the water is hot, 23 degrees Celsius, up to Mission Bridge and Hope. We use temperature gauges there, through the Environment Canada website.

1717. And we're trying to get other people using that river because the sturgeon fishing, the other sport and fishing recreational, they fish seven days a week and they're impacting, they're catching and releasing, torture and release if you want to call it that, during that time. And we're trying to tell them to stop that, if you can, just don't play with them, can you just take a month off? But it hasn't happened yet.

1718. Because we're slowly starting to get back the eulachon. The sturgeon are remaining at the same level, they're not increasing. Steelhead are gone. They're down to 300 pieces in the interior. And we've been shut down for interior Fraser coho for 25 years. Sturgeon about the same.

1719. So there's a lot more stocks that we feel that, you know, they're still here, but the ocean -- I think Mother Nature is showing us something out there that, you know, it's going to be a negative effect if we keep on doing what we're doing.

1720. It's affecting the fish and the way they migrate. Because they used to come in in big bunches, big schools, where we could have commercial fishing and make some money, pay for the boats, pay for the nets, pay some wages to the kids, to the school, the crew that works for you, and collect unemployment insurance on top of it sometimes.

1721. We don't see those days anymore.

1722. We used to have canneries all over, up and down the coast and in the river, fish canneries. Glen Rose Cannery. Now it's just a -- it's an archeological sight.

1723. So, you know, there's things in the river that, you know, we can't control and we need to fix it somehow.

1724. And if we get some capacity dollars, we get some environmental money, environmental training, we get more guardians on the river, that might

work. Because I know there's a guardianship program being knocked around here and there. But how it lands here in B.C. and our nation, I guess we'll wait to see.

1725. So we're pursuing every chance we get. I mean, we're pushing it. We're caretakers. We're trying to be good stewards of the river, even through we don't like that word because we own it, it's our land. And that's what we keep telling our kids. It's your inherent rights, you own it.

1726. So I hope that answers your question.

1727. **MEMBER LYTLE:** Thank you.

1728. **THE CHAIRPERSON:** I don't have questions.

1729. And before I sign off, am I right that you want to do a prayer?

1730. So we can do the prayer now, and then I will just close off to tell people when is the next hearing.

--- (Closing prayer and song)

1731. **THE CHAIRPERSON:** We'd like to acknowledge the Kwantlen First Nation for the traditional knowledge that you have shared with us today. We'll consider all we've heard as we decide on a recommendation in this hearing.

1732. We will reconvene tomorrow morning at nine o'clock to hear from the Indigenous Caucus under Trans Mountain Indigenous Advisory and Monitoring Committee.

1733. Safe travel. Thank you.

--- Upon adjourning at 2:25 p.m./L'audience est ajournée à 14h25